

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, JUNE 7, 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. Clince and Mr. Johnston

ABSENT: Mr. Nordyke

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance

OTHERS PRESENT

Courtney Miller, Emily Ramsey, Hans Prah, Clint Smith, Lisa Frank and Chris Lund, Elliot Jackson, Gabriel Shank, Wanda Jennings, Clay Buchner and Kathy Reis

Financial:

- a. Treasurer's Report: Clerk Reis submitted written reports. With 41.7 percent of the year having elapsed, General Fund has collected 18.2 percent of budgeted revenues and spent 18.6 percent of budgeted expenditures. Capital Fund has collected 34.8 percent of budgeted revenues and spent .9 percent of budgeted expenditures. Sales tax for March was up by 15.96 percent, which is up 24.68 percent from the previous year-to-date.

Account balances:		April Expenditures Paid in June	
General Fund Checking:	\$ 277,151.85	\$	45,943.71
CSafe-GF Core 11:	\$ 147,015.70		
CSafe-3% Tabor Reserve:	\$ 21,407.58		
CSafe-General Fund Reserve-14	\$ 161,695.34		
Municipal Court Checking:	\$ 1,332.70	\$	0.00
Tennis Court Checking:	\$ 37,528.15	\$	0.00
Conservation Trust Fund Checking:	\$ 33,305.22	\$	0.00
Capital Fund Checking:	\$ 479,608.80	\$	930.74
CSafe-CF Core 12:	\$ 219,966.26		
Total C.D.'s plus interest:	\$ 203,355.75		

APPROVAL OF CONSENT AGENDA

- a. Approval of minute's-May 3rd regular and May 11th special meetings.
b. Treasurer's Report
c. Approval of Bills

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

Mayor Wenke asked to add consideration of approving a letter to the Custer County Planning Commission. To the agenda.

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OLD BUSINESS

a. Consideration of request to approve Resolution #6-2021 amending the revised Town Handbook.

Mayor Pro-Tem Cole explained we met to review the polices being requested to change. Manager Shank said it was the adjustment for the Dress Code and the allotment for clothing allowance. Receipts will be provided prior to reimbursement. The Town logo will go on the vests and jackets for the street crew, magnetic name tags will be purchased for the office staff.

The resolution as drafted was only for the Dress Code. The board directed staff to have a resolution drafted for vacation and sick leave benefit revisions for the July meeting for review.

ACTION: Ms. Snow moved and Mr. Frickell seconded to approve Resolution #6-2021 amending the revised Town Handbook adding the Dress Code. Motion carried.

NEW BUSINESS

a. PUBLIC HEARING for a Use by Special Review to allow a shipping container at 104 Main Street.

Chris Lund explained he moved a shipping container on to my property about 7 or 8 months ago. He also stated he asked the previous inspector what the rules and conditions were. It was agreed upon the conditions were that I cover it up so it doesn't look like a shipping container. That part was done within 3 or 4 days. He didn't get that in a written document.

He has an 8' x 40' shipping container, standard height, siding has been put on it, to make it look like a baton board type construction. We intend on putting a garage door on, currently it has a cargo door on it. At the time of the Planning Commission meeting, I didn't know exactly when I needed to do that, which was one of the conditions. It is 4 to 6 weeks lead time and I know how I have to make the modifications to the container. It has a tin can roof.

Manager Shank explained the intent is to build a structure around it, this is just one bay of the structure. Planning Commission gave him through the end of October to have the roll up door on (he has made progress on that). The structure itself was to be completed within 3 years, if given final approval. As far as the roof, there wasn't anything to specify that.

Chris Lund clarified that we intend to use the container as part of the material for construction for a larger structure, a large garage, which we will incorporate a two-car garage, a shop and workshop in the back as well as the container.

There were no public comments.

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NEW BUSINESS CONTINUED

- b. Consideration of approving Resolution #7-2021 for the Use by Special Review to allow a shipping container at 104 Main Street.**

Mayor Wenke read Resolution 7-2021 into the record.

ACTION: Mr. Clince moved and Ms. Snow seconded to approve Resolution #7-2021. Motion carried.

- c. PUBLIC HEARING transferring the Brew Pub license at 116 2nd Street from The Feed Store, LLC dba The Feed Store to the Feed Store, LLC dba Silver West Feedstore.**

Hans Prahl is requesting the transfer of the liquor license. The area being licensed is the restaurant and outside patio. The brewery license will come later. The liquor license will not cover the park due to possible developments in the future.

We may have a non-profit be the sponsor for special events.

There were no public comments.

- d. Consideration of request to approve the transfer the Brew Pub license a 116 2nd Street from The Feed Store, LLC dba The Feed Store to the Feed Store, LLC dba Silver West Feedstore.**

Clerk Reis reported the application is complete with appropriate fees. The transfer allows them to use the current license for 120 days while waiting for the state approval.

ACTION: Mr. Clince moved and Ms. Cole seconded to approve the transfer the Brew Pub license a 116 2nd Street from The Feed Store, LLC dba The Feed Store to the Feed Store, LLC dba Silver West Feedstore. Motion carried.

- e. Consideration of request to approve an addendum to the Planet Walk agreement.**

Courtney Miller explained they are her to submit an addendum to the Service Agreement to address the rights and responsibility of the property owners.

Clint Smith reported that the Library District agreed to the sign being attached to the building as long as they get to choose the location. It also says that if there is any damage while installing it to the building, the Towns is responsible for the damage.

Manager Shank stated it is a formality.

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NEW BUSINESS CONTINUED

ACTION: Ms. Snow moved and Mr. Frickell seconded to approve the addendum to the Planet Walk agreement. Motion carried.

f. Consideration of appointing Mr. Heavey as the Town Municipal Judge by the recommendation of the search committee.

Mr. Johnston reported that Mr. Heavey was interviewed for the judgeship, he is qualified and was the only applicant.

ACTION: Ms. Snow moved and Mr. Johnston seconded to approved appointing Mr. Heavey as the Town Municipal Judge. Motion carried.

g. Consideration of approving a notice of award for the Park, Recreation, Trails, Open Space and Street Scape Master Plan design firm.

There were two firms within our budget. After the interviews, we determined that DHM Design was the firm of choice. We are only approving awarding the contract to DHM Design. We can't move forward until we get the IGA from DOLA, which could take up to 45 days.

ACTION: Ms. Snow moved and Ms. Cole seconded to approve the notice of award for the Park, Recreation, Trails, Open Space and Street Scape Master Plan to DHM Design. Motion carried.

h. Consideration of transferring Tennis Court funds raised by citizens to Valley Park, Recreation and Youth Center, Inc.

Clerk Reis reported that Marci Gregg with Valley Park, Recreation and Youth Center, Inc. agreed to the Town giving the citizen raised funds of \$12,528.15 to them.

ACTION: Mayor Wenke moved and Mr. Johnston seconded to approve transferring Tennis Court funds raised by citizens to Valley Park, Recreation and Youth Center, Inc. Motion carried.

i. Schedule workshop to discuss Title 4, Chapter 8 Seasonal Outdoor Seating for Food Service Establishments.

The ordinance needs clarified. The Mayor asked the staff to look and see what other comparable municipalities to that might work for us. After some discussion, it was decided to have the Clerk pole the board members determine the time for the workshop September 13.

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NEW BUSINESS CONTINUED

j. Consideration of approving a letter to the Custer County Planning Commission.

This item was added to the agenda after the consent agenda was approved. Mayor Wenke explained that he emailed a document yesterday regarding the Counties potential approval for a storage unit facility on our southern border. He also had talked with several board members individually prior to presenting it to the county. There were some corrections to it. The Geroux's want to establish a large vehicle storage. He submitted that letter as our position. We can modify and resubmit it.

Another concern is a private property owner in the county can't access the Town streets without permission.

Attorney Buchner stated due to previous board policy being voted on during a public meeting, this is totally appropriate.

ACTION: **Mr. Frickell** moved and **Ms. Cole** seconded to approve to approve the letter with striking item number 6. Roll call vote: Mayor Wenke-Aye, Ms. Cole-Aye, Mr. Frickell-Aye, Ms. Snow-Aye, Brian Clinch-Nay and Mr. Johnston-Nay. Motion carried.

STAFF & COMMITTEE REPORTS

a. Report from Town Clerk

American Rescue Plan Fund-DOLA let us know that we will receive these funds in two allotments, one in 2021 and the other in 2022, the total is \$157,847.64 (two payments of \$78,923.82). It is very specific as to what we can spend it on, it is Covid related. There is an agreement that the mayor needs to read it prior to finishing the survey. The clerk asked the board if they would like to receive the fund.

The categories are:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

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STAFF & COMMITTEE REPORTS CONTINUED

The document that needs signed off on is the Non-Entitlement Unit Certification. This is to state that we want the funds and will spend it according to the guidelines and that the mayor understands the document. There isn't a match. More details will be coming soon. The board agreed to move forward.

b. Report from Town Manager

Street Maintenance-Striping is in process, some trees have been trimmed, the tables have been set. Several alleys and the portion we own on Hermit Lane have been rough graded. We have gotten a few thank you's from some business owners.

Parks-The irrigation systems are up and running, repairs completed. Lawn care has been taken care of. The bathrooms at Memorial Park have been opened.

Façade grant-We received numerous applications, with the committee reviewing those that were eligible. All but approximately \$2,200 have been awarded. Total projects were about \$60,000 in repairs, that was with their estimates. There are still funds available.

Email: A board member requested a policy or procedure that if there is an email sent to the all the Trustees, someone needs to response. Mayor Wenke had responded and copied everyone on it. Clerk Reis explained that is not appropriate to respond to all, as it could be perceived as an unpublished meeting.

Manager Shank apologized for not sending it earlier. When the letter was received from the said party's attorney, it was sent directly to Clay. I did contact the mayor just to let him know that I was not ignoring this. Again, I do apologize for not contacting you sooner, I needed to communicate with the attorney first.

Mayor Wenke stated that if a trustee receives an email, they should send it to Gabriel and a copy to the mayor to make sure it is being addressed. This is the Town Manager's job; everything needs to funnel through him. Trustees need to know anytime there is knowledge of an attorney being involved.

Manager Shank suggested that we have a "Did you Know" section on our website.

Mr. Cline moved and **Mr. Johnston** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis
Town Clerk