**TOWN OF DE BEQUE**

**BOARD OF TRUSTEES**

**REGULAR MEETING**

**FEBRUARY 23, 2021**

The Regular meeting of the Board of Trustees of the Town of De Beque was held on February 23, 2021 at 6:00 p.m. by virtual means. The meeting was posted on the Town’s website along with direction for joining the Zoom meeting. All those wishing to attend by Zoom are welcome.

**CALL TO ORDER:**

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

**ROLL CALL:**

Present were the following:

 Mayor Zeke Gaudern

Trustees: Dave Jackson Shanelle Hansen Cindy Farris

 Walter Wood Summer Black-Greening

Absent: Trustee Lake

A quorum was present.

Staff Present: David McConaughy Davis Farrar Toni Vincenzetti Lisa Rogers

 Care McInnis Shirley Nichols Bob Dalley

Attendees joining the meeting: Dawn Palmer Dustin Sandidge Max Pollet

 Galaxy X Cover Barb and Gene Reed

**ADDITIONS, DELETIONS AND CORRECTIONS TO THE AGENDA:**

The Mayor asked for any additions, deletions, or corrections to the agenda.

The staff had none.

Trustee Hansen stated she wished to add an action item under New Business – the opening of Town Hall for future meetings and the Community Center. She wants to make sure this is added to the agenda.

**APPROVAL OF THE MINUTES:**

**Motion:** Trustee Farris

To accept the minutes of the 1/26/2021 meeting

**Second: Trustee Jackson**

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

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Trustee Black- Greening likes the way the manager’s report was presented. Trustee Hansen agreed and they thanked the staff.

Mayor Gaudern gave a short explanation for procedure with the Bills and Expenditures for January 2021.

**BILLS AND EXPENDITURES FOR JANUARY 2021 WITH POSSIBLE CONFLICT:**

**Motion**: Trustee Black- Greening

To accept the bills from De Beque Country Store

**Second:** Trustee Jackson

**Voice Vote:** Trustee Hansen abstained. The remaining Trustees approved the bill for De Beque Country Store.

**BILLS AND EXPENDITURES FOR JANUARY 2021: REMAINING**

**MOTION:** Trustee Hansen

To approve the remaining bills

**SECOND:** Trustee Jackson

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

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

Those wishing to speak were asked to identify themselves by giving their name and address and stating whether they were a resident of the Town.

Ms. McInnis stated all attendees were unmuted and called on those that wished to speak to do so.

Mayor Gaudern also asked if there was anyone.

 No member of the public chose to speak.

**BOARD COMMENTS:**

Trustee Hansen addressed Ms. McInnis directly. She has had complaints from a customer on Minter about sand in the faucet filter in his house. This has been a recurring problem the past couple of

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months. The individual has called in previously when the lines were being flushed. He brought some samples to her.

Trustee Black-Greening has had no issues with this in her shop or her home. There have been issues in the past when the lines are being flushed.

Mayor Gaudern stated a lot of this could be calcium from the hard water.

Trustee Hansen did not think that was the case as this is a new home and the plumbing should be new. She still has the sand at the store.

Ms. McInnis invited Trustee Hansen to contact her directly outside of the Board Meeting to give Ms. McInnis the contact information for the resident. This will provide Staff the opportunity to directly troubleshoot the issue. Once Trustee Hansen provides this information, Ms. McInnis will talk to Mr. Meloveck about this and will follow up directly with the citizen.

**TOWN ADMINISTRATOR’S REPORT:**

Ms. McInnis stated that she planned to give a report in person and feels that a written report, in addition to being time consuming, did not allow her to give them the most current information. Staff currently has a significant workload. Another benefit of a verbal report is that staff can focus and prioritize pressing issues as they arise during the week between when the packets go out and the Board Meeting.

For example, she was made aware, at the last minute that we may qualify for a significant grant opportunity with short deadlines. Prioritizing this matter and providing current information to the Board is beneficial to the Town. Most of this work is accomplished via zoom meetings and Ms. McInnis is grateful for the efficiencies provided by doing this work remotely.

Mr. Light, from CIRSA, will be coming for a Board of Trustees and Planning Commission meeting to do a refresher course on oaths, ethics, and liability and best practices for Board members. He will focus on the respective roles. The Board of Trustees is responsible for legislation, the Judge determines ordinance violations, and the Manager and Staff are responsible for administrative matters.

Unfortunately, there has been a lot of misinformation concerning reopening Town Hall out there. This includes erroneous information that Town Hall is remaining closed, all other Mesa County municipal Town/City Halls are currently open and have been for months, and concern over limited attendance at Board meetings due to the inability to join publicly posted zoom meetings.

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Factual information: Ms. McInnis clarified that Collbran is open, and she cannot address why this is. In fact, Grand Junction City Hall, Fruita City Hall, and Town Hall in Palisade remain closed to this day. The Zoom meetings are publicly posted on our website with a direct link to join. The Town is more transparent in this regard than ever before. This is evident by the fact that in the past, we generally had one staff member attend the Board meetings and on occasion, a citizen or two. However, the data-based evidence from the time the Board meetings have been offered and posted via Zoom, reveals attendance has greatly increased. Unfortunately, when folks rely upon this and other misinformation from elsewhere, the Town’s legal fees and staff time necessarily increase.

Community Center- We are using the state regs to calculate how many individuals can be in the Community Center. Ms. McInnis provided slides directly from the State website outlining that she must encourage and enable remote working and minimize all in-person meetings. She also provided the slide directly from the State website indicating that “Colorado law required compliance with executive and public health orders. Not following these orders is breaking the law.”

Additional slides indicated we can have 50% of the capacity or use their calculator, whichever is less. “Capacity” for this purpose is not defined by fire code. The Town must comply with spatial distancing. Offices are still required to be at 50% and remote work is still strongly encouraged. Her obligation as Administrative Authority is to abide by law. There is a 6 foot and 12 foot grid and when not stationary we must use the 12 foot grid. The slides from the State website indicated the square footage of the Community Center is 2300 square feet, which puts the “capacity” at 11. Some municipalities are doing a hybrid type of meeting, with some in-person and some zoom. This can become troublesome in terms of logistics and increased cost. At this point, due to the limited space in our Community Center and the reasons outlined, it is anticipated that the Board meetings will need to remain virtual for the time being.

Town Hall – The office space which does not include the separate offices is 520 square feet and allows for 3 people maximum. The Lobby area is 500.5 square feet and will allow for 2 people. We are pleased to announce we will be able to open the lobby and office area tomorrow.

Mitigation Ponds - We are still working on the wildland fire mitigation plan. This includes the mitigation pond which is not within the Town limits. The Federal government is supposed to provide 80% support and the County, who is the sponsor will provide 20% support. The County is opting out of doing the ponds as it will mean changing the use from ag to detention and will require water rights. The original completion date was to be May 13th, but the County can ask for a 60-day extension. Ms. McInnis joined the County as they did some door-to-door contacts regarding soil samples. She is concerned about areas other than Roan Creek that may be coming into Town. She stated that it has been wonderful to work with Garfield County Commissioner John Martin, who hand delivered the report. They are working on an emergency plan.

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Rate Study – Prior to Ms. McInnis’ employment with the Town, The Fire Chief was never allowed access to the Water Plant. Ms. McInnis invited Chief Harvey to tour the facility with a consultant working on the rate study. She is grateful for the collaboration with the Fire District. The SOQ which was provided in the Board packets, will show the Board the complexity of the Water and Wastewater Improvements project. Staff will continue to pursue the competitive grant to assist in the significant need for improvements and modifications of our water and wastewater systems. She stressed that we have, and continue to provide safe drinking water.

Ms. McInnis met individually with the 2 new County Commissioners and asked them to consider the needs and beautiful country in De Beque. Both Commissioners would like to tour De Beque. This collaboration is vital and results in significant cost savings for the Town’s infrastructure.

Ms. McInnis asked the Trustees to note that some expenses on the financials from 2020 will show up in 2021. This could be from CARES funding or expenses from Wild Horse Days. There was money used for fireworks in 2021 that came from the 2020 budget. This will be reflected in a proposed supplemental budget as the budgeted funds were not spent in 2020 but rather in 2021.

Ms. McInnis expressed concern over the fact that marijuana will be on the ballot in Grand Junction, and the possible impact upon the De Beque community. An example of the benefit of the marijuana industry to De Beque is the fact that the Flower Collective recently paid use taxes to the Town in the amount of $32,000.00. We are keeping track of this.

The audit is in the works and we will update the Board with further information.

There has been a request and some concern about the Town Administrators board report, whether it should be written or verbal. Ms. Mcinnis wanted to address this.

According to the Personnel Manual, the Mayor shall report to the Board all decisions made during the last month. The Administrative Authority is not required to do written reports. The preparation of dated written reports is time-consuming and prevents our limited staff from focusing on pressing priority issues.

Th**e** Mayor has understandably requested that the packets go out a week in advance. While this does not always happen, we strive to get packets out as soon as we receive all the relevant information. For example, many things happened today, and a lot happens in that last week before the meeting. Some

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things are out of date on the date it is written. If the report had been included in the packets a great deal of information would have been left out. Please remember if you drop off a jump drive, we would be happy to get you an audio and video recording of the Board meetings right away.

There have been several victims of unemployment fraud. Many are filing claims under other names.

Ms. McInnis received a memo late this afternoon from the Mesa County District Attorney’s office about Beer Mugs and Bar Stools. The District Attorney noted that originally the charges of Obstructing

Government Operations were reviewed by the DA’s office. The DA indicated that the situation was mitigated by the fact that the Marshals left the bar and the situation de-escalated. For this reason, the DA chose to dismiss the original charge of Obstruction Government Operations. However, alternate criminal charges could be filed. The DA also believed that the bar had civil impacts. The DA advised that the motion to dismiss which was submitted to the Judge, was initially based upon representations to the Judge that the District Attorney’s office believed that their liquor license was not renewed and that the Milham’s paid a $2,500.00 fine. Accordingly, the Judge dismissed only the original charge of Obstruction Government Operations. The DA specifically indicated his office did not believe the Defendant’s were innocent from wrongdoing, rather the District Attorney’s office was relying on civil consequences to hold the Milhams accountable and to deter future violations of law. These are the reasons that the charges were dropped. However, the DA indicated in his memo that his office later learned that in fact, the Milhams never paid the $2,500.00 fine as was represented to the Judge. Ms. McInnis indicated that she would distribute the District Attorney’s memorandum to the Trustees tomorrow as she just received it shortly before the meeting. She indicated that any questions in this regard should be directed to the Mesa County District Attorney’s office and not the Town as this is a County matter.

Trustee Hansen wants to know when we will open Town Hall to the public. Ms. McInnis stated that it was not up to her. Ms. McInnis reiterated that Town Hall itself will partially re-open tomorrow. Outside of customers being permitted in Town Hall now, moving to yellow on the State dial has resulted in only a slight change. It is her understanding that the goal for the Governor is to get 70% of 70 and older or 65 and older, vaccinated and then we could move to the blue. Town Hall will partially re-open tomorrow but the Community Center cannot based upon the limited space and spatial distancing regulations. Trustee Black-Greening asked if we move to the blue before the next meeting can we have an in-person meeting? Ms. McInnis indicated that the answer at every level is that we must comply with the law which means that we must continue to abide by spatial distancing at every level.

Trustee Hansen said that according to Ms. McInnis’s little chart, all levels show only a 50% capacity and she feels that this is “asinine and unreasonable.” She said that she “goes to town and shops in stores all the time and she should be dead.” She feels that no one on the planet is following this and she cannot

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comply with this, not to have in person Board meetings. She is pushing back, with respect. She is not

trying to be super critical. Trustee Hansen stated that she understands Ms. McInnis is doing the job she needs to but, its not necessary to be doing it to the ump-teenth degree.

Town Attorney, David McConaughy said that New Castle is still mostly zoom. They have created a new chamber where the Board members are spread apart. They have new TV’s and a new audio/visual system with microphones. No guests are allowed in and everyone must wear a mask.

Delta has had live meetings all along, but the staff and trustees are all set apart. Delta has likewise spent a great deal of money to purchase equipment to make modifications.

New Castle spent a lot of money to set this up and they still have challenges. He repeated that they are spread out, wear masks and are still doing Zoom meetings. They have spent a lot of money on IT.

Mr. McConaughy also stated that there are potential penalties out there for violating these health orders. Mr. McConaughy cited a case out of Weld County where a County Commissioner was personally charged by the State’s Attorney General for defying the Governor’s orders.

Trustee Hansen said that this was frustrating to her and others who cannot get in or comment.

Mr. McConaughy is predicting vaccinations will be in Phase II by Spring.

Trustee Black-Greening said that she also has heard a lot of frustration from the Community. She is hoping that the numbers will change. Ms. McInnis said that part of her job description is to do her best to assure that the Town, and she personally comply with Colorado law at any given time.

**NEW BUSINESS:**

**1. DISCUSSION AND DIRECTION REGARDING DEVELOPMENT IMPROVEMENTS AGREEMENT LEIF ERIKSSON REALTY, LTD.:**

Mr. McConaughy called the Board’s attention to the Development Agreement in their packet, stating it was standard. There has been one change as the developer is now the owner. It addresses the $118,000 waterline extension, no Town sewer but they can be required to connect once it becomes available. Utilities will later be conveyed to the Town should the Town accept. There is also the matter of the driveway and easements. They received shares of water from the Bluestone Ditch of which one share will be required to be dedicated to the Town. This will be leased back to the Developer for $1.00 per year.

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Other items discussed were landscaping requirements which will be inspected, the possibility of creating a Special Improvements District, a 14’ easement that could possibly become a street, etc.

A letter of credit is required to guarantee the costs of improvements.

For more complete information, the Development Agreement is attached.

**Motion:** Trustee Hansen

To approve the agreement

**Second:** Trustee Jackson

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

**2. DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2021-02, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DE BEQUE, COLORADO, APPROVING A CLEANING FEE FOR USERS OF THE TOWN OF DE BEQUE COMMUNITY CENTER.**

Trustee Hansen asked Ms. McInnis if the Board should even consider this item and the $25.00 user fee since we are never going to open the Community Center. Ms. McInnis replied that if the Board wants to delete the item, she would be happy to do so. However, she is prepared to present for when the Community Center is re-opened in the future. After further Board discussion and questions of Ms. McInnis, the Board invited Ms. McInnis to present the item on the agenda.

Ms. McInnis explained the need for this saying the cost is very minimal and citing examples of significantly higher user fees charged elsewhere. There was a great deal of discussion regarding this which was repeated several times. Previously those living in an 81630-zip code area were able to use the center for free with a damage/cleaning deposit of $150 that was refundable after inspection and an approval given. Prior fees had been much more.

There is a cost increase for cleaning/sanitizing, use of chairs and tables, utilities, depreciation, and supplies that are not recovered. Ms. McInnis indicated the $25.00 nominal fee for use and cleaning the Community Center is not the direct result of COVID restrictions and reiterated it is significantly lower than surrounding communities.

After further discussion it was felt that it was a nominal fee and there were no further objections.

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**Motion:** Trustee Farris

To approve Resolution 2021-02

**Second:** Trustee Jackson

**Voice Vote**: Unanimously approved.

**3. DISCUSSION AND DIRECTION REGARDING: EXTENSION OF THE AGREEMENT WITH THE REED FAMILY FOR A CAMPER ON THEIR PROPERTY, INCLUDING A BOARD OF TRUSTEES REVIEW EVERY TWO MONTHS FOR A MAXIMUM ADDITIONAL SIX MONTHS.**

The consensus of the Board was that they had no objections, and they gave unanimous approval.

**4. ADDED TO AGENDA BY TRUSTEE HANSEN: OPENING OF TOWN HALL AND THE COMMUNITY CENTER.**

This had been discussed previously and Trustee Hansen wanted Ms. McInnis to know that her frustration is not with her personally but from citizens, she is just passing this along.

**ADJOURNMENT:**

**MOTION:** Trustee Farris

To adjourn the meeting at 8:03 p.m.

**SECOND:** Trustee Wood

**VOTE:** Unanimously approved.

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Approved Date