

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 25, 2022**

The regular meeting of the Board of Trustees was held on October 25, 2022, 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, Vernon Bruse, Judy Lake, and Sarah Hambrick

Trustee Walter Wood was absent.

Staff Present: Town Administrator Care' McInnis, Interim Town Clerk Lisa Rogers, Marshal Robert Dalley

Also Present: Evelyn Giertz, Diane Sandelin, Jeanette Refior

CALL TO ORDER:

The meeting was called to order at 6:04 p.m. by Mayor Shanelle 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:

Town Administrator McInnis asked that Regular agenda item H 3 be pulled from the agenda. She also explained that Executive Session II will most likely not be used—that it is a placeholder just in case.

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

No comments.

BOARD COMMENTS:

Trustee Hambrick stated that the striping looks great. Mayor Hansen noted that there were a couple of corners where the yellow was missing. Town Administrator McInnis asked the Mayor to let her know where and it would get done. Mayor Hansen also stated that there had been many positive comments regarding the streets.

TOWN MANAGER REPORT:

Town Administrator McInnis presented the monthly Manager report. She stated that the report would be lengthy with intention.

Administrator McInnis stated that staff's actual workload may not be apparent outside of Town Hall. Ms. McInnis stated that over the last month, there had been 6 special meetings including Executive Sessions, interviews, and a request from Mesa County. The Town Administrator expressed appreciation for all who had made time in their busy schedules to attend.

The Town Administrator and grant writer Steph attended a meeting with City of Fruita staff to discuss the possibility of/laying the groundwork for a trail connecting De Beque and Fruita. The next step is to meet with the County. Fruita has robust community involvement. Fruita has more of a nonmotorized approach whereas De Beque wants more motorized options. It is a long process and there are concerns regarding BLM, the Wild Horse area, and Indian cultural areas. The process could take up to 7 years.

The Town Administrator attended a Roadmaps to Resiliency meeting to discuss how to revitalize communities after COVID. Their report has finally come out. We have bounced back better than expected, but there are studies and reports that have been generated that can be used to apply for more grants going forward. Ms. McInnis will be attending another meeting on October 26th.

The Town Administrator has recently met with Town Administrators/Managers from other municipalities along with the Chamber of Commerce and Mesa County Commissioners.

Ms. McInnis attended a Governance Board Meeting where they are awarding grant funding that will impact De Beque. She stated that she cannot yet divulge who the award winners are.

The Town Administrator reported that Ms. Rogers is on the TAC and MMOF Committees. These involve transportation and trails. Ms. McInnis stated that we are actively looking for opportunities and funding for De Beque wherever we can.

Ms. McInnis recently attended a meeting with the Mesa County Commissioners/Staff regarding our request for a splash pad at the future Community Hall. Also in attendance were De Beque's Mayor and Rec Director, some staff from Parachute and Delta, and the Mesa County Public Health Department. Ms. McInnis expressed gratitude to the other communities attending the meeting and giving their time to help De Beque.

The Town Administrator stated that she has received a draft of our revised personnel manual and staff are currently reviewing it and hopes to bring it before the Board before the end of the year. There are two public hearings at November's meeting also so that agenda is already packed.

There is an ongoing personnel issue that the Town has been working on with CIRSA. There were many meetings attended and briefs written.

There is also a new hire Evelyn Giertz. She is the new administrative assistant. We are down 2.5 positions in Admin. Ms. McInnis' hope is to just fill one of those positions for now.

The Marshal's department is down 3 deputies. They will be doing shifts of up to 72 hours to make sure there is coverage. The Marshal's department is also looking to hire a records clerk.

There will be several PTO cash outs on financials this month and next. Due to short-staffing, employees are unable to take their accrued paid time off. When PTO reaches a certain level, it will stop accruing until the employee's PTO falls below that level. Both the Marshal and Town Administrator have been unable to take time off and requested payouts so that their PTO can continue to accrue.

The staff participated in Narcan training. Maggie Seldine, founder and director of High Rockies Harm Reduction, did a great job providing that training.

There was a forensic audit regarding the Board of Trustees' stipends. Several trustees will be receiving a small check. Those checks will not include October's meetings.

Ms. McInnis met with the Middle Colorado River District on two fronts. She explained that Paula Stepp had come to a meeting and had given a presentation a few months back. On the first front, the topic is a collaboration on the effects of water from Grizzly Creek and what's coming down. Information is shared so that all can be aware of red flags or if something is in the river. It is a great collaboration. The second topic is new. It is the prevention plan for our region for mitigating wildfires. Eagle County has completed theirs and Roaring Fork is at the end of its process, and now it is our turn. Town Managers and Fire Chiefs will be working together. There is a meeting on November 9th in New Castle. Ms. McInnis said that she may try to see if she could work with Chief Matis and the Parachute team to see if one person could go to represent all.

In Public Works, the Riverfront signage has been ordered. It will have the park rules.

Public Works also installed a challenging tap out at Bass Lake.

The irrigation has been turned off for the year. Public Works staff went the extra mile to help seniors with line blowouts.

The striping is done. Handicap parking is in the best spots possible.

The sewer project phase 1 has been completed. The next phase was to muck out the biosolids after they dried. The project was put out to bid, but there were no responses. The project is being done in-house. Equipment was rented and the phase was started last weekend; however, the biosolids are too wet. The reason is just nature—not that the process was started too late in the year. The project will start again in the spring. Mayor Hansen questioned if the delay was due to red tape with obtaining permits and such. Ms. McInnis stated that CDPHE did not cause the delay. It is just a process that we have to follow. She stated that Mark King could provide more information.

Planning and Zoning and Court: There are pre-annexation discussions regarding out-of-town taps in process. It is the same property that the Prather's had requested a tap for several years back. The Town is required by the code and Constitution to have a written agreement before granting any request. Ms. McInnis is hoping to have that before the Board in November.

Mesa County just completed a survey on the former Triple R annexation now owned by Mr. Sheley and the cemetery. The plat looks like it did when Doc Hansen was mayor. All pins were located. The county will reissue and rerecord with no significant changes. The county provided this survey to the Town free

of charge. There are currently significant issues at the property. Mr. Sheley is asking that his property be rezoned to Agriculture. There has been an obvious trespass across the Town's property where it has been leveled off. The Town is trying to work with the landowner instead of ending up in court. There are also issues of campers, tires, and dirt work being completed without a permit. The land owner has stated that he has only done a small amount of dirt work. The dirt work appears to be substantial. The Town Administrator, Prosecuting Attorney, and Marshal are all trying to work with Mr. Sheley to have a positive resolution without going to court.

Staff is currently working with CIRSA to process claims for a Marshal's vehicle that sustained some damage and light poles along the interstate that have been damaged.

The Parks and Rec Department put on a Halloween Karaoke party. Evelyn Giertz and her husband Ryan won first place in the best costume contest. Mayor Hansen stated that Evelyn looked fabulous. Kudos to Marge Mackey for a great job.

3rd, 4th, and 5th-grade girls basketball is underway. De Beque hosted games for the region over the last weekend.

November 12th is the craft fair. So far there are only 5 sign-ups. Perhaps Marge can work her magic as usual.

The Town Christmas party is December 9th at Berna B's in Grand Junction. It is in the strip mall by Safeway at 29 Road and Patterson. It is BYOB. Bids were taken for the Christmas party. There was a huge span in prices.

The Marshal and Ms. McInnis did a site inspection at Hava Gardens. They have the correct number of plants and are in compliance with landscaping.

The Marshal's Department was awarded a bulletproof vest grant and five vests have been purchased.

Garfield County graded and laid new material at Riverfront property for free. We allow them to pull water from the river and they keep the roads into the property nice and graded for us.

Ms. McInnis was told that a constituent was concerned that the Town did not have Worker's Comp for its employees. The Town is covered by CIRSA.

The audit for 2022 has been scheduled.

Staff and engineers have had meetings with CDPHE concerning SRF funding for the water plant. At this time, we are still waiting on the environmental survey. The formal application will be submitted at the beginning of 2023.

There is a public records request for documents pertaining to the Wild Horse Subdivision. The Town will be using David McConaughy to help guide us through the process as he has vast historical knowledge and can quickly determine what is covered under attorney-client privilege. This request requires a substantial amount of work from staff with a very short deadline.

The community submitted several ideas/requests for the new community hall. Originally, the County indicated the new community hall would not include a pool, a splash pad, a branch of the library, or ongoing business ventures at the facility. This was non-negotiable at the time. However, as a result of a number of discussions and meetings between the Town, Mesa County, and supportive communities; the County has directed its staff to obtain the D&E drawings and to bid out a splash pad as an add-on. Ms. McInnis cautioned that the County has committed to the D&E on the County's property. They have not committed to the construction at this time. The fact that the County committed to the D&E and location is of significant financial benefit to the Town. This is great news given the fact that the community hall is already significantly over budget without the addition of the D&E for a potential splash pad.

Our grant writer Stephanie attended a meeting in Palisade regarding Colorado State Outdoor Recreation Grant. If we have designs in place, this would be a great source of funding for the Riverfront, bike trails, and perhaps even the splash pad. There are awards from \$10,000 to \$100,000.

Mayor Hansen asked what Ms. McInnis talked about in all of her community meetings with other managers. Ms. McInnis stated that they mostly talk about what needs each community has. Also, there are updates as to what each community is doing. It is a collaborative process where communities try to help each other by sharing ideas.

CONSENT AGENDA:

- a. Approval of Minutes: (regular meeting September 27, 2022 and special meeting October 18, 2022).
- b. Bills and Expenditures: Financial transactions and expenditures for September 2022.
- c. APPROVAL OF CONTRACT REGARDING: Municipal code recodification.

Motion:

Trustee Hambrick made a motion to approve the consent agenda as a whole.
Trustee Farris seconded the motion.
Motion carried 6-0

REGULAR AGENDA: NEW BUSINESS:

REMAINING BILLS AND EXPENDITURES: Expenditures related to the Country Store

Motion:

Trustee Hambrick made a motion to approve the remaining expenditures concerning the Country Store..
Trustee Farris seconded the motion.
Mayor Hansen abstained.
Motion carried 5-0

DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2022-14: A Resolution Of The Board Of Trustees Of The Town Of De Beque Authorizing The Appointment Of Lisa Rogers To The Position Of Town Clerk

Trustee Farris expressed appreciation for Ms. Rogers taking on the role. Mayor Hansen stated that she is a great fit.

Motion:

Trustee Farris made a motion to approve RESOLUTION NO. 2022-14: A Resolution Of The Board Of Trustees Of The Town Of De Beque Authorizing The Appointment Of Lisa Rogers To The Position Of Town Clerk.

Trustee Hambrick seconded the motion.

Motion carried 6-0

Mayor Hansen administered the oath of office to Ms. Rogers

DISCUSSION AND ACTION REGARDING ORDINANCE NO 524 (series 2022): An Ordinance Amending Town Parking Ticket Enforcement

Mr. McAnany discussed the issues with getting the ticket into the Municipal Court system and the ability to administer fines and other remedies. Mayor Hansen questioned whether there are many parking tickets issued. Ms. McInnis explained that we don't have many but do have repeat offenders that have no consequences.

Motion:

Trustee Farris made a motion to approve ORDINANCE NO 524 (series 2022): An Ordinance Amending Town Parking Ticket Enforcement.

Trustee Hambrick seconded the motion.

Motion carried 6-0

DISCUSSION AND ACTION REGARDING ORDINANCE NO 525 (series 2022): An Ordinance Amending The General Enforcement Provisions Of The De Beque Municipal Code, Chapter 1.12, To Include Civil And/Or Criminal Enforcement

Mr. McAnany discussed the need to have the ability to enforce code violations both criminally and civilly.

Motion:

Trustee Hambrick made a motion to approve ORDINANCE NO 525 (series 2022): An Ordinance Amending The General Enforcement Provisions Of The De Beque Municipal Code, Chapter 1.12, To Include Civil And/Or Criminal Enforcement

Trustee Farris seconded the motion.

Motion carried 6-0

DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2022-15: A Resolution Of The Board Of Trustees Of The Town Of De Beque Declining Participation In The Colorado Paid Family Medical Leave Insurance Program (Famli)

Ms. McInnis explained that the purpose of the act is to allow paid family leave time for Colorado employees. The employee would not have to take any employer-sponsored leave first. She further explained that as a municipality we can opt-out and that we have a generous leave program already in place. Mr. McAnany explained that there is an opt-out written into the statute that allows municipalities to opt-out of the program.

Motion:

Trustee Bruse made a motion to approve RESOLUTION NO. 2022-15: A Resolution Of The Board Of Trustees Of The Town Of De Beque Declining Participation In The Colorado Paid Family Medical Leave Insurance Program (Famli)

Trustee Lake seconded the motion.

Motion carried 6-0

DISCUSSION AND/OR ACTION REGARDING: Payment Of Excise Tax Regarding Mr. Sheley/Elk Mountain

Mayor Hansen explained that this wasn't specifically regarding Mr. Sheley but customers in general. Ms. McInnis asked that no action be taken at this time and that the decision to not accept payment of Marijuana taxes in cash be upheld. Ms. McInnis indicated that the Staff is regularly on the hot seat for enforcing policies or statutes. She wanted to discuss the reasoning behind some of the issues for the public to better understand, stating that a prior policy was adopted based upon criminal activity. The continuation of this policy is also supported by the current administration for several reasons. To the best of Ms. McInnis' knowledge, the decision to not accept cash payments for excise tax was a Board decision based on a prior incident. Ms. McInnis indicated that notwithstanding a criminal investigation, the Administrative Authority/Town Administrator is charged with assuring fiscal control, managing the operation of, and directing the workforce that includes the Town Treasurer. The Town Treasurer is charged with the supervision of the collection of taxes. The administration would ask that any prior decision made based upon a criminal investigation not be reversed. With sizeable amounts of money and limited staff, this procedure provides the best security. This also provides necessary checks and balances and protects the taxpayer and co-workers from the acts of others. She is advised that there are no Federal or State laws requiring the Town to accept cash. Town Hall will accept many other forms of payment. These include money orders, cashier's checks, personal checks from the taxpayer or others, and direct wire transfers. For the Board's information, the cost of a money order for \$1,000 at the post office is currently \$2.20. The post office does not ask where the money came from and will issue money orders for businesses and individuals involved in the marijuana industry. These options have been used for years without incident or concerns from the taxpayers. Ms. McInnis submitted that there also needs to be an administrative cost/benefit analysis of meeting constituents at the bank concerning the cost of staff time, current workload, logistics, and accommodating one constituent over the day-to-day operations of the Town during Grand Valley's banking hours of 9:00a.m.-4:00p.m. The total monthly

cost of these money orders to the constituent is approximately \$13.20. Ms. McInnis has also consulted with the Town's auditors, attorney, and the Statewide courts regarding this procedure. Ms. McInnis was seeking the Board's support for her administrative decisions surrounding the day-to-day operations of the Town and recommends that the Board take no action. Ms. McInnis and Mr. McAnany also stated their concern with our banking and accepting cash at the bank. The account holder is the one held responsible for deposits. Mayor Hansen stated that since the board had already made a decision at the last meeting that she was good with that. The board took no action.

EXECUTIVE SESSION I:

"An executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b); specifically, regarding potential disability benefits liabilities." J. EXECUTIVE SESSION II:

Motion:

Mayor Hansen made a motion to move into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b); specifically, regarding potential disability benefits liabilities.

Trustee Hambrick seconded the motion.

Motion carried 6-0

The Board moved into Executive Session at 7:18.

The Board came back into regular session at 7:36 and the meeting was adjourned.

Respectfully submitted,

Approved by the Board of Trustees

Lisa Rogers, Town Clerk

Shanelle Hansen, Mayor