

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
PUBLIC MEETING/PUBLIC HEARING
OCTOBER 22, 2024**

The regular meeting of the Board of Trustees was held on October 22, 2024, 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, Sarah Hambrick, Lisa Lippoldt, Walter Wood, Vern Bruse, and John Giffin

Absent:

Staff Present: Town Manager Care' McInnis, Attorney Michael Santo, Town Planner, and Town Clerk Lisa Rogers

Also Present: Don Graham, Dave Graham, Mary Kramer, Ben Sheley, Wilma and Catherine Bell, Brian Sheley, Alex Pellegrino, Tom Volkman, and Mark Gerhard

CALL TO ORDER:

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

The Pledge of Allegiance was recited.

ROLL CALL:

Roll call was taken, and a quorum was present.

DELETIONS OR CORRECTIONS TO THE AGENDA:

Ms. McInnis stated that there were no deletions or corrections to the agenda. She stated that she anticipated several speakers during the public comment period.

PRESENTATION – TOWN OF DE BEQUE/SCHOOL DISTRICT 49JT ART CONTEST WINNER:

Mayor Hansen presented \$50 cash prize to Catherine Bell for winning the art contest. Congratulations Catherine.

PRESENTATION – FY 2024 OFF-SYSTEM BRIDGE INSPECTIONS – TOWN OF DE BEQUE:

Alex Pellegrino of Basis Partners is a consultant who works with the State of Colorado. He is one of three consultants that inspect over five thousand bridges across Colorado. Any bridges that are over twenty feet long must be inspected every 24 months. The bridges are evaluated based on the NBI rating system and are given ratings from 0-9. Overall, the De Beque Bridge is in good shape. There were no major findings or essential repairs recommended at this time. The next inspection will be done in 2026. Ms. McInnis asked if any grant funds would be available for our bridge. Mr. Pellegrino stated that currently our bridge is in good shape and there were bridges in worse shape. Mayor Hansen thanked Mr. Pellegrino for his time.

ITEMS FOR PUBLIC PARTICIPATING IN CONFERENCE:

Don Graham, owner of 2246 44 Road, spoke regarding 361 W. 2nd Street. He talked about the property drainage issues, improper rain gutters, boundary lines, and insufficient setbacks. Mr. Graham stated that there was ground water that was running onto his lot. He stated there also needs to be an access to the property off Grieg Avenue. He stated that he may be consulting an attorney.

Dave Graham, co-owner of 2246 44 Road, spoke regarding the property at 361 W. 2nd Street. He stated that there were setback violations, encroachment issues, and drainage problems. Ms. McInnis explained to Mr. Graham that the Board of Trustees does not generally respond during the public comments period, but rather they will take under advisement and follow-up as needed. Mr. Graham stated that there was sewage running into the ditch. He stated that 361 W. 2nd Street should also have to cease/desist all construction due to the amount of cement that is being used and the issues with setbacks. He also stated that he is reaching out to Mesa County regarding stormwater management. He stated he wants the building torn down or the code changed.

BOARD COMMENTS:

Trustee Wood stated that if there is really a sewer issue at 361 W. 2nd Street that it needs to be addressed. Ms. McInnis stated that there are plans to test the water to make sure that it is not treated. She stated that the Town cannot get in the middle of a property line dispute between landowners. Ms. McInnis also stated that residents can come in and fill out a CORA request to ask for information that the Town may have.

Trustee Lippoldt stated that she had noticed water dripping behind the Town sign at Rouse Avenue.

Ms. McInnis stated that the Town was looking into setback issues. Mayor Hansen stated that when someone wants to build they need to come to the Town and get permission. They then must go to Mesa County and get a building permit. She stated that Mesa County actually does the work and ensures that everything is the way it is supposed to be. Mayor Hansen also stated that questions should be put to Mesa County as they are the ones who do the final inspections and who issues the certificate of occupancy. Dave Graham motioned to change policy. Mayor Hansen stated that he could come to Town Hall and file what he wanted. She stated that Ms. McInnis could get it on the agenda if needed. Ms. McInnis stated that she needs a concrete request of what he is wanting. Mayor Hansen asked the Board if there were any questions. Trustees Hambrick and Lippoldt stated that they did not have enough information to ask questions. Ms. McInnis warned the Board to be careful so that don't have to conflict off of specific issues.

TOWN MANAGER REPORT:

Ms. McInnis stated that she always asks for grants no matter what. She stated that if we do not ask, we will not get it.

Extended business hours will begin November 4th. The new hours are Monday through Thursday, 7:30 a.m. until 5:30 p.m.

Ms. McInnis reminded the Board that the Town of De Beque has a question on the November 5th ballot and asked the Board to encourage folks to vote. The issue is whether the Town should coordinate elections with Mesa County to save the Town money and streamline processes.

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 22, 2024
PAGE 3**

The staff holiday party will be on Friday, December 6th at Redland's Golf Course.

December Board of Trustees meeting will be on Thursday, December 12th. As in previous years, the reason this is not the last Tuesday is to accommodate the County budget deadline of December 15th.

The Town has a new deputy, Shawnie Higgins. She has hit the ground running, and we are excited to have her on board.

Barring a successful surprise write-in candidate on the November 5th election, JJ Fletcher will likely become one of your Mesa County Commissioners. Ms. McInnis stated that she had invited, and Mr. Fletcher accepted an offer to a tour of the Town. It lasted about two hours, and he had some great questions. Ms. McInnis stated that her only request was for him to remember the Town of De Beque.

Ms. McInnis stated that staff had put the Comp Plan project out for bid. This evening the bids were opened at 5:00 p.m. with staff and Trustee Farris in attendance. The bids ranged from \$131,000 to \$200,000. After staff have had time to evaluate the different bids, we will come back to the Board to move forward with the award process.

The disc golf gentlemen have not had an opportunity to submit more detailed designs for both 9-hole courses. This is a prerequisite before we come back to the Board and certainly before we start working with the Army Corp. and CPW.

The last two sheets of information in your packets are screenshots of different maps. They depict a discrepancy in the Town limits through annexation on the west end of I-70. The area in question is a small section of I-70 between the panhandle at the Canyons at De Beque (which was required to establish contiguity) up to the Vaughn Annexation (I-70 Storage). We know that it had to have been annexed to connect the Canyons at De Beque, but no documentation of the annexation of that little section was ever filed with the County. The County has worked tirelessly, as have we, to locate and plot it but to no avail. However, all our zoning maps have it included in Town limits as a part of that annexation. The second map (mostly yellow and zoomed in) is the State Highway Users map which does not include the section. The question is "Do we care?" The statute of limitations has long run out to dispute the annexation of the Canyons at De Beque. The tax revenue received from HUTF for that tiny portion of highway is small. We have never received any tax revenues because the state maps don't support it, nor do recorded documents with the County. Our Marshal does not see a significant issue with law enforcement whether the small section is within Town limits or not. Ms. McInnis stated that she would recommend that the Town does not take steps or spend the money to properly annex this small section. We will just need to exclude it from our newly adopted zoning map. Ms. McInnis stated that unless she hears otherwise from the Board, that is what staff will do.

The Town has been encouraged by GOCO to consider seeking funding for the RiverFront project in the fall of 2025 to increase our likelihood of success. They want to see more detailed engineering. We have the design and concept report which was the product of several public meetings and funded by a grant with UC Denver. We do not have money in the budget for the actual engineering currently. GOCO anticipates that the cost of the project will be way beyond the \$700,000 that was projected in the report. It will cost an estimated \$2.5M to 3M including materials, labor, etc. The permitting with the Army Corp and CPW takes a significant amount of time (some instances over a year). The Town submitted preliminary requests to both entities a couple of months ago. If awarded the grant funding too early, we will have a short project completion date, or the Town will need to repay the grant funding. In the meantime, staff will look into the possibilities of pursuing other grants in order to obtain more of the required engineering needed in order to be successful in the ask and the project. Other

funding opportunities include DOLA, CPW, the Dept. of Agriculture, a REDI grant, or a Federal Mineral Rights grant.

The water plant keeps trudging its way through the State approval process, and we are anxious to get moving on it. The last hold-up has been the UV processing. It is frankly very frustrating, but we are at the State's mercy right now.

Ms. McInnis gave an update on the sidewalk project and drainage study. Construction is moving along, and the completion deadline is December 7th. As with any project, we have run into some issues, including a significant water line break. The break has been repaired and the valve has been relocated closer to the main line which is preferable to where it was. We have identified another small area in need of repair which was not included in the original project. In any project, there are unforeseen circumstances. We are trying to fix it and make it right as we go. Today, we discovered a valve that needs to be replaced at 4th and Stewart. It likely failed years ago. There just has been no reason to shut it off until now. The valve is crucial to isolate many parts of the Town. Moving forward, we will not need to shut down the plant or unaffected areas of Town. Ms. McInnis asked if we should close Town Hall on the day of the repairs. As part of the drainage study, we are evaluating irrigation lines in expanded areas of Town. We have determined that there may be an issue on the south side of Town in terms of mapping and condition of the storm drain lines. Apparently, these storm drain lines have never been fully mapped (including the mapping performed years ago by SGM). We simply do not know exactly where these lines go and their condition. There is some concern that one of the lines may actually go right under a trailer. We also do not know with confidence where the lines go from the manhole at 3rd and Stewart. We need to scope these lines. Hopefully, we may have a little left in our contingency, but we'll likely need to spend around \$5000 to scope nonetheless.

Finally, the broadband project is taking off. Staff is heavily involved from Public Works, Administration, and even the Marshal's Office. The railroad denied the bore, but we are pivoting with plans to go up and over. Obtaining security for the CNL has given us the opportunity to re-evaluate security for all Town facilities. NeuComm is working with the Larkin Ditch folks, Xcel Energy, the railroad, Collbran, and CDOT. It is a big project with lots of meetings and moving parts.

Trustee Wood asked if we could move the water truck that is with the sidewalk construction. It is hard to see at night. Ms. McInnis stated that she thinks it needs to be there, but she will reach out to Sam to confirm. Trustee Wood asked if it could be lit up or have cones around it at least.

CONSENT AGENDA:

- a. **Approval of Minutes:** September 24, 2024, and October 8, 2024
- b. **Bills and Expenditures:** September 2024

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 Lippoldt motioned to approve all items on the consent agenda.

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 Hambrick motioned to approve expenditures related to the Country Store.

Trustee Giffin seconded the motion.

Mayor Hansen abstained.

Motion carried 6-0 with 1 abstaining.

Discussion and action regarding Resolution 2024-32: A resolution declining employer participation in the Colorado Paid Family Medical Leave Insurance (FAMLI):

Attorney Michael Santo explained that this topic had already come before the Board and the Board had voted to opt out of participating in FAMLI as an employer. The Town does, however, facilitate the collection of premiums for employees and reports to the State. This follow-up is just to ensure that the Town has done everything right in terms of notice to employees and such. Mayor Hansen questioned if by opting out of the premiums that employees are still allowed to participate. Mr. Santo stated that was correct, and that we are trying to make sure that we have taken all the required steps for opting out correctly with the Colorado Department of Labor and that employees are clear about the process.

Motion:

Trustee Lippoldt motioned to approve Resolution 2024-32.

Trustee Farris seconded the motion.

Motion carried 7-0.

Discussion and direction regarding the definition of “active facility” in the De Beque Municipal Code Sec. 5.22.030 (Ordinance 537):

Ms. McInnis stated that Mark Gerhard, owner of Buds, wants to have seasonal operations. Right now, our code does not allow it. They must be an active facility per the De Beque Municipal Code. Buds’ attorney, Tom Volkman, will be bringing forth a request for a text amendment to the code that would allow for seasonal operation. Ms. McInnis stated that she thinks the facility would need to state what their season is, and if they don’t open, the license could be revisited or revoked. Trustee Lippoldt asked Mr. Gerhard how many businesses he has. He stated that he has two. Trustee Lippoldt also asked if he plans on having his other operation be seasonal. Mr. Gerhard stated that it has steady traffic. Businesses opening in Grand Junction have severely affected sales at the De Beque location. He thinks that business will pick up when travel starts back up in the spring. Currently, he is losing \$10,000 a month. He hopes after winter, he can be profitable and generate sales tax revenue. Mayor Hansen asked if there was currently any interest from others wanting to obtain licenses. Ms. McInnis stated there was not. Ms. McInnis stated if no one objects, she will start working with Mr. Volkman to bring back a text amendment request. Mayor Hansen stated that she was hesitant to do it for one business—just state seasonal is allowed or must be open three months total. Trustee Wood suggested to not use overly legal language—just keep it simple. Trustee Bruse stated that he did not have an issue with seasonal operations. Trustee Lippoldt likes the three-month minimum. Trustee Giffin stated that three months makes sense. Trustee Hambrick stated that four months seems reasonable. Ms. McInnis stated that she and Mr. Volkman will work on an amendment defining “active” as a minimum of three months operational.

Discussion and direction regarding a proposed agreement to the intergovernmental agreement (IGA) with Mesa County regarding ARPA:

Mayor Hansen asked what ARPA is. Ms. McInnis stated that it is the American Rescue Plan Act and that during COVID we were awarded funds for the sewer bore, water, and wastewater. To keep the funds, we must have the funds encumbered by December 17, 2024. Ms. McInnis has spoken with Mesa County, and they have agreed to allow us to add broadband to the agreement.

Motion:

Trustee Hambrick motioned to approve the IGA with Mesa County regarding ARPA.
Trustee Lippoldt seconded the motion.
Motion carried 7-0.

Discussion and direction regarding a temporary waiver to allow placement of a camper on Kramer property lot:

Ms. McInnis stated that the Town had done this before with Gene Reed. Mary Kramer stated that she had recently moved here. She asked that her son be allowed to stay in a camper that she had purchased. He is attending school in Grand Junction and will graduate in June. Mayor Hansen thanked Ms. Kramer for going through the proper process. There are lots of people doing it illegally. She stated that 9 months is a long time. She stated that Mr. Reed had to come back in and asked every few months. Trustee Lippoldt asked if there was a reason that he could not stay at the ranch. Ms. Kramer stated that would be additional commute time. Trustee Lippoldt asked what would happen if we can't get them to leave. Mayor Hansen stated that Ms. Kramer is going through the proper process. Trustee Wood suggested approving for a few months and making Ms. Kramer come back to the Board in February for an update and further approval. Mayor Hansen stated that would be a good idea and any issues could be addressed at that time.

Motion:

Trustee Farris motioned to approve Ms. Kramer's request. Trustee Wood asked for a friendly amendment to come back February 25, 2025, for update and further approval.
Trustee Bruse seconded the motion.
Trustee Lippoldt voted no.
Motion carried 6-1.

Discussion and direction regarding the sale of Town property (bid process) for various antiques, kitchenware, and other miscellaneous items:

Ms. McInnis stated that staff has received a request to buy an old coffee pot and that occasionally requests like this will come up. She would like direction on how to deal with the requests. Perhaps set up a process for selling Town property? Post on FaceBook? Don't sell anything? After brief discussion, it was decided that staff would keep a running list of requests for the sale of items. In June or July, staff will bring the list to the Board to place items for sale at Wild Horse Days.

PUBLIC HEARING REGARDING ORDINANCE 543: AN ORDINANCE AMENDING THE TOWN OF DE BEQUE ZONING MAP FOR THE PROPERTY LOCATED AT 4490 ROAN CREEK ROAD, AND CHANGING THE ZONING FROM SERVICE COMMERCIAL TO AGRICULTURAL/OPEN SPACE (AG).

Mayor Hansen opened the public hearing at 7:56 p.m. The applicant Brian Sheley was present. Mr. Farrar presented the staff report for 4490 Roan Creek Road. The purpose of the request is to change the zoning of the property from Service Commercial (SC) to Agricultural/Open Space (AG). This rezoning would align with how the applicant wants to use the property. Mr. Sheley would like to develop the property with a single-family home and use the property for agricultural purposes such as keeping livestock and agricultural equipment. Mr. Farrar went through the review criteria for the requested rezoning. The proposed rezoning of the property met all the criteria. Mr. Farrar stated that the proposed rezoning better aligns with the zoning of the property with the community's aspirations for this part of De Beque and that staff recommends approval. Mayor Hansen asked the applicant if he wished to speak. Mr. Sheley stated that he hoped the Board approved his request so that he could use the property for his needs. Trustee Farris asked where he would get water. Mr. Sheley stated that he would probably haul it in until he is required to connect to the Town's system. Mayor Hansen asked if the property is within 400 ft. Ms. McInnis stated that she is not sure. Mayor Hansen stated that Mr. Sheley would have to follow the code for De Beque AG and that it may be different than the code for unincorporated Mesa County. Ms. McInnis stated that Mr. Sheley is still in the process of dealing with the violations on his property, but it is not part of the rezoning process. Ben Sheley stated that sometimes when a person buys property, they just do not understand the code and processes. Mayor Hansen closed the hearing at 8:24 p.m.

Motion:

Trustee Wood motioned to approve Ordinance 543.

Trustee Giffin seconded the motion.

Trustee Lippoldt voted no.

Motion carried 6-1.

RESUME REGULAR AGENDA:

OLD BUSINESS:

Discussion and action regarding Resolution 2024-31: A resolution authorizing and confirming the appointment of alternate members to the De Beque Planning Commission:

Ms. McInnis stated that there has been an issue with having a quorum for the Planning Commission and that we still have one open Board seat on the Commission. She stated that Mary Kramer and John Giffin had been gracious enough to fill in so that the Board could get through some outstanding business. Going forward if needed we could refer to the list when otherwise we wouldn't have a quorum to conduct important business. Trustee Hambrick stated that she was also willing to be an alternate.

Motion:

Trustee Hambrick motioned to approve Resolution 2024-31.

Trustee Farris seconded the motion.

Motion carried 7-0.

ADJOURNMENT

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

Motion:

Trustee Hambrick motioned to adjourn the meeting.

Trustee Lippoldt seconded the motion.

Meeting adjourned at 8:31 p.m.

Respectfully submitted,

Approved by the Board of Trustees

Lisa M. Rogers, Town Clerk

Shanelle Hansen, Mayor