# TOWN OF DE BEQUE REGULAR MEETING BOARD OF TRUSTEES APRIL 27, 2021

The Regular meeting of the Board of Trustees was held on Tuesday, April 27, 2021 at 6:00 p.m. In the Community Center, 381 Minter Avenue, De Beque, CO 81630. This was the first in-person meeting since the February 2020. Present were the following:

Mayor: Zeke Gaudern

Trustees: Dave Jackson Judy Lake Cindy Farris

Shanelle Hansen Walter Wood Summer Black-Greening

Staff Present: Care’ McInnis David McConaughy Bob Dalley Toni Vincenzetti Lisa Rogers Tim Meloveck Shirley Nichols

Also present: Vern Bruse Mr.& Mrs. Larreau C. Miller and daughter Judge Bruce Joss

# CALL TO ORDER:

Mayor Gaudern called the meeting to order at 6:02 p.m. beginning with the Pledge of Allegiance.

# ROLL CALL:

Roll call was taken and a quorum was present.

**PRESENTATION: ETHICS, LIABILITY, AND BEST PRACTICES**, Samuel J. Light, General Counsel, CIRSA:

Ms. McInnis introduced Mr. Light as well as Lisa Rogers, new Administrative Assistant and Tim Meloveck the new Public Works Supervisor. Mr. Light is special counsel for CIRSA and has studied water law and produced a handbook for elected officials that the Board had received previously. Mr. Light continued stating that he does a lot of training for government officials and it is important for them to remember that they are a public official 24/7 in the eyes of the public. The need to follow a code of ethics and respect each other.

He reminded members of the Board that their emails are open records. He began by stating that the power of the Board is not set for one member/individual. They must act as a group making Board decisions. The Board has delegated jobs to the Town Administrator. Do not engage in behavior undermining the chain of command. Self-police yourselves to get the motion right, record all executive sessions unless the attorney states different, always use tact, curtesy, and diplomacy

The Board makes policy. Policy is administrated by staff. He gave the Master Plan as an example. The Board prepares and adopts the plan and staff administers it. Land use issues should remain neutral, and the Board should not take sides. Always put issues on the agenda – do not add at a meeting. Use formality at all meetings. Use titles, the podium and with any disruptions, take a brief adjournment or close the meeting – have a safety plan.

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Trustee Hansen stated that she is frequently approached by members of the public with questions and assistance. She does not like being told that she cannot talk to them individually. Trustee Black- Greening asked how best to handle this when they did not get the answer they were looking for.

Mr. Light advised them to refer them to staff, in particular the Town Administrator. Do not make promises, use staff as a resource to look good. If the citizens do not like the answers they get, you are not able to do anything individually

Mr. Light spoke about commitment, their role as a public official, transparency, running good meetings, ethical conduct, supporting Town structure, risks of liability, providing due process and the importance of wise leadership.

He reminded the Board that the Open Meetings Law requires a 24-hour posting notice whenever three or more Board members meet to discuss Town meetings. This includes meetings/discussion before and after meetings. Be certain that the motions for executive session are right and that they stay on point when participating.

Items brought before the Board for public comment need not be acted on immediately. Items not on the agenda may not be voted on at the time but may be brought back as an agenda item later.

Trustee Hansen stated that some items take time to make decisions. Mayor Gaudern stated that after comments citizens they may be told that the Board will get back to them if staff is unable to do so. It is important to have a policy.

Conflict of interest was discussed. Mr. Light suggested that a Board member having a conflict might leave the room so as not to be perceived as influencing the vote. It is best to have someone else speak on their behalf if necessary. No gifts greater than $55.00 may be legally accepted.

Always act as a body, not an individual. You are not employee supervisors; the Town Administrator is. Never skip the chain of command.

Trustee Black-Greening asked how to get things on the agenda. All items need to be on the agenda in advance or discuss to put on the next agenda at the end of the meeting.

Mr. Light left the meeting at this point and the Mayor called for a short recess. A copy of Mr. Lights presentation is attached.

# DELETIONS OR CORRECTIONS TO REGULAR AGENDA:

There were none

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# APPROVAL OF MINUTES: March 23, 2021

**Motion:** Trustee Black-Greening

To approve the minutes of the March 23,2021 meeting

**Second:** Trustee Jackson

**Voice Vote**: Unanimously in favor of the motion and it carried

# BILLS AND EXPENDITURES FOR MARCH 2021 WITH POSSIBLE CONFLICT:

**Motion:** Trustee Black Greening

To approve the bills for the De Beque Country Store

# Second: Trustee Wood

**Voice Vote:** Trustee Hansen abstained. All other Board members voted in favor of the motion.

# BILLS AND EXPENDITURES: MARCH 2021

**Motion:** Trustee Hansen

To approve the bills and expenditure for March 2021

**Second:** Trustee Farris

**Voice Vote**: All members unanimously in favor of the motion.

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

Mayor Gaudern asked those wishing to speak to state their name and address and whether they were a resident of the Town before speaking and hold to the three-minute limit.

Derek Hansen, a resident of Bass Lake stated he was here regarding his recent purchase of land from Schlumberger and water rights. He has asked Schlumberger to release 10 water shares to him. He is negotiating with the Town and a giant corporation and hopes to come up with a win, win, situation. He and his partner, Angela Barton are willing to relinquish any other claims if he is allowed to water his land. He understands the Town cannot do anything until they have the shares. He is asking for kindness and fairness. He just wants to water his land. He submitted paperwork to the Board.

Todd Larreau, 632 Curtis, De Beque, asked the Board about the safety of the drinking water. Ms. McInnis stated she would talk about this during her Town Administrator’s report. Mr. Larreau continued wanting to know why it was good in summer and not in winter, if affected by heat. He stated he had been told by the administrator, that he could opt out of having water if he wished.

Jamie Larreau wanted to know what the Town was doing about fixing the problem and when. She said the color changed and she gets rashes from bathing in it.

# BOARD COMMENTS:

Trustee Black-Greening expressed her appreciation for the dumpster provided by the Town for cleanup. She thanked the staff. She also wanted to acknowledge that it is exciting to see the Rec events coming back. She is also happy to be here in person.

Trustee Wood asked about a pothole in the street and striping on the road near Kum & Go. He also asked for an ETA on Mesa County working on the Town Roads. Ms. McInnis will speak to Mr. Meloveck and have him get back to Trustee Wood with an answer. She also stated that everyone can contact her with questions anytime, not just at a Board Meeting.

# TOWN ADMINISTRATOR’ S REPORT:

Ms. McInnis began by explaining the recent water violation letter. She wants to let everyone know that if the water were not safe the State would have had us shut down. Last summer when we received the violation for the high levels of TTHM’s we reached out to the CDPHE. This issue was starting to be cured before we got the violation letter. We began flushing lines, installed the A/C unit and asked question. The CDPHE answered those questions, and we are doing what they said. There were 2 high levels during the summer months. This is based on an average of 4 rolling quarters, not a fiscal year. The numbers have dropped but are still affected by the rolling 4 quarters. It continues to be low. At the end of this month, we can drop off the high numbers. Some water violations are from not filing a report or sending it to the wrong place or being late. These are public records; you can reach out to the State and verify this.

In 2013 the Town received tax money that it should never have received. At that time, it could not be determined where it came from. We did report it to the Auditors at the time. We have been notified by the State DOR that we must repay this sizeable amount. We were given choices on repayment. The decision was made to let them keep monthly taxes received by the Town until it Is paid. The County will also be making payback for this. The State will be taking care of the interest owed the company as it was their mistake. The Town contacted the State regarding this but there was never a resolution as they could not contact the company.

In the past, it has been policy that all new employees receive 100 PTO hours, this is above market and unheard of. For example: If you hire a new deputy and give them 100 hours it makes us short of staff and the Marshal must cover these hours. One hundred hours will no longer be given.

We have hired a part time deputy for Code Enforcement. His name is Bobby Telford, and he is working right now on cleanup, rubbish, junk, weeds, etc. He is a reserve for the summer and will be sending out warnings. If this does not work out the other deputies will be assigned different zones for Code Enforcement.

Recreational marijuana passed in Grand Junction. This may influence our revenues; our taxes could be reduced by ½.

She understands that there was discussion regarding a kiosk before she came. She cannot find anything budgeted for this and no documentation.

 Also, there is misinformation about a home that has been condemned. This is not true; we are watching it.

We have done some tours with the Mayor, the grant writer, Commissioners Rowland, and Davis, and an aide to Senator Hickenlooper. They will remember De Beque.

The chip and seal on our streets will begin sometime in July when they have a hot plant at this end of the Valley. She was hoping to get V Road and portions of Glenwood Avenue done with help from the Oil and Gas companies, but they said no, maybe 2023. They are aware of Wildhorse Days and will schedule around it.

Bids are out for the Gazebo roof, Community Center eyebrow, ramps, and sidewalks. We had people tour looking at the ADA sidewalks. Timing with the County is important. We are hoping for some American Rescue funds to help with this.

The $400,000 Rural Community grant application for the Water Plant has been submitted. We should hear regarding this sometime in May.

We are working on other funds for the water plant and are nearing the end of the process. Mr.

Meloveck met with Scott Thomas regarding the rate study being done through Colorado Rural Water.

We are spraying weeds. Some cannot be sprayed specifically in the river bottom according to the Army Corps of Engineers.

There have been major repairs to the sewer lift station. The $12,000.00 project happened today.

There has been lots of interest in the Town. We have people wanting to build. They must bring plans first before the free consultation.

Ms. McInnis met today in Palisade to discuss Community Hospital’s plans to build a health clinic in Palisade staffed by two doctors and several nurses.

We are currently pumping out of the river to supply irrigation water. This is a major drought year with cold temperatures and a low river. There has been a junior Cameo call which has only happened 4 times in history. We are in touch with the water commissioner who is telling us when we can pump. We are staying on top of this.

The State and County is bringing a bus to De Beque for a vaccination clinic. It will be here for two hours on May 10th. United Way will be sending out flyers.

One scholarship has been awarded to Wes Ryan in the amount of $2,000. He was the only student applying.

If anyone wants the Zoom app added to their tablets, please drop it off at the Town Hall.

The I-70 Frontage sign flipped around in the wind and became confusing. We are getting a new sign with information on both sides, which is great!

The Reeds thanked the Town for allowing their daughter to live in their RV in their yard while searching for a job. She now has a new job and has moved.

# REC DIRECTOR’S REPORT

A written report was submitted

# NEW BUSINESS:

1. **DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2021-04, A RESOLUTION OF THE BOARD OF TRUSTEES APPROVING A 457 DEFERRED COMPENSATION PLAN FOR TOWN EMPLOYEES.**

Ms. McInnis explained that this new plan is necessary as the current plan cannot be located and it is becoming ineligible.

**Motion:** Trustee Hansen

To approve and adopt the 457 Deferred Comp Plan being presented

**Second:** Trustee Black-Greening

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

# DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2021-03, A RESOLUTION OF THE BOARD OF TRUSTEES APPROVING A 401(a) RETIREMENT PLAN FOR TOWN EMPLOYEES

Ms. McInnis explained this plan will replace the current 457 Plan for the 5% employee/employer match. This will now go to the 401 (A) Plan. This is not an optional plan, if one choses to opt out, they can never can opt back in. This will begin when the plan is in place. Part time employees will now be eligible to contribute to the 457 Plan. This will act as a savings account for them. There will be no Town match. Both Plans are optional.

**Motion:** Trustee Black-Greening

To approve the 401(A) 5% match retirement plan

**Second**: Trustee Farris

**Voice Vote:** Unanimously in favor of the motion and it carried.

# DISCUSSION AND ACTION REGARDING ADOPTION OF ORDINANCE NO. 510, AN ORDINANCE OF THE TOWN OF DE BEQUE, COLORADO AMENDING CHAPTER 6.03 OF THE MUNICIPAL CODE REGARDING COMPENSATION OF MUNICIPAL JUDGES AND CONFIRMING JUDICIAL APPOINTMENTS.

This is to appoint Judge Joss for the remainder of the term until the Board election. It was explained that this Ordinance will not take effect until 30 days after publication. Mr. McConaughy explained that the $700 a month is applicable to the associate judges as well.

**Motion**: Trustee Hansen

To approve and adopt Ordinance No. 510

**Second**: Trustee Wood

**Voice Vote:** Unanimously in favor of the motion and it carried.

# OLD BUSINESS:

**DISCUSSION AND ACTION REGARDING APPROVAL OF UNBUDGETED SPENDING FOR EQUIPMENT AND TECHNOLOGY TO ACCOMMODATE HYBRID /IN PERSON AND VIRTUAL BOARD MEETINGS RATHER THAT SOLELY VIRTUAL BOARD MEETINGS. (OWL).**

This item was tabled at the last meeting and carried over as it was not an agenda item and therefore, could not be voted on. Mayor Gaudern feels it will be good for business and will allow those to attend meetings and not travel if necessary. Trustees Black-Greening and Wood agreed. The consensus of the Board was to proceed with this.

# MAYOR MOTION TO GO INTO EXECUTIVE SESSION #1

Mayor Gaudern made the motion to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b), specifically regarding acquisition of water rights and landowner obligations under previous annexation agreements.

Mayor Gaudern voted, yes, on the motion as did Trustees: Jackson, Farris, Wood, Hansen, Black- Greening and Lake

# EXECUTIVE SESSION: 9:23 P.M.

Mayor Gaudern restated the reason for the executive session. C.R.S. §24-6-402 (4) (b) for legal advice from the Town Attorney. He recognized those in attendance in addition to himself: Trustees Shanelle Hansen; Summer Black-Greening; Cindy Farris; Judy Lake; Dave Jackson; Walter Wood. David McConaughy, Town Attorney; Shirley Nichols, Town Clerk; Care’ McInnis, Town Administrator.

Discussion ensued on the subject of the executive session.

Discussion ended. Mayor Gaudern declared Executive Session No 1 concluded.

**Session adjourned at 10:05 p.m.**

**MAYOR MOTION TO GO INTO EXECUTIVE SESSION #2:**

**DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. §4-6-402 (4) (f) and not**

**Involving any specific employees who have requested discussion of the matter in open session; any member of the body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Specifically, regarding the Town Administrator.**

Mayor Gaudern stated the time was 10:07 p.m. and present were himself, Town Administrator, Care’ McInnis, Town Clerk, Shirley Nichols, Trustees Dave Jackson, Judy Lake, Shanelle Hansen, Walter Wood, Cindy Farris, Summer Black-Greening attending an executive session for the purpose on a personnel matter under C.R.S. §24-6-402 (4) (f).

# Discussion ensued.

At the end of discussion, the Mayor declared the session concluded and instructed the Board to return to regular session. Session adjourned at 10:47 p.m.

Regular session began at 10:59 p.m. Mayor Gaudern stated the members attending the session and asked if there was anyone that wished to object to any part of the discussion. There was no one.

At this point the meeting was declared adjourned**. 11:05 p.m**.

Approved Date