

City of Dacono
City Council Meeting Minutes
Monday, April 24, 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
 Mark Doering, Senior Planner
 Brent Fitch, Police Commander
 Bobby Redd, Public Works Director
 Dan Ferris, Police Sergeant

Presentations and Proclamations

National Building Safety Month Proclamation – Mayor Morehead read the proclamation.
Municipal Clerk’s 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)*

Tiffany Dolbolek thanked Council for keeping the chicken ordinance on the agenda with everything else going on and for keeping them in the loop.

Consent Agenda

- a. Consideration and Approval of April 5, 2023, Special Meeting Minutes and April 10, 2023, Regular Meeting Minutes.
- b. Approval of Accounts Payable dated April 24, 2023, in the amount of \$84,946.17.
- c. 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.
- d. Approval of Resolution 23-49, approving an Agreement with Lumen to provide Fiber Optic Internet to Public Works at 125 Forest Ave.
- e. Approval of Resolution 23-50, approving an Agreement for Municipal Court Prosecution Services.

Councilmember Long moved to approve the Consent Agenda as presented with item “c” being moved to General Business for discussion. The vote was unanimous with Mayor Morehead declaring the motion carried.

General Business

Mayor Morehead asked if any Councilmembers had any disclosures to make; Councilmember Crespo - no, Councilmember Long - no, Councilmember Wittman - no, Councilmember Plain - no, Councilmember Thomas - no, Councilmember Turini – no. Mayor Morehead also stated he had no disclosures to make.

- A. Public Hearing and Approval of Resolution 23-37, approving a Final Plat and Final Development Plan for Sharpe Subdivision Fifth Filing.**

Mayor Morehead opened the public hearing.

Chris Lee, 209 4th Street, Loveland , CO was sworn in by City Clerk Valerie Taylor and presented his report.

Senior Planner Mark Doering presented his report.

Mayor Morehead asked if any changes had been made since the first presented to council. Mark stated that the signs were now included.

Jean Frye, resident of 345 Stonehaven Circle, was sworn in by Valerie Taylor. She asked that the Flying Circle plan be sent back to Planning or continued until the developer meets with the neighborhood. They've been waiting for development for 20 years; they want to do it right. She voiced her concerns about traffic flow and the accidents that could happen.

Joseph Delich, 2220 Harvest St., Fort Collins, CO, traffic engineer for the project, was sworn in by City Clerk Valerie Taylor and addressed the accesses and stated the northern access will be right in only. The south access will be full access. They do not anticipate accidents at that location.

Councilmember Wittman asked what's to stop people from turning the wrong way. Mr. Delich stated that the egress is arched for entering vehicles and not exiting vehicles. There would also be signage. He stated the developer could add more of a porkchop to discourage exiting vehicles, but it is designed more for an entrance only. He stated most people will use the south exit. Councilmember Turini asked about signage. Mr. Delich said there would be signage that states entrance only, no left turn in and also no exit. Councilmember Wittman asked about making the entrance wide enough for delivery trucks but not for two vehicles. Mark stated that in the FDP there are signs that say do not enter, the intent is to get people to exit from the south for both properties.

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

Councilmember Thomas moved to continue this item to the May 21st meeting so that the residents can meet with the developer and give their input.

Mayor Morehead asked that the motion be reconsidered because the applicant has met all of the requirements for the project and has done everything the city has asked them to.

Community Development Director Jennifer Krieger stated the October deadline was for the execution of a development agreement.

Councilmember Thomas withdrew her motion.

Councilmember Plain moved to approve Resolution 23-37, approving a Final Plat and Final Development Plan for Sharpe Subdivision Fifth Filing with the applicant setting up a neighborhood meeting. The vote was unanimous with Mayor Morehead declaring the motion carried.

B. Public Hearing and Approval of Resolution 23-43, approving an Amended and Restated Service Plan for Mesa Ridge Metropolitan District.

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.

Jennifer Ivey with ISP Law, 4725 South Monaco Street, Suite 360, Denver, Colorado 80237 was sworn in by City Clerk Valerie Taylor and presented her report.

Councilmember Plain stated a Metro District is a tool used by developers to fund public improvements. Taxes are only paid by future residents moving into that neighborhood, not the entire City. Ms. Ivey stated that this district is already formed; this is to get this district functional.

Special Counsel Kim Crawford presented her report.

Mayor Morehead asked if they could go above 50 mills. Kim Crawford stated that they could if the legislation changes. It can't go above the adjusted value amount but allows the district to maintain their revenue stream. The \$20 million would fund entire project, they can't exceed that unless they come back to council.

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

Councilmember Plain moved to approve Resolution 23-43, approving an Amended and Restated Service Plan for Mesa Ridge Metropolitan District. The vote was unanimous with Mayor Morehead declaring the motion carried.

C. Public Hearing and Approval of Ordinance 941, amending Chapter 2 of the Dacono Municipal Code regarding the Municipal Court, on Second Reading.

Mayor Morehead opened the public hearing.

City Clerk Valerie Taylor presented her report.

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

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

D. Consideration and 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.

Public Works Director Bobby Redd presented his report.

Councilmember Plain moved to approve 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. The vote was unanimous with Mayor Morehead declaring the motion carried.

E. Consideration and 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.

Public Works Director Bobby Redd presented his report.

Councilmember Wittman moved to approve Resolution 23-33, approving an Agreement in an amount not to exceed \$60,000, to Colorado Doorways, Inc for ADA-Compliant Doorway Installation Services. The vote was unanimous with Mayor Morehead declaring the motion

carried.

- F. Consideration and Approval of Ordinance 942, amending Chapter 7 of the Dacono Municipal Code to Permit Backyard Chicken Hens within the City, on First Reading.** Community Development Director Jennifer Krieger presented her report.

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

- G. Consideration and Approval of Resolution 23-44, approving a Legal Services Agreement for Special Counsel in connection with the June 27, 2023 Recall Election.** City Clerk Valerie Taylor presented her report.

Councilmember Long moved to adjourn the meeting, Councilmember Wittman seconded the motion. No vote was taken.

Councilmember Plain moved to approve Resolution 23-44, approving a Legal Services Agreement for Special Counsel in connection with the June 27, 2023 Recall Election. Ayes: Councilmembers Crespo and Plain. Nays: Councilmembers Wittman and Long. Mayor Morehead voted yes to break the tie. The motion carried.

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

- H. Consideration and Approval of Resolution 23-45, approving a Rental Agreement in the Amount of \$8,452.00 with Election Systems and Software for Election Equipment Rental in connection with the June 27, 2023 Recall Election.** City Clerk Valerie Taylor presented her report.

Mayor Morehead moved to approve Resolution 23-45, approving a Rental Agreement in the Amount of \$8,452.00 with Election Systems and Software for Election Equipment Rental in connection with the June 27, 2023 Recall Election. Ayes: Councilmembers Plain and Crespo. Nay: Councilmember Long. Councilmember Wittman refused to vote.

According to City Charter Section 3-6d "Except as provided in Subsections (b) and (c) of this section, each member of the Council who is present shall vote when his or her name is called. Any refusal to vote, except when an abstention is required by Subsections (b) or (c) of this section, shall constitute a dereliction of duty, and shall be recorded as an affirmative vote."

The motion passed with three affirmative votes. Mayor Morehead declared the motion carried.

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

Councilmembers Wittman and Long left the meeting at 7:42 pm.

Councilmembers Turini and Thomas left the meeting at 7:43 pm.

The meeting was adjourned at 7:44 pm for lack of quorum. The three remaining items

on the agenda were not considered.

- I. Consideration and Approval of Resolution 23-46, approving a Proposal from Fort Orange Press for Ballot Printing and Mailing in connection with the June 27, 2023 Recall Election.
- J. 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.

Moved to General Business from Consent Agenda – CA-c 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.

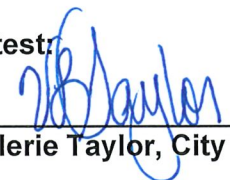
Adjournment:

Due to lack of quorum caused by the departure of four Councilmembers, the meeting was adjourned at 7:44 PM.

Approved this 8th day of May, 2023.



Adam Morehead, Mayor

Attest:


Valerie Taylor, City Clerk