

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, April 16, 2024
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, Mr. Mowry, Ms. Lund, Mr. Dembosky, Mr. Nordyke, Mr. Wilhelm, and Mr. Fulton.

PLEDGE OF ALLEGIANCE

Mayor Wenke led the Pledge of Allegiance.

OTHERS PRESENT

Caleb Patterson, Kathy Reis, Erin Christie, Attorney Clay Buchner, Cathy Snow, Sally Strom, Tim Broll, Lele & Don Cook, Donna Hood, Chuck & Karen Jagow, Christy Patterson, Joannie Liebman, Bianca Trenker, Deb Adams (Zoom), Laura Vass, Twila Geroux, John Vandoren, Tim Hilgert (Zoom), and Audrey Gluschal.

TREASURER’S REPORT

	REVENUE RECEIVED		BALANCE OF ACCOUNTS
General Fund Checking:	\$ 105,096.76	\$	179,596.61
CSafe-GF Core 11:	\$ 3,079.76	\$	658,245.90
CSafe-3% Tabor Reserve 13:	\$ 222.74	\$	47,552.10
CSafe-General Fund Reserve-14	\$ 1,833.86	\$	391,946.02
CSafe-Tennis Ct.-Core-16	\$ 96.10	\$	20,485.20
Tennis Court Checking:	\$ 0.00	\$	5,178.70
Municipal Court Checking:	\$ 0.00	\$	2,407.70
Conservation Trust Fund Checking:	\$ 3,405.15	\$	10,019.42
CSafe-CF Core 15	\$ 201.44	\$	43,017.18
Capital Fund Checking:	\$ 31,460.53	\$	174,858.25
CSafe-CF Core 12:	\$ 7,816.06	\$	1,670,582.42

EXPENDITURES FOR MARCH 2024:

GENERAL FUND:	\$	64,885.44
MUNICIPAL COURT:	\$	0.00
TENNIS COURT:	\$	0.00
CONSERVATION TRUST FUND:	\$	0.00
CAPITAL FUND:	\$	19,129.94

APPROVAL OF CONSENT AGENDA

- a. Approval of minutes March 19, 2024 regular meeting
- b. Treasurer’s Report
- c. Approval of Bills

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

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OLD BUSINESS

None

NEW BUSINESS

a. Swear in newly elected officials.

Mr. Dembosky, Ms. Lund, and Mr. Fulton were sworn in by Mayor Wenke.

b. Appoint Town Officials.

	Current
Mayor Pro-Tem	George Mowry
Town Manager	Caleb Patterson
Town Clerk/Administrator/Treasurer	Kathy Reis
Town Attorney	Clay Buchner
Municipal Judge	James Heavey
Auditor	Mayberry & Company, LLC

ACTION: Mr. Dembosky moved, and Ms. Lund seconded to appoint Town Officials. Motion carried.

c. Discuss the occurrences during the April 3rd Planning Commission Meeting. Christy Patterson.

Ms. Patterson expressed concern over the occurrences at the April 3, 2024, Planning Commission Meeting. She provided each Trustee with material on ethical violations and played the recording from the meeting on her cell phone. Ms. Patterson requested that Mayor Wenke step down from the Board of Trustees.

d. High Altitude Garden Club – Thank you. Sally Strom.

Ms. Strom, President of the High Altitude Garden Club, thanked the Town for supporting them.

e. Consideration of a request to appoint a representative from the Town to High Country Recycling. Joanie Liebman.

Ms. Liebman provided the history of High Country Recycling and stated that there has always been a representative on the Board from Silver Cliff, Westcliffe, and Custer County. At present, there is no one from the Town of Westcliffe. The meetings are held via Zoom on the fourth Monday of the month. Mr. Mowry suggested that Erin Christie represent the Town and fill the High Country Recycling Board seat.

ACTION: Mr. Mowry moved, and Mr. Nordyke seconded to appoint Erin Christie as the representative from the Town to the High Country Recycling Board. Motion carried.

f. Presentation – U.S. Solar regarding a partnership program. Tim Hilgert.

Mr. Hilgert explained that Community Solar is a state-mandated program that builds large-scale solar fields. Black Hills Energy customers can sign up for the program to help offset their electrical usage. There is a guaranteed savings rate built into the program – citizens who participate receive a credit on their monthly bill.

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NEW BUSINESS CON'T.

In addition, upon signing up, new customers will be given a \$100.00 credit immediately. Mr. Hilgert verified that Community Solar is not expecting exclusivity or financial obligation. They just provide education to citizens and help create partnerships.

Mayor Wenke said this will be put on May's Board of Trustees Meeting agenda after all the material is reviewed.

g. Consideration of a request to approve Resolution NO. 2-2024 approving a mural at 57600 State Highway 69 South. Tim Broll.

Mr. Broll presented the mural that will be placed on the propane tank located at 57600 State Highway 69 South. One side will have elk, and the other will have running horses.

ACTION: Mr. Wilhelm moved, and **Mr. Fulton** seconded to approve Resolution NO. 2-2024 approving a mural at 57600 State Highway 69 South. Motion carried.

h. Consideration of a request to add a new chapter to Title 10: Chapter 17 Lodging recommended by the Planning Commission and direct the attorney to draft the ordinance.

The Planning Commission recommends a New Lodging Ordinance with a set fee schedule of \$100.00 per year and \$5.00 per room. Mr. Patterson reported that this issue was initiated when a citizen requested that the current short-term rental code be reworked because lodging establishments have different requirements and fees than short-term rentals. The new ordinance can also describe the difference between extended-stay establishments and short-term rentals because the current code does not address the distinction.

Bianca Trenker, owner of Raven's Lodging & Extended Stays, was asked for her opinion. She believes it would be helpful to have some regulation on extended stay establishments clarified in an ordinance to address health and safety issues.

Attorney Buchner will draft the ordinance, and approval of it will be placed on the May Agenda.

i. Update signatories on all bank accounts.

Ms. Reis reported that Gary Frickell needs to be removed, and Erin Christie needs to be added.

ACTION: Mr. Nordyke moved, and **Mr. Fulton** seconded to update signatories on all bank accounts. Motion carried.

j. Executive Session for the purpose of receiving legal advice under C.R.S. Section 24-6-402(4)(b) regarding the adoption of the Tiny Home Supplement to the current building code.

ACTION: Mr. Dembosky moved, and **Mr. Mowry** seconded to go into Executive Session for the purpose of receiving legal advice under C.R.S. Section 24-6-402(4)(b) regarding the adoption of the Tiny Home Supplement to the current building code. Motion carried.

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NEW BUSINESS CON'T.

EXECUTIVE SESSION

At 6:52 p.m., the Regular Meeting was recessed. Executive Session was convened at 6:55 p.m.

At 7:35 p.m., Mayor Wenke reconvened the Regular Meeting and announced that the Executive Session had concluded. He stated that in addition to himself, the participants in the Executive Session were Mr. Patterson, Attorney Buchner, Mr. Dembosky, Mr. Wilhelm, Mr. Nordyke, Mr. Mowry, Ms. Lund, Mr. Fulton, Ms. Christie, and Ms. Reis. For the record, Mayor Wenke asked that any person participating in the Executive Session who believed that there was any improper discussion or improper action in violation of the Open Meetings Law state his or her concerns for the record.

k. Discuss and consider taking action on the Tiny Home Supplement.

Mr. Buchner reported that 400 square feet is the State standard for tiny homes and recommended that the Town's code not exceed 500 square feet.

ACTION: Ms. Lund moved, and Mr. Fulton seconded to adopt the Tiny Home Supplement and changing the maximum size of a tiny home to 500 square feet instead of 400 square feet. Motion withdrawn.

ACTION: Ms. Lund moved, and Mr. Wilhelm seconded to direct Attorney Buchner to develop a new ordinance that will supplement the current building code to include tiny homes, with the tiny house being defined as 500 square feet or smaller. Motion carried.

STAFF & COMMITTEE REPORTS

a. Mayor

Mayor Wenke apologized for the occurrences at the April 3rd Planning Commission Meeting and asked for a vote from the Trustees if they wanted him to resign. The Board unanimously voted that they do not want him to resign. Attorney Buchner stated that, in his opinion, there is no legal basis in support of forcing Mayor Wenke to step down, but that moving forward, he should not be involved in any discussions related to his store.

b. Town Manager

Mr. Patterson reported that the line striping is in process and that the new chip seal and paving will begin soon. The Town was accepted to receive LOMA funds for the Highway Safety Improvement Program. Future agenda items include replacing the sidewalk at the Feedstore, the new bathroom at Hermit Park, and upgrading the Memorial Park bathroom to be open year-round.

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STAFF & COMMITTEE REPORTS CON'T.

c. Town Attorney

Attorney Buchner reported that the Town recently wrote a ticket for an excavation violation, and the individual who received it may approach the Trustees. Mr. Buchner advised that Town employees and Trustees should not discuss the matter with the individual because it is going through Municipal Court.

d. Town Clerk

Ms. Reis reported that Clean-Up Day is May 4th with volunteers meeting at Town Hall at 7:30 a.m.

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

ADJOURN

Recorded by:
Erin Christie
Deputy Town Clerk