

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, MAY 21, 2024
REGULAR MEETING**

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CALL TO ORDER

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

ROLL CALL

Before taking roll call, Ms. Christie announced that Trustee Loree Lund resigned from the Board of Trustees effective May 16th, 2024.

The following members were present: Mayor Pro-Tem Mowry, Mr. Dembosky, Mr. Nordyke, Mr. Wilhelm, and Mr. Fulton.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem led the Pledge of Allegiance.

OTHERS PRESENT

Caleb Patterson, Kathy Reis, Erin Christie, Attorney Clay Buchner (Zoom), Chuck Jagow, Vanessa Cruz, Claudia Henning, Jerry Peters, Eric Messick, Christy Schram & Geoff Schram, Dave Schneider, Ben Lenth, Jeremy Handy, and Tim Hilgert (Zoom).

TREASURER'S REPORT

	REVENUE RECEIVED		BALANCE OF ACCOUNTS
General Fund Checking:	\$ 98,076.03	\$	226,022.35
CSafe-GF Core 11:	\$ 2,897.06	\$	561,142.96
CSafe-3% Tabor Reserve 13:	\$ 214.80	\$	47,766.90
CSafe-General Fund Reserve-14	\$ 1,769.68	\$	393,715.70
CSafe-Tennis Ct.-Core-16	\$ 92.56	\$	20,577.76
Tennis Court Checking:	\$ 0.00	\$	5,178.70
Municipal Court Checking:	\$ 0.00	\$	2,407.70
Conservation Trust Fund Checking:	\$ 0.41	\$	10,019.83
CSafe-CF Core 15	\$ 194.36	\$	43,211.54
Capital Fund Checking:	\$ 31,086.47	\$	182,408.78
CSafe-CF Core 12:	\$ 7,542.22	\$	1,678,124.64

EXPENDITURES FOR APRIL 2024:

GENERAL FUND:	\$	145,064.27
MUNICIPAL COURT:	\$	0.00
TENNIS COURT:	\$	0.00
CONSERVATION TRUST FUND:	\$	0.00
CAPITAL FUND:	\$	15,130.74

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes April 16, 2024 regular meeting
- b. Treasurer's Report
- c. Approval of Bills

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ACTION: Mr. Fulton moved, and Mr. Wilhelm seconded to approve the consent agenda. Motion carried.

OLD BUSINESS

- a. **Consideration of a request to approve Ord. 2-2024 amending Title 10, Chapter 4, Section 3 Outdoor Lighting, adding paragraph H.**

ACTION: Mr. Wilhelm moved, and Mr. Dembosky seconded to amend Title 10, Chapter 4, Section 3 Outdoor Lighting, adding paragraph H. Motion carried.

- b. **Continue discussing declaring the Town of Westcliffe as a Non-Sanctuary Town.**

Mayor Pro-Tem Mowry stated that it is unnecessary to declare the Town of Westcliffe as a Non-Sanctuary Town because Custer County has already done so. Attorney Buchner explained that it is a political statement only and does not carry any weight. Ms. Reis reported that the only reason this is back on the agenda is because the previous discussions were at a workshop, and decisions cannot be made at workshops. The statement needs to be made on the record at a Board of Trustees Meeting that the Town of Westcliffe is not making the declaration that they are a Non-Sanctuary Town.

- c. **Consideration of partnering with U.S. Solar. – Tim Hilgert.**

Tim Hilgert reported that in the presentation at last month's Board of Trustees Meeting, there was a mistake in the lifetime savings if enrolled, which is \$1,600.00 when it is actually \$1,400.00. The partnership consists of Black Hills Energy awarding U.S. Solar the project and they then build the solar garden connected to the grid with Black Hills, and a credit is given on the energy bills for customers who enroll.

ACTION: Mr. Fulton moved, and Mr. Dembosky seconded to partner with U.S. Solar. Motion carried.

- d. **Consideration of a request to approve Ord. 3-2024 by adding Chapter 6 Tiny Homes to Title 3.**

This would allow specifications in the current code to allow for Tiny Homes and to add language indicating that 500 square feet be the maximum size.

ACTION: Mr. Dembosky moved, and Mr. Fulton seconded to approve Ord. 3-2024 adding Chapter 6 Tiny Homes to Title 3. Motion carried.

- e. **Consideration of a request to approve the Buff Park conservation easement with the Town of Westcliffe and Colorado Open Lands and to approve Resolution NO. 4-2024 approving the transfer of property from the Town of Westcliffe to United Business Bank. – Ben Lenth.**

There will be two different motions made—one approving the conservation easement and a second approving the Resolution. The property was transferred from the Town to United Business Bank because the original plat did not include the bank's parking lot, so the property boundary was moved over a foot, and that small portion of the property was given to the Bank.

Ben Lenth with Colorado Open Lands reported that the Town owns the middle two parcels of Bluffs Park as of April 8, 2024, when the transfer was complete. The entire Bluffs Park is now owned by the Town of Westcliffe, and Colorado Open Lands has a continuous conservation easement. The conservation easement guarantees that the view of the range will never be blocked, and no development can occur unless it is related to park amenities.

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ACTION: Mr. Dembosky moved, and Mr. Wilhelm seconded to approve the Bluff Park conservation easement between the Town of Westcliffe and Colorado Open Lands. Motion carried.

ACTION: Mr. Dembosky moved, and Mr. Fulton seconded to approve Resolution NO. 4-2024 approving the transfer of property from the Town of Westcliffe to United Business Bank. Motion carried.

NEW BUSINESS

- a. **Consideration of a request to approve a Special Event Liquor Permit for Veterans Ranch Rescue at 410 Main St. – Christy Schram.**

Ms. Schram, who operates the Veterans Ranch Rescue, reported that a brunch will be held at the Country Courtyard Inn, and they would like to serve mimosas. Ms. Reis reported that all permit requirements have been met. The Veterans Ranch has an animal rescue and runs Veterans Retreats, focusing on alternative therapies, especially equine therapy.

ACTION: Mr. Nordyke moved, and Mr. Fulton seconded to approve a Special Event Liquor Permit for Veterans Ranch Rescue at 410 Main St. Motion carried.

- b. **Consideration of approving Resolution NO. 3-2024 approving a variance to build a garage five feet (5') from the front lot line at 409 S. 5th St. recommended by the Planning Commission.**

The homeowner, Jerry Peters, is requesting the variance because there is no way to build a garage off of the alley because of the way the house is positioned on the lot. He owns a large truck, so it is impossible to enter the garage through the current gate so they are requesting to move the setback from ten (10) feet to five (5) feet. Mr. Patterson confirmed that the garage will not block the right of way.

ACTION: Mr. Mowry moved, and Mr. Nordyke seconded to approve Resolution NO. 3-2024 approving a variance to build a garage five feet (5') from the front lot line at 409 S. 5th St. recommended the Planning Commission. Motion Withdrawn.

ACTION: Mr. Mowry moved, and Mr. Nordyke seconded to approve Resolution NO. 3-2024 approving a variance to build a twenty-eight foot (28') wide by twenty-four foot (24') deep garage five feet (5') from the front lot line at 409 S. 5th Street. Motion carried.

- c. **Round Mountain Report. – Dave Schneider.**

Mr. Schneider reported that the well replacement project has been finished and is pumping 270 gallons a minute. CDPHE requires them to test the new well to see if it is connected to the stream in any way. So far, the testing results have been successful. They have been in the process of building a water storage reservoir, which the State required of them. They have received a grant to help with the project.

CDPHE has also required them to hire an engineering firm to assist with the pilot study for a wastewater treatment plant.

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NEW BUSINESS CON'T.

d. Consideration of approving the Façade Grant Applications.

Mr. Fulton recused himself and left the room because he owns the building where one of the applicants runs their business.

ACTION: Mr. Wilhelm moved, and **Mr. Dembosky** seconded to approve all the Façade Grant Applications. Motion carried.

Mr. Fulton returned to the conference room.

e. Consideration of a request to move forward with heating the Memorial Park restrooms. (WPAC)

Mr. Patterson reported that \$40,000.00 was budgeted to WPAC to get their opinion on how to spend that. They came up with spending it on heating the Memorial Park restroom so that it can be open all year round rather than seasonally. The funds will be used for the insulation and electric heaters that will be necessary.

ACTION: Mr. Dembosky moved, and **Mr. Wilhelm** seconded to move forward with heating the restroom at Memorial Park to be accessible year-round. Motion carried.

f. Schedule a planning workshop.

A workshop to address affordable housing planning and grants was scheduled for Friday, May 31st, at 1:00 p.m.

BOARD OF ADJUSTMENTS

Discuss the Ace Hardware lights.

Mayor Pro-Tem Mowry announced that the Regular Meeting is recessed, and the Board of Adjustments Meeting will convene.

The person requesting the Board of Adjustment Meeting did not appear. Jeremy Handy was present on behalf of Ace Hardware. Attorney Buchner advised not to hold the Meeting since both parties were not present.

Mayor Pro-Tem Mowry announced that the Board of Adjustments Meeting has concluded, and the Regular Meeting will reconvene.

STAFF & COMMITTEE REPORTS

a. Deputy Town Clerk

Ms. Christie asked the Board of Trustees if they would rather have the staff Christmas party in December or hold a Christmas in July dinner as they have done in the past. The Board chose Christmas in July, held at the Alpine Lodge.

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STAFF & COMMITTEE REPORTS CON'T.

Ms. Christie reported that with Ms. Lund resigning as a Trustee, an ad for the vacant seat will be placed in the Tribune to solicit letters of intent, with the initial deadline being June 14th, 2024. At the June Meeting the Trustees can schedule interview dates if there are multiple letters received. Ms. Reis reported that per statute, another Trustee needs to be appointed within sixty (60) of the resignation, which would be July 16th, 2024. If no letters of intent are submitted by this date, a special election will need to be held.

b. Town Manager

Mr. Patterson provided an update on the Jess Price Park construction project. Everything is going as scheduled, and the paving behind the park is finished. The Planning Commission is considering a new commercial district in Vivenda Parque and a new multi-family district South of Hermit Park. The Town did not receive the grant to install rectangular flashing safety beacons at Highway 69 and Hermit Park because the Town didn't have the right crash data. A safety crossing will still be put in place; it just won't have the flashing beacons. The TAP project will be put out to bid for paving behind Main St. and for the Powell Ave. improvements.

Mr. Fulton moved, and **Mr. Nordyke** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Erin Christie
Deputy Town Clerk