

**TOWN OF DE BEQUE  
BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 26, 2021**

The Board of Trustees of the Town of De Beque held their regularly scheduled Board Meeting on January 26, 2021 at 6:00 p.m. via Zoom. Directions for joining the meeting were duly posted on the Town's web site as well as on other designated posting places.

**CALL TO ORDER:** The meeting was called to order by Mayor Gaudern at 6:00 p.m.

**ROLL CALL:**

Roll call was taken. Those attending were Mayor Zeke Gaudern, Mayor Pro Tem Dave Jackson, Trustees Judy Lake, Cindy Farris, Shanelle Hansen, Walter Wood and Summer Black-Greening. A quorum was present.

Also, in attendance as panelists were: Town Administrator-Care' McInnis, Town Clerk,-Shirley Nichols. Deputy Town Clerk-Toni Vincenzetti, Marshal-Bob Dalley, Administrative Assistant-Lisa Rogers.

Attendees joining the meeting to speak were: Brock Rigsby; Anya Goldenberg.

**ADDITIONS, DELETIONS AND CORRECTION TO THE MINUTES:**

There were none.

**BILLS AND EXPENDITURES WITH POSSIBLE CONFLICT: December 2020**

Mayor Gaudern called on anyone with possible conflicts to refrain from voting.

Trustee Hansen stated that she would like to abstain from voting on the bill for De Beque Country Store on page two, halfway down. Mayor Gaudern asked if anyone else had anything to say about these bills. No one did and he called for a motion.

**Motion:** Trustee Black-Greening  
To accept the Bills for De Beque Country Store

**Second:** Trustee Dave Jackson

**Voice Vote:** Trustee Hansen abstained. Remaining Trustees voted in favor of the motion.

**BILLS AND EXPENDITURES REMAINING FOR THE MONTH OF DECEMBER 2020:**

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The Mayor called for questions and comments on the remainder of the bills. There being none he called for a motion.

**Motion:** Trustee Lake

To approve the bills for December 2020 as presented

**Second:** Trustee Hansen

**Voice Vote:** Unanimous approval and the motion carried.

**ITEMS FOR PUBLIC PARTICIPATING IN THE CONFERENCE – NOT ON THE AGENDA**

Mayor Gaudern asked those wishing to speak to state their name and address and whether they reside within the Town limits. Comments are to be limited to three minutes.

For the record, all attendees were asked to unmute if they wished to speak.

Brock Rigsby, 833 Minter Avenue, De Beque, Colorado stated he had some comments based on the last meeting he attended that he would like to share. A lot of people he has talked to, as well as himself, were concerned about the sort of quasi-judicial hearing that was held last month. Also, on a procedural note, he feels that there were some problems on how it was handled. While the Mayor at this point is a voting member of the Board, according to Colorado Statutes and our own Municipal Codes a Mayor Pro Tempore has absolutely no authority or voting power, the only exception to that is when the Mayor is incapacitated or unable to perform duties. "Any voting that happened was invalid." A Commission can hold a quasi-judicial hearing, but it was adjourned afterwards and a Resolution to deny a license is a City Council matter and it must align with the City Council voting standards. The Council voted 2/5 to deny it and the Mayor's vote would have been a tie which would not have passed the Resolution and quorum. If the Town allows the Mayoral vote exception for tie breaking is perhaps not illegal but seems a little unethical. Providing an additional vote for the Mayor Pro Tempore which gave the Council a majority is a problem. He hopes they understand how big of a problem it could be. It is the potential for a lawsuit and the longer that this place stays closed because they were denied a license that was granted to them the bigger the potential settlement could be. He urged the Board to rectify this as quickly as possible. He does not want to see taxpayer's money being shoveled out because of procedural issues. I hope that you will consider what I have said.

Mayor Gaudern thanked him and stated that they would take that into consideration and see what the lawyers have to say. He called for any others that wished to comment at this time. There was no one and they proceeded with Board Comments. **(See attached legal opinion in response)**

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**BOARD COMMENTS:**

Trustee Black-Greening had questions for the Town Administrator. She asked when we will be able to open Town Hall to the public and when we will be able to get the Community Center opened back up. Most Town Halls are open, and she would like to see our Town Hall available to the public as well.

Ms. McInnis replied that she would be addressing this in her report and would answer her questions at that time.

Trustee Hansen wanted to let Marge know what a good job she had done in organizing and putting on the fireworks. It was professional and beautiful and enjoyed by many. She had another comment to make but would be making it later under another item.

The Mayor asked for any other Board comments and, hearing none, moved on to the Town Manager's report.

It was discovered that they had skipped the approval of the minutes and addressed this instead.

**APPROVAL OF THE MINUTES: December 22, 2020**

Trustee Hansen noticed that there had been a change requested on the minutes of November 24<sup>th</sup>. She believes that she motioned for a change of a typo but did not motion for the vote as she was the one that was not there, and she abstained. It shows that Trustee Lake abstained, and she believes that she voted.

Ms. McInnis stated the correction will be made.

The Mayor called for further discussion and there being none asked for a motion.

**Motion:** Trustee Hansen  
To approve the December 22, 2020 minutes with the correction.

**Second:** Trustee Black-Greening

**Voice Vote:** Unanimously in favor of the motion

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**TOWN MANAGER'S REPORT:**

Ms. McInnis began by assuring the Mayor that we will have a legal briefing and respond to Mr. Rigsby and the public. **(See attached)** She then apologized for the length of her report but there is a lot of business to discuss.

She also complimented Marge on the great job she did on the fireworks. It was great and she thanked everyone that participated. We had some great pictures from a local photographer that were circulated throughout the County.

The Town is in the process of turning over vehicles, from the Marshal's Department. We believe there may be a cost benefit to the Town by selling the vehicles through a dealership rather than through a sealed bid.

We are moving forward with the Flower Collective and a draft development agreement.

In answer to Trustee Black- Greenings question, we are still in the orange. We were bumped to red and then back to orange. The objective is to follow the laws and regs. We continue to follow the regulations rather than other's opinion. There is a light at the end of the tunnel, and we are working toward yellow, but we need to stay where we are until variables change. She asked if that answered Trustee Black-Greening's question. Trustee Black-Greening answered that she would do more research on level Orange.

Ms. McInnis informed the Board that we hope to burn the burn pile some time in February with the assistance of the Fire Department. We need to obtain a State permit prior to any burn.

Our annual audit will also take place in February.

Ms. McInnis sought committee members from the Board for the formal appointment of a Presiding Judge. Marna Lake was appointed as Interim Judge. It is time for the Board to appoint someone. We will post the position and the committee may choose to do interviews and narrow the applicant pool or send it to the entire Board.

Trustee Hansen asked how long it would take and when does it need to happen? Trustee Hansen and Mayor Gaudern volunteered to be on this committee with the possible inclusion of one citizen.

Trustees Black-Greening and Hansen volunteered to form a scholarship committee.

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The De Beque Country store and Wild Horse Roadhouse were recipients of the Redi Grant. This was run through the Town with matching funds. The purpose of the REDI-grant is for outdoor seating for restaurants. The Town has paid for all of the administrative costs of the grants and will continue throughout. Trustee Hansen stated that Stephanie Parker, our grant writer, was very helpful throughout the process.

**Senate Bill .001** – the COVID relief fund or grant will be run through the County and not through the Town. They are targeting small businesses. There is a very short deadline to get the applications in. Ms. McInnis has contacted all business so that they could apply.

**Watershed mitigation issues.**

We are seeking federal funds as a result of the Pine Gulch fire and the County will administer this. They will also evaluate the risk, the danger, and the costs. There is an immediate need for \$675,400.00. We are asking for a Federal grant of \$540,320.00. The county will sponsor and assume the remaining costs of \$135,080.00. Maps were shared that showed where the ponds were that are filling with debris. Another map was shown where a hydrologist has determined that we are at risk where Roan Creek goes through town. We need to shore this area up. The Mesa County Administrator has this information and will submit it to the County Commissioners to determine if the County will agree to pay the \$135,080.

**Water and Wastewater Treatment Plant project.**

The first thing we need to do is define the project and evaluate and estimate the costs. We have had several meetings already and have applied for and were awarded a grant to get a report from JDS Hydro, evaluating the Town's needs. We need to complete a pre-qualification form which Engineer Steve LaBonde is doing for us as a courtesy. The Town is also in of an objective rate study. We have been subsidizing the water and sewer funds and we must stop doing that or we could risk losing our Enterprise status. We need an objective report on rates which has never been done. In the past, the Town has researched and done comparisons with other communities, but we need \$100,000.00 to do a comprehensive rate study. CO Rural Water Association will do a comprehensive and objective rate study for us and will integrate it into the Water and Wastewater project for no cost to us. Ms. McInnis emphasized the significance and benefit of having this comprehensive rate study completed on behalf of Town.

Trustee Hansen asked who Lisa is. Ms. McInnis explained that she is the part-time Administrative Assistant that we have hired through an employment agency who is paying all the benefits and expenses. This is serving as a probationary period for a position that we need full-time.

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**NEW BUSINESS:**

**1. DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2021-1: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DEBEQUE, COLORADO, DESIGNATING THE OFFICIAL POSTING PLACE OF PUBLIC NOTICES AND THE TIME AND PLACE OF THE REGULAR MEETINGS FOR THE BOARDS AND COMMISSIONS OF THE TOWN OF DE BEQUE, COLORADO.**

Trustee Hansen feels that the meetings need to be posted on the sign outside, not just on the door. She said that some meetings have not been posted on the Board, and that the Agendas and Minutes are also not on the website. She feels that we need more transparency and that we need to build relationships with the citizens.

Ms. McInnis indicated she believed they were posted and that posting the meetings on the website is statutory.

Trustee Black-Greening agrees with Trustee Hansen and was also going to bring up these issues. Trustee Farris and Lake agree that all meetings should be posted on the Board.

**MOTION:** Trustee Farris

To adopt Resolution 2021-1 designating the official posting place of public notices and the time and place of the regular meetings for the Boards and Commissions of the Town.

**SECOND:** Trustee Jackson

**VOICE VOTE:** Unanimously in favor of the motion

Citizen Anya Goldenberg asked about the possibility of learning the past history of the Town. Ms. McInnis invited Ms. Goldenberg to provide her contact information to Town Hall and she would contact her.

**2. DISCUSSION AND DIRECTION REGARDING: A town of De Beque COVID-19 Vaccination Policy and Declination form.**

Town Administrator Care' McInnis led discussion on the ever-changing regulations concerning COVID and the vaccinations.

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Trustee Hansen said she does not agree with this and does not want employees to be set up for being treated differently. There is no guarantee, one way or the other, and this should be treated like any other illness. She said that asking the Trustees to not let their personal opinions come into this decision is laughable after what happened with the bar issue. Everyone needs to be treated equally.

Ms. McInnis clarified that there will be additional PTO specifically for exposure and all employees may make their own personal decision as to whether to receive the vaccine.

Trustee Wood stated that religious beliefs must be left out. Those who do not believe in vaccinations should not have to have one. He feels that there is not enough science behind it and feels that the virus has been around for decades. He feels that everyone should have the option and should be treated the same. We need to stay within the guidelines but leave it up to the employee and let them decide without repercussions. There are too many if's and possibilities.

Trustee Hansen said she does not want to see any shaming or people being treated differently. She knows that the employees do not wear their masks now, but they do social distance.

Trustee Black Greening said that we do not need a policy, it is a personal choice. If we do not have to have this policy, then we do not need it.

Mayor Gaudern asked for a vote of no policy. All voted unanimously in favor of no policy.

There being no further business the Mayor called for a motion to adjourn.

**Motion:** Trustee Hansen

To adjourn

**Second:** Trustee Jackson

No one objected and the meeting adjourned at 7:29 p.m.

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Date

