

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, JULY 18, 2022
REGULAR MEETING**

-Page 1 -

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. Wilhelm, and Mr. Mowry

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance

OTHERS PRESENT

Lukas Epp, Charley Ellison, Elliot Jackson, Bob Fulton, Jerry Livengood, Auburn Ferguson, Joanie Liebman, Wanda Jennings and Kathy Reis. Via Zoom-Kari Maravi and Clark Maxum.

TREASURER’S REPORT

REVENUE RECEIVED IN		BALANCE OF ACCOUNTS
General Fund Checking:	\$ 102,886.80	\$ 801,874.59
CSafe-GF Core 11:	\$ 126.22	\$ 133,781.16
CSafe-3% Tabor Reserve:	\$ 33.24	\$ 35,091.46
CSafe-General Fund Reserve-14	\$ 153.00	\$ 162,125.12
Municipal Court Checking:	\$ 0.00	\$ 2,482.70
Tennis Court Checking:	\$ 0.00	\$ 25,178.70
Conservation Trust Fund Checking:	\$ 1,305.92	\$ 40,863.63
Capital Fund Checking:	\$ 55,019.59	\$ 701,117.16
CSafe-CF Core 12:	\$ 208.06	\$ 220,580.48
Total C.D.’s plus interest:	\$ 0.00	\$ 203,968.17

EXPENDITURES FOR JUNE 2022:

GENERAL FUND:	\$	58,113.22
MUNICIPAL COURT:	\$	0.00
TENNIS COURT:	\$	0.00
CONSERVATION TRUST FUND:	\$	0.00
CAPITAL FUND:	\$	28,791.24

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes-July 5 and 7th special and June 20 regular meetings
- b. Treasurer’s Report
- c. Approval of Bills

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

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, JULY 18, 2022
REGULAR MEETING**

-Page 2 -

OLD BUSINESS

a. Consideration of accepting a bid for the trails/sidewalk project at Veteran's Memorial Park and allowing the Mayor to sign a contract.

Clerk Reis stated the bids were good for thirty days. Also stated she didn't have the information, Gabriel has those. Ms. Snow inquired about the timing and suggested that the Mayor be allowed to sign a contract with Mr. Shank's approval of the bid.

There were two bids, Langston Concrete and Crestone Concrete. The board members asked that they be informed if a contract is signed and the details.

ACTION: Ms. Snow moved and Mr. Nordyke seconded to allow the Mayor to sign a contract accepting a bid for the trails/sidewalk project at Veteran's Memorial Park pending his approval. Motion carried.

b. Re-consideration of adopting the FAMLI allowing public comment.

Mayor Wenke explained that per the attorney said employees should have had prior thirty-day notice and be allowed to have input. None of the employees has expressed interest.

ACTION: Ms. Cole moved and Mr. Frickell seconded to opt out of the Family and Medical Leave Insurance. Motion carried.

NEW BUSINESS

a. Consideration and determine the outcome of the pond located off of Adams Blvd.

Mayor Wenke explained that this is the small pond by the Bluff. Jerry Livengood said they started a pond management plan in 2019 and 2020 to address the number of ponds in Water District 13 and because of the storage water out of priority and injury to senior water rights on Grape Creek and all over the Arkansas River.

In April of 2021, you received a certified letter that this pond you have is intercepting groundwater and is causing injury to those water rights. You told me you would have an answer in July of 2022. An update is needed on what your intention is for the pond.

The Mayor requested a ninety-day extension. Jerry replied that isn't possible at this time. The most that could be given is thirty days and your intent needs to be in writing.

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, JULY 18, 2022
REGULAR MEETING**

-Page 3 -

NEW BUSINESS CONTINUED

After further discussion and the possibility of being a liability to the Town, the board determined it will be covered up. Jerry clarified that a permit is not needed.

We will get it covered within thirty days. Jerry said if you have issues, please contact me.

ACTION: Mr. Wilhelm moved and Mr. Nordyke remove the pond. Motion carried.

b. Clarification of High Country Recycle and Custer County Recycle and consideration of appointing a board member to High Country Recycle.

Joanie Liebman clarified that Custer County Recycle is a county-run operation responsible for processing select recyclable materials and diverting them from the landfill, decreasing landfill expansion needs and costs. High Country Recycle (HCR) is a 501 c 3 that functions under Sustainable Ways. HCR's role is to educate and recruit volunteers to help promote the expansion of recycling and help businesses find a way they can recycle.

Bess Cole is the representative for Custer County Recycle.

ACTION: Ms. Snow moved and Mr. Mowry seconded to appoint Kathy Reis as the Town's representative on the High Country Recycle committee. Motion carried.

c. Reschedule the workshop to discuss the five-year projected budget.

The clerk will poll the board members to reschedule the workshop.

d. Consideration of removing Charley Ellison from the Planning Commission and determining the process of filling the vacant seat.

The mayor has the authority to appoint citizens and because the appointment is approved by the board, I need approval by the board to remove a citizen.

The mayor stated the reason is as we are all aware of the incident between you and Gabriel. Gabriel is the Town Manager who sits on that board per an ordinance. It would be a tense environment with the two of you. You have helped us a lot and appreciate it. It is my decision to remove you, to remove the tension.

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, JULY 18, 2022
REGULAR MEETING**

-Page 4 -

NEW BUSINESS CONTINUED

Mr. Ellison did not agree, there are others that have had issues. Mayor Wenke stated that the board is fully aware of the situation, I called you immediately and apologized and agree, that it was inappropriate. The board has met regarding that with Gabriel, he is still with us. Employee matters are private matters.

ACTION: **Mr. Frickell** moved and **Mr. Wilhelm** seconded to remove Charley Ellison from the Planning Commission and determine the process of filling the vacant seat. Motion carried. Nay-Mr. Nordyke

An ad will be put in the papers to submit letters of interest.

e. Consideration of transferring funds from CSafe to the Capital Fund checking for the Safe Routes to School project.

The clerk needs the authorization to transfer funds from CSafe to the Capital Fund if needed.

ACTION: **Ms. Snow** moved and **Ms. Cole** seconded to approve give Kathy the authority of transferring funds from CSafe to the Capital Fund checking for the Safe Routes project as needed. Motion carried.

f. Consideration of a request to apply for an incentive grant with Black Hills Energy.

Clerk Reis clarified that these are lights in both shops that need change and also trying to address the problem with the ball park lights. The payment for this will come out of the 2023 budget.

ACTION: **Mr. Nordyke** moved and **Mr. Frickell** seconded to approve applying for an incentive grant with Black Hills Energy. Motion carried.

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

ACTION: **Mr. Wenke** moved and **Ms. Cole** 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.

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, JULY 18, 2022
REGULAR MEETING**

-Page 5 -

NEW BUSINESS CONTINUED

EXECUTIVE SESSION

At 6:45 p.m. the Special Meeting was recessed. Executive Session was convened at 6:46 p.m.

At 7:32 p.m., Mayor Wenke 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. Cole, Mr. Frickell, Ms. Snow, Mr. Wilhelm, Mr. Nordyke, Mr. Mowry, Wanda Jennings, and Kathy Reis. For the record, Mayor Wenke 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.

ACTION: **Ms. Snow** moved and **Mr. Mowry** seconded that in consideration of our contractors and citizens waiting for town services, I move to remove the suspension of the Town Manager in regards to performing the building permit inspections until our next Town Board meeting on August 15th, excluding the inspection on 5th Street, which will continue to be performed by Safe Built. Motion carried.

STAFF & COMMITTEE REPORTS

No Reports

PUBLIC COMMENTS

Comments were taken from Kari Maravi-regarding inspections, Elliot Jackson-request to spend grant funds differently and be on the August agenda and Lukas Epp regarding ordinances, issues, communication with the citizens and parking issues in the 200 block.

Mr. Mowry moved and Mr. Frickell seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk