

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 28, 2020**

The Board of Trustees of the Town of De Beque held their regular meeting on Tuesday, April 28, 2020 at 6:00 p.m. Due to Covid-19, this was a virtual meeting. Present were the following:

Mayor: Zeke Gaudern

Trustees: Summer Black-Greening Dave Jackson Shanelle Hansen Cindy Farris

Absent: Trustees, Gene Reed and Walter Wood

Meeting host sponsored by Care' McInnis

Staff Present: David McConaughy Davis Farrar Toni Vincenzetti Shirley Nichols
 Bob Dalley Isaac Inskeep Ed Sands

Also Present: Participant: Judy Lake

Attendees: Anita Hardy, Dawn Palmer, Maxwell Pollet, Meghan Nedvecki,
Rewa Gaudern, Sheri Griego, Vera Bott , Stanley Novinger, Marge Mackey

CALL TO ORDER:

The meeting was called to order with the Pledge of Allegiance at 6:12 p.m.

ROLL CALL:

Roll call was taken and a quorum was present

ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA:

The Mayor asked that the selection of a Mayor Pro-Tem be added to 7. A. after the swearing in of the newly elected Board members.

CONSENT AGENDA:

1. MINUTES: March 24, 2020 Board Meeting

Motion: Trustee Hansen

To approve the minutes of the March 24, 2020 Board Meeting with some minor typos which she will drop off at Town Hall.

Second: Trustee Black- Greening

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Voice Vote: Unanimously in favor of the motion

2. MAYOR EXPLANATION OF THE FORM OF THE MOTIONS REGARDING FINANCIALS AND DISCLOSURE OF POSSIBLE CONFLICTS:

Mayor Gaudern explained that at this time he would ask any Trustee that feels they had a conflict regarding any of the financial documentation included in the packets to identify the specific information and where it is located and he will then entertain a motion regarding these sections and the individual Trustee may abstain from voting

3. BILLS AND EXPENDITURES:

Trustee Hansen stated that she wished to abstain from voting on anything that pertained to the De Beque Country Store.

Motion: Trustee Black- Greening
To approve the bills for the De Beque Country Store

Second: Trustee Farris

Voice Vote: Trustee Hansen abstained, and remaining Trustees voted to approve the bill from De Beque Country Store.

Mayor Gaudern asked about the bill for the Marshal's office for an oil change on a police car. This was an error and should have stated it was for tires and rotor change and should be under maintenance.

Trustee Farris questioned the amount of the 911 Dispatch bill. It was explained that this was for two months.

Motion: Trustee Hansen
To approve the bills for March 2020

Second: Trustee Black-Greening

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Voice Vote: Unanimously in favor of the motion.

4. ITEMS FOR PUBLIC PARTICIPATING IN CONFERENCE – NOT ON THE AGENDA:

The Mayor asked that they identify themselves when joining the webinar by stating their name, address and whether they are legally De Beque residents.

There were none currently.

5. BOARD COMMENTS:

Dave Jackson spoke stating that there was a new business being advertised on the De Beque web page that he feels should not be on there. Trustee Farris said she had not seen it but would look at it. Mayor Gaudern said it was not on a Town site but on the De Beque classified page that the Town does not control. Bob will investigate this.

6. TOWN ADMINISTRATOR'S REPORT: (SUBMITTED IN WRITING AND PRESENTED BY BOB DALLEY)

Marshal Dalley introduced himself and informed the Board that the Administrator was absent due to family medical issues and he would be presenting her report.

He began by telling them that the Governor has not ok'd Mesa County's plan at this time. Businesses may be closed for violation and there can be civil or criminal charges if the orders are not obeyed. We are currently looking at phasing return to Town Hall. We are working more hours working at home than when we are at Town Hall. We are asking for Board support. We are doing our best to keep staff and citizens safe.

7. NEW BUSINESS:

a. OATH OF OFFICE – Trustee Cindy Farris, Trustee Shanelle Hansen, Trustee David Jackson, and Trustee Judy Lake

The oath of office was given by virtual means and the newly elected officials were sworn and seated. The Mayor welcomed them. At this time, a motion by Trustee Farris, seconded by Trustee Lake was made to appoint Dave Jackson Mayor Pro-tem. A voice vote unanimously approved the motion.

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b. PUBLIC HEARING: DISCUSSION AND ACTION ON ORDINANCE NO. 507 REGARDING BOARD OF TRUSTEES APPROVAL TO ZONE PROPERTIES KNOWN AS DE BEQUE CANYONS AND BLUESTONE AS AGRICULTURAL II, (AGII)

Mr. McConaughy explained that when the property was originally annexed it did not get zoned.

Mr. Farrar gave a description of the property known as Canyons at De Beque and Bluestone Ranch East with a description of the location, current usage, and current owners of the property. (Vera Bott, Michael Schaeffer, and Laramie Energy). Staff findings are that the original use was agriculture. It is important that AG land be protected. Any new development would be required to pay its own way and would be responsible for the necessary infrastructure.

There will be very little impact from traffic and there is plenty of room for parking. AGII does not demand much in the way of municipal services. AGII mainly affects air, water, and land qualities.

He asked for questions from the Board. There were none. It was noted that Planning and Zoning had recommended approval of AG Open Space and AGII voting unanimously in favor of it.

At this time attendees were unmuted and given a chance to make their comments.

Meghan Nedvecki , 4765 S ½ Road, De Beque, Colorado asked what AGII means.
It is a large size parcel meant for single family residences and agriculture was the answer.

She had heard that there was someone wanting to put a pot cultivation there.

Mr. Farrar stated that this is a separate action. Land use for marijuana is not part of tonight's action.

Mr. McConaughy indicated that any action taken for this would require a separate public hearing.

When asked if anyone else wished to speak, there were no replies and the Mayor closed the public hearing at 7:03 p.m.

There were no comments from the Board.

Mr. McConaughy showed the table of uses in the zoning code that were permitted in AGII.

Motion: Trustee Hansen

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To approve Ordinance No. 507, an ordinance of the Town of De Beque, Colorado approving AG II zoning for the properties known as the Canyons @ De Beque and Blue Stone Ridge Ranch East

Second: Trustee Lake

Voice Vote: Unanimously in favor of the motion

c. DISCUSSION AND ACTION ON RESOLUTION NO. 2020-10 REGARDING ADOPTION OF BOB'S RULES OF ORDER BY ROBERT C. WIDNER ©2013:

There was discussion regarding the difference in Robert's Rules of Order and Bob's Rules of Order. Mr. McConaughy felt that for a small- Town Bob's rules were more suitable than Robert's. Almost everyone felt the same, though some would have preferred neither. Nevertheless, some rules are necessary to do business properly.

Trustee Hansen and Mayor Gaudern wanted verbiage that would protect them if they did something wrong. Trustee Black-Greening agreed. Mr. McConaughy suggested that they adopt as guiding principles with regard to not following exactly does not void actions.

Motion: Trustee Hansen

To adopt Bob's Rules of Order with David's wording.

Second: Trustee Black-Greening

Voice Vote: Trustee Farris, no. Remaining Trustees, yes.

d. DISCUSSION AND ACTION ON RESOLUTION NO. 2020-11 REGARDING ADOPTION OF THE DE BEQUE CODE OF CONDUCT FOR TRUSTEE, BOARD, AND COMMITTEE MEMBERS:

Mr. McConaughy said that he had not received the Resolution but noted a few mistakes in the Code of Conduct that he feels need to be changed.

After much discussion it was decided to table this until he could make changes and they would have something in writing to look at.

Motion: Trustee Hansen

To table Resolution No. 2020-11 until the May Board meeting.

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Second: Trustee Black-Greening

Voice Vote: Unanimously in favor of the motion

e. APPOINTMENT AND OATHS OF OFFICERS:

- i. INTERIM MUNICIPAL COURT JUDGE**
- ii. TOWN MUNICIPAL COURT PROSECUTOR**
- III. TOWN CLERK/TREASURER**
- IV. TOWN ATTORNEY**

Mr. McConaughy instructed the Board that they need to vote on each appointment separately .

Motion: Trustee Hansen
To appoint Marna Lake as the interim Municipal Judge

Second: Trustee Farris

Voice Vote: Unanimously in favor of the motion

Motion: Trustee Hansen
To appoint Mr. Ed Sands as the Town Court Prosecutor

Second: Trustee Farris

Voice Vote: Unanimously in favor of the motion

Marshal Dalley interrupted the meeting asking the Board to continue this later as Sam Light from CIRSA had joined the meeting and was to do a training presentation to the Board on ethics. In addition to the program Board members may find an electronic version of, **“THE ETHICS, LIABILITY AND BEST PRACTICES HANDBOOK FOR ELECTED OFFICIALS,”** for future reference by following this link.
<https://cirsa.org/wpcontent/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf>

f. APPROXIMATELY 7:15 P.M., BOARD OF TRUSTEES ETHICS AND TRAINING PROGRAM SAM LIGHT:

Mr. Light introduced himself as Counsel for CIRSA and was here to offer suggestions for success and avoiding the risk of liability for elected officials.

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He welcomed the newly elected Board explained he was here to explain duties and responsibilities to the Board as well as liabilities and things to avoid. They are now stewards of the Town and the eyes of the community they are public officials 24-7. It is their responsibility to make certain citizens get due process and stressed the importance of the Board having respect and are courteous to each other.

Their duty is to do the right thing for the Town and to protect the assets and interests of the Town.

Seeking office because you are dissatisfied with something can be destructive and create potential liability. They need to be a collective, decision making body and to act collectively, not individually. Every individual has a fraction of the power that cannot be exercised alone. It is their job to deliver good leadership, openness and transparency, fairness, following applicable law and ordinances while showing mutual respect.

Regarding liability, the Colorado Governmental Immunity Act protects the Town and CIRSA will defend you only if you are acting within the scope of your employment. However, this does not protect against willful and wanton conduct. This creates liability. It is important that you understand the job description and stay within it. Make sure you have authority to act before you do it. Do not attempt to undermine a Board decision. Understand and respect what role you play in personnel matters. Be cautious in administrative matters and recognize the distinction between policy and administration.

It is the Board's job to establish policies for the Town, set overall goals and priorities and enact legislation. A special meeting is often the best way to put everyone on the same page.

It is important to understand conflict of interest and disclose a conflict of interest and recuse yourself. He encouraged the person with the conflict to leave the room so that their presence did not influence others. Do not accept gifts. There is a \$55 limit for any one person in one year. Especially refuse those given to influence their vote. Remember the Open Meetings law. More than three Trustees meeting to discuss Town Business constitutes a meeting that needs to be posted. This is true of meetings prior to or after the attendance of a public meeting.

Decisions that affect people's rights should always be on the agenda for discussion. If not, no discussion should take place. The same rules apply to email as to open meetings.

Lead by example. Use staff to help you do well and look good doing it.

Marshal Dalley asked for a comparison of Bob's Rules of Order and Robert's Rules of Order and Mr. Light stated that the latter was more for legislative sessions and too complex for most small communities.

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Mayor Gaudern thanked Mr. Light for his presentation.

The Board continued with their business.

Mr. McConaughy felt that it was a great presentation and whether formally adopted or not it is a great guideline.

Marshal Dalley pointed out that Bob's Rules are easier and are copy righted. The Town got permission to use them. They can also be printed.

The Board returned to the appointment of officers.

iii. TOWN CLERK TREASURER:

Motion: Trustee Lake

To appoint Shirley Nichols Town Clerk/Treasurer

Second: Trustee Farris

Voice Vote: Unanimously in favor of the motion

iv. TOWN ATTORNEY:

Motion: Trustee Hansen

To appoint David McConaughy to this position

Second: Trustee Black-Greening

Voice Vote: Unanimously in favor of the motion

At this time Mayor Gaudern informed the Board that Sheryl Westenfelder had been seriously injured and they were asking to be able to park a camper in the front yard to be used for sleeping when her daughter and children arrived to care for her. The Code allows for 72 hours but this will be for an unknown extended time. We have given variances for this in the past.

Trustee Farris sees this as a medical emergency and has no problem with it. Trustee Hansen agrees and cited a time this had happened before.

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Mr. McConaughy said this is a good example on not being on the agenda and suggested they not do a variance but to direct staff that this is being done.

The Mayor was asking for a consensus, which he got. The camper will be allowed.

8. OLD BUSINESS:

a. DISCUSSION AND ACTION REGARDING ORDINANCE NO. 505 REGARDING REPEALING §14.12.040 OF THE DE BEQUE MUNICIPAL CODE REGARDING THE MOBILE HOME COMMUNITY LICENSE:

The Town of Administrator had enclosed a staff report. The report recommended passing this. It is basically a house cleaning Ordinance for something that is no longer used or needed.

Motion: Trustee Hansen
To approve Ordinance No. 505

Second: Trustee Farris

Voice Vote: Unanimously in favor of the motion

b. DISCUSSION AND ACTION ON RESOLUTION NO. 2020-05 REGARDING PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE BOARD OF TRUSTEES IN ESTABLISHING A FEE PER ACRE IN LIEU OF DEDICATION OF LAND FOR PARK PURPOSES:

Mr. McConaughy explained cash in lieu of land. This has been addressed by Planning and Zoning and they recommended implementing it.

Trustee Hansen is still concerned about the high cost to developers and has issues with land values. Since it must be done every January, she feels we should maybe vote now.

Mayor Gaudern stated there has been a lot of work done on this and it has been determined that we have the lowest fee.

Motion: Mayor Gaudern
To adopt Resolution No. 2020-05

Second: Trustee Lake

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Voice Vote: Unanimously in favor of the motion.

9. ADJOURNMENT:

Motion: Mayor Gaudern

Second: Trustee Black-Greening

Voice Vote: Unanimous

Trustee Farris: **WE'RE ALL IN THIS TOGETHER!!!!!!d**

Approved

Date