

Town of Cedaredge Board of Trustees
Regular Meeting
Record of Proceedings
February 18, 2021

The Town Board of Trustees met for its Regular Meeting on February 18, 2021 via Zoom webinar. The meeting notice was posted in the designated area at Cedaredge Town Hall at least 24 hours prior to the meeting in accordance with the Sunshine Law. All documents included in these minutes by reference are available for review at Cedaredge Town Hall.

Call to Order: Mayor Hanson called the meeting to order at 5 pm and led the Pledge of Allegiance.

Roll Call: Present were Mayor Raymond F. Hanson, Mayor Pro Tem Michael and Trustees Jim Atkinson, Cathy Brown, Charlie Howe, Richard Udd and Heidi Weissner; Town Administrator Greg Brinck; and Town Clerk Kami Collins.

Agenda Approval: Mayor Pro Tem Michael moved and Trustee Atkinson seconded to approve the agenda as presented.

Roll Call Vote: Voting ‘aye’ were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted ‘nay.’ Motion passed unanimously and the Agenda was approved.

Consent Agenda: Mayor Pro Tem Michael moved and Trustee Weissner seconded to approve the consent agenda (4a through 4e):

- a. Minutes: 1/21/2020 Regular Meeting
- b. Financial Report: 1/31/2021
- c. Disbursement 1/2021
- d. 2020 Period 13 Financials
- e. Ratification: Letter of Support: Delta County Ambulance District

Roll Call Vote: Voting ‘aye’ were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted ‘nay.’ Motion passed unanimously and the Consent Agenda was approved.

Constituent Time: No member of the public addressed the Board.

Swearing in of Officer Josh Brown: Chief Joe Roberts swore in Officer Josh Brown.

Boards & Commissions:

- a. **Planning & Zoning Commission – Appointment of Gene Welch:** Trustee Atkinson moved and Mayor Pro Tem Michael seconded to appoint Gene Welch to the Planning & Zoning Commission.

Roll Call Vote: Voting 'aye' were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and Mr. Welch was appointed to the position.

Community Organizations

- a. **Surface Creek Community Services (Cedaredge Food Bank) Annual Update – Ken Christenson:** Mr. Christenson submitted a written report. The Board expressed appreciation to the organization for their service to the community.
- b. **Delta County Public Library District Annual Update – LaDonna Gunn:** Ms. Gunn submitted a written report and shared the District's website. Trustee Udd suggested the Town's Chromebooks that are no longer used be donated to the library to use for patrons; Administrator Brinck will follow up with Ms. Gunn.

Department Reports

- b. **Administration** – Administrator Brinck reported staff has been working hard on marijuana legislation. He, Adam Conway and Jerry Young reviewed bids for the NE 4th Street/golf course pond expansion project. A bid has been awarded to a local contractor.
- c. **Golf Course Pro** – Administrator Brinck reported the course has been snow-covered recently so there is not a lot happening with the course right now.
- d. **Golf Course Superintendent** – Administrator Brinck reported that two new pieces of equipment were ordered through the Capital Improvement budget. Adam continues to get equipment ready for the golf season. The course has struggled getting qualified candidates for the assistant position hired. Trustee Atkinson asked if there was any progress on the pump house project; Administrator Brinck said a contractor is working on a spec sheet for the project.
- e. **Police Department** – Chief Joe Roberts submitted a written report.
- f. **Public Works** – Director Jerry Young submitted a written report.
- g. **Town Clerk/Economic Development** – Kami submitted a written report.

Financial:

- a. With 8.33 percent of the year elapsed we have collected 6.7 percent of budgeted revenues and spent 4.6 percent of budgeted expenditures. Sales and use taxes collected in November and booked in January were up 20 percent from 2020 showing a slight decrease of flattening of our experience of nearly 30 percent last year. Nevertheless, total sales and use taxes collected in January are up 18 percent from budget. Expenditures in the General Fund exceeded revenues by \$18,704 for the month of January. This loss will be recovered when property tax payments of approximately \$47,000 are booked in March. Water Fund revenues exceeded expenditures by \$5,099 for the month of January. Wastewater Fund revenues exceeded expenditures by \$19,545 in the month of January. Golf Course Fund revenues exceeded expenditures by \$68,681 for the month of January due primarily to \$61,059 in preseason sales. The golf course was closed in January but reopened the first of February. There were no expenditures from the Capital Improvement Fund or the Conservation Trust Fund in January.

Recess Regular Meeting: Mayor Hanson recessed the Regular Meeting at 5:44 p.m. Mayor Pro Tem Michael recused herself and logged off of the meeting.

Public Hearing: Fermented Malt Beverage Liquor License: CR Brown Transport DBA Go-Fer Foods

- a. **Open Public Hearing:** Mayor Hanson opened the Public Hearing at 5:44 p.m.
- b. **Staff Presentation & Recommendation:** Kami presented the liquor license application.
- c. **Applicant Presentation:** Jason Farrington with Go-Fer Foods spoke to the Board. He said customers at the store have repeatedly asked for the service.
- d. **Trustee Comments/Questions:** Trustee Howe asked if staff was required to be trained in liquor sales; Mr. Farrington said all staff is being trained by state training models. Trustee Howe noted it would be nice to see the store add additional gas pumps added; Mr. Farrington said his company is looking into adding other pumps possibly.
- e. **Public Comment:** Bob Michael, owner of Mesa Liquors, submitted a letter of opposition. Mr. Michael also spoke to the Board and reiterated the points in his letter and noted that the traffic congestion issue was his largest concern. Mr. Michael said he withdrew his objection to the license approval. Trustee Weissner noted she did not want to see local businesses hurt with the competition and asked Mr. Michael to address how much of his sales are from beer; Mr. Michael said when the FMB license to Cedaredge Foodtown was approved, his store lost about 48 percent of beer sales. He said there would certainly be ramifications to his business if the Go-Fer license was approved, but he reiterated that he withdrew his objection, as long as the Town balances the needs of the overall business community. Trustee Howe noted the store would serve mainly its customers and said it is rare to see convenience stores that do not sell beer. Trustee Weissner noted that if they begin advertising sales of beer it would further take away business from the other liquor licensees. She asked if the Town could require the store minimize advertising; other Board members did not support that suggestion. Mr. Farrington said his company is locally-owned; his company has been operating in Town for more than 40 years. He reiterated that the store will only have two cooler doors of selection and will only carry the top three beers and won't have the wide selection that's available in other stores. He said he didn't think the Cedaredge community would make Go-Fer their destination liquor store since they won't carry a wide selection. He reiterated his customers repeatedly ask for the service.
- f. **Close Public Hearing:** Mayor Hanson closed the Public Hearing at 6:07 p.m.

Reconvene Regular Meeting: Mayor Hanson reconvened the Regular Meeting at 6:07 p.m.

Fermented Malt Beverage Liquor License: CR Brown Transport DBA Go-Fer Foods: Trustee Udd moved and Trustee Brown seconded to approve the Fermented Malt Beverage Liquor License for Go-Fer Foods.

Roll Call Vote: Voting 'aye' were Mayor Hanson and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and the FMB Liquor License was approved.

Mayor Pro Tem Michael rejoined the meeting at 6:12 p.m.

Amended Serving Hours for Creekside on 65: Creekside on 65 manager Codi Nelson submitted a letter requesting the Board consider amending her serving hours so the restaurant can serve alcohol during their regular hours of operation. Ms. Nelson also submitted a petition signed by customers who support the change in service. School District Superintendent Caryn Gibson submitted a letter supporting the change. Trustee Brown noted she voted against the change at the last meeting, but given the addition of recreational marijuana soon coming to Town, the restaurant should be allowed to serve. Trustee Udd noted that with Ms. Gibson's reversal of her objection and given the large number of customers signing a petition, he also reversed his earlier vote. Trustee Weissner said she would like to table the vote until the impending safety additions by the school could be clarified. Trustee Howe asked if kids were outside adjacent to the restaurant; it was noted the kids are behind the school during recess times. Mayor Pro Tem Michael noted that many customers of the restaurant park in the school parking lot; she agreed with Trustee Weissner that she would like to see the school's safety plan before she voted as well. Trustee Atkinson noted that while school is in session, the kids are either in the school building or in a fenced yard.

Trustee Howe moved and Trustee Brown seconded to amend the serving hours for Creekside on 65.

Roll Call Vote: Voting 'aye' were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe and Udd; Trustee Weissner voted 'nay.' Motion passed 6-1 and the serving hours for Creekside on 65 were amended. After the vote, Trustee Weissner noted she was not opposed to the issue, but had hoped to hear more from the school before the vote was taken.

Doug & Carolyn Payne Couples Pass Deferment: Mr. and Mrs. Payne purchased a couples golf pass for 2021. Mr. Payne sustained an injury in December 2020 that will leave him unable to play golf for much of 2021. Mr. Payne submitted a letter to the Board asking that the 2021 Couples Pass be rolled into 2022.

Trustee Howe moved and Trustee Brown seconded to roll the Paynes 2021 Couples Golf Pass to 2022. Trustee Udd noted that the Town should have a policy in place to handle these situations in the future. Trustee Atkinson noted a prorated refund policy would be best.

Roll Call Vote: Voting 'aye' were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and the Paynes golf pass will be credited to 2022.

Memorandum of Understanding: Victim's Advocate Services: The MOU outlines an agreement with the Delta County Coroner, Hotchkiss Marshall's Office, Paonia Police

Department and Cedaredge Police Department for shared Victim’s Advocate services. The Town is required by law to provide victim’s advocate services. Mayor Pro Tem Michael moved and Trustee Weissner seconded to approve the Memorandum of Understanding.

Roll Call Vote: Voting ‘aye’ were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted ‘nay.’ Motion passed unanimously and the MOU was approved.

Ordinance 2021-01: TDS Franchise Fees: The Ordinance outlines the franchise agreement with TDS Telecomm. Trustee Udd moved and Trustee Weissner seconded to approve Ordinance 2021-01.

Roll Call Vote: Voting ‘aye’ were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted ‘nay.’ Motion passed unanimously and Ordinance 2021-01 was approved.

Resolution 10-2021: DOLA EIAF Grant for WWTF Dewatering: The Resolution supports a grant application to DOLA for funds to assist in purchasing a dewatering system for the Town’s wastewater treatment facility. Trustee Weissner moved and Trustee Atkinson seconded to approve Resolution 10-2021.

Roll Call Vote: Voting ‘aye’ were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted ‘nay.’ Motion passed unanimously and Resolution 10-2021 was approved.

Upcoming Work Session and/or Board Meeting Discussion Topics: Mayor Hanson noted some upcoming Work Sessions on capital projects and water, and noted the Board may have a retreat as well. Trustee Weissner asked for a meeting for golf course policies and building and land use codes. Trustee Udd said he was concerned about the consideration to rewrite the IGA with Delta County addressing the Growth Management Area; he noted some of the residents in the Deer Creek Village area are concerned. Trustee Howe said a retreat should happen first so the Board can prioritize discussion topics.

Executive Session: Mayor Hanson stated the purpose of the Executive Session: Pursuant to C.R.S. 24-6-402(4)(b): *Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.* Topic: Partners Golf Tournament. Mayor Hanson moved and Trustee Weissner seconded to move into Executive Session. The Board entered into Executive Session at 6:39 p.m.

The Regular Meeting was reconvened at 7:12 p.m.

Executive Session: Mayor Hanson stated the purpose of the two Executive Sessions: Pursuant to C.R.S. 24-6-402(4)(b): *Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.* Topic: Conditional Use Permit; and pursuant to C.R.S. 24-6-402(4)(f)(I): *Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter*

involves more than one employee, all of the employees have requested an open meeting.
Topic: Town Administrator Performance Evaluation. Trustee Weissner moved and Trustee Atkinson seconded to move into Executive Session. The Board entered into Executive Session at 7:12 p.m.

Reconvene Regular Meeting: Mayor Hanson reconvened the Regular Meeting at 8:28 p.m.

Action Regarding Conditional Use Permit: Trustee Weissner moved and Trustee Atkinson seconded to table this matter.

Roll Call Vote: Voting 'aye' were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and the Conditional Use Permit issue was tabled.

Action Regarding Town Administrator: Trustee Weissner moved and Mayor Pro Tem Michael seconded to allow Mayor Hanson to authorize a COLA and merit raise for Administrator Brinck.

Roll Call Vote: Voting 'aye' were Mayor Hanson, Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously.

Mayor Hanson adjourned the meeting at 8:36 pm.

Respectfully Submitted,



Kami Collins
Town Clerk