



Board of Trustees
REGULAR MEETING
Thursday, March 16, 2023, 5 p.m.

Call to Order & Pledge of Allegiance: Mayor Udd called the meeting to order at 4:59 pm and led the Pledge of Allegiance.

Roll Call: Present were Mayor Richard Udd; Mayor Pro Tem Jim Atkinson, Greg Hart, Tim Hawbaker, Kathy Hirschboeck and Mick Murray; Town Attorney Bo Nerlin, Town Administrator Kami Collins, and Town Clerk Jess Shelton. Trustees Tracy Gist was excused from the meeting.

Agenda Approval: Mayor Pro Tem Atkinson moved, and Trustee Hart seconded to approve the agenda. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the agenda was approved.

Trustee Hart stated that he voted no on the cart prices in the 02/16/2023 meeting. Trustee Hart stated that he did not know if his vote was clear since he attended the meeting via zoom from Mexico.

Consent Agenda

- a. Minutes: 2/16/2023 Regular Meeting
- b. Minutes: 2/23/2023 Special meeting
- c. Financial Report: 1/31/2023
- d. Financial Report: 2/28/2023
- e. Disbursements: 01/2023
- f. Disbursements: 02/2023
- g. Lindley Seale Right of Way lease
- h. Ratification: Letter of Support: Delta County Tourism Management Grant

Mayor Udd asked if everyone approved the consent agenda. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the consent agenda was approved.

Community Groups

- a. Delta County Search & Rescue – Commander Randy Toltz
Mr. Toltz spoke about Search and Rescue and how the program worked. Mr. Toltz stated that there was not any funding for equipment, or any assistance to replace equipment. Mr. Toltz stated that there were 19 call outs in 2022. Mr. Toltz spoke about the programs that Search and Rescue are implementing in the schools, to teach children safety in the mountains. Mr. Toltz asked for community support because of the grave situations they deal with.

Constituent Time: No one signed up for constituent time.

Public Hearing: The Town Cellar, LLC Application for Retail Liquor Store (City) Liquor License

- a. Open Public Hearing: Mayor Udd opened the Public Hearing at 5:16 pm
- b. Staff Presentation & Recommendation: Staff recommended to approve the application.

- c. Applicant Presentation: No presentation was made.
- d. Questions from Governing Body to Staff or Applicant: No questions were asked.
- e. Public Comment: There were not any public comments.
- f. Close Public Hearing: The hearing was closed by Mayor Udd at 5:18 pm.

Retail Liquor Store (City): The Town Cellar, LLC

- a. Liquor License Application
Trustee Murray moved, and Mayor Pro Tem Atkinson seconded to approve the agenda. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Liquor License Application was approved.
- b. Transfer of Ownership
Mayor Pro Tem Atkinson moved, and Trustee Murray seconded to approve the agenda. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Transfer of Ownership was approved.
- c. Temporary Permit
Mayor Pro Tem Atkinson moved, and Trustee Hirschboeck seconded to approve the agenda. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Temporary Permit was approved.

Treasurer's Report – Trustee & Treasurer Mick Murray submitted written reports for January and February.

- a. January 2023 Treasurer Report
- b. February 2023 Treasurer Report

Management Report – TA Collins submitted a written report.

- TA Collins asked the Board to approve an additional sponsorship level of \$250 for Applefest to meet the EZ tax credit program requirements. Trustee Hart moved and Trustee Hirschboeck seconded to add an additional Applefest sponsorship level for \$250. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the \$250 sponsorship level was approved.
- TA Collins stated that the auditors were at Town Hall on 3.16.2023 and they were able to finish their audit in one day. TA Collins stated that it spoke volumes about the Town's Finance Department.
- TA Collins stated that she received a full scholarship for her annual training and conference for CCCMA.
- TA Collins stated that her and attorney Nerlin met and discussed marijuana. TA Collins stated that with the way the TABOR laws work, the Town is now required to return over \$5,000 to taxpayers. Mayor Udd stated that the options were a 5% additional tax abatement for each marijuana store, a general tax abatement or a credit on utility bills. Trustee Hirschboeck stated that the utility option was her vote since it would be giving back to the voters in Cedaredge. Trustee Hawbaker and Trustee Hart agreed with Trustee Hirschbeck's comment.

Trustee Hart moved and Trustee Hawbaker seconded to have the town rebate \$5,649 on in-town customer utility customers, until that amount was summed up. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Temporary Permit was approved.

- TA Collins stated that annually the Board heard from local agencies such as the library, Tree Board, Food Pantry and Animal Shelter. TA Collins stated that the Animal Shelter, Food Pantry and Library would like to have Trustees come to their establishments. TA Collins stated that this would be at 4:30 pm on March 30th, prior to the Board meeting. All Trustees agreed to attend.

- TA Collins stated that eight contractors showed up to the pre-bid for the Northridge project. TA Collins stated that the loan was delayed until April, so there would not be a bid awarded until that loan was solidified. TA Collins stated that the program required a 100% buy in America contract, and there were delays in production, so the project may take two years. Mayor Pro Tem Atkinson stated that the bid needed to include a clause that stated the bids need to hold their pricing until the loan goes through.
Mayor Pro Tem stated that when the easement work occurred for the project, there should be contact with the homeowners about a release. TA Collins stated that politically the process would be smoother if the Board waited on this.
- TA Collins stated that the water rate study was underway and there would be a big public hearing in the mid-summer.
- TA Collins stated that staff did not deem it necessary to change the current policy for water line leaks and the 50% credit that the town currently gives when there were leaks was sufficient. Trustee Hart stated that Public Works could pull a data log to show when the leak occurred, or how long the leak occurred.
- TA Collins stated that Public Works was watching the snow-water levels, to prepare for the possibility of flooding during the snow melt process. Mayor Pro Tem Atkinson asked if there were any specific locations that would be impacted by this event. TA Collins stated that she would follow up with Public Works. Discussions were had on how the situation would be dealt with at the Town level, if the event did occur.
- Sgt. Stassen introduced himself to the Board and stated that he had committed to 8-10 years at CPD, until he would be eligible for retirement. Sgt. Stassen stated that he intended to build the department and leave it a better place by the time he retired. Sgt. Stassen stated that the PD and the schools partnered up and did another active shooter training on 3.16.2023 and that he was impressed with the commitment from the school staff and PD to the protection of the littles.
- TA Collins stated that Pro Howe is working on hanging local art at the Pro Shop.
- TA Collins gave an update on the Golf Expo that Pro Howe went to.
- TA Collins stated that Superintendent Jeschke and Pro Howe were working on getting the course open for the season.
- Trustee Hart asked if the Take 2 program was still an option and TA Collins stated that it was not an option any longer.

Contract Planning Services: TA Collins stated that when the last contract planner retired last year, there was a new contract planner hired. Mayor Udd stated that he was not happy with the response time with the current planner and Mayor Udd wanted to look for someone who was more local and more involved. Mayor Udd would like to send out an RFP for those services. Trustee Hirschboeck asked what the issues with the current planner were. TA Collins stated that land development within the town had unique situations that were harder to figure out and work with. TA Collins stated that she was throwing weird situations at the current planner and since the Town code was new, the planner was trying to learn everything. TA Collins stated that the last RFP that went out could only include three planners since there were not many who would do contract work, they worked for larger municipalities for a higher wage. The Board decided to see what happened at the meeting on March 30 with the planner.

DOLA funding for Engineering Services: TA Collins stated that the governing body would need to take specific action to apply for grants for engineering. DOLA would kick in \$25,000 in grant funding for engineering. Mayor Udd stated that there would be congressional funding available in 2024, but there would need to be strong focus on obtaining more funding for the project.

Trustee Hart moved and Trustee Murray seconded to have staff seek a grant for full engineering services for the Deer Trail roadway project. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and staff would apply for the DOLA engineering grant for the Deer Trail project.

2023 Board Committees

- a. **Seat Club 20 Representatives:** Mayor Udd stated that he and Trustee Hart attended a Club 20 meeting and stated that there was a lot of legislation discussion and grant opportunities at these meetings. TA Collins stated that every trustee and staff could attend but there needed to be an appointed trustee and staff member. Club 20 meets quarterly and then hosts policy meetings in the spring and winter. Mayor Udd stated that there should be consistency at the meetings. Trustee Hart stated that he would be willing to attend the meetings.

Trustee Hirschboeck moved, and Mayor Pro Tem Atkinson seconded to appoint Trustee Hart as the Cedaredge, Club 20 representative. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and Trustee Hart was appointed as the Club 20 representative for the Cedaredge Board of Trustees.

Lease Agreement: DMEA. TA Collins stated that DMEA would take over all the burden of setting up and maintaining their kiosk at Town Hall.

Trustee Murray moved and Trustee Hawbaker seconded to approve the lease for the DMEA Kiosk at Town Hall. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the DMEA kiosk lease agreement was approved.

Sales Contract: Chipmunk Reservoir. Trustee Murray moved and Trustee Hirschboeck seconded to approve the sales contract for Chipmunk Reservoir. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the sales contract for Chipmunk Reservoir was approved.

Resolution 06-2023: Golf Course Name Change. Trustee Hirschboeck moved, and Trustee Murray seconded to approve Resolution 06-2023 to change the name of the Golf Course to Cedaredge Golf Course not Cedaredge Golf Club. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and Resolution 06-2023 was approved, changing the name of the Golf Course to Cedaredge Golf Course.

Further discussions were had, and the board determined that the name change would take place as items were being replaced, not all at once.

Ordinance 2023-02: Amending Title 11. Trustee Hawbaker moved, and Trustee Hirschboeck seconded to approve Ordinance 2023-02 amending Title 11. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and ordinance 2023-02 to amend Title 11 was approved.

Boards, Committees & Commissions

- a. **Seating of new Golf Course Advisory Board.** Trustee Hart stated that this was not as inclusive as possible and stated that he thought it was improper to pick a specific subset for the board to select letters from. Trustee Hart stated that it should have been posted as a public notice in the paper and open to everyone. Mayor Udd stated that the board could vote and then if it fails, the board could reach out to the community. Mayor Pro Tem Atkinson stated that the committee had been engaged and they needed to finish what they started. Mayor Pro Tem Atkinson stated that the committee was not appointed but they were the people who stepped up. Trustee Murray stated that this issue was brought up during a GID discussion, and wanted to make sure that the advisory board did not have oversight of staff and that the advisory board understands that they are advisory and would be a sub-

board of the Board of Trustees. Mayor Udd stated that the board will be seated and then discuss the timeline.

- i. Four in-town resident seats. Trustee Hawbaker moved, and Mayor Pro Tem Atkinson seconded to appoint Mark Condon, Al Brown, Lynn Spears, and Greg Perkins to the Golf Advisory board. Mayor Udd, Mayor Pro Tem Atkinson, Trustee Hawbaker and Trustee Hirschboeck voted 'aye,' Trustee Hart and Trustee Murray voted 'nay,' the motion passed, and the in-town board members were seated.
- ii. One out of town resident seat; Mayor Pro Tem Atkinson moved, and Trustee Hawbaker seconded to appoint Lee Ann Holm as the out-of-town golf advisory board member. Mayor Udd, Mayor Pro Tem Atkinson, Trustee Hawbaker and Trustee Hirschboeck voted 'aye.' Trustee Hart and Trustee Murray voted 'nay,' the motion passed, and Lee Ann Holm was seated as the out-of-town board member.

The seated term limits were as follows:

- Al Brown – 3-year term
- Lee Ann Holm – 3-year term
- Lynn Spears – 2-year term
- Greg Perkins – 2-year term
- Mark Condon – 1 year term

Trustee Comments:

- Trustee Hart stated that going forward he would like to see the board seats for the Golf advisory board be open to the whole community. Trustee Hart asked if the opening on Planning and Zoning Commission would be open to the community. Trustee Hart asked if there would be a codified code for the next meeting that would make the code and the bylaws match. Trustee Hart stated that he forwarded Club 20 presentations to TA Collins and TA Collins would pass that along to the board. TA Collins stated that those were sent to the Board on 3.16.2023.
- Mayor Pro Tem Atkinson stated that he was pleased with the 7 people who were interested in the Golf Advisory Board seats. Mayor Pro Tem Atkinson stated that the changes to code could be quick regarding the seating of Planning and Zoning Commission seats. Mayor Pro Tem Atkinson asked if it could just be a quick amendment that would bring the issue together for Title 2. There were five commissioners seated and the bylaws state that seven members should be seated for the Planning and Zoning Commission.
- Trustee Hirschboeck thanked staff for the work done on the Chipmunk sale and the forward thinking of staff to conserve water for the future.
- Mayor Udd stated that Commissioner Jarboe would have to reapply if he wanted to keep his seat on the Planning and Zoning Commission. Commissioner Jarboe's application would be reviewed along with the public.

Upcoming Events & Meetings

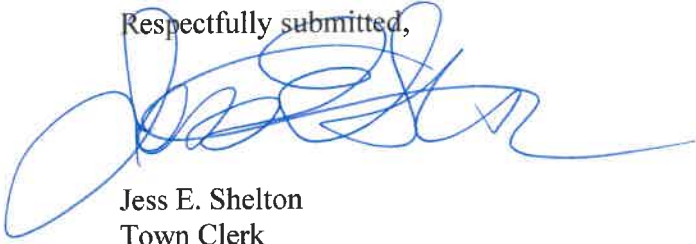
- a. Economic Development Advisory Committee; March 22 at 6 pm The Lucky Shot Restaurant at Cedaredge Golf Course
- b. Special Board of Trustees Meeting; March 30 at 5 pm at Cedaredge Civic Center
- c. Dr. Perry Economic Presentation; March 31 at 8:30 am, Bill Heddles Rec. Center, Delta
- d. Applefest Poster Contest; Gallery Opening April 2 at 1 pm. Grand Mesa Arts and Events Center

Mayor Udd allowed Steve Pierce to talk after discussing upcoming events. Mr. Pierce asked what the value of a share of Surface Creek Ditch was. TA Collins stated that the current market value of the water share was

\$25,000.

Adjourn: Trustee Hawbaker moved, and Mayor Pro Tem Atkinson seconded to adjourn the meeting. Mayor Udd moved to adjourn the meeting at 7:49 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jess E. Shelton", with a long horizontal flourish extending to the right.

Jess E. Shelton
Town Clerk