

**BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
MONDAY, JULY 12, 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 and Mr. Johnston

**ABSENT:** Mr. Nordyke

**PLEDGE OF ALLEGIANCE**

Mayor Wenke led the Pledge of Allegiance

**OTHERS PRESENT**

John Van Doran, Tracy Ballard, Matthew Baker, Randy Wilhelm, Hal Shepperd, Charles Ellison, Julie Smith, Peggy Quint-via Zoom, Lisa Frank-via Zoom, Elliot Jackson-via Zoom, Wanda Jennings, Gabriel Shank, Clay Buchner-via Zoom and Kathy Reis

**Financial:**

- a. Treasurer's Report: Clerk Reis submitted written reports. With 50 percent of the year having elapsed, General Fund has collected 58 percent of budgeted revenues and spent 44.4 percent of budgeted expenditures. Capital Fund has collected 41.4 percent of budgeted revenues and spent .9 percent of budgeted expenditures. Sales tax for April was up by 11.6 percent, which is up 21.01 percent from the previous year-to-date.

<b>Account balances:</b>		<b>June Expenditures Paid in July</b>
<b>General Fund Checking:</b>	\$ 373,061.83	\$ 45,980.52
CSafe-GF Core 11:	\$ 147,026.96	
CSafe-3% Tabor Reserve:	\$ 21,409.38	
CSafe-General Fund Reserve-14	\$ 161,707.80	
<b>Municipal Court Checking:</b>	\$ 1,407.70	\$ 0.00
<b>Tennis Court Checking:</b>	\$ 25,035.34	\$
<b>Conservation Trust Fund Checking:</b>	\$ 35,080.79	\$ 0.00
<b>Capital Fund Checking:</b>	\$ 536,060.81	\$ 930.63
CSafe-CF Core 12:	\$ 220,013.08	
Total C.D.'s plus interest:	\$ 203,357.40	

**APPROVAL OF CONSENT AGENDA**

- a. Approval of minutes for June 7, 2021 regular and June 15<sup>th</sup>, 2021 special meetings.  
b. Treasurer's Report  
c. Approval of Bills

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

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**OLD BUSINESS**

**a. Consideration of request to approve Resolution 8-2021 amending the Town Handbook Policy.**

Clerk Reis reported these are these are proposed increased benefits to attract new and to retain employees.

Mayor Wenke asked if we had done comparisons to other municipalities our size.

Clerk Reis responded, yes, we did comparisons.

**ACTION:** Ms. Snow moved and Ms. Cole seconded to approve Resolution 8-2021 amending the Town Handbook Policy. Motion carried.

**NEW BUSINESS**

**a. PUBLIC HEARING for removing on officer under C.R.S. 31-4-307.**

Mayor Wenke recused himself turning the meeting over to Mayor Pro-Tem Cole and left the room.

Trustee Johnston asked to table this until he could consult an attorney.

Attorney Buchner stated it isn't a requirement in the statute and that it is up to the members of the Board of Trustees.

The board members (Mayor Pro-Tem Cole, Mr. Frickell and Ms. Snow) all wanted to continue with the Public Hearing.

Mayor Pro-Tem Cole opened the Public Hearing reading the charges against Trustee Johnston as follows:

She stated the subject is memorandum for John Johnston, the subject are the written charges pursuant to C.R.S. 31-4-307.

This memorandum serves as written charges for removal from the Board of Trustees ("BOT").

Charge: Threats, Harassment and Blackmail of Town Staff

Description: On June 25, 2021, you wrote an email to Gabriel Shank, Westcliffe Town Manager, and Ccd Kathy Reis, Town Clerk, and Paul Wenke, Town Mayor.

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**NEW BUSINESS CONTINUED**

In that email you stated: *“that I asked you yesterday to consider resigning...I am asking for your resignation before noon as I seriously do not want to make things public that could potentially damage your future career.”* After Mr. Shank rightfully ignored your threat and blackmail, you posted information regarding Mr. Shank’s past, which information was 16 years old, irrelevant, defamatory, and personally damaging to Mr. Shank and Mr. Shank’s family. These actions constitute a threat, harassment, and attempted blackmail of a Town Official. This type of behavior is unacceptable in any capacity, and it will not be tolerated by the Town of Westcliffe and the Board of Trustees.

At the public hearing on July 12, 2021, the BOT will discuss your removal as a Trustee under the charge as written above.

Mayor Pro-Tem Cole asked Trustee Johnston if there were any actions he would like to take.

Trustee Johnston responded he would like to table this to consult an attorney.

Mayor Pro-Tem stated, that is not an option we are willing to take. Are there any other actions you would like to take?

Mr. Johnston replied “no mam”

Mayor Pro-Tem Cole asked Mr. Johnston if he would like to comment first.

Mr. Johnston replied, no comment.

Mayor Pro-Tem asked if the public had comments.

There were no public comments.

**b. Consideration of removing an officer under C.R.S. 31-4-307.**

**ACTION:** Ms. Cole moved and Mr. Frickell seconded to approve that the Board of Trustees remove Trustee Mr. John Johnston from the Board pursuant to C.R.S. Section 31-4-307 for the reasons stated in the written charges and discussed at this public hearing. Roll Call Vote: Ms. Cole-Aye, Mr. Frickell-Aye, Ms. Snow-Aye, Mr. Johnston-No vote. Motion carried.

Mr. Johnston left the building after the roll call vote.

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**NEW BUSINESS CONTINUED**

Attorney Buchner stated there was a quorum of four and you had motion on the table and seconded and you had a fourth member that left without a vote. It is counted as a no vote or a nay. You can just proceed.

Mayor Pro-Tem Cole turned the meeting back to Mayor Wenke. Mayor Wenke returned to his seat.

**c. Sheriff's 2<sup>nd</sup> quarter report.**

Sheriff Byerly presented the second quarter report: Total calls for Westcliffe had 872 originally, with the changes removing the CCIC, Jail Transports and School Resource call, that brings it down to 331. With the changes it brings to total calls of service to 1,403. Westcliffe's is 24% total calls of service for the second quarter.

Westcliffe didn't have any DUI calls; five parking violations were written on Main Street for overlength vehicles and fifty traffic stops in Westcliffe.

The board members appreciated the new format for the report.

He reported that National Night out will be August 3<sup>rd</sup>. at the park. This year the deputies will not be cooking, they will be able to interact with the people. We will have volunteers to the cooking. He reminded the board members about the ballot issue coming up in November. He asked the board members if they would like to tour the facilities. It was scheduled for August 2<sup>nd</sup> at 4:00 p.m.

**d. Consideration of request to approve a sponsorship to Wet Mtn. Valley Saddle Club for the PRCA Rodeo.-Julie Smith**

Julie Smith apologized for being late. We are asking for your sponsorship. One thousand tickets have been presold online. The Town will have a banner. She was unaware of the Donation request process. Six tickets per show will be provided for the Town. The Clerk said we do have it in the budget.

**ACTION:** Ms. Cole moved and Mr. Frickell seconded to approve \$2,000.00 for a banner to hang up at the rodeo. Motion carried.

**e. Award the contract for Transportation Alternative Program engineer and authorizing the Mayor to sign it.**

Town Manager Shank explained there were five proposals, three were invited for a site visit. Two participated in the walk through, one was virtually. They were chosen through a scoring process required by CDOT. The award is not based on the bid, it is

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**NEW BUSINESS CONTINUED**

based on the total score. Ayers, Mead and Hunt had the higher score. The bid came in at \$179,000. The budget was for \$100,000 for the design. After negotiations we were able to lower due to a portion that was not in the original plan. Further negotiations will be on Wednesday with their team. Funds can be transferred from the construction phase. The contract will be signed after the negotiations. If the construction does come in high, we can hold off on part of the project doing at a future time.

**ACTION:** Ms. Cole moved and Ms. Snow seconded to approve contracting with Ayers, Mead and Hunt and authorize the Mayor to sign it. Motion carried.

**f. Presentation regarding Town's existing flood risk.-John Van Doren**

Mr. Van Doren stated there are two areas of concern; one in the residential area and Chloride Gulch. He would like to focus on Chloride Gulch. A hundred year for us is defined at 3.7 inches in a 24-hour period. Based on weather data from CSU in 1955-3.81 inches in a 24-hour period, August 1966, two days of rain 2 inches and 2.7 inches. CDOT replaced the bridge on Highway 69 in 1966 with a 14' x 14' concrete box culvert. The lift station was built in 1975 adjacent to Adams Blvd. In 1985 was built as it is today. It was built to be breached. There was a 6' existing culvert there. The culvert has 300 cubic feet capacity per second. The spill way (concrete portion) has an additional 700 cubic feet of capacity per second.

In 1975 a flood plain study was done by CU Boulder. They calculated a flow rate of 1,950 cubic feet per second. Almost double of the road and culvert has. In 2006 a watershed study was done which they calculated a flow rate of 1,319 cubic feet per second. It means it was probably under designed. It puts the Mennonite Church in the flood plain, part of the mobile home park and lot by the church. More of a concern is the lift station if water were to flow over the road. There are electronics exposed, including a transformer and a backup generator. Worst case is the road be blown out completely. The 1987 study showed needing a 12' x 12' box culvert there.

He stated he would like to see an updated study. I talked to some engineers, it would cost \$15,000 the engineering and \$5,000 for an on the ground survey team and \$5,000 for a contingency. He since learned from the Colorado Water Control Board. They have \$300,000 dollars in grant money to use for flood risk assessments in Custer County.

I am not asking for funding for this, I suspect it will be FEMA money for the study. The Colorado Water Control Board will pay for the study.

The 12' x 12' box culvert with a pedestrian bridge would cost over \$150,000.

He stated his ask has turned into an informative presentation.

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**NEW BUSINESS CONTINUED**

**g. Consideration of request to hire a seasonal Street and Park employee.**

Town Manager Shank asked to hire a seasonal employee for the streets and parks from the time they get hired until October.

Clerk Reis said it isn't in the budget, however, the budget will need amended.

**ACTION:** Ms. Snow moved and Ms. Cole seconded to approve hiring a seasonal Street and Park employee from now through October. Motion carried.

**h. Schedule workshop to review the 2020 draft audit.**

The draft audit was presented to the board.

Clerk Reis said we need to have a workshop/special meeting to review and approve the 2020 Audit. If the meeting is after July 31<sup>st</sup>, an extension will need to be filed with the state.

A workshop/special meeting will be scheduled for August 16 at 10:00 a.m. via a Zoom meeting. The Clerk will ask the auditor to file an extension.

**i. Consideration of filling the vacant seat.**

Mayor Wenke said we need to authorize the Clerk to put an ad in the paper.

Brian Clince's seat needs to be filled by August 24<sup>th</sup>, John Johnston's seat needs to be filled by September 10<sup>th</sup>. The letters can be reviewed and approve at the August meeting if you would like. Both vacancies will be required to run for office at the April 2022 election.

**ACTION:** Mr. Wenke moved and Mr. Frickell seconded to authorizing the Clerk to put an ad in the paper to fill the vacant seats for the Town Board. Motion carried.

**STAFF & COMMITTEE REPORTS**

**a. Report from Town Manager**

Town Manager Shank presented a map of the locations for the up coming chip seal projects scheduled for the week of July 19th. All within budget. There are additional funds in the budget for unforeseen issues. This is 2 miles of road. There will be temporary road closures. The crew has been knocking on the doors of the citizens present to let them know the schedule.

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**PUBLIC COMMENT**

Matthew Baker representing a group of STR property owners requested to be on the agenda to review and amend the Short-Term Rental ordinance. The Mayor stated it would need to go back to the Planning Commission. Ms. Snow reported that she has already requested it to be on the August 11<sup>th</sup> Planning Commission agenda.

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

**ADJOURN**

Recorded by:  
Kathy Reis  
Town Clerk