

Town of Cedaredge Board of Trustees
Regular Meeting
Record of Proceedings
April 15, 2021

The Town Board of Trustees met for its Regular Meeting on April 15, 2021 at the Cedaredge Civic Center, 140 NW 2nd Street, Cedaredge, Colorado, with a virtual meeting option available 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 p.m. 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 to approve the Consent Agenda (4a – 4f), except that Item 4e, Resolution 13-2021, was amended to appoint all staff outlined in the Resolution except for Municipal Judge and Alternate Municipal Judge; Trustee Atkinson seconded the motion:

- a. Minutes: 3/18/2021 Regular Meeting
- b. Financial Report: 3/31/2021
- c. Disbursements: 3/2021
- d. Abercrombie Lease
- e. Resolution 13-2021: Annual Appointments
- f. Resolution 14-2021: Financial Signers

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 with the removal of the municipal judge appointments from Resolution 13-2021.

Constituent Time: Mary Gotchey, 255 SW 3rd Street, addressed the Board and recommended the Board appoint Bruce Joss to the position of Municipal Judge.

Introduction of New Staff: Sergeant Mike Wilkerson: Mayor Hanson introduced Sergeant Mike Wilkerson to the Board. Sgt. Wilkerson spoke about his experience and spoke about the current staffing at the Cedaredge Police Department.

Department Reports

- a. **Administration** – Administrator Brinck reported that the Revitalizing Main Streets Grant authorized state funding for infrastructure projects and he has been working with CDOT to see if some of our planned projects, including sidewalk connectivity, will fit in the funding criteria. The Federal American Rescue Plan Act looks to allocate just under \$500,000 to the Town; the Town is waiting on the US Treasury to release the FAQs on how the Town can spend that money. Administrator Brinck reported on the #loveCedaredge spring cleanup in town. DOWL Engineering has decided to let the Montrose office go; our engineer, Dan Quigley, has purchased the business and will retain the local employees and would like to continue engineering services with the Town. Trustee Atkinson asked if all grant funding work had to be done in CDOT right of ways; Administrator Brinck said no. Trustee Atkinson asked if we could earmark some of the funding to dedicate to Hwy. 65 including trees and maintenance; Administrator Brinck said he would look at the funding criteria to double check. Trustee Atkinson asked if there were any projects left from the last Main Street beautification that we could do this go round; Administrator Brinck said there were no leftover projects to his knowledge. He added that the funds will not cover street maintenance but other projects can be done, mostly projects which address safety improvements and multi-modal projects for pedestrian access. Mayor Pro Tem Michael asked if Safe Routes to School funding is still available; Administrator Brinck said those grants are often tied into a lot of federal regulations which can get expensive, but that the Town will look into it.
- b. **Golf Course Pro** – Pro Ira Kramer submitted a written report.
- c. **Golf Course Superintendent** – Superintendent Adam Conway submitted a written report. Trustee Howe asked if the greens that are dry will come back; Mr. Conway said he wasn't sure they would. Mr. Conway mentioned that several area golf courses put in a backflow preventer with a potable water pool to water greens before; he suggested the Town consider something similar so he can water greens before he is able to call for irrigation water. Mayor Pro Tem Michael asked how long it would be before the pond would be fenced; Mr. Conway said Public Works is handling that. Trustee Udd asked Administrator Brinck to put into the Capital Improvement Plan the backflow preventer plan Mr. Conway suggested. Mayor Hanson noted he is closing his plumbing business and will donate some of his supply to the golf course.
- d. **Public Works** – Director Jerry Young submitted a written report. In addition to his written report, Mr. Young said the Town needs to aggressively plan for the drought this summer. Mayor Pro Tem Michael asked about the fence around the pond; Mr. Young said the north end is done and his crew is working on the south end. Mayor Pro Tem Michael said kids who get off the school bus are going toward the pond; Mr. Young said it will be rectified within the next week or two.

- e. **Town Clerk/Economic Development** – Kami submitted a written report. In addition she asked the Board if it wanted to see Title 5 of the Municipal Code amended to allow the Board to comment on permanent Liquor Sales Rooms; the Board indicated yes.

Boards & Commissions:

- a. **Cedaredge Tree Board – Proclamation for Arbor Day 2021:** Mayor Hanson read the proclamation. Administrator Brinck noted that the Tree Board will plant trees on Main Street on Arbor Day, April 16.
- b. **Planning & Zoning Commission**
 - i. **Appointment of Douglas Hoggatt** – Trustee Atkinson moved and Mayor Pro Tem Michael seconded to appoint Mr. Hoggatt on 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. Hoggatt was appointed to the Planning & Zoning Commission.

- ii. **Resolution 15-2021: Hunter Minor Subdivision:** Richard Hunter attended and offered to answer any questions. Trustee Atkinson said the only outstanding item left from the Planning & Zoning Meeting was the item of the power lines with DMEA; Mr. Hunter said he has paid a deposit to DMEA and is awaiting approval of the Minor Subdivision before he can move forward with that item. Town Planner Davis Farrar presented a Staff Report. Trustee Atkinson moved and Trustee Weissner seconded to approve Resolution 15-2021 with the Planner recommended approvals with the addition of adding the date to the final plat that the monument pins were set. In discussion, Administrator Brinck noted the Board needed to set the amount for cash in lieu of parkland. Trustee Atkinson amended his earlier motion to make the cash in lieu of parkland be \$1; Trustee Brown seconded

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 15-2021 was approved.

- c. **Historic Preservation Board**
 - i. **210 E Main Street:** Trustee Udd moved and Trustee Weissner seconded to add 210 E Main Street to the Cedaredge Historic Register.

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 210 E Main Street to the Cedaredge Historic Register.

Financial:

- a. Trustee & Treasurer Udd submitted a written report. With one quarter of the year elapsed the Town has collected 18.2 percent of Budgeted Revenues and spent 11.7 percent of Budgeted Expenditures. Sales and Use taxes collected in January and booked in March were up 2 percent from 2020 showing a flattening of our experience of nearly 30 percent last year. Nevertheless, total Sales and Use taxes collected through March are up 11 percent from budget. It is expected that year end Sales and Use taxes to range about 8 percent above budget. The local building contractors are reporting that they are booked up well into 2022 and Use Taxes are up almost 50 percent from last year. Revenues in the General Fund exceeded Expenditures by \$97,827 for the month of March. Property tax payments of \$52,244 were booked in March as expected. Water Fund revenues exceeded expenditures by \$25,194 for the month of March. Wastewater Fund revenues exceeded expenditures by \$13,475 in the month of March. Golf Course Fund revenues exceeded expenditures by \$7,850 for the month of March. Golf Course YTD revenue exceeds expenditures by \$66,205 through March. There were no significant expenditures from the Capital Improvement Fund or the Conservation Trust Fund in March.

Golf Course Drought Response Plan: Administrator Brinck and Mr. Conway submitted a draft golf course drought response plan. Mayor Hanson noted that until we have final numbers of the Town’s water shares this year, we can’t make a decision on the plan. Trustee Udd noted that what is missing from the plan is a hard number for what “available water” baseline to measure against. Mr. Conway noted the golf course does not have a flow meter; instead he relies on a software program that measures flow coming out of the meter and isn’t accurate for actual water on the ground.

Agreement: Ullery Conditional Trail Easement: The agreement is a Revocable License Agreement, not an Easement as indicated on the agenda. The license agreement seeks to move the Town’s Right of Way that runs through Mr. Ullery’s property. The project aims to connect the Surface Creek trail from SE Deer Creek to East Main Street through SE 4th Street, if they were to connect. The Right of Way for the road splits Mr. Ullery’s property in the middle, which is not ideal for either the Town or Mr. Ullery. Conditionally moving the Town’s ROW to the east portion of Mr. Ullery’s property so that it would run along the current fence line. This would allow the Town to build out the Surface Creek Trail and build a fence, and Mr. Ullery could maintain his pasture. The revocable license agreement would allow in the future the Town or a developer wants to develop either parcel and they wanted to build a road to access the subdivided parcels, they would be able to do that and the Town would still have the licensed area for the trail, and the connection from SE Deer Trail to E Main would then be on the road and not the Surface Creek Trail.

Trustee Atkinson asked for clarification that the Right of Way would not be amended, the only thing changing is the easement; Administrator Brinck indicated yes. Trustee Atkinson clarified that Mr. Ullery could not back out of the License Agreement; Administrator Brinck said not the way the agreement was written. Mr. Ullery was in attendance and said he would

prefer the road be moved instead of the trail easement. Trustee Howe asked if there was room on the east side to build; Administrator Brinck noted at this time, yes. Trustee Howe suggested the current License Agreement be approved but that the Board continue to look at swapping the trail easement with moving the road, per Mr. Ullery's request.

Trustee Weissner moved and Trustee Howe seconded to approve the Ullery Conditional Trail License Agreement. In discussion, Trustee Atkinson suggested that the condition should be added to the motion to work with Mr. Ullery for the boundary swap in the future; Trustee Weissner noted that is not necessary.

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 Ullery Conditional Trail License Agreement was approved.

Contract Award: Birch/Beech Alley Waterline Replacement: The Contract Award awards the waterline replacement project to Vostatek Construction. Trustee Weissner noted the full contract had not been received; Administrator Brinck noted it just came in this morning. She asked if there was an agreement if there are any overages; Administrator Brinck said the contractor would need to come before the Board to request a change order. Trustee Weissner asked if the project would connect all the lines resulting in no dead ends; Administrator Brinck said the project starts in the alley on Birch/Beech and connects to NW 9th and then connects to NW 2nd, which eliminates the dead end. Trustee Weissner moved and Trustee Atkinson seconded to approve the Contract Award.

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 Contract Award was awarded to Vostatek Construction.

Resolution 16-2021: Budget Amendment Applefest: The Resolution appropriates additional sums of money to the General Fund for Applefest expenditures. Trustee Weissner moved and Trustee Atkinson seconded to approve Resolution 16-2021.

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 16-2021 was approved.

Resolution 17-2021: First Quarter Budget Amendment: The Resolution appropriates additional sums of money to the General Fund and the Golf Course fund. Trustee Weissner moved and Trustee Udd seconded to approve Resolution 17-2021.

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 17-2021 was approved.

Resolution 18-2021: Town Organized Events: The Resolution outlines policies and procedures for Town organized events. Trustee Weissner moved and Trustee Atkinson seconded to approve

Resolution 18-2021.

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 18-2021 was approved.

Resolution 19-2021: Special Event Policies: The Resolution outlines policies and procedures for special events organized by community entities that occur on Town-owned or managed properties including streets, sidewalks and buildings. Trustee Weissner moved and Mayor Pro Tem Michael seconded to approve Resolution 19-2021 with the change of removing “Applefest” and instead saying “Town-organized events.”

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 19-2021 was approved with the change.

Resolution 20-2021: Stage 1 Drought Declaration: The Resolution declares Stage 1 Drought under the Town’s Drought Response Plan. Trustee Udd moved and Trustee Mayor Pro Tem Michael seconded to approve Resolution 20-2021.

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 20-2021 was approved.

Procedures for Public Hearings: Trustee Weissner moved and Trustee Atkinson seconded to approve the Public Hearing outline with the following changes: Number 5B should read “No applicant, staff member or the public will be subject to cross examination by anyone other than the governing body” and Number 6, A and B should be reversed.

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 procedures for Public Hearings was approved.

Discussion Topics with possible Action

- a. Variable Message Board - Trustee Weissner moved and Trustee Howe moved to remove the Variable Message Board. 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.
- b. Continuing Zoom meetings - Trustee Weissner moved and Trustee Udd seconded to make a Zoom option available indefinitely. 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.
- c. Hutto Development Fee Request – Mayor Hanson recused himself from the meeting at 7:27 p.m., citing a potential conflict of interest. Administrator Brinck said the issue was a \$1,200 invoice that was billed late from the Town’s contract planner, which was subsequently billed late to the Huttos. The Huttos are

requesting to not pay the fee since it was late. Trustee Udd suggested that the Town trade the \$1,200 for cutting the diversion road down to Cook Ditch. The Board authorized Administrator Brinck to work directly with the Huttos regarding the diversion road.

Trustee Committee Updates: Trustee Udd reported the Historic Preservation Board has completed the work it was tasked to do and are looking to begin more public education about the history of the community. Trustee Udd said the resolution needs to be revised to give the Historic Preservation Board direction.

Trustee Comments and Upcoming Work Session and/or Board Meeting Discussion Topics: Trustee Weissner said regarding the Municipal Judge appointment that both Judge French and Judge Joss are good candidates. She suggested that each Board member should submit additional questions to each candidate through Administrator Brinck.

Mayor Pro Tem Michael moved and Trustee Weissner seconded to adjourn the meeting; Mayor Hanson adjourned the meeting at 7:38 pm.

Respectfully Submitted, -



Kami Collins
Town Clerk