

**TOWN OF DE BEQUE
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 24TH, 2022**

The regular meeting of the Board of Trustees was held on January 24th, 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, Sarah Hambrick, Trustee Judy Lake, and Walter Wood.

Absent: Trustee Vernon Bruse

Staff Present: Town Administrator Care' McInnis, Town Clerk Lisa Rogers.

Also Present: Diane Sandelin, Jeanette Refior, David, and Beverly Swenson

CALL TO ORDER:

The meeting was called to order at 6:00 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:

Ms. McInnis informed the board that Aspen Land Trust will be giving a presentation in January that is strictly informational and allows the public to ask questions. Ms. McInnis also mentioned we will be having a two-day event here at our community center with the DMV to go organization. During the two days, locals will be able to come in and do all things done at the DMV, minus any testing.

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

No comments.

BOARD COMMENTS:

Mayor Shanelle Hansen asked about the progress on finding prices for Blue Stone Ditch (BSD) water shares. Ms. McInnis informed the board that she has not further pursued these values outside of the information previously presented to the Board. Ms. McInnis has no issues reviewing this information again. Mayor Hansen responded to Ms. McInnis that she recalled the board asking for a determination of the shares in case Mr. Hansen came back and wants to buy the shares from the town. Ms. McInnis explained that she was uncertain about how to exactly go about finding the market value of the share. She had reached out to shareholders and others by word of mouth regarding their thoughts or knowledge, but no further information was available. Ms. McInnis mentioned there may not be a way for her to give the board a set value on these shares. Ms. McInnis is hopeful with the upcoming BSD shareholders meeting she may be able to find out more and whether there has been a recent auction that could help determine the price. She mentioned even reaching out to the ditch company to see where that may lead, but other than these options she is not aware of any other avenue to take in finding a price. Ms. McInnis did ask if anyone else has suggestions on how to pursue this answer. Trustee Lippoldt commented that she has heard Guy Herwick mention you cannot put a value on these shares. Diane Sandelin comments that going in to the 2019 auction she was thinking she would be able to purchase a share for what their dues cost, which was at \$30, she ended up buying one share for \$500 and that was one of the cheapest of the night, some even went up to \$800 a share. She mentioned that she doesn't foresee an auction at this current time and for them to have an auction of the shares, it would have to be very publicized beforehand, and she has not heard of any coming up.

TOWN MANAGER REPORT:

Ms. McInnis started off by drawing the Board's and attendees' attention to the new posters along the back wall and mentioned that these are a courtesy of the County. She refocused the attention to the Master Plan Idea poster, closest to the podium, and explained that the big bonus's here for us is the design and engineering updates from before which proposed a community garden, to now a "future" Splash Pad (should hopefully have the design and engineering for the Splash Pad with some grant requests) and two Pickle Ball courts added.

Ms. McInnis mentioned that she would like to thank the staff for getting things done while she was out of the office. She mentioned to the board what a great staff they have, and she appreciates this.

Ms. McInnis informed the Board of the upcoming Municipalities dinner on January 31st @ 6pm.

Ms. McInnis mentioned there were a good number of comments made about how nice the town looked with the holiday decorations and how great the turnout was for the New Year's fireworks and bonfire and that from the drone recording it looked well attended.

Ms. McInnis stated the reason why the Personnel Manual was pulled is because she wants to present the absolute best product to the board. There has been a lot of hard work that has gone into it thus far, but we are waiting for the final version of the manual. She anticipates bringing it to the Board in February.

Ms. McInnis asked if anyone from the board would like to be on the Scholarship Committee. Ms. McInnis explained it would be two Board Members and one employee of the town, they would pre-screen the applications that come in, then interview the applicants.

Ms. McInnis informed the board we will be making our annual donation to Hospice.

Ms. McInnis reminded the board of the grant we have received through DOLA and UCDenver to generate conceptual ideas for the River Front property and notified the Board that we anticipate scheduling either an open house or will present the conceptual ideas to the BOT at a meeting. Ms. McInnis informed the Board that staff will be meeting with UCDenver this coming week. This process is so important so that we can make sure this is what the Community wants. Having plans will help when seeking funding.

Ms. McInnis notified the Board that next month she will be coming to them and asking for their plans for the beautification project. She reminded them that in the 2023 budget the board voted for the \$20,000.00 budget for the town's beautification. Ms. McInnis requested that they have either a decision or recommendation for the project and to let her know if staff can help during the next month with the fine-tuning of their suggestions before they bring them to the Board.

Ms. McInnis reported there was a motor vehicle accident that occurred previously around mile marker 122, with the result of gasoline contamination in the Colorado River. She brings to light that we were immediately notified of the gasoline contamination, and we were very lucky that we were in between filter runs (which is the process of our water plant running and filtering river water into a clean filtered water reservoir(s), and once full the filtration system shuts off automatically, it repeats the process when the reservoir(s) are empty). We were able to let the contamination pass through without issue. Ms. McInnis mentions that Ute water plant (which is the first intake area in grand junction) reported no contamination at their intake this morning as well. For us it's our annual testing time and we are prepared to send in those samples. They will be testing these samples for any synthetic or organic chemicals found in fossil fuels.

Ms. McInnis informed the board members of the Marshal's office remodel and that it is an interior remodel to provide the appropriate office space for a future Records Clerk (which Marshal Dalley has the budget to hire for this position). Stanley is ready to start the project, but we are still waiting for the permit and the fire inspection.

Mayor Hansen's input on the location of the Record Clerk's office was, she highly recommends they have a good amount of natural light for the position holder, especially if they will be sitting there 8-10 hours a day.

Lisa Rogers responded to Mayor Hansen that she believes there is a sizeable window in the plans.

Trustee Hambrick asked if the Records Clerk position has already been filled?

Ms. McInnis indicated the position has not been filled yet in an earlier conversation with Marshal Dalley, he indicated he will be posting the positions in the Sentinel hopefully within the week along with two deputy position availability. This is great so that it will shed some light on just how understaffed they are over there.

Ms. McInnis reported Marge is looking for a February Karaoke date and doing so while not interfering with local businesses. The boys 3/4th 5/6th basketball is in session, first home game February 4th @ 9am. The first Wild Horse Days meeting is February 16th @ 6 pm and Wild Horse Days are July 21st-23rd. Our 4th of July celebration will be on the 1st of July, which will include a parade, Gerry Goodman Band and a BBQ which will be sponsored by The Chop Shop.

Ms. McInnis notified the Board that Planning continues to work on the audit of Title 14, with hopes to bring the modified schedule of Uses Chart to the board in March, while the Planning and Zoning continues through Title 14. There is a possibility that the P&Z will be seeing a re-zoning request coming

through from Brian Sheley (owner of the property next to the Cemetery). He has already submitted the application to Re-zone his property from Commercial to Agriculture (Ag), but at the time Mr. Sheley's submitted the application there were a few items missing.

Ms. McInnis mentioned that next month they will have a request from Pine West for a one-year extension of their Minor subdivision and Plat approval (the property where the Maverick was going to go in).

Ms. McInnis brought to light that during her regular meeting with the other municipalities, the County, Workforce Center and the Chambers, that SNAP program will be ending at the end of February and it may have huge impact our local families, which is good to be aware of.

Ms. McInnis mentioned during her weekly Legislative meeting with AGNC there was mention of a potential bill being passed that would hugely affect De Beque and CORA requests. The bill suggests that CORA requests be provided and responded to for free, especially to the press. This affects De Beque, because with a small staff some of the past requests are huge. A lot of time and work goes into them, not to mention having to go back and forth to verify with consultants to be sure we are not providing protected documents. The time and labor for this is intensive.

Ms. McInnis mentioned she participated in another wildfire collaboration meeting with the region, and she hopes our local district will continue to take the lead on these. She will continue to participate. The town will be one of the applicants for the grants to support the region. With the grant opportunity Ms. McInnis's wish is for a secondary water source, because De Beque needs a secondary water source.

Ms. McInnis informed the board that Katherine has been staying very busy with end of year work, new year work and the audit coming up the week of February 20-24th. There has been a lot of prep work so that when the auditors are here in person it will be an easy process. By the auditor's arrival we will have submitted the financial reports and the required Counsel opinion regarding pending or anticipated litigation. Ms. McInnis also mentioned that we are gradually transferring a great deal of financial work from an outside accountant to Katherine.

Ms. McInnis informed the Board that they may have or might be hearing about Hava/Plum and their sewer waiver (leech fields), given to them by the Town, for a significant project concerning their leech field. Benjamin Franklin was the company in charge of this project outside of Montrose. All properties within town limits must be on town sewer and Hava/Plum are in the town boundaries due to the annexation of that property. The Town previously granted the waiver due to it not being feasible to have them on town sewer. The cost to expand would be great. There were concerns with the county and the Town where the work may have been done without a permit. In the end it's a state issue due to the required permits and the amount of usage.

Ms. McInnis informed the Board that the training in December with the Mesa County Building and Planning Department was very beneficial for us. Understanding and coordinating this process is very important with the biggest projects being the development and use of the forms. Administration in the past combined all the forms for planning and zoning into one form, which seemed like a great idea, but when put into use, those forms have become very confusing to constituents and staff. We continue the process of simplifying those forms. Another issue that was brought up in this training was our use tax form. "Use tax is on the privilege of using or consuming in the town and construction and building materials, not otherwise subject to municipal sales taxes." The use tax was adopted years ago by the Board and the Board also determined how the town would implement and enforce it. Use tax is also in

our code, and it states that the use tax should be paid before the work begins. Staff oversee collecting the use taxes, and at times get a little push back when they are enforcing our codes. Many people do not have a good understanding of our Use Tax. Use Tax is set at 2%, that money goes to the Town of De Beque, where Grand Junction is 3% and that money goes to Grand Junction, not to us. Another issue here is the non-payment for non-reported construction within the town limits. Revisiting this with the board and defining this might be beneficial (March 15th 5:30?).

Ms. McInnis stated, this month has been quite amazing! As many of you know the new water plant is in the works and there have been a lot of steps along the way starting with last month's acceptance of the \$300,000.00 grant. We have submitted the Opinion of Counsel, and the next step will be a public meeting for the SRF process, which is mandatory prior to the closing of the financing. This meeting will be at the next BOT meeting Feb 28th, 2023, and will be published in the Daily Sentinel tomorrow (1/25/2023).

In addition to the water plant project, we also applied for a \$400,000.00 grant with Energy Impact Funds through DOLA. This is the grant that Ms. McInnis went to Pueblo for in December and did a presentation on behalf of the Town of De Beque and our need to have gravity low sewer lines underneath I-70. Ms. McInnis reminded the Board that this grant had a requirement of a 50% match, which we would use \$400,000.00 out of our grant funds for the match. Ms. McInnis is happy to announce to the board that we have been awarded this grant and are prepared to use that 50% matching fund out of the grant funds to start the gravity flow sewer (8inch) line under I-70.

When Ms. McInnis first came to De Beque the town received a grant for the overall evaluation of our infrastructure needs through DOLA with JDS hydro. We have used this evaluation to seek funding and priorities for the use of development for community needs. One of the community needs on that list was our wastewater treatment facility. In 2021 the Mesa County Municipalities group made a list of 21 projects with Care', that are needed within this community. The list was then submitted to members of Congress for Statewide Congressional Direct Spending Funds, along with almost every municipality in the state. This project was one that representative Boebert declined to submit, but we were able to take the Chief of Staff for Hickenlooper and Bennet on a personal tour of the town's wastewater plant. Both representatives supported and submitted the De Beque project for congressional spending. Ms. McInnis reported on and off to the board that we kept making the short list during the cuts on submitted projects and our project kept moving forward. Ms. McInnis was very pleased to announce that De Beque was awarded a \$1,246,000.00 grant from the Statewide Congressional Direct Spending Fund for the use toward our wastewater plant. It truly has taken an act of Congress in getting this grant. Out of all the municipalities that partook only Clifton and De Beque were those chosen in Mesa County and Rifle along the corridor. With this grant we will still need to provide 20%, of which Katherine is working with Ms. McInnis on the best possible approach to providing that 20%. This is huge for our wastewater plant and the town of De Beque

Ms. McInnis wanted to caution that with the number of significant projects going on all at once there are a lot of logistics and time that go into each project, and it can be challenging for everyone. These projects will take time to complete (potentially years) with having regulations to go through and reporting to be done as well as many other obstacles.

CONSENT AGENDA:

- a. **Approval of Minutes:** December 14th, 2022.
- b. **Bills and Expenditures:** Financial transactions and expenditures for December related to the Country Store, Always Something Creations, and/or other conflict items are listed below as part of the regular agenda.
- c. **Discussion and action regarding RESOLUTION NO. 2023-02:** Resolution establishing dates for the 2023 meetings of the Board of Trustees, The Planning and Zoning Commission, and the De Beque Municipal Court; and also confirming the places of publication for public meeting agendas and notices.
- d. **Discussion and action regarding RESOLUTION NO. 2023-01:** A Resolution repealing Resolution 2020-08, A Resolution declaring a public health emergency.
- e. **Discussion and action regarding ORDINANCE 527:** An Ordinance amending the De Beque Municipal Code to enact the offense of driving under restraint, revocation, denial, or suspension.
- f. **Discussion and action regarding ORDINANCE 528:** An Ordinance amending section 10.28.040 of the De Beque Municipal Code to provide penalties for the offense of criminal mischief where property damage from the offense exceeds \$500 in value.
- g. **Discussion and action regarding ORDINANCE 529:** An Ordinance amending section 6.03.050 of the De Beque Municipal Code to provide for mandatory awards for restitution and statutory interest to victims in Municipal Court proceedings.

Discussion Before motioning on Consent agenda: Mayor Hansen asked, if A-G should be on the Consent Agenda? Ms. McInnis explained that any item on the consent agenda can be pulled and placed on the regular agenda by the board or the public.

Motion:

Trustee Hambrick motioned to approve the consent agenda.

Trustee Lippoldt seconded that motion.

Motion carried 6-0

REGULAR AGENDA:

NEW BUSINESS:

REMAINING BILLS AND EXPENDITURES: Expenditures related to the Country Store

Motion:

Trustee Farris motioned to accept the bills and expenditures.
Trustee Hambrick Seconded that motion.

Motion carried 5-0

CALL BOARD OF TRUSTEES PUBLIC HEARING TO ORDER:

By Mayor Hansen @ 6:47 pm.

DISCUSSION AND ACTION REGARDING RESOLUTION NO. 2022-03: A Resolution approving a special review use for a garage, workshop, and a carport as a principal use at 361 west second street.

Mr. Farrar informed the Board and the Swenson's, that the Special Review Use application has met all criteria requested and required by the Town of De Beque.

No public comments.

Trustee Hambrick asked when was the last time the property in question flooded?
Mrs. Swenson responded she has never seen this property flood in her lifetime. She reiterates that 90% of the garage would be in the 500-year flood zone area.

Trustee Wood asked when do they anticipate starting on this garage?

The Swenson's responded, that work should start in March with the cement.
Mayor Hanson closed the public hearing comment @ 7:00 pm.

Mayor Hansen mentioned this is such a unique area of land, due to it being within the town limits. If the owners wanted to build a residential home there, they would have a huge cost to bring the sewer lines to them, and that septic systems are not allowed in the town limits. She feels that this is very unique that the Swenson's were able to get the Special Use for this area of their property.

The Town of De Beque Board of Trustees here by approves Resolution NO. 2022-03, A Resolution approving a Special Review Use for a Garage, Workshop, and Carport as a principal us at 361 West 2nd Street based upon the finding of compliance with the review criteria set forth in Section 14.03.100 and 14.06.100(A) of the De Beque Municipal Code and subject to the conditions listed in Resolution.

Motion:

Trustee Lippoldt motioned for approval of Resolution NO. 2022-03
Trustee Wood seconded the motion for approval of Resolution NO. 2022-03
Motion carried 6-0

Adjournment of Regular meeting @ 8:06 pm

Motion:

Trustee Farris motions to adjourn the regular meeting.
Trustee Hambrick seconds the motion to adjourn the regular meeting.

Motion carried 6-0

Respectfully submitted,

Approved by the Board of Trustees

Lisa Rogers, Town Clerk

Shanelle Hansen, Mayor