

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, APRIL 5, 2021
REGULAR MEETING**

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CALL TO ORDER

Mayor Wenke called the meeting to order at 5:30 p.m.

ROLL CALL

The following members were present: Mayor Wenke, Ms. Cole, Mr. Frickell, Ms. Snow, Mr. Nordyke, Mr. Cline and Mr. Johnston

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance

OTHERS PRESENT

Eric and Christy Smith, Bob Senderhauf, Charley Ellison, Elliot Jackson, Sheriff Byerly, Don Scanga, Gabriel Shank, Wanda Jennings, Clay Buchner and Kathy Reis

Financial:

- a. Treasurer's Report: Clerk Reis submitted written reports. With 25% percent of the year having elapsed, General Fund has collected 8.6 percent of budgeted revenues and spent 16.2 percent of budgeted expenditures. Capital Fund has collected 32.2 percent of budgeted revenues and spent 0.4 percent of budgeted expenditures. Sales tax for January was up by 35.72 percent, which is up 36.01 percent from the previous year-to-date.

Account balances:		March Expenditures	Paid in April
General Fund Checking:	\$ 198,007.23	\$	65,411.99
CSafe-GF Core 11:	\$ 146,989.74		
CSafe-3% Tabor Reserve:	\$ 21,403.56		
CSafe-General Fund Reserve-14	\$ 161,666.90		
Municipal Court Checking:	\$ 1,632.70	\$	0.00
Tennis Court Checking:	\$ 37,528.15	\$	0.00
Conservation Trust Fund Checking:	\$ 33,294.09	\$	0.00
Capital Fund Checking:	\$ 461,135.58	\$	1,861.48
CSafe-CF Core 12:	\$ 219,957.60		
Total C.D.'s plus interest:	\$ 202,864.80		

APPROVAL OF CONSENT AGENDA

- a. Approval of minute's
- b. Treasurer's Report
- c. Approval of Bills

Mr. Frickell moved and **Mr. Nordyke** seconded to the consent agenda. Motion carried.

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OLD BUSINESS

a. Consideration of request to approve the lease/maintenance agreement between the Town and San Isabel Land Protection Trust.

Attorney Buchner reported per SILPT's attorney the agreement as you have in your packet was accepted by their board. The Town will be able to use the Bluff for outdoor recreational uses, sledding being one of them. The language is such that under the statute, SILPT will not be liable as a private land owner giving the Town operational managerial control for use for those purposes. You will be voting to approve the agreement as proposed and accepted by SILPT's board. If the Board of Trustees approve and sign it, it will be in full force and effect.

ACTION: Ms. Snow moved and Ms. Cole seconded to approve the lease/maintenance agreement between the Town and San Isabel Land Protection Trust. Motion carried.

b. Consideration of request to approve an agreement between the Town and Dark Skies.

Attorney Buchner presented the agreement for the Planet Walk memorializing what the Town is going to do providing funding, installation and the maintenance. If approved by the Board of Trustees, Dark Skies and Rotary Club will need to sign the agreement.

ACTION: Ms. Snow moved and Ms. Cole seconded to approve the agreement between the Town and Dark Skies and the Rotary Club of the Wet Mountain Valley. Motion carried.

c. Appoint a committee to review the employee policies.

Mayor Wenke requested volunteers to review the employee policies regarding vacation and sick time. Bess Cole and Art Nordyke agreed to review the policies with Gabriel Shank and Kathy Reis.

ACTION: Mr. Clince moved and Mr. Frickell seconded to appoint Bess Cole as chair, Art Nordyke, Gabriel Shank and Kathy Reis as the review committee for the Town employee policies. Motion carried.

d. Consideration of the Town providing clothing allowance for Town staff and approve a dress code.

Gabriel Shank suggested the following clothing allowance:

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OLD BUSINESS CONTINUED

Maintenance Workers will be eligible for an initial clothing allowance of \$450 after 90 days of satisfactory service to offset the purchase of proper work attire to include; safety glasses, work gloves, composite safety toe boots, work Shirts, and work Pants.

Additionally, Maintenance Employees whom have completed 15 months plus shall be eligible for an annual Clothing allowance of \$200 to offset upkeep of safety gear and clothing required for their position.

Office Staff will be eligible for an initial clothing allowance of \$350 after 90 days, and \$200 annually after 15 months of satisfactory service.

One thought was to have everyone wear polo shirts with the logo on it including the office staff. Different ideas were discussed. Gabriel Shank reported he was planning on having the Town logo on the safety vests. After further consideration, the board determined this should be part of the policy review process.

NEW BUSINESS

- a. PUBLIC HEARING** for rezoning Lots 2 & 3 in Adams Addition, Filing# 2. from Highway Commercial to Residential.

Mr. Senderhauf explained in 2004 lots 4-10 were changed to residential from Highway Commercial, Lots 2 and 3 remained as Highway Commercial. The new owners of lot 2 want to build a home, which isn't allowed in Highway Commercial. After being notified about this and lot 3 having the same issue. He further explained he had permission to represent the owners of lot 2 to request the zoning change. Planning Commission reviewed it and recommended that both lots be changed to residential.

- b. Consideration of request to approve Ord. #1-2021 rezoning Lots 2 & 3 in Adams Addition, Filing# 2. from Highway Commercial to Residential.**

Mayor Wenke read the proposed ordinance into the record.

ACTION: Ms. Cole moved and Mr. Nordyke seconded to approve Ord. #1-2021 rezoning Lots 2 & 3 in Adams Addition, Filing# 2. from Highway Commercial to Residential. Motion carried.

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NEW BUSINESS CONTINUED

c. Consideration of approving an overmatch letter for the Safe Routes to School project.

Mr. Scanga with CDOT explained the process was started about a year and a half ago with the design process with all of CDOT specialty units, which was environmental, right of way and utilities. We received all those clearances making the project shovel ready, which allows it to be put out to bid. The problem is the funding you had minus the design fund left you with about \$250,000 for construction. The engineers estimate is about \$500,000. We can't budget the construction funding if it is lower than the engineers estimate. We worked with Kathy and our headquarters and they have found the additional \$250,000 to add to this project. We are trying to get funds allocated that

will match the engineers estimate allowing us to add the funding to the contract getting you a notice to proceed to go to ad. Being you have a small construction window, what we have done for entities all over Colorado. We know that you are going to get the \$250,000 additional funding. What we would ask for the Town is to supply us with an overmatch commitment letter. It is scary if you look at it from one stand point, the letter says the Town agrees to pay for the \$250,000 to get the construction going. We would not ask for that overmatch commitment letter without knowing the additional funding is 100% secured. The object in doing this with that overmatch commitment letter from the Town of Westcliffe lets us do the 1180 process in our system. This process is saying we have all the funds covered for the construction and we need your blessing for FHWA. After all the funds are accounted for, the 1180 option letter can be started and that will get you started on the bid process two to three months faster.

The concern was what is the Town's liability.

Don explained the original grant had a 20% match. He was unsure what this new funding was, it may be the PPP funding and wasn't sure what the match would be. They are hoping it be combined match, so the Town won't have to come up with additional match. He further explained they would not ask for the letter unless they were sure the funds were 100% secure. This allows the process to move forward. The funding would be available in a couple of months. When you write the letter, you are liable for the \$250,000. The way we would set it up is the state would not ask for that without a guarantee that you would get that funding. It is letting us move faster. We will not put the Town at any risk. If the Town feels better about it, we can wait until the funding is in place and then do the option letter. Your

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construction session would then start at the end of the summer. This is just getting the funding up to the engineers estimate. The bids have not been submitted yet; we don't know if the project will come over bid from the engineers estimate. You will have it in writing that you have the funding before we ask for the letter. This will allow you to get it out to bid while we are waiting for that to be added to the contract. The only way you would have to pay additional is if the bids come in over the engineers estimate. If the bid were to be over the engineers estimate you would either come up the additional funds or look for more funding. There is a long shelf life for the IGA for the project.

Attorney Buchner stated the exposure is how far the engineers estimate is. If it comes in higher, you will have to cover the overages over the estimate. If you don't start the project until you have the funding, there is not risk.

Don Scanga stated that the project won't be awarded if the bid is at the engineers estimate or lower. You would not be liable until you can come up with that.

Attorney Buchner then said the risk is minimal to zero.

ACTION: **Mr. Nordyke** moved and **Ms. Cole** seconded to approve the overmatch commitment letter to be written contingent upon the proof of funds being available. Motion carried.

d. Consideration of request to approve the Business Façade Grant program and application process.

Mayor Wenke reminded the board that \$25,000 was approved in the budget for the program. It is a matching grant to approve the facades downtown. This is a reimbursable grant and has to be preapproved by the grant committee. There are two areas of priority that is part of the grant documents, which is included in the grant application. It was designed to be a simply process.

Ms. Snow, Ms. Cole volunteered to be on the committee. Charley Ellison suggested that we have a business owner included. He also explained the grant is designed by priorities A and B; it isn't a first come first serve basis. A review committee needs to be appointed.

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NEW BUSINESS CONTINUED

ACTION: Ms. Cole moved and Mr. Frickell seconded to approve the Business Façade Grant program and application process. Motion carried.

e. Consideration of request to approve Resolution 3-2021 setting the official posting places.

This will allow the Town to discontinue publishing the agendas in the newspaper as per state statute is no longer required.

ACTION: Mr. Cline moved and Mr. Frickell seconded to approve Resolution 3-2021 setting the official posting places. Motion carried.

f. Consideration of approving a Request for Proposal to Develop a Parks, Recreation, Trails, Open Space and Street Scape Master Plan.

The funds were approved in the 2021 budget. This is just to approve the RFP document.

ACTION: Mr. Cline moved and Ms. Cole seconded to approve the Request for Proposal to Develop a Parks, Recreation, Trails, Open Space and Street Scape Master Plan. Motion carried.

g. Sheriff's 1st quarter report.

Sheriff Byerly reported there were a total of 1007 calls, Westcliffe had 215 calls for service, 21% of the total calls. Silver Cliff had 129, unincorporated county had 663. Calls of service in the Town, medical calls are the largest number of calls, 34 traffic stops.

The remodel has been completed for the kitchen and patrol room at the jail. There are two senate bills you need to be aware of (SB-182 and SB-062).

Sheriff Byerly left the proposed floor plans and overview of the justice center. If you would like a tour the current facilities, please let me know. We are asking for your support for it, but not blindly. We would like to show you why we need it.

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NEW BUSINESS CONTINUED

Keep in mind this is a scaled down version as what they said we need; the original design has gone up to 1.8 million dollars.

h. Consideration of request to approve Ord. 2-2021 amending Title 4, Chapter 8, Seasonal Outdoor Seating for Food Service Establishments in the Core Business District.

Mayor Wenke read the ordinance in full and explained he would like to extend the beginning date from June to May, allowing them to put in place sooner. This was approved last year and is still in place with a beginning date starting in May. The COVID-Liquor Temporary permit is still in place.

Clerk Reis explained that once the governor lifts the executive order for the temporary liquor modification, Chappy's would no longer be allowed to serve alcohol on the patio. They could continue to serve food.

Due to concerns of limited parking and safety this was tabled until May. Mayor Wenke asked that staff contact Salida as to how they handle the out-door seating patios in the street.

i. Consideration of request to approve Ord. 3-2021 amending the Town's fee schedule, Resolution 4-2021 repealing Resolution 4-2006 and Resolution 5-2021 repealing Resolution 3-2002.

Mayor Wenke read the Ordinance and the Resolution in full and explained if we change our fees, they will mirror Silver Cliff's fees. The concern was increasing the business license fee and liquor renewal fees and the fact that the Town is financially healthy. Further the Town should quit doing donations to non-profits. Another concern was that due to COVID, many businesses are struggling. It was suggested to discuss this at budget time. It was also suggested that the fee schedule be approved but not put into effect until 2022. The board agreed that the building permit fees could be increased and leave the liquor and business license fee stay the same.

Attorney Buchner stated that fees are to cover costs of administrative costs, not operating expenses.

ACTION: Ms. Snow moved and Mr. Clince seconded to approve Ord. 3-2021 amending the Town's fee schedule, Resolution 4-2021 repealing Resolution 4-2006 and Resolution 5-2021 repealing Resolution 3-2002. Motion Failed.

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j. Appoint a Transportation Alternative Program design review committee.

A committee is need to review the Pre-Qualification Statements for the engineer and continue through the process of choosing an engineer.

ACTION: **Mr. Wenke** moved and **Ms. Snow** seconded to appoint Brian Cline, Art Nordyke and Gabriel Shank as the Transportation Alternative Program design review committee. Motion carried.

STAFF & COMMITTEE REPORTS

a. Report from Town Manager

Mr. Shank provided a written report on the progress for the last month. The board members appreciated the written report.

He stated that he as the permit for the CDL with the test scheduled for the 30th.

We are planning on installing the picnic tables and bench prior to summer.

The pocket park was moved to the spring schedule.

One employee has been hired, a second prospective employee is in the process pending drug testing and CDL background check.

Received a bid to repair the road grader, it is 50% less than 4Rivers. The bid will be emailed to you tomorrow. The funds are in the budget.

Mayor Wenke stated there are things he has done that we don't see, such as organizing and cleaning the shop, getting vehicle maintenance done.

Ms. Snow moved and **Mr. Nordyke** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis
Town Clerk