

**BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
MONDAY, DECEMBER 20, 2021  
REGULAR MEETING**

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**CALL TO ORDER**

Mayor Pro-Tem Cole called the meeting to order at 5:30 P.M.

**ROLL CALL**

**The following members were present:** Ms. Cole, Mr. Frickell, Ms. Snow, Mr. Nordyke, Mr. Wilhelm and Mr. Mowry

**ABSENT:** Mayor Wenke

**PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Cole led the Pledge of Allegiance

**OTHERS PRESENT**

Bob Fulton, Sheriff Byerly, Gabriel Shank, Wanda Jennings and Kathy Reis Via Zoom-Mark Carmel, Janet Smith, Neal Marrs, Tracy Ballard, Elliot Jackson and Ben Lenth.

**Financial:**

- a. Treasurer's Report: Clerk Reis submitted written reports. With 100 percent of the year having elapsed, General Fund has collected 79.8 percent of budgeted revenues and spent 47.8 percent of budgeted expenditures. Capital Fund has collected 61.3 percent of budgeted revenues and spent 41.8 percent of budgeted expenditures. Sales tax for September was down by .36 percent, which is up 3 percent from the previous year-to-date. October was up by 14.05 percent, which is up 15.08 percent from the previous year-to-date.

<b>Account balances:</b>		Nov. Expenditures	Paid in Dec.
<b>General Fund Checking:</b>	\$ 643,056.25	\$	57,094.40
CSafe-GF Core 11:	\$ 133,468.84		
CSafe-3% Tabor Reserve:	\$ 35,008.72		
CSafe-General Fund Reserve-14	\$ 161,746.86		
<b>Municipal Court Checking:</b>	\$ 1,482.70	\$	0.00
<b>Tennis Court Checking:</b>	\$ 25,035.34	\$	0.00
<b>Conservation Trust Fund Checking:</b>	\$ 36,479.44	\$	0.00
<b>Capital Fund Checking:</b>	\$ 271,273.29	\$	21,478.16
CSafe-CF Core 12:	\$ 220,066.08		
Total C.D.'s plus interest:	\$ 203,665.08		

**APPROVAL OF CONSENT AGENDA**

- a. Approval of minute's-November 15, 2021 regular, November 22 and December 13 special meeting  
b. Treasurer's Report  
c. Approval of Bills

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

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**OLD BUSINESS**

**a. Continued discussion regarding allowing alcohol in the parks.**

The discussion was to clarify for the attorney. Attorney Buckner did a recap as follows: In 2015 the code was written to match the historical law that no alcohol was allowed in the park or community areas unless it was specially permitted in line with Colorado Revised Statute. At the time statute didn't allow open containers in the parks. The Town has had a policy for years to allow weddings and other events to have alcohol in the parks. No issues every came out of it.

The way that the law reads now is that it is not allowed without a special permit. There has been a new statute 44-3-901 (17) was put in place late 2019 early 2020, that does allow a municipality to pass by ordinance, resolution or by rule to allow public consumption or allows the open container law to be exempted in public spaces as long as it is not in a public-right-of-way. This means you could allow any level of consumption in Town parks.

Items for clarification

- 1) Do you want to allow people to openly imbibe in the community park and public buildings?
- 2) Do you want an informal request for weddings or other events?
- 3) Do you want a formal permit issued? It should be written into the law to be clear to the citizens as to what is or what isn't allowed.

Attorney Buchner clarified that a public-right-of-way is designated Town or Highway road is a public right of way, it is platted streets and sidewalk easements. The parks are not public-rights-of-way, they are public spaces.

After more discussion the board clarified, they don't want open containers to be allowed in public-rights-of-way. The attorney clarified you can't pass an ordinance to allow that, it is statutorily required that there aren't any open containers in public-rights-of-way.

Town Manager reported that after our last meeting brought it to that we wanted to require permits with a fee, in the park in order for them to have open containers, no glass in the parks need to remain as is.

- Concerns:
- 1) How many citizens asked to have the change?
  - 2) Does the event need to be roped off?

The permit could include parameters such as, invitation only, area of the park, etc.

Sheriff Byerly reported that there hasn't been any issue with tickets for open containers in the past seven years. Limiting to just beer and wine would be hard to enforce, unless law enforcement were to be present.

After further discussion the following motion was made.

Attorney Buchner suggested that a rule could be adopted that the Town Clerk has the discretion to allow drinking in a public park for the purpose of the statute and wouldn't be putting pressure on the local law enforcement. He also said he can work with staff; we can continue as is. If there was a wedding the clerk could issue a permit under a rule that you have adopted.

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**OLD BUSINESS CONTINUED**

**ACTION:** Ms. Snow moved and Mr. Mowry seconded to allow the Town Clerk discretion pursuant (Title 7, Chapter 5, Section 15) to accept and issue special permits for the consumption of alcoholic beverages in parks. Motion carried.

**NEW BUSINESS**

**a. Presentation of the Parks and Main Street Master Plan and adoption.**

Lee Petty with DHM Design presented the draft final plan. He reviewed the plan and priorities and funding options. We would like feed back on the priorities that you would like prior to completing the final plan. Elements such as parking on Main Street, etc. can be address during the design phase for construction. He thanked the board for allowing them to be involved in the process, it has been a pleasure. He said the next step is the design phase, which they would be happy to give a bid on.

Mayor Pro-Tem Cole clarified that the \$25,000 paid to DHM Design is just for the Master Plan and not design of the projects.

The board members all agreed a committee should be appointed to determine the priorities rather than working through them at this meeting. Mr. Petty would like the update to the priorities by early January.

**ACTION:** Ms. Snow moved and Mr. Frickell seconded to appoint a committee to review and decide priorities for the Master plan as follows: Cathy Snow, Randy Wilhelm, George Mowry, Bob Fulton, Gabriel Shank and two or three Advisory committee members. Motion carried.

**b. Consideration of approving the 2022 Sheriff's Contract.**

Sheriff Byerly reported after further review, the 2 percent increased discussed with Clerk Reis in August isn't necessary. The contract can remain the same as 2021.

**ACTION:** Mr. Frickell moved and Mr. Nordyke seconded to approve the 2022 Sheriff's Contract. Motion carried.

**c. Consideration of approving the 2022 Lease & Management Agreement between the Town and San Isabel Land Protection Trust.**

Janet Smith with SILPT explained they will be merging with Colorado Open Lands, which will be completed by December 31<sup>st</sup>. Colorado Open Lands will be the successor corporation and will assume all of SILTP's obligations. This agreement will be good through 2022.

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**NEW BUSINESS CONTINUED**

**ACTION:** Mr. Mowry moved and Mr. Frickell seconded to approve the 2022 Lease & Management Agreement between the Town and San Isabel Land Protection Trust. Motion carried.

**d. Consideration of request to approve donating money to My Neighbor's Cupboard.-Tracy Ballard.**

Tracy Ballard explained that we help many families that are in need all during the year. There is a food pantry that is ran out of the county Annex building. We serve low-income families, as well as veteran's and senior citizens.

They are asking funding for the 2022 Mobile Food Market. We have served between 200-300 cars this year located at the school parking lot this year. It will be done at the Saddle Club in 2022. During 2021, over 100,000 pounds of food was given out to residents of Silver Cliff, Westcliffe and Custer County.

We are asking both the county and the Town of Silver Cliff and Westcliffe for \$2,800.00, which will fund four of the trucks. They hope to run a truck every month of the year. The Town of Silver Cliff committed \$2,800, the County requested that we apply for the American Rescue Funds, if that isn't approved, she was assured the County would contribute their \$2,800.

Mayor Pro-Tem Cole thanked them for their services. The Town has already budgeted for local grants for 2022. Clerk Reis had let you know that we have a procedure for the Community Investment Fund application, which starts in August. If you would like to apply in next August, your request would be considered for 2023. Tracy thanked the board for the consideration.

**e. Consideration of request to approve the amended Hilltop Agreement.**

Mayor Pro-Tem Cole explained we are just approving Hilltop to be our ISP partner as we apply for grant money. Once we get the grant money, a new agreement would be made. At the December 13<sup>th</sup> joint meeting between the two towns and county, they all agreed that Hilltop would be our partner. The attorneys for the two towns and county have reviewed and made amendments to this agreement.

There isn't any liability to the Town by approving this. If the grant is approved, we will be reimbursed for the \$21,000 that has been invested with the Carmel Group.

**ACTION:** Mr. Wilhelm moved and Mr. Nordyke seconded to approve to approve the amended Hilltop Agreement. Motion carried.

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**NEW BUSINESS CONTINUED**

**f. Consideration of appointing a committee to develop a plan and process for the American Rescue Plan funds.**

**ACTION:** Mr. Frickell moved and Mr. Wilhelm seconded to appoint a committee to develop a plan and process for the American Rescue Plan funds as follows: Cathy Snow, Bess Cole, George Mowry, Gabriel Shank and Kathy Reis. Motion carried.

**g. Town Manager 4<sup>th</sup> quarter evaluation.**

Manager Shank presented a list of accomplishments. He has received his ICC Certification.

Mayor Pro-Tem reminded the board the \$1,500 bonus for receiving the certification was approved in March.

After review of this year's accomplishments and evaluation, the board thanked Manager Shank for a job well done. Mayor Pro-Tem Cole stated we need to write it into the record, if everyone agrees that Manager Shank will receive the bonus of \$4,000 for the 4<sup>th</sup> quarter. The board unanimously agreed.

**STAFF & COMMITTEE REPORTS**

**a. Report from Town Clerk**

It was reported that the UAACOG Mini Grant was extended until June of 2022. Due to many different issues Black Hills wasn't able to complete the work to change the cobra head lights to LED, therefore Black Hills agreed to contribute \$5,000. With the \$5,000 Mini Grant, \$5,000 from Black Hills, \$2,500 from Dark Skies and \$5,000 from the Town, 22 cobra head lights will be changed to LED.

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

**ADJOURN**

Recorded by:  
Kathy Reis, CMC  
Town Clerk