

Town of Cedaredge Board of Trustees
Regular Meeting
Record of Proceedings
May 20, 2021

The Town Board of Trustees met for its Regular Meeting on May 20, 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 Pro Tem Michael called the meeting to order at 5:06 p.m. and led the Pledge of Allegiance.

Roll Call: Present were 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. Mayor Raymond F. Hanson was absent and excused.

Agenda Approval: Trustee Weissner moved and Trustee Howe seconded to approve the agenda as presented.

Roll Call Vote: Voting 'aye' were 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: Trustee Weissner moved and Trustee Udd seconded to approve the Consent Agenda (4a – 4f):

- a. Minutes: 4/15/2021 Regular Meeting
- b. Financial Report: 4/30/2021
- c. Disbursements: 4/2021
- d. Ratification: Letter of Support to Department of the Interior for Grand Mesa Water Users Association
- e. Ratification: Letter of Support to Gunnison Basin Roundtable for Grand Mesa Water Users Association
- f. Lease Agreement: Lost Mesa Grill Sidewalk Service Area

Roll Call Vote: Voting 'aye' were 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.

Proclamation: National Public Works Week: Trustee Weissner read the proclamation.

Proclamation: National Police Week: Trustee Weissner read the proclamation.

Constituent Time: John Steighner, 1350 SE Fairway Drive, said he attended the drought work session the week before and said the discussion by the Board wasn't clear that the Board was speaking only about increased rates for residential users. He said the topic of higher rates for commercial users was not addressed in the work session, so the draft resolution appears to have been

crafted “behind closed doors.” He said none of the “whereas” clauses in the draft resolution justify a higher increase for large commercial users. He questioned why the Board would target residential users over commercial users, since a drought is a drought for all users.

Department Reports

- a. **Administration** – Administrator Brinck gave an update on the Birch/Beech waterline replacement project which will start June 1. The Town was awarded a DOLA grant for the dewatering project at the wastewater treatment plant. Building permits are up year to date. Trustee Howe asked if the \$175,000 grant was for the full project or for a percentage; Administrator Brinck said the grant was based off total project cost and will cover about 50 percent of the total cost.
- b. **Golf Course Pro** – Pro Ira Kramer submitted a written report.
- c. **Golf Course Superintendent** – Superintendent Adam Conway submitted a written report. Mr. Conway shared a schematic plan for the proposed new pump station and said that if the Board is hoping to do this project this year, the Town should issue an RFP soon, as parts for the pumps are delayed for several months due to manufacturing shortages. Trustee Udd asked for clarification if the pump would be shared by the golf course and the cemetery; Mr. Conway said the pump would not be shared. Trustee Atkinson asked if the technical specifications for the pump station were included; Mr. Conway said not in this drawing, but the specs are available. Mr. Conway suggested if the Town is ready to move forward on the project he will start getting specs and bids; the Board indicated he should start gathering data.
- d. **Public Works** – Director Jerry Young submitted a written report.
- e. **Town Clerk/Economic Development** – Kami submitted a written report. In discussion, the Board indicated they would like to discuss in a Work Session potential development incentives.
- f. **Police Department** – Chief Dan Sanders said Sgt. Wilkerson has been working with the officers in training. Officers are back to visiting the schools. The staff has been meeting weekly to address issues. Chief Sanders said the issues facing the department right now are out of date technology and older vehicles. Mayor Pro Tem Michael asked if the department has looked at a training schedule; Chief Sanders said rifle and handgun training is scheduled, and additional trainings will be scheduled as well. Trustee Weissner complimented Chief that it is apparent that more police presence is notable, especially around the schools. She asked if the department was doing anything with use of force. Chief Sanders said yes, and that the department is actively discussing that and it comes back down to training. Trustee Howe asked when the new cars would be available; Chief said the dealer cannot give him a solid date, due to manufacturing slowdowns due to COVID.

Financial:

- a. Trustee & Treasurer Udd submitted a written report. With one third of the year elapsed the Town has collected 26.1 percent of budgeted revenues and spent 16.6 percent of budgeted expenditures. Sales and use taxes collected in February and booked in April were up 21.6 percent from 2020. Year to date sales and use taxes collected through April are up 15 percent from budget. The Town’s share of the County law enforcement tax is \$35,606 YTD. Local building contractors are reporting that they are booked up well into 2022 and use taxes are up 50 percent from last year. Revenues in the General Fund exceeded expenditures by \$60,144 for the month of April. Water

Fund revenues exceeded expenditures by \$22,027 for the month of April. Wastewater Fund revenues exceeded expenditures by \$9,260 in the month of April. Golf Course Fund expenditures exceeded revenue by \$8,701 for the month of April due in part to startup costs for restaurant operations. Year to date revenue is up 74 percent from last year. There were no significant expenditures from the Capital Improvement Fund or the Conservation Trust Fund in April.

Municode Codification Proposal: The Town of Cedaredge used to work with Municode until 2010 to codify our code with the ordinances but since that time, various staff have codified in-house in an effort to save money. When that happened, the code changed to a PDF document in separate titles on our website, making searching difficult. Municode would make sure the ordinances comply with state and federal law, and then add the newly passed ordinances to the code. The Municode system would make the code more easily readable and searchable, making it more user friendly and transparent for the public. Municode gave two proposals. The first is recodification of ordinances from 2010 on. The proposal would include attorney review. Moving forward, under the self-publishing model, we can add additional ordinances in house. The recodification is just under \$10,000 plus an annual operating fee of \$1,200. Trustee Weissner asked why we need to pay for attorney review; Administrator Brinck said prior administrators didn't always have attorneys review the ordinances. Trustee Udd asked if the PDF files are searchable; Administrator Brinck said it is searchable by chapter. Trustee Atkinson asked for the process now, and what the process is in the future. Administrator Brinck said that when an ordinance is in effect now, staff updates a Word document, saves it as a PDF and uploads it to the website. Under this proposal, the new method would be done with the software, but we would gain the searchability function with the new system. Trustee Weissner asked if moving forward we would pay for attorney review; Administrator Brinck said no, because our attorney already reviews our ordinances.

Trustee Weissner moved and Trustee Udd seconded to move forward with the recodification and the self-publishing proposal with Municode.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Brown, Howe, Udd and Weissner; Trustee Atkinson voted 'nay.' Motion passed 5-1 and the Town will move forward on the recodification and self-publishing proposal with Municode.

Agreement: Double J Recycling: The agreement outlines the Town providing space for two recycling receptacles at the Public Works facility on SE High Country Avenue; Double J Disposal will be responsible for maintaining receptacles, the area and for removing the recycling when the receptacles are full. Trustee Atkinson asked if the receptacle was for; Administrator Brinck said one is for cardboard and one is for mixed paper. All other materials will still need to be taken to the center in Austin. Trustee Weissner moved and Trustee Brown seconded to approve the Double J Recycling Agreement.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and the Double J Recycling Agreement was approved.

Agreement: Professional Services Applefest Contract Labor: The agreement outlines contract labor duties to assist staff with the Applefest event. Trustee Atkinson asked if the labor could be

quantified by hourly; Kami explained that Courtney is on tap to help as needed through the end of the event. Trustee Udd said the Town is committed already and that Kami needs assistance for the festival. Trustee Udd moved and Trustee Weissner seconded to approve the Professional Services Agreement.

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

Memorandum of Understanding: Grand Mesa Water Conservancy District: The MOU outlines leasing office space at Town Hall to the District.

Trustee Weissner moved and Trustee Howe seconded to approve the Memorandum of Understanding.

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

Resolution 21-2021: Municipal Judge Appointment: Trustee Weissner said some staff and constituents have questioned the Board's reasoning on why the new appointment. She said that the Board's responsibility is to appoint the judge and that reappointment should not be a given.

Trustee Brown moved and Trustee Howe seconded to appoint Judge French as judge.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Brown and Howe; Trustees Atkinson, Udd and Weissner voted 'nay.' Motion tied 3-3.

In discussion, Trustee Weissner and Trustee Udd both spoke in favor of Judge Joss. Trustee Brown asked if Chief Sanders could speak on the issue. Chief explained that Judge French does often use the threat of jail time with juveniles in an effort to deter crime. Chief Sanders said a juvenile has never gone to jail under Judge French. Chief Sanders said that Judge French does often put adults in jail for at least a day, especially shoplifters. Trustee Atkinson asked what Juvenile Diversion was; Chief Sanders explained it was a program where youth offenders have a probation sentence.

Trustee Weissner moved and Trustee Atkinson seconded to appoint Judge Bruce Joss as the municipal judge.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Atkinson, Howe, Udd and Weissner; Trustee Brown voted 'nay.' Motion passed 5-1 and Judge Joss was appointed for two years. Kami asked for clarification if the Board intended to appoint Judge French as Alternate Judge; Trustee Weissner said yes, if Judge French will agree to that.

Resolution 22-2021: Public Record Retrieval Fees: The Resolution outlines fees for various public records. Trustee Udd moved and Trustee Weissner seconded to approve Resolution 22-2021.

In discussion, Trustee Atkinson asked why the public should not pay the \$25 DVD up front instead of waiting until they pick it up; Administrator Brinck said its standard practice to charge the research fee first. The Board agreed that paying in advance for records is a good idea.

Trustee Weissner moved and Trustee Howe seconded to approve Resolution 22-2021 with the amendment that fees will be required up front.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and Resolution 22-2021 was approved with the amendment that all fees must be paid up front.

Resolution 23-2021: Stage II Drought Declaration: The Resolution declares Stage II Drought and outlines increased water rates in an effort to curb excessive water usage, with rates set to expire on November 1, 2021. Trustee Brown said the Town of Cedaredge has a record of moving funds from one fund to another, especially taking money from the water fund to offset costs in the golf course fund. She said she must represent all taxpayers in town and did not think implementing a rate hike is fair. Trustee Atkinson said the income in 2018 was high when drought rates were put into effect. He suggested that before a rate increase goes into effect, the Town should work to better educate the community on conservation. Trustee Udd suggested holding off on approving the resolution now, wait 30 days to revisit, unless a certain threshold of water reduction is reached. Trustee Weissner asked if it would be possible to charge higher rates just during the heat of the day; in discussion the Board discussed that would not work. Administrator Brinck said the Town could increase public education, but that in past experience education was not enough to curb excessive water usage. Trustee Atkinson suggested instead of higher rates then a policy of watering on different days be implemented instead. Trustee Udd suggested a 20 percent reduction in usage in the next month and then if the usage doesn't go down the rates are implemented. Trustee Howe asked if the Board should implement the fees but then implement a rebate program; the Board and Administrator Brinck said that would be a difficult model to implement. Trustee Udd said that the funds raised from increased drought rates could be put into a separate fund to use for future water conservation projects. Trustee Weissner asked why large commercial users don't have the same rates; Administrator Brinck explained that many of the large commercial users aren't actually high users. Trustee Udd mentioned that the townhomes have a different situation where they have meters that provide water for more than one home. Administrator Brinck explained that in 2018 the townhomes were charged the single-family usage instead of the multi-family rates. Trustee Atkinson asked if the Town has a program to upgrade water meters; Administrator Brinck said almost every meter in town has been updated to the new technology. Trustee Atkinson suggested the townhomes should be redone to separate the townhome residential meters from the irrigation meter; Administrator Brinck said that would be the responsibility of the townhomes. Trustee Udd suggested an additional tiered structure for the townhomes; Administrator Brinck asked if the Board wanted something different than the multi-unit structure. In further discussion, Trustees Udd and Weissner said that the multi-unit rates would work. Trustee Udd suggested for the townhomes the multi-unit usage allowance be doubled. In discussion the Board agreed that the usage of the townhomes is an HOA issue. Trustee Udd suggested that the rates be implemented only if the community does not reduce water usage by 20 percent. Administrator Brinck said the risk of waiting is that if the state cuts appropriations in June the Town could potentially end up using reservoir storage to meet in town demand.

Trustee Brown moved to table the Resolution until the June meeting and in the meantime monitor water usage, enhance community education, and stipulate that each user must maintain a 20 percent reduction in water usage over 2020 rates; Trustee Udd seconded.

Roll Call Vote: Voting 'aye' were Trustees Atkinson, Brown and Udd; Mayor Pro Tem Michael and Trustees Howe and Weissner voted 'nay.' Motion tied 3-3.

Trustee Udd moved to approve Resolution 23-2021 with the additional stipulation that all revenue above the base rate be put into a separate account to be used only for developing new water resources or improving the water management system. Administrator Brinck asked for an amendment to the motion that the funds earmarked are not off of the base rate but above what was budgeted for 2021, as the budget is developed with separation of base rates and anticipated usage rates. Trustee Udd amended his motion; Trustee Weissner seconded.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Howe, Udd and Weissner; Trustees Atkinson and Brown voted 'nay.' Motion passed 4-2 and Resolution 23-2021 was approved with the stipulation that funds received above budgeted anticipated usage fees be earmarked for future water improvements.

Resolution 24-2021: Title 16 Code Update Steering Committee: The Resolution appoints a steering committee to assist Town Planner Davis Farrar in updating Title 16 of the Municipal Code. Trustee Udd moved and Trustee Weissner seconded to approve Resolution 24-2021.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and Resolution 24-2021 was approved.

Ordinance 2021-03: DMEA Franchise Agreement: The Ordinance outlines a 20-year agreement for DMEA to provide service within the Town. Trustee Weissner moved and Trustee Howe seconded to approve Ordinance 2021-03.

Roll Call Vote: Voting 'aye' were Mayor Pro Tem Michael and Trustees Atkinson, Brown, Howe, Udd and Weissner; no Trustees voted 'nay.' Motion passed unanimously and Ordinance 2021-03 was approved.

Discussion Topics with possible Action

- a. Partners Golf Tournament: Trustee Weissner read a statement in which she stated that there was no wrongdoing on the part of the Town. Any accommodation to Partners will be an act of good faith and in no way an admission of guilt. She suggested the Town should waive green fees. She asked Mr. Kramer what our revenue is any given day; he said a good day is about \$2,000. Mr. Kramer said he has been a PGA professional for almost 30 years and this was not the first hole in one contest he has been involved in. Mr. Kramer said he asked the Partners volunteer three different times if he could set the pins and the volunteer refused. Mr. Kramer said he does not support the Town giving any monetary incentives to Partners, since this issue was their responsibility and fault. Trustee Udd asked if there were witnesses when the tee was being set; Mr. Kramer said he saw people out there, but did not know who they were. Mr. Kramer said Partners has asked to hold a tournament again in August. Trustee Howe said the Town has no responsibility to the organization and felt for them; he suggested the Town do nothing.

Trustee Comments and Upcoming Work Session and/or Board Meeting Discussion Topics: Trustee Howe asked about specific budget and project timelines about streets; Administrator Brinck said \$100,000 is budgeted for this year to do overlays and the work will be done in the fall as per the County's availability. Trustee Weissner asked what is happening on the sidewalk

on Independence; Administrator Brinck said that is slated for a summer project and the Town is seeking bids for that project. Trustee Howe asked if the diversion work was done yet on Surface Creek; Administrator Brinck said he would follow up. Trustee Howe said the Cemetery Board wants to meet with the Board quickly; Trustee Udd noted the Town is still waiting on a legal opinion. Trustee Atkinson questioned a recent email from Colorado Municipal League from Senator Hickenlooper's office about infrastructure projects and said many of our projects would fit into the outline. Trustee Atkinson asked for an update on the Hutto subdivision that borders Town limits; Administrator Brinck said he attended a pre-application meeting and the proposal was for about six homes. Mr. Hutto did not bring forward in the meeting any plans to annex into the Town. Trustee Atkinson asked if there were any proposal on the back 9; Administrator Brinck said no. Trustee Atkinson asked how the Town's weed policy is enforced; Administrator Brinck said it is chiefly complaint driven. Trustee Atkinson asked if the meetings could be moved to the Grand Mesa Room; Kami said once the sound system is rewired the Board would meet in that room.

Upcoming Meetings & Events: Administrator Brinck announced that the Municipal Quarterly hosted by Town of Cedaredge will be Tuesday, May 25 at Cedaredge Civic Center.

Mayor Pro Tem Michael adjourned the meeting at 7:55 pm.

Respectfully Submitted,



Kami Collins
Town Clerk