

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 22, 2023**

The regular meeting of the Board of Trustees was held on August 22, 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, Town Clerk Lisa Rogers, Marshal Bob Dalley

Also Present: Dawn Palmer (Kush Gardens)

CALL TO ORDER:

The meeting was called to order at 6:05 p.m. by Mayor Hansen.

The Pledge of Allegiance was recited.

ROLL CALL:

Roll call was taken, and a quorum was present. Trustees Wood, Hambrick, and Lake were not present at roll call, but all trustees did arrive and were able to participate in most of the meeting.

ADDITIONS, DELETIONS, OR CORRECTIONS TO THE AGENDA:

No additions, deletions, or corrections. However, Ms. McInnis did ask to delay the manager's report until the rest of the Trustees were present as the report contains important information.

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

No Comments

BOARD COMMENTS:

Mayor Hansen stated that she had received feedback that the mosquito tech was driving too fast. Trustee Farris stated there is a definite reduction in mosquitoes lately. Ms. McInnis stated that she would speak with the mosquito tech about the driving.

CONSENT AGENDA:

- a. **Approval of Minutes:** July 25, 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) July 2023
- c. **Discussion and action regarding ORDINANCE 537 (series 2023):** An ordinance amending Chapter 5.22 of the De Beque Municipal Code pertaining to marijuana licensing procedures to require that applicants have an approved business premises at the time of licensing or renewal; and clarifying other provisions to address current state law.
- d. **Discussion and action regarding RESOLUTION NO. 2023-15:** A resolution approving the Colorado Wildfire Collaborative memorandum of understanding and authorizing the mayor to sign the same.
- e. **Discussion and action regarding RESOLUTION 2023-16:** A resolution adopting an amended personnel manual governing employees of the Town of De Beque.

Discussion Before Motioning on the Consent Agenda:

Mayor Hansen stated she had questions regarding the marijuana licensing. Ms. McInnis stated that the marijuana ordinance was just a first reading only and would be on next month's agenda. Ms. McInnis also stated that the personnel manual resolution was to update due to changes in state law and to correct some typographical errors. Mayor Hansen asked if anyone had any further questions or comments on the Consent Agenda items. There were none.

Motion:

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

Trustee Lippoldt seconded the motion.

Motion carried 5-0. Trustees Wood and Hambrick were not present for this vote.

REGULAR AGENDA:

NEW BUSINESS:

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

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

Motion:

Trustee Lippoldt motioned to accept the expenditures related to the Country Store.

Trustee Farris seconded the motion.

Mayor Hansen abstained.

Motion carried 4-0. Trustees Wood and Hambrick were not present for this vote.

DISCUSSION AND ACTION REGARDING ORDINANCE NO 538 (series 2023): An ordinance enacting chapter 7.12 of the Municipal Code pertaining to the use of certain single use plastic bags and the enactment of a carryout bag fee, as mandated by state law, with the proceeds to be applied towards administration and Town recycling programs.

Ms. McInnis stated that this was required by state statute. A fund must be set up to collect monies received. Also, the funds must be designated towards administration and recycling. The monies received will be de minimis. Mayor Hansen stated that the language be changed to “single use bag” instead of “single use plastic bag”.

Motion:

Trustee Lippoldt motioned to approve Ordinance 538 with language change to single use bag.
Trustee Hambrick seconded the motion.
Motion carried 6-0. Trustee Wood was not present for this vote.

DISCUSSION AND ACTION REGARDING RESOLUTION 2023-16: A resolution authorizing the assignment of the municipal solid waste collection franchise agreement to Bruin Waste Management, LLC and authorizing the Town Administrator to sign same.

Ms. McInnis explained that Gerald with Dependable Waste retired and sold his company to Bruin Waste Management. Ms. McInnis stated that there were rave reviews from the other communities (Mountain Village, Ridgeway, Naturita) that she spoke with. The only other real option is Republic, which has horrible reviews from Collbran and Mesa County.

Motion:

Trustee Farris motioned to approve Resolution 2023-16.
Trustee Hambrick seconded the motion.
Motion carried 6-0. Trustee Wood was not present for this vote.

DISCUSSION AND AUTHORIZATION TO AN INDIVIDUAL BOARD MEMBER TO REPRESENT THE POSITION OF THE TOWN AS A VICTIM IN MUNICIPAL COURT.

Ms. McInnis stated there is a case coming before the court soon and would like a member of the Board to represent the Town. So many resources are being spent trying to deal with this property. Marshal Dalley explained that the property and the parking is a burden on the Town. They have written tickets and rented dumpsters. It has been going on for three years. The residents have promised in the past to get things cleaned. They kept pushing the deadlines. Our Municipal Judge appointed one of the Town’s associate judges to mediate the process. They got close to having things cleaned up at one time and then two weeks later it was back to the way it was before. Marshal Dalley stated that other residents are getting frustrated with the situation. Mayor Hansen asked could we change code so that it could be dealt with in a firmer manner. Marshal Dalley stated that currently he can only write certain tickets into municipal court. The others he must write into Mesa County, which most of the time get dismissed. Ms. McInnis stated that the Town would not be able to speak until after conviction (which may/may not happen). Ms. McInnis stated that the Board needed to appoint a representative before the motion. Trustees Farris and Wood and Mayor Hansen all offered to represent the Town in Court. Ms. McInnis also stated that they could appoint the Town Manager. Mayor Hansen stated that she would be the primary representative.

Motion:

Trustee Farris motioned to approve Mayor Hansen to represent the Town as a victim in court.
Trustee Hambrick seconded the motion.
Motion carried 7-0.

TOWN MANAGER REPORT:

Ms. McInnis stated that Budget season is in full swing. She has met at least twice with each department head. Staff will be meeting with each Trustee individually over the next week. Staff are hoping to submit the proposed budget in September. This version should look very much like the final version. Staff hope to present the final budget for approval at November's Board of Trustees meeting. It gets tricky with unknowns in property tax and the mill levy.

Great news, the Town received a very favorable report from the Division Engineer with regards to keeping our Conditional Water Right in water court. This is based upon the Town's diligence case and the Water Works Pipeline and Pump Station Enlargement. The next step is the actual ruling from the Water Court Referee. Fingers crossed that we get another 6 years.

There was a request from Todd Barton to purchase 9 Bluestone water shares out of the Town's portfolio. The request was originally brought up during a Planning Commission meeting. The Planning Commission does not have the authority to act on this matter; it is a Board of Trustees' issue. Mr. Barton followed up with a letter asking to purchase 9 Bluestone shares from the Town for a "fair price". Ms. McInnis stated that her understanding of direction was that this question has already been asked and answered by the Board of Trustees. However, if the majority of the Trustees this evening would like to consider selling Bluestone shares from the Town's portfolio to the public, we will set the matter as an item on next month's agenda. The discussion for such an action item will be whether to put this on the next ballot, or whether the Town wants to determine the fair market value of a Bluestone share. This would be the same price that other shareholders are willing to sell their shares to the public for. It may need to be in executive session which will require our legal counsel again. Ms. McInnis stated that generally she does not engage in debate when it is unnecessary. However, she felt the need to clarify a misquote that she had heard a couple of times. The quote is directly from Todd Barton. " We were told that we would not be allowed to submit our subdivision application until all 10 shares that we had rights over were transferred." This is not accurate. What she did say was that she would not incur attorney's fees to draft a lease of 10 Bluestone shares when the Town did not currently own the 10 shares. In fact, it would be illegal to lease something that at the time, the Town did not own.

Ms. McInnis reported that there is an opening in public works due to a resignation. The position is already posted in-house as required and she will be considering prior applicants that have gone through the interview and ranking process. An executive session was set for September 5th at 5:30 to discuss the resignation.

Exciting news—staff will be onboarding a new Deputy Marshal next week. Rich Roquemore, the new deputy, has lots of experience. There is now only one open position in the Marshal's department. The Marshal's policies have been sent to each Board Member in digital form as the policies are voluminous. There is a summary in the back of the meeting packet. A hard copy is also available for review at Town Hall. If you have any objections or concerns, please reach out to Marshal Dalley this evening.

Staff met with Congresswoman Boebert to discuss the Congressionally Directed Spending in 2024 with regards to water. She indicated she was supportive of our need and will keep us at the top of the list in 2024. We also requested her support in dealing with the BLM regarding recreation and abandoning property for trails. This is like what she just did for Mesa County.

Staff toured the BLM land just outside of Town with John Martin, Garfield County Commissioner. He is an interesting man. He has spent 27 years as a commissioner and he knows Garfield County like the back of his hand, as well as the "in's and out's" of politics. It was an extremely beneficial meeting for staff and for Ethan Shaw. Staff will likely come back to the community to see what their vision is to make sure that it aligns with those trying to develop bike trails.

Ms. Giertz, administrative assistant, was sent on a field trip to see how the use tax process worked in real life. She did a great job, and the Use Tax flyer will be in the next newsletter and available at Town Hall.

Staff are knee deep in new grant requests and managing those that we already received: Brown Space-Firehouse, the fence and barbeque grill, sidewalks (trying to take our \$300k + for sidewalks to match or double our money with Mesa County Mineral Lease grants.) We will also be asking Mesa County to construct the foundation for our Town sign near the interstate.

Staff is working on many projects right now. The big ones are the Community Hall project (not ours but working with Mesa County as they lay the infrastructure), water plant, sewer project (the technical correction was just approved), and the sewer bore are in full swing.

The sewer bore is exciting. They are having to bore by hand. There are photos on the back of the packet. Ms. McInnis stated that it was cool that Forrest Matis was the Mayor when the original agreement was reached regarding the Fire Station connecting to the sewer line once it was across the interstate and now he is Fire Chief when it comes to fruition. A bonus to the Fire District is that the Town is fully funding the bore.

The State Revolving Fund is doing their due diligence on the funding for the water plant. This has been a yearlong process. This is the step in the process that we discussed last year. Among other factors, they are evaluating our current rates to see if they are high enough to sustain the enterprise status of our funds and looking at the Town's credit rating. We still have bond counsel. The Board has prepared for this.

We heard from the Water Authority: At their Authority's Project Finance Committee meeting last Wednesday, they presented our loan application and credit report to their board of directors to give them a chance to review prior to the August board meeting on Wednesday August 23rd. Ms. McInnis was delighted to report that the board has placed the application on the consent agenda for Wednesday and ~~should~~ have no problem with approval. What this means is that we needed \$2.5 million dollars and had none. The loan for \$2.5 should be approved tomorrow. Part of the loan can be forgiven anywhere from 20% up to max of 80% of the loan value. I heard today \$2 million dollars will be forgiven (80%). We still needed 500k. We got \$1million from DOLA. This is great news for the residents and the community.

Ms. McInnis stated again that Town has many big projects going on and staff is busy-busy, so what did we do? We took on another project. Opportunity was knocking. The bore under 1-70 is between \$550k - \$800k funded entirely by grants so we are jumping on an opportunity to add an additional 4" conduit into the same casing as the sewer bore for broadband. There are gigantic savings by doing this now. Staff is working with Region 10, our engineers, and broadband consultants to make sure that everything is as it needs to be once we are able to move forward with the project. We are looking at a carrier neutral location on the north side of the interstate and again, I've reached out to Mesa County with an ask of using the Community Hall site for the hub location. Time is of the essence in many respects. The sewer bore is going in as we speak, and Community Hall infrastructure is being laid now. The Community Hall design has already been established. There are grant monies available currently. Once these details are worked out, we can pause to work on getting funding and more detail' in terms of connections. NO BROADBAND TOMORROW but huge step forward if we can pull it off. Finally, the Town has been released from monitoring the River Front area by the Army Corp of Engineers.

Mayor Hansen thanked Ms. McInnis for all the hard work she has been putting in on behalf of the Town.

Trustee Wood stated that Broadband monies are going quickly, so it is good that the Town is on it.

ADJOURNMENT

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

Motion:

Trustee Farris motioned to adjourn the regular meeting.

Trustee Lippoldt seconded the motion.

Meeting adjourned at 19:41 p.m.

Respectfully submitted,

Approved by the Board of Trustees

Lisa M. Rogers, Town Clerk

Shanelle Hansen, Mayor