

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, AUGUST 15, 2022
REGULAR MEETING**

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CALL TO ORDER

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

ROLL CALL

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

ABSENT: Mayor Wenke, Mr. Nordyke

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem led the Pledge of Allegiance

OTHERS PRESENT

Bob Fulton, Charles Jagow, Joe Yandrofski, Nancy Yandrofski, Lucas Epp, Joel Troyer, Elliot Jackson, Gabriel Shank, Wanda Jennings, Clay Buckner, and Kathy Reis. Via Zoom-Josh Riley, Ted Ballard and Marilyn Hennessy.

TREASURER’S REPORT

REVENUE RECEIVED IN		BALANCE OF ACCOUNTS
General Fund Checking:	\$ 168,882.80	\$ 916,167.17
CSafe-GF Core 11:	\$ 184.42	\$ 133,965.58
CSafe-3% Tabor Reserve:	\$ 48.52	\$ 35,139.98
CSafe-General Fund Reserve-14	\$ 223.42	\$ 162,348.54
Municipal Court Checking:	\$ 0.00	\$ 2,482.70
Tennis Court Checking:	\$ 0.00	\$ 25,178.70
		\$
Conservation Trust Fund Checking:	\$ 6.94	\$ 40,870.57
		\$
Capital Fund Checking:	\$ 36,739.69	\$ 696,040.61
CSafe-CF Core 12:	\$ 303.98	\$ 220,884.48
Total C.D.’s plus interest:	\$ 0.00	\$ 203,968.17

EXPENDITURES FOR JULY 2022:

GENERAL FUND:	\$ 63,368.70
MUNICIPAL COURT:	\$ 0.00
TENNIS COURT:	\$ 0.00
CONSERVATION TRUST FUND:	\$ 0.00
CAPITAL FUND:	\$ 43,060.54

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes- July 18th regular and Aug. 10th special minutes
- b. Treasurer’s Report
- c. Approval of Bills

Mr. Wilhelm moved, and **Mr. Mowry** seconded to approve the consent agenda. Motion carried.

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OLD BUSINESS

- a. Appoint the vacant seat on the Planning Commission for the Chairperson and alternate.**

Mayor Pro-Tem informed the board that Mayor Wenke would like to appoint Christy Patterson as the chair of the Planning Commission and Chris Lund as the alternate.

ACTION: **Ms. Snow** moved, and **Mr. Wilhelm** seconded to approve appointing Christy Patterson as the chair of the Planning Commission and Chris Lund as the alternate. Motion carried.

NEW BUSINESS

- a. Consideration of a request to contract with Municode/Civic Plus for codification.**

Clerk Reis explained the process of codification: after the attorney drafts the ordination, the board approves, and I make the changes in the code that is being changed and add the footnotes. With minor changes, it takes approximately thirty minutes. The upcoming Title 10 has five chapters with significant changes that will take a substantial amount of time.

JR Riley with Municode/Civic Plus gave a presentation on Self-Publishing. It gives the Town full control of the code and saves time and money.

The pricing sheet discussed was removing Title 10 as the Town is doing a massive amendment on it.

I recommend the Town contracts with them. A contract will need to be done if the Board agrees we need this. One option is that when it is complete, Municode can update and convert it for you.

The proposal is a one-time fee of \$1,000 for conversion with the exception of Title 10 and the annual fee of \$1,200. The second year would be \$1,200. The cost may need to be adjusted to add Title 10 to be included in the conversion. The annual uplift rate would increase by five percent after the second year. It is recommended to do a complete legal review every ten to fifteen years.

It allows multiple users to work out of the same system from anywhere. This is hosted through Municode which does all the updates and support.

Both the Town Clerk and Town Attorney recommended contracting with them.

ACTION: **Mr. Mowry** moved, and **Ms. Snow** seconded to move forward with contracting with Municode/Civic Plus. Motion carried.

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NEW BUSINESS

- b. Consideration of a request allowing Westcliffe Performing Arts to reallocate some of the awarded Donation funds.**

ACTION: Mr. Wilhelm moved, and Ms. Snow seconded to allow some of the funds to be used for other purposes. Motion carried.

- c. PUBLIC HEARING** for a new Hotel & Restaurant liquor license at 109 N 3rd St. for Bear Peak, LLC.

Joe Yandrofski explained they may not open it until next spring; it will be very small, mostly on the patio outside. There isn't seating inside, just the bar is included in the licensed premises. There wasn't any public comment. It will be seasonal.

- d. Consideration of a request to approve a new Hotel & Restaurant liquor license at 109 N 3rd St. for Bear Peak, LLC.**

ACTION: Ms. Snow moved, and Mr. Mowry seconded to approve the issuance of a new Hotel & Restaurant License for Bear Peak, LLC., dba Zita's located at 109 N. 3rd, Westcliffe, CO. 81252 on the basis of the following findings. Motion carried.

1. Public Notice of the hearing on the Application was published and posted on the property as required by Colorado law;
2. The applicant is qualified to obtain a liquor license pursuant to C.R.S. Section 44-3-307;
3. The premises are in a location eligible to conduct the proposed liquor licensed business pursuant to C.R.S. Section 44-3-313 and the zoning laws of the Town;
4. The applicant is entitled to possession of the premises for which the application is made;

- e. Consideration of a request to waive the building permit for the Wet Mtn. Fire Department.**

This was tabled due to a representative not being in attendance.

- f. Review proposed Resolution changing 103 Ridgeline Drive from light equipment to heavy equipment use.**

Attorney Buchner explained this use by Use by Special Review. The Planning Commission recommended allowing .42 Agricultural/heavy equipment sales or

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NEW BUSINESS CONTINUED

services. The zoning remains Highway Commercial. It was missed during the Planning Commission meeting that there are posting notices required the same as a zoning change. This is the resolution that will come before the Board at the next meeting if you are in agreement that you accept this. This is for discussion.

There were concerns about parking issues. Mr. Troyer explained this won't be an issue. They don't want a lot of parking.

Town Manager Shank explained that the only condition that Planning Commission stated was that it passes the final building inspection; there were a few issues regarding ADA for the plumbing permit. The board agreed to move forward with the resolution coming before the board at the September meeting.

g. Consideration of the Town hosting a Westcliffe business networking event.

Ms. Snow explained that the thought is due to no longer having a Chamber of Commerce and the number of businesses that have changed hands and new businesses, it would be nice to meet the business owners in town. It is an opportunity to develop a relationship with them.

It could be a simple meet-and-greet event. The board agreed this would be a great idea. After more discussion, October would be a great time and further details would be worked out.

h. Update on the Memorial Park trail/sidewalk project.

Town Manager Shank reported that after the walkthrough with an engineer and not having an engineered plan, or bid documents, we need to have it engineered prior to advertising for a bid for construction. The thought is to hire an engineer to be available for this and other projects or hire one temporarily.

Attorney Buchner said that with federal grant money and the amount of the project, a Request for Proposal for an engineer.

Discussion of developing a Request for Proposal for an engineer.

Attorney Buchner said one concern was paying an engineer to do work for us on a retainer. One solution could be to do the request for proposal by bringing an engineer as an independent contractor with the first right of refusal without having to pay a minimal amount to keep them on as a retainer, which is a concern on the budget.

After further discussion, the board directed Manger Shank and Attorney Buchner to develop a Request for proposal for an engineer.

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NEW BUSINESS CONTINUED

j. Discussion and consideration of adding “Use of on Street Parking” to Title 9, Chapter 1-Westcliffe Parking Infractions Code.

Clerk Reis had contacted Attorney Buchner due to a tent being put in a public parking area, which we did receive complaints. We don't have regulations disallowing this. The Farmers Market also allows a vendor to block off parking spaces in CDOT right of way.

Attorney Buckner said that this is the basic language that prevents on-street parking. This can be modified or changed as how you would like it. "Use Of On Street Parking: On-street parking spaces shall be used for vehicular parking only. No sales, rental, storage, repair, servicing of vehicles, equipment or materials, dismantling, or other activities shall be conducted or located in such areas. On-street, spaces cannot be designated as private or reserved for the adjacent use." It is a safety issue allowing tents, etc. in vehicular parking spaces.

Language could be added, “On-street spaces cannot be unilaterally designated as private or reserved for the adjacent use without written permission from the Town.” It was suggested to make it geographically confined.

After more discussion, the Board agreed that we need language in the code and asked Attorney Buchner to draft an ordinance.

k. Schedule a budget workshop.

Workshop #1 – Present the proposed 2022 Amended Budget. August 23rd-1:00 p.m.

Workshop #2 – Discuss the 2023 Budget – September 26, 1:00 to 4:00 p.m.

Workshop #3 – Finalize the 2023 Proposed Budget October 3rd. 1:00 p.m. to 3:00 p.m.

l. Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) regarding the Town Manager position.

ACTION: Ms. Snow moved and Mr. Mowry seconded to go into Executive Session for the purpose of a personnel matter under C.R.S. Section 24-6-402(2) (f)(I) regarding the Town Manager. Motion carried.

EXECUTIVE SESSION

At 7:25 p.m. the Special Meeting was recessed. Executive Session was convened at 7:27 p.m.

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NEW BUSINESS CONTINUED

At 7:40 p.m., Mayor Pro-Tem Cole reconvened the special meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Ms. Snow, Mr. Wilhelm, Mr. Mowry, Gabriel Shank, Attorney Buchner, and Kathy Reis. For the record, Mayor Pro-Tem Cole asked that if any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record.

No action was taken.

STAFF & COMMITTEE REPORTS

a. Report from Town Clerk

Benches- Courtney Miller would like the benches put on private property. I asked the attorney to draft an agreement similar to the Planet Walk. Rotary is doing the benches.

Retirement- KISC contacted us regarding an option. The board agreed that if he is interested in contacting us in January.

Featured Business segment- We started a segment doing a drawing to feature the businesses on Facebook.

Broadband update- The meeting is August 30th at 5:00 p.m., here at the Town Hall.

Safe Routes to School-A pre-construction meeting is scheduled for tomorrow.

b. Report from Town Manager

Chipseal-Should start tomorrow.

Rosita Parking Lot- We haven't received a bid from APC. We don't have other bids.

Stripping on the streets- We have not received bids from either of the companies that were contacted.

PUBLIC COMMENT

Chuck Jagow requested to be on the September agenda to discuss the street lights that were recently changed.

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PUBLIC COMMENT CONTINUED

Lucas Epp thanked the board for opening up the meeting room to the public.

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

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk