

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 24, 2021**

The Regular Meeting of the Board of Trustees was held on August 24, 2021, at 6:00 p.m. in the Community Center, 381 Minter Avenue, De Beque, Colorado. Present were the following:

Mayor Pro-tem: Dave Jackson

Trustees: Cindy Farris Walter Wood Shanelle Hansen Summer Black-Greening

Absent: Judy Lake

Staff Present: Care' McInnis David McConaughy Bob Dalley Toni Vincenzetti
Lisa Rogers Shirley Nichols Marge Mackey

Also Present: See Attached Sign in Sheet.

CALL TO ORDER:

The meeting was called to order at 6:02 p.m. by Mayor Pro-tem, Dave Jackson.

The Pledge of Allegiance was recited.

ROLL CALL:

Roll call was taken, and a quorum was present.

DELETIONS AND CORRECTIONS TO THE AGENDA:

Ms. McInnis stated that Trustee Lake will be late, and she asked if we could move item A to the end of the agenda. The Board agreed to do this.

APPROVAL OF THE MINUTES:

Motion: Trustee Farris

To approve the minutes of the July 27, 2021, minutes

Second: Trustee Black- Greening

Voice Vote: Unanimously in favor of the Motion.

BILLS AND EXPENDITURES:

Motion: Trustee Hansen

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To abstain from voting for the De Beque Country Store and approve everything else

Second: Trustee Black-Greening

Voice Vote: Unanimously in favor of the motion.

Motion: Trustee Farris

To approve the expenditures for the De Beque Country Store.

Second: Trustee Black-Greening

Voice Vote: Trustee Hanson abstained; the rest voted unanimously in favor of the motion.

PUBLIC COMMENTS ON THE ISSUES NOT ON THE AGENDA

Derek Hansen asked if the minutes of the meetings were posted on-line. They are.

Pat O'Conner spoke on behalf of his clients that purchased 20 acres of the Schlumberger property. They have submitted a land use application and were hoping to see Town Planner Davis Farrar tonight. They are also interested in the Blue Stone water shares.

TOWN MANAGER REPORT:

Ms. McInnis stated that she would just give a quick update as the agenda tonight is full of some big items for discussion.

Wild Horse Days was a great success. Kudos to Marge and all the volunteers.

It is budget season; we are doing line-item reviews with all Department heads. Lisa will be scheduling appoints with all Trustees with Care' and Bobby to discuss the budget before the November final adoption.

We have a new staff member. Becky Jones, from Express Employment started today.

Ms. McInnis has been appointed to the Regional Opioid Governance Board. The State Attorney General has sued the pharmaceutical companies. One case has closed, and money should be coming in.

Ms. McInnis had a meeting with Pete Baer and Steve LaBonde in reference to the \$1,000,000.00 grant.

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After talking to the Public Works Director, we may be asking for lagoon liners this year.

We are still seeking grants and working on them. WE have been awarded the grant for the Roadmap to Recovery Consultants.

ARF funding – we still have other needs like the Wastewater Treatment Plant. We were not categorized as a disadvantaged community as the average income of our citizens was too high.

Chip and Seal – The County has made us the priority. This is scheduled to start on August 30th. There may be some power outages and we will be letting everyone know when they need to move their vehicles.

The Community Hall meeting had a good turnout. We want to encourage everyone to fill out the questionnaire.

NEW BUSINESS:

B. DISCUSSION REGARDING: Transfer of Blue Stone Ditch shares from Schlumberger to the Town of De Beque – (Mr. Baron, property owner).

C. DISCUSSION REGARDING: Transfer of Blue Stone Ditch shares from Schlumberger to the Town of De Beque - (Mr. Livingston, Counsel for Blue Stone Ditch Association).

Mr. Barton stated that the Blue Stone ditch shares were promised to the Town when they annexed the Schlumberger property. Then Schlumberger pulled the plug and left. According to Town Ordinance #381, many parts of that Ordinance were never completed. This included water shares that they did not use. They were also a nominal fee of \$10,000.00 per month for the sewer lift station. Three crops died this year because of no water. The Schlumberger annexation should be null and void. The new owners should not have to pay the costs to get this fixed. The four lot owners want to know about the water shares. There are 179 shares at a cost of \$5,400.00 a year. He is not sure of the authorized use, but the shares are for irrigation, and he would like an affidavit on how to split it. This plan has never been fulfilled in the 13 years. He thinks the Town should have taken care of this during the past 12 years and it should not be on the new owners to pay and figure this out. He would like to see more active communication. They were told the shares would be transferred with the land.

There is a question as to whether this property should be de-annexed and also wants to know about the lift station. He wants to work with the Town and not against it.

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Mr. Livingston, Counsel for the Blue Stone Ditch, stated that they have known from the beginning that the Town was to receive the 179 shares. They did not like it but could not prevent the owner from doing this. The water can only be distributed through head gates to the property. The shares were offered back to Schlumberger who has been paying the annual cost.

There has been no communication for years except for trying to find someone to make the payment every year. Since legal records show Schlumberger as the owner in fact of all shares. The 2021 assessment is not paid. Schlumberger has authorized 10 shares to be transferred to the Town, upon payment for the shares. If the Town gets the water, they want the owners to be able to use the water as needed. Mr. Livingston can only tell us the rules for transferring. The 10 shares have been paid for by the Town. The water cannot be used for residential use.

Mr. Barton stated that he was doing this under duress, and he was told that if he does not transfer the shares he cannot subdivide.

Town Attorney, David McConaughy stated that the original agreement did require the transfer of water shares. The purchaser would transfer the shares to the Town to pay its own way to supply whatever will be build. He stated that we could go to water court to take this out of irrigation and make it for parking lots, homes, etc. Lawns and fields can be irrigated cheaper for us. Water must keep being used to be for consumptive use. The water rights can be leased back to the landowners while the court is in process. Schlumberger did dedicate these rights to the Town, we can go to Court, which takes a long time, or the shares can go back to irrigation use. He has tried to get Schlumberger to respond for many years and they never have. The Town can de-annex, not the property owners. They can de-annex and go through the County or they can stay in the Town and hoor the water rights as promised and we can lease it back to the owners.

If the owners decide they want to de de-annexed, it would be a new annexation for each property owner and not Schlumberger's plan. If they do this and do not get what they want from the County and have to come back and start the annexation process over it will take lots of time. Trustee Hansen is leaning towards de-annexation and each individual owner can come back to the Town for what they want. The individual owners should talk to each other and decide what they want to do. We have to get the water shares before we can lease them back. WE can negotiate a lease with Mr. Hansen for his 10 shares. Trustee Hansen asked why the title Insurance will not cover this. Mr. Barton stated that the property was sold "as-is auction".

The Town has paid for the 10 shares, but 169 shares remain with Schlumberger.

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Mr. O'Conner stated that his clients would like to lease back his shares.

Mr. Barton is concerned about the future. He says this is all being done under duress and that he fears the Town would change their mind in the future.

Mr. Livingston stated that if the 2021 shares are not paid, that in 2022 all delinquent shares will be auctioned.

The Board stated that each individual can come to the Town if they want to de-annex. If we get a request for something it will be put on the agenda for next month.

Mr. Hansen said that he is trying to move forward in good faith. Would they get their shares back if they de-annex? They want to keep the water is use, if not used it will be of no value.

D. DISCUSSION AND ACTION REGARDING ORDINANCE NO. 511: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF DE BEQUE, COLORADO VACATION PORTIONS OF THE WILDHORSE SUBDIVISION FINAL PLAT.

Mr. McConaughy explained that this was originally recorded in 2006 for Jones De Beque, LLC. They were supposed to complete the improvements to the property or post a letter of credit for \$500,000.00 and the Town could use that money to do the job. Some of the lots were sold. Lots 1, 2, 9, 10, 4 and 5 of block #2. The remainder of the lots are in the name of the developer. There was a technical error when we tried to collect on the letter of credit. The property just sits, and we continue to get calls from those wanting to purchase lots. The remedy for this under the Subdivision Improvement Contract is to notify all the owners. The Planning and Zoning Commission voted to vacate all the property but the lots that have been sold along with 7th Street and the alleyway. There will be only 2 parcels at this point and no additional lots can be sold. Anyone else can come in and purchase all of it and start over. Also, this will take 30 days to become effective and the owner could come in and make it right. We recommend vacating the property.

Motion: Trustee Hansen

To vacate the Wild Horse Subdivision Final Plat.

Second:

Trustee Farris

Voice Vote: Unanimously in favor of the motion.

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E. DISCUSSION AND ACTION REGARDING: An Intergovernmental Agreement and Addendum, Between Mesa County and the Town of De Beque concerning the Administration of the November 2, 2021, Coordinated Election.

Mr. McConaughy explained that this was needed to clean up the ballot language. We also need an IGA with Mesa County and our Town Clerk. There is some controversy in Mesa County over the Election Official, whether it will be Wayne or Sheila. We need authorization before midnight tonight.

Motion: Trustee Hansen

To authorize the Town Clerk, Shirley Nichols, to sign the IGA with Mesa County.

Second: Trustee Farris

Voice Vote: Unanimously in favor of the motion.

F. DISCUSSION AND ACTION REGARDING: Adoption of the mission statement for the Town of De Beque.

This is a follow up to Care's workshops. She will be setting up the next workshop in early October and we have a new DOLA person.

Motion: Trustee Farris

To approve the Mission Statement as presented.

Second: Trustee Wood

Voice Vote: Unanimously in favor of the motion.

BOARD COMMENTS:

Trustee Hansen spoke of the Old Firehouse. Because of the age of the building, we could potentially be allowed to get it on the Historical Society and possibly get grants to remodel the building. This could limit the uses for the building. We may lose it as a house for the Van and the mosquito truck. Trustee Hansen will continue to look into this. Maybe we can make a small museum in there. There are 75% grants for municipalities for buildings that are used for public or Town use.

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A. DISCUSSION AND ACTION REGARDING: Appointment of mayor for the Town of De Beque.

We have received 3 letters of interest. The appointment will be until April, filling Mayor Gaudern's term. Sarah Hambrick said she had nothing further to add to her letter. Trustee Hansen stated the same. Mayor Pro-Tem Jackson said he has been the Mayor Pro-Tem for most of this term. His term is also up in April. He has learned a lot and in the last couple of months and feels it would be easier to get a new Trustee instead of a mayor. He would really like to continue as Mayor and feels that he has shown he can make the meetings and has not missed many in 5 years.

Mr. McConaughy stated this is not a secret process. It needs a motion and a second. If a Trustee is appointed as Mayor, you can appoint Sarah as a Trustee or have 60 days to fill the opening.

Sarah Hambrick said that she does not have the experience that the other Board members have but she does have fresh eyes and a fresh input. She is a quick learner and feels that no experience is not a hinderance. She can see both sides and can bring together a compromise.

Motion: Trustee Black-Greening

To appoint Trustee Hansen to fill the vacant position of Mayor through April 2022.

Second: Trustee Farris

Voice Vote: Trustee Jackson voted no, all others voter yes. Motion carried.

Town Clerk, Shirley Nichols, administered the Oath of Office to Mayor Hansen.

It was decided to put the open Trustee position on the next agenda. Trustee Farris stated that she would like to ask for letters of interest from the public and to make the decision on or before the next Board meeting.

At the end of August there will be an open house to introduce the program and to assess interest. It will be on the web site and the next agenda.

ADJOURNMENT:

Motion: Trustee Black-Greening

To adjourn at 7:56

Second: Trustee Farris

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Unanimously approved by all.


Approved


Date