

**TOWN OF DE BEQUE  
BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 25, 2023**

The regular meeting of the Board of Trustees was held on April 25th, 2023, at 6:00 p.m. in the Community Center, 381 Minter Avenue, De Beque, Colorado. Present were the following:

Mayor: Shanelle Hansen

Trustees: Vern Bruse, Cindy Farris, Lisa Lippoldt, Sarah Hambrick, Judy Lake, and Walter Wood

Absent:

Staff Present: Town Administrator Care' McInnis and Town Clerk Lisa Rogers, Rian Wright, Marge Mackey, Stanley Novinger, Tim Conwell, and Evelyn Giertz

Also Present: Diane Sandelin, Jeannette Refior, John Giffin, and Sam Light

**CALL TO ORDER:**

The meeting was called to order at 6:05 p.m. by Mayor Pro Tem Farris.

The Pledge of Allegiance was recited.

**ROLL CALL:**

Roll call was taken, and a quorum was present. Mayor Hansen was not available for roll call but did attend later.

**PRESENTATION:**

Samuel J. Light, General Counsel, Colorado Intergovernmental Risk Sharing Agency, (CIRSA)

Ms. McInnis introduced Mr. Light who would present Ethics, Liability & Best Practices for Elected Officials to the Board of Trustees. Mr. Light is special counsel for CIRSA and has produced a handbook for elected officials. Mr. Light stated that he does extensive 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 role of a Board Member is to uphold the Town's ordinances and resolutions. It is important to understand your job description and uphold your role for the organization to function at the highest level and avoid risk of liability. The seven members of the Board function as a whole—working together to ensure credibility, clarity, and accountability. Personal interests and agendas must take a backseat to decision making as a collective. Mr. Light advised the Board to refer constituents to Staff for direction on day-to-day matters. Policy is set by the Board; Staff is responsible for implementation. Please do not engage in behavior that undermines the chain of command.

Mr. Light reminded Board Members that their emails are open records. He also recommends keeping Town business and personal correspondence separate.

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 the Board stays on point when participating in an executive session.

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

Conflict of interest was discussed. Mr. Light suggested that a Board member with conflict needs to abstain from voting. If a Board member is involved in an issue coming before the Board, it is best to have someone else speak on their behalf and leave the room so as not to be perceived as trying to influence the vote.

No gifts greater than \$65.00 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.

Mr. Light spoke about commitment to 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.

A copy of Mr. Lights presentation is attached.

The Board thanked Mr. Light for his presentation.

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

There are no additions, deletions, or corrections. Audit books have been laid out for the Board. There are no surprises.

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

No Comments

**BOARD COMMENTS:**

No Comments

**TOWN MANAGER REPORT:**

The Town will be getting a new Town Hall sign that is not a part of the beautification project and the design and labor have been donated. Ms. McInnis asked if the Board was averse to moving the new sign to either one end or the other of the lawn to create greater visibility from inside the building. She also asked if Staff could move the hitchin' post. Mayor Hansen stated that it could be moved to the park to be used for the kids' bikes.

Irrigation water is flowing, and public works is trying to stay ahead of blockages from debris in the ditch. Ms. McInnis stated that Brian Sewell is no longer our water commissioner. Traeton Hittle is the new commissioner. Mr. Hittle grew up in Collbran and now lives in Mesa. He has worked for the division for two years. Ms. McInnis also stated that she had a friendly conversation with constituent Kenny Bohl. Mr. Bohl has a wealth of historic information especially regarding all things water.

The Spring Cleanup Dumpster has been a success. It has helped immensely with Town Beautification. It will be replaced one more time.

The Records Clerk office is coming along. We are waiting for the engineer to sign off on the installation of the interior glass window. The window itself is on backorder.

The interviews for the Records Clerk position went well. The top two applicants are being scheduled for skills testing.

DMV2Go continues to be a success. The next scheduled visit is Friday, April 28<sup>th</sup>.

The deadline to submit scholarship applications was last week. Interviews will be held April 27<sup>th</sup>.

UC/Denver has narrowed down their conceptual ideas and will be looking for community input to move forward with designs for a park at the Riverfront. They would like to present it to the community on either May 24<sup>th</sup> or 25<sup>th</sup>. Mayor Hansen stated that she would be going out of town on May 25<sup>th</sup>. The Board agreed that May 24<sup>th</sup> was a good date. It will be posted on Facebook when more details have finalized.

The legislature is still in session and has not voted on the issue of Use Tax. There was a workshop scheduled for May 17<sup>th</sup>, but there will not be enough time to review the issue before then. The workshop will be rescheduled for later in May.

Ms. McInnis stated that she has had meetings with several business owners and constituents regarding innovative ideas for economic growth in De Beque. She referred to the *Colorado River Valley—Room to Roam* brochure that was created and distributed a few years ago. Some people are not aware of some of the steps the Town takes to help promote tourism.

Ms. McInnis informed the Board that the public restrooms at the park had been vandalized and would be addressed through the municipal court.

Ms. McInnis stated that there are quite a few Requests for Proposal (RFP) that will be posted soon.

- 1.) The Town Sign will go out for bid soon and will be addressed later in the Beautification agenda item.
- 2.) Public works will be purchasing equipment (mini and mower) through One Source.
- 3.) Sidewalks—The Town is going to try to come at this from a different angle as we have been unsuccessful in previous RFPs. We will be trying to deal with our drainage issue at the same time. This will create a larger project which may garner more interest. We will be seeking a \$25,000.00 matching administrative grant through DOLA to evaluate our drainage needs. The Town has been very successful with these type of grants.
- 4.) We are making headway CDOT regarding the sewer bore. WestWater stated that It should be ready to go out for bid by the end of the month.
- 5.) We will begin reviewing IT firms to make sure that we have the protection we need at a comparable price.
- 6.) We will be looking to compare retirement plans. There is not a local representative to meet with for advice/guidance through Mission Square.
- 7.) Barbeque grill for Gazebo Park will go out for bid within the next few weeks.

Ms. McInnis stated that SCADA is being installed at the water plant. The tech was down there all last week. It will provide remote access to monitor the water plant and quicker response times when an anomaly occurs and needs to be dealt with. This equipment can be transferred to the new plant and was paid for with our ARPA funds.

Ms. McInnis stated that the State Revolving Fund (SRF) loan is tricky. It is a “Which comes first-the chicken or the egg” scenario. There has been lots of back and forth between the water authority and

DOLA as to which funding source needs to be first. We will submit the SRF first and then go in with the DOLA ask. The SRF loan is due to close June 15<sup>th</sup>. On June 28<sup>th</sup>, the Town will present to DOLA in Golden.

Ms. McInnis met with Congresswoman Boebert staff regarding Congressionally Directed Spending and gave them a tour of the water plant and the Town. They have the Town on the list for a potential visit when the Congresswoman returns to touring.

Ms. McInnis met with Commissioner Daniels (our community representative). The transfer station is off the chopping block for now. She explained that they discussed double fees for those in town. Town residents pay for trash service with Dependable. Out of town residents do not have trash service through the town. In-town residents pay for the dumpster. Out-of-town residents do not. In-town residents pay for upkeep and burning of the debris pile. Out-of-town residents do not. Charging the Town for the transfer station for unincorporated Mesa County which is minimally used by in-town residents results in those residents paying more. Ms. McInnis relayed that she is trying to advocate not only for those in-town but also outside of town limits. Ms. McInnis argued that there will be more dumping on public lands if the County takes away the transfer station. For now, not only does De Beque get to keep our transfer station with no additional cost, but so does Molina. Ms. McInnis will continue to advocate for our community in the meetings.

Ms. McInnis brought up the topic of Conditional water rights. It is a complicated issue. We own a conditional water right for future use and growth but must prove our need every 6 years. We need to prove that the Town is going to grow enough in the next 20-30 years to substantiate the need for this water right. Ms. McInnis plans to hijack the next P & Z meeting to calculate estimates to submit in the pursuit of maintaining the right to its fullest potential. The water court could decide to cut back to a portion of a right or deny it altogether.

Ms. McInnis stated that in looking for more grants, we found that Mesa County had not applied for an AGNC grant this cycle. The Town was already awarded the max for the BBQ grill and can't be awarded 2 in same cycle. Mesa County agreed to submit a grant on our behalf for fencing behind the 4th Street and Roan Creek Road. Thank you to Stephanie Parker and Katherine Boozell for thinking outside the box and potentially finding the Town \$4,060.00 more for beautification.

Ms. McInnis went on to discuss all things Rec. The Craft Fair was a success. The next Karaoke night will be June 16<sup>th</sup>. Thank you to all the Wild Horse Days volunteers that have stepped up so far. This year's Mud Run will be in the evening under lights. The barbeque will also be in the evening. There will be a bale tossing contests for all ages. The Scott Elliot-4 July celebration will be held July 1<sup>st</sup>. The next Community Yard Sale will be June 10<sup>th</sup>.

Ms. McInnis showed videos on the Mesa County Community Hall at De Beque, Mesa County Road Repair Reporting Website, and dust devils scattering debris from the dumpster around Town.

#### **CONSENT AGENDA:**

- a. **Approval of Minutes:** March 28<sup>th</sup>, 2023.
- b. **Bills and Expenditures:** (Expenditures related to the Country Store and/or other conflict items are listed below as part of the regular agenda).
- c. **Financials:** March 2023
- d. **Discussion and action regarding RESOLUTION NO. 2023-08:** A Resolution of the Board of Trustees of the Town of De Beque, Colorado authorizing an application to the Colorado Department of Local Affairs for the purpose of securing a grant to obtain a study addressing

drainage and standing water issues, ADA access points, and improving walkability of the Town.

**Motion:**

Trustee Lippoldt motioned to approve all items on the consent agenda.  
Trustee Hambrick seconded that motion.  
Motion carried 7-0.

**CALL THE BOARD OF TRUSTEES PUBLIC HEARING TO ORDER:**

Mayor Hansen at 8:19 p.m.

**DISCUSSION AND ACTION CONCERNING ORDINANCE NO. 532 (series 2023):** An Ordinance amending the De Beque Municipal Code, Section 14.05.050, 055, and related provisions pertaining to the approval of amendments to subdivision plats, boundary line adjustments, and vacating public streets, rights-of-way, or easements.

Ms. McInnis stated that this item had already been presented to the Planning & Zoning Commission and a recommendation was made for the item to go before the Board of Trustees. Ms. McInnis stated that there is no contested issue or specific applicant that this will impact right now so it is an ideal time to make a change. She stated that she had recently presided over a hearing regarding the Community Hall, dealing with boundary/lot lines adjustments. Section 14.05.055 in its current form came about because there were not enough commissioners on the Planning Board, and they couldn't reach a quorum for meetings. It was impacting the functioning of the Town. We want to streamline processes as much as possible and reduce time and costs to the applicant. In government, the perception of impropriety and actual impropriety are often indistinguishable. The processes need to be fair, and decision-makers need to be non-bias.-i.e.-a Constitutional Due Process. We could foreseeably have this happen again as we are a small town. This will change the process from a public hearing in front of the Town Administrator sitting more as a Judge and if none The Mayor to an approval by the Town Administrator with the right to appeal and a right to be heard before the Board. A quick example: Put yourselves in the shoes of a property owner whose neighbor is proposing a project that may deprive you of your property rights. You likely do not want the Town Manager that has been working with the applicant and consultants as the final decision maker.

From Town Manager perspective-this is a lose-lose situation. Remember it's perception, not necessarily reality. If the Town Manager sides with the applicant-Property owner with objection likely to perceive the situation as "The Town Manager is STAFF." Therefore, the Town Manager is unlikely to deny her own staff, the applicant, and consultants. Side with the property owner with objection- Applicant is likely extremely frustrated that they have worked with Town Staff and consultants for months and incurred expenses, and now the Town Manager says NO. These modifications allow simple uncontested matters to be streamlined by approval of the Town Manager, and more complex or contested matters determined by an entire Board.

Mayor Hansen asked if the public had any questions. There were none. Mayor Hansen adjourned the Public Hearing at 8:27 p.m.

**RESUME PUBLIC MEETING:**

Mayor Hansen asked if the Board had any questions. There were none.

**Motion:**

Trustee Lippoldt motioned to approve Ordinance 532.  
Trustee Farris seconded the motion.  
Motion carried 7-0.

**REGULAR AGENDA:**

**NEW BUSINESS:**

**REMAINING BILLS AND EXPENDITURES:** Expenditures related to the Country Store

**Motion:**

Trustee Lippoldt motioned to accept the remaining bills and expenditures.  
Trustee Lake seconded the motion.  
Mayor Hansen abstained.  
Motion carried 6-0 with 1 abstaining.

**DISCUSSION AND ACTION RESOLUTION NO 2023-09:** A resolution of the Board of Trustees of the Town of De Beque, Colorado regarding accepting certain public improvements for property commonly known as 1918 45 ½ Road, De Beque, Colorado (The Flower Collective).

Ms. McInnis explained that when The Flower Collective wanted to build in De Beque, there were certain improvements that needed to happen such as fire hydrants. This resolution allows the Town to accept those improvements. Mayor Hansen asked if there were any questions. Trustee Hambrick stated that she should abstain due to conflict.

**Motion:**

Trustee Lippoldt motioned to approve Resolution 2023-09.  
Trustee Bruse seconded the motion.  
Trustee Hambrick abstained.  
Motion carried 6-0 with 1 abstaining.

**DISCUSSION AND DIRECTION REGARDING ONE TIME PERMISSION FOR THE CUTTING AND COLLECTING OF DEAD TIMBER ON TOWN PROPERTY FOR USE AND SALE BY A PRIVATE CITIZEN:**

Ms. McInnis explained that an employee had asked to cut down and remove dead timber on Town property for his private use. She stated that it was more of an administrative decision but decided to bring it before the Board. During research on the topic, the Town became aware through a CIRSA audit that more timber needed to be removed around Town. Ms. McInnis asked if the Board had any objection to the employee disposing of the debris as he saw fit. There were no objections.

**OLD BUSINESS:**

**DISCUSSION AND UPDATE REGARDING: BOARD-DIRECTED BEAUTIFICATION  
PROJECT SPENDING IN 2023:**

Ms. McInnis stated that for the Town sign, the Town will need to go through the Special Review Use process with CDOT since the sign will be in the CDOT right-of-way. We previously went through the process, but the approval expired years ago. The previous submission was for a granite sign. Other types of signs will require more submissions to CDOT. We will need to put it out for bid. We've reached out to Gene Reed, but we must also allow others to compete. Any submittals must comply with CDOT specs. The proposed sign is Type 3 sign. As it stands currently, the Town would have to remove the town limits signs in order to have this sign (if approved). Ms. McInnis will continue the process and keep the Board updated.

Ms. McInnis reached out to the school regarding the art contest and had complete buy-in from Superintendent Audra Lane. The contest was launched this week. The winner will get \$50.00, and their art re-created by an adult on the Fire House window. There will also be clings with both the Town and School logos.

Russell from Reckless Roadhouse will donate large flowerpots to be planted and set up along 4th Street to corner of Stewart Avenue. John & Sam from Roan Creek Cycles asked the Town to move the large planters beside their shop. They would like to set up tables for their coffee shop. We can use those for beautification elsewhere in Town. Murals like the ones in Delta were suggested.

Fencing behind the Town sign at Roan Creek Road and 4<sup>th</sup> Street was addressed in the Manager's Report. It would likely be a 7ft wood fence.

**ADJOURN REGULAR MEETING**

Mayor Hansen asked if there was a motion to adjourn the meeting.

**Motion:**

Trustee Lippoldt motioned to adjourn the regular meeting.

Trustee Hambrick seconded the motion.

Motion carried 7-0.

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Approved by the Board of Trustees

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Lisa Rogers, Town Clerk

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Shanelle Hansen, Mayor