

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
PUBLIC MEETING/PUBLIC HEARING
NOVEMBER 28, 2023**

The regular meeting of the Board of Trustees was held on October 24, 2023, at 6:00 p.m. in the Community Center, 381 Minter Avenue, De Beque, Colorado. Present were the following:

Mayor: Shanelle Hansen

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

Absent: Vern Bruse

Staff Present: Town Manager Care' McInnis, Town Clerk Lisa Rogers, Town Treasurer Katherine Boozell, Town Attorney Chris McAnany, Town Prosecuting Attorney Christine Gazda, and Town Planner Matt Farrar.

Also Present: Randy and Suzanne Sheley (Elk Mountain Trading Post), Sheila and O'Neill Blackwell, Rick & Sherry Staatz, Dawn Palmer (Kush Gardens), Derek Hansen (Logan's View Subdivision), Gayle Green, Sam Flores, Diane Sandelin, and Jeanette Refior.

CALL TO ORDER:

The meeting was called to order at 6:02 p.m. by Mayor Hansen.

The Pledge of Allegiance was recited.

ROLL CALL:

Roll call was taken, and a quorum was present.

ADDITIONS, DELETIONS, OR CORRECTIONS TO THE AGENDA:

No additions, deletions, or corrections. Ms. McInnis did state that an executive session was scheduled but was not required.

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

None.

BOARD COMMENTS:

None.

TOWN MANAGER REPORT:

Ms. McInnis stated that there were Riverfront books on each Trustees desk. They are the finished product that will allow us to ask for grants.

The next Board of Trustees meeting is December 13th to allow us time to get the Town's budget into the County by the December 15th deadline.

All open positions within Public Works have been filled. Sam Flores will be the new Public Works Supervisor. He will officially start January 1st, but the transition has already started. Kevin Ball will be the new Maintenance Worker II and will start December 1st.

The new skid finally came in. It was able to be worked into the 2023 budget. The blade will attach to the skid for snowplowing. Mark King will be talking with the Mayor about snowplowing.

811 Locate mapping process has started. The Town has gotten our application in. We are required to participate. We have finished the mapping overlay process. Our Public Works tablets should be able to accommodate ESRI, SCADA, and Neptune.

There was a workshop last week regarding Rouse Avenue. Rouse Avenue will become a one-way street headed north between 4th and 5th Street. The Town will be enforcing no parking on that section of the road.

The Planning Commission is currently auditing the sign provision of the code. Cash-in-lieu was also addressed. Both items will be coming before the Board in December.

The Marshals' department has received reports of people living in their campers in town. The Marshals have reached out to the individuals. A couple have reported that they will be moving their campers. Some have indicated that they are actually living in the house and not the camper. The Marshals will continue to monitor the situation.

The Mayor and Ms. McInnis met with Mr. and Mrs. Knirlberger. They are a couple with ties to De Beque. Mr. Knirlberger came to the United States with \$20.00 in his pocket. The United States charged him \$16.00 as an entry fee. Mr. Knirlberger started his career in the 1950's with only \$4.00, but he has been a highly successful businessman in Aspen. He also owned a ranch up around Roan Creek. His first wife is buried in the De Beque cemetery. Mr. and Mrs. Knirlberger would like to build a chapel for the cemetery. There is a lot of groundwork that needs to happen to work out all the details. It is very generous of Mr. and Mrs. Knirlberger.

The banking transfer is in the works.

There is a project going on with the Zayo Vault on the south side of the interstate near the fire station for underground fiber. They are working on a licensing agreement. That fiber will go from the Zayo Vault up to the Cut-off.

Quick update on Zentco vs. Bob Jones. Mr. Jones prevailed—the case was dismissed. Mr. Zimmet is looking to determine what he can do with those four lots.

The mucking out of lagoons has been successful. The product was ideal. Have been hauling away load by load to the landfill. Working on repairing the liner now. The Town will pause before moving on to the next lagoon. Going to try to wait for the Congressionally-Directed Spending to become available so that we don't have to dip into the general fund as much.

Ms. McInnis has a site visit with the three County Commissioners and construction contractors for the new Community Hall on December 12th. Matt Farrar will also attend. It is still planned for a spring opening. The County Commissioners have selected the members for the Community Hall Advisory Committee. This Committee will help determine the programs and scheduling and such. The members are Sherry Staatz, Sam Giffin, Lori Malsbury, Sarah Bieser, and Evelyn Giertz. Commission Rowland came down and there has already been the first meeting.

The grant writing process is intense right now. The Town will be applying again for the CDOT Sidewalk Grant. The Town was awarded the \$25,000 administrative design and engineering grant for broadband on November 8th. The Town had to quickly pull together the design and engineering for that and all of the financial information that is required. It is due this week. The Town will be closing on the \$2.5M DWRF loan on December 11th. Two million will be forgiven and five hundred thousand will be waived. The Town was awarded \$75,000 for sidewalks through the Mesa County Mineral Rights.

CONSENT AGENDA:

- a. **Approval of Minutes:** October 24, 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) October 2023

Discussion Before Motioning on the Consent Agenda:

Mayor Hansen asked if anyone had any questions or comments on the Consent Agenda items. There were none.

Motion:

Trustee Hambrick motioned to approve all items on the consent agenda.

Trustee Farris seconded the motion.

Motion carried 6-0.

REGULAR AGENDA:

NEW BUSINESS:

REMAINING BILLS AND EXPENDITURES: Expenditures related to the Country Store and Always Something Creations.

Mayor Hansen asked if anyone had any questions or comments regarding the expenditures related to the Country Store or Always Something Creations. There were none.

Motion:

Trustee Farris motioned to accept the expenditures related to the Country Store and Always Something Creations.

Trustee Hambrick seconded the motion.

Mayor Hansen and Trustee Lippoldt abstained.

Motion carried 4-0.

CALL THE BOARD OF TRUSTEES PUBLIC HEARING TO ORDER:

Mayor Hansen at 6:24 p.m.

PUBLIC HEARING PURSUANT TO DMC CHAPTER 2.08 TO CONSIDER THE POSSIBLE SUSPENSION, REVOCATION, OR OTHER SANCTION AGAINST ELK MOUNTAIN TRADING POST, LLC WITH RESPECT TO TOWN OF DE BEQUE MARIJUAN LICENSING ORDINANCES.

Town Attorney McAnany explained that Attorney Christine Gazda would be acting as Prosecutor to keep roles separated. Mr. McAnany would advise the Board. Ms. Gazda stated that on October 20, 2022, an employee at Elk Mountain Trading Post sold to an underage person. This person was an

employee of the Colorado Marijuana Enforcement Division. Ms. Gazda went through Exhibits 1-3 (in Board packet). Randy and Suzanne Sheley (owners-Elk Mountain Trading Post) admitted to the facts. They were given a \$7500 fine and a 7-day suspension. The suspension was held in abeyance pending any more violations within the next year. Suzanne Sheley explained that Elk Mountain Trading Post had never had any violations before, and they take pride in that. She handed out a packet labeled Exhibit A that contained training records and communications with the State showing that they had fulfilled their obligations and that the case was closed. Ms. Sheley stated that one underage sale is too many. When the violation happened, she immediately began working to remedy the situation by implementing more training and a machine that scans identification. Ms. Sheley also stated that they were very sorry that this had happened and were taking all steps possible to prevent it from happening again. Mr. McAnany explained that the Board could implement a fine, suspension, revocation, or do nothing. He also explained that the Board could go into a closed session to get advice. There were no public comments.

Motion:

Trustee Wood motioned to go into executive session to receive advice from Mr. McAnany
Trustee Lake seconded the motion.
Motion failed 5-1.

Mr. McAnany asked if the Board agreed that a violation had occurred. The Board concurred. Mr. McAnany asked if the Board wanted to impose a suspension or a fine. Trustee Farris stated that she felt the owners had gone above and beyond to remedy the situation. Mayor Hansen stated she felt the State had already implemented sanctions and the owners had done what they needed to do.

Motion:

Trustee Wood motioned to accept the State's fines and sanctions with no further action from the Town.
Trustee Hambrick seconded the motion.
Motion carried 5-1.

ADJOURNED THE BOARD OF TRUSTEES PUBLIC HEARING:

Mayor Hansen at 7:00 p.m.

CALL THE BOARD OF TRUSTEES PUBLIC HEARING TO ORDER:

Mayor Hansen at 7:00 p.m.

DISCUSSION AND ACTION REGARDING RESOLUTION NO 2023-20: A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE SKETCH PLAN FOR THE LOGAN'S VIEW MAJOR SUBDIVISION COMPRISING SIX RESIDENTIAL LOATS ON 19.9 ACRES LOCATED GENERALLY AT 4631 W ROAD.

DISCUSSION AND ACTION REGARDING RESOLUTION NO 2023-21: A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A SANITARY SEWER WAIVER FOR THE LOGAN'S VIEW MAJOR SUBDIVISION LOCATED AT 4631 W ROAD.

Mr. Farrar stated that this was just at the sketch plan level and that more detail would come later in the process. Mr. Farrar presented his staff report to the commission and recommended staff's approval. Logan's View will be a 6-lot subdivision. Each lot will have a single-family home.

For the water, it will be Town water and an SIA will be completed between the Town and Logan's View Subdivision. For sewer, there will be individual onsite wastewater treatment systems. For irrigation, it will be provided by the BlueStone Valley Ditch Association. Mr. Farrar stated that Staff recommends approval. Mayor Hansen asked if there were any public comments. Matt Kramer stated concerns over the difference in lot size stated and the Comp Plan. Mr. Farrar explained that the Comp Plan is not code but a vision for the future. He stated that the lot sizes were comparable to others in the area. There were concerns from the audience regarding access to water from the BlueStone Ditch. Mr. Hansen stated that the line was going to be moved and that they would have access. Gayle Green asked who would be paying for that. Logan's View Subdivision will. Mr. Kramer asked about a CCR for not allowing modularity. Mr. Farrar stated that the zoning determined what could be in an area. Mayor Hansen asked if there were more questions and if not would entertain a motion.

Motion:

Trustee Lippoldt motioned to approve Resolution 2023-20 regarding Logan's View Subdivision with conditions.

Trustee Hambrick seconded the motion.

Motion carried 6-0.

Motion:

Trustee Lippoldt motioned to approve Resolution 2023-21 regarding Sanitary Sewer Waiver for Logan's View Subdivision.

Trustee Hambrick seconded the motion.

Motion carried 6-0.

ADJOURNED THE BOARD OF TRUSTEES PUBLIC HEARING:

Mayor Hansen at 8:00 p.m.

CALL THE BOARD OF TRUSTEES PUBLIC HEARING TO ORDER:

Mayor Hansen at 8:15 p.m.

DISCUSSION AND ACTION CONCERNING RESOLUTION NO 2023-22: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DE BEQUE, COLORADO ADOPTING THE 2024 BUDGET, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND, AND APPROPRIATING MONEY TO EACH FUND.

DISCUSSION AND ACTION CONCERNING RESOLUTION 2023-23: A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF THE DE BEQUE FOR THE 2024 BUDGET YEAR.

Ms. Boozell stated that there were just two changes to the budget that the Board received in September. The first was a \$500 change for the Middle Colorado Watershed Council. The council asked that the Town start paying for the water alert service that they offer. It is an important service as it lets us know if any contaminants or turbidity are coming down the river. The other change was to property taxes. Staff adjusted it down due to the election results. The number is an estimate as this year, the due date for property tax valuations has moved into the new year.

Motion:

Trustee Hambrick motioned to approve Resolution 2023-22 adopting the 2024 budget.
Trustee Farris seconded the motion.
Motion carried 6-0.

Motion:

Trustee Farris motioned to approve Resolution 2023-23 levying general property taxes for the year 2024 to help defray the cost of government.
Trustee Hambrick seconded the motion.
Motion carried 6-0.

ADJOURNED THE BOARD OF TRUSTEES PUBLIC HEARING:

Mayor Hansen at 8:24 p.m.

ADJOURNMENT

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.

Meeting adjourned at 20:25 p.m.

Respectfully submitted,

Approved by the Board of Trustees

Lisa M. Rogers, Town Clerk

Shanelle Hansen, Mayor