

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
MONDAY, OCTOBER 18, 2021
REGULAR MEETING**

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CALL TO ORDER

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

ROLL CALL

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

ABSENT: Mayor Wenke

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance

OTHERS PRESENT

Miriam Neff, Elliot Jackson, Gary Hyde, Betsy Banks, Kim Seng, Julie Lotesto-Smith, John Van Doren, Diane Whalen, Johnathan Sims, Clay Buchner, Wanda Jennings, Gabriel Shank and Kathy Reis

Financial:

- a. Treasurer's Report: Clerk Reis submitted written reports. With 83.3 percent of the year having elapsed, General Fund has collected 80.2 percent of budgeted revenues and spent 47.4 percent of budgeted expenditures. Capital Fund has collected 54.7 percent of budgeted revenues and spent 24.7 percent of budgeted expenditures. Sales tax for July was up by 19.56 percent, which is up 21.36 percent from the previous year-to-date.

Account balances:		Sept. Expenditures Paid in May
General Fund Checking:	\$ 563,911.59	\$ 47,688.00
CSafe-GF Core 11:	\$ 133,458.50	
CSafe-3% Tabor Reserve:	\$ 35,055.90	
CSafe-General Fund Reserve-14	\$ 161,734.16	
Municipal Court Checking:	\$ 1,482.70	\$ 0.00
Tennis Court Checking:	\$ 25,035.34	\$ 0.00
Conservation Trust Fund Checking:	\$ 36,467.25	\$ 0.00
Capital Fund Checking:	\$ 447,654.02	\$ 11,502.16
CSafe-CF Core 12:	\$ 220,049.00	
Total C.D.'s plus interest:	\$ 203,511.18	

APPROVAL OF CONSENT AGENDA

- a. Approval of minute's
- b. Treasurer's Report
- c. Approval of Bills

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

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OLD BUSINESS

a. Continued discussion and consideration of request to amend Title 6, Chapter 6- Possession of Alcoholic Beverages.

Mayor Pro-Tem Cole reported that Brian Cline was not able to attend tonight, our attorney will not be able to attend the November meeting and suggested that this be will need to be tabled until the December meeting. She then asked the attorney if he had further information.

Attorney Buckner reported that state statutes can't be overridden at the local level. Liquor laws are considered matters of state wide concern. He recently found a statute amendment that would allow the Town to pass by resolution, an ordinance or otherwise a rule to decriminalize the open container issue. In the past you would be required to pull a Special Event Liquor permit. If the Town chooses you wouldn't have to put it to the voters, you could change the open container law by ordinance. The only caveat is, you can't allow open containers in the public right-of-way. If the Town wants to for example decriminalize open containers for the public parks, that is the Board of Trustees decision now, as before it was of state wide concern. If you chose you can pass a law to do that. He also didn't think signing a liability waiver would be needed if decriminalize in certain public areas. There isn't a public intoxication law, but there are disorderly conduct laws. It would allow for people to be drunk in public as long as they aren't breaking any other laws.

A question was asked, would a block party require a Special Event Liquor permit. Attorney Buckner responded, yes it would need a Special Event Liquor permit if it is in a public right-of-way or create a jurisdiction that allows for that at certain times. A municipality could create an area downtown blocking off a certain area of the street creating a walking block party theme, similar to New Orleans.

Weddings have been allowed to have alcohol in parks. The bigger issue of this is enforcement. Westcliffe has not enforced the open container law in certain circumstances and it has been fine. It hasn't been challenged at a higher level.

The next step could be to pass an ordinance changing the law. Mr. Cline can attend the November meeting. It was suggested that the board get Sheriff Byerly's input.

It was suggested to have public discussion to see if the public supports it after talking to Sheriff Byerly. A direct mailer could be sent to the registered voters. There are deadlines for a petition driven ballot issue.

After further discussion it was decided to discuss this at the November meeting with the sheriff prior to the attorney drafting an ordinance.

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OLD BUSINESS CONTINUED

b. Consideration of request to approve Ord. 7-2021 amending Title 10, Chapter 1, Section 16-Short Term Vacation Rentals.

Ms. Snow gave a brief overview of the changes. Clarifying the difference between lodging and short term rentals (will be further clarified in the Title 10 review); changing the license period from one year to two years; reducing the license and renewal fees; one fee structure for all short term rentals; removed a lot of the compliance requirements from the ordinance, putting them in the Self Compliance Affidavit checklist (this will be verified by the Building and Zoning Officer); put a clause in that guarantees existing short term rentals that are in compliance and with no issue have priority for renewal; there was some additional clean up verbiage. It was decided to repeal and replace the entire ordinance.

Town Manager Gabriel Shank agreed there was give and take. We tried to minimize the workload and inspections and is comfortable with the forms that have been created.

Ms. Snow reported it was very collaborative event and happy with the outcome. Raven's and Mattie Burt's units are considered lodging.

ACTION: Ms. Snow moved and Mr. Mowry seconded to approve Ord. 7-2021 amending Title 10, Chapter 1, Section 16-Short Term Vacation Rentals. Motion carried.

NEW BUSINESS

a. PUBLIC HEARING and consideration of request to approve a Use by Special Review Permit for the Feedstore Limited at 116 2nd Street to operate as a Motel.

Johnathan Sims explained they would like to add a few cabins to the park area to included small kitchenets. We are asking for the change to motel as it falls more in line with the definition in the Town Code.

Ms. Snow reported the Planning Commission recommended approving the request. Town Manager Shank stated this is a temporary fix, we are in the process of adding a lodging definition to the code. A site plan and permits need approved and issued prior to the cabins being built.

The question was asked when will the cabins be built and do, they require an additional water tap and have you discussed it with Round Mountain?

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NEW BUSINESS CONTINUED

Mr. Sims responded that the cabins are fabricated off site, assembled on the property, the time frame is the first of the year. There are two water taps currently, this was discussed with someone at Round Mountain.

Clerk Reis reminded the board that approval per our code should be done by a resolution.

Attorney Buchner said a resolution can be approved and drafted with approval of the board. However, the board would be voting on a resolution they haven't reviewed. A resolution is a voted agreement by the voting body. You could direct a resolution to be written with the motion being very specific or you can vote to do a verbal resolution.

Public Comment was called for hearing none the following motion was made.

ACTION: **Ms. Snow** moved and **Mr. Nordyke** seconded to approve a Use by Special Permit for the Feedstore Limited at 116 2nd Street to operate as a motel contingent upon completion and approval of building and all other construction plans and all the requirements. Motion carried.

b. Consideration of request to approve support letters for several grants for the Wet Mtn. Valley Saddle Club-Scott Camper.

Julie Lotesto-Smith representing the WMVSC requested a letter of support for grants they would be applying for: T-Mobile for the Home Town Grant program and T-Mobile Foundation, El Pomar, Great Outdoors Colorado and a couple of Federal grants. There is a need for increased seating capacity by replacing old seating and adding new seating. The electrical also needs upgraded, we will partially fund this from proceeds from the rodeo, phase two would be to replace the lights and poles. The pens are needed repaired and additional ones needed.

ACTION: **Mr. Mowry** moved and **Mr. Wilhelm** seconded to approve a letter for several grants for the Wet Mtn. Valley Saddle Club. Motion carried.

c. Consideration of request to contribute to a new fuel system at Custer County Road and Bridge-Gary Hyde.

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NEW BUSINESS CONTINUED

Gary Hyde reported there is a need to upgrade the fuel system at a cost of \$110,000. There are 12 agencies including Road and Bridge that use the system. Town of Westcliffe used 1,850 gallons in 2020. The overall gallons that went through our system was 74,292. Westcliffe's usage was about 2.5%. We are asking Westcliffe to contribute \$2,736 of the \$110,000.

The current system is 20 years old and is no longer reliable. It has failed numerous times this year. There is an involved process to reset it each time. Users would need to get fuel some place other than Road and Bridge when this occurs.

Westcliffe saved on the average .87 cents per gallon annually, in 2020 this saved the Town \$1,609.50. Westcliffe has been using the system since the 90's.

If the entities don't contribute, they will have the option of purchasing fuel elsewhere. If they choose to purchase it, elsewhere, they would have to pay the fuel taxes and go through the process to get refunded by the state.

Mayor Pro-Tem Cole said this will be discussed at the budget workshop making the decision at that time.

d. Consideration of request to approve a support letter for a grant for Southern Colorado Economic Development-Miriam Neff.

Miriam gave a brief overview of the Build Back Better Grant; they and other organizations are working to put together. It is offered by the Economic Development Administration with the goal of to have aligned projects that are aimed at growing surface transportation technology and an integration throughout the entire region. It is a two-phase grant; the first phase that will be available in January or February 2022 is half a million to do planning that would bring all the communities in the region together. Phase two-time line is unsure, it is for up to seventy-five million for implementation of the projects. The request is for a letter of support for the planning grant. This is not part of the infrastructure bill going through Washington.

The benefit is for support to new businesses coming to Custer County, Westcliffe and Silver Cliff.

ACTION: **Mr. Frickell** moved and **Mr. Mowry** seconded to approve a support letter for a grant for Southern Colorado Economic Development. Motion carried.

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NEW BUSINESS CONTINUED

e. Nonprofit presentations for the 2022 Budget

Kim Seng with Country Strong Youth gave a brief presentation regarding the donation request. It is an open-door program for students in 4th grade through 12th. We are asking for funding to keep the program which helps to develop socially and emotionally and social skills. They are under the 501 C3 of the Wet Mountain Valley Saddle Club. The Board of Trustees thanked them for attending and providing further information.

Elliot Jackson with the Westcliffe Center for Performing Arts verified they did not receive funds applied for in 2019. The Board of Trustees thanked her for attending and providing the clarification.

Diane Whalen with Altitude Fitness gave a brief history of the Club and how it is an asset to our community to have an exercise room and as swimming pool. It is an aging facility that has been in existence since 2005. There are issues with the HVAC system and boiler. The request of \$9,900 is for a pool cover. Grants are being sought from Anschutz, Gates and El Pomar the larger items.

John Van Doren talked about the facility being energy intensive, propane costs on an annual basis run about \$20,000, electrical about \$10,000. The pool is 3400 square feet. The boiler is sixteen years old; it isn't efficient.

The Board of Trustees thank them for attending and providing the additional information.

All the requests will be reviewed at the next budget workshop.

f. Consideration of request to approve the Media Relations Coordinator job description and ad.

This position would be approximately ten to fifteen hours per work, hourly wage will be up to \$19.00 depending on experience, no benefits. If the board would like the person could start as soon as hired. The interview committee will be Cathy Snow and Kathy Reis. The job description is just Media Relations Coordinator, it could work into more.

The ad will go to both local papers, The Valley Beat, CML, KLZR, our website and on Facebook.

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NEW BUSINESS CONTINUED

ACTION: Ms. Snow moved and Mr. Wilhelm seconded to approve the Media Relations Coordinator job description and ad to be effective immediately. Motion carried.

g. Consideration of request to approve Resolution 9-2021, to participate in the Opioid settlement.

Attorney Buchner reported that the money could be used for third order type of programs, such as education for example similar to the DARE program. They are encouraging all municipalities and counties to apply for it. The money may be negligible. Westcliffe could be eligible for 9%. Town Manager Shank and Attorney Buchner can work together on the application.

ACTION: Ms. Snow moved and Mr. Mowry seconded to approve Resolution 9-2021, to participate in the Opioid settlement. Motion carried.

STAFF & COMMITTEE REPORTS

a. Report from Town Clerk

Christmas party: After polling everyone, Monday, November 29th was the date agreed upon.

b. Report from Town Manager

He reported everything is going well.

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

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk