



Board of Trustees
REGULAR MEETING and PUBLIC HEARING
Thursday, April 20, 2023, 5 p.m.

Mayor Udd called the meeting to order at 5:00 p.m. & 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. Trustee Tracy Gist was present via zoom.

Agenda Approval: 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 agenda was approved.

Trustee Hart asked why Brewer cleaning was on the agenda. TA Collins stated that contracts were approved by the Board. Trustee Hart stated that he would like to have that be a part of regular staff duties and not need to have Board approval. Trustee Hart stated that he was requesting a change in policy and to have this addressed on another agenda in the future.

Consent Agenda

- a. Minutes: 03/16/2023 Regular Meeting
- b. Minutes: 03/30/2023 Special Meeting
- c. Financial Report: 3/31/2023
- d. Disbursements: 03/2023
- e. Letter to DOLA Requesting Administrative Grant Support

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

Proclamation: Arbor Day. Mayor Udd read the Arbor Day Proclamation.

Constituent Time

No one signed up for Constituent time.

Public Hearing: La Familia Mexican Restaurant Corp. Application for Hotel and Restaurant (City) with Optional Premises Liquor License

- a. Open Public Hearing: Mayor Udd opened the Public Hearing at 5:05 P.M.
- b. Staff Presentation & Recommendation: Staff Recommended approval of the license and stated that there were not any concerns with the application.
- c. Applicant Presentation: Staff presented the application.

- d. Questions from Governing Body to Staff or Applicant: Mayor Pro Tem Atkinson asked if there were any concerns with the hours of operations. TA Collins stated that the hours were approved back in 2020 to extend through the school day.
- e. Public Comment:
 - i. Adam Ramblets: 19068 Surface Creek Road; stated he knew the applicants and they had his full support.
 - ii. Cordell Chapman also stated he supported the restaurant.
 - iii. Codi Nelson: 1220 W. Main Street; also stated that she supported the applicant.
- f. Close Public Hearing: The Public Hearing closed at 5:18 p.m.

Application for Hotel and Restaurant (City) with Optional Premises Liquor License: La Familia Mexican Restaurant, Corp. Trustee Murray moved, and Trustee Hirschboeck seconded to approve the La Familia Mexican Restaurant Liquor Application with optional premises. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Liquor License Application was approved.

Cedaredge Police Department (PD) Mobile Data Center. Officer D. Connett stated that currently Officers cannot adequately respond to calls, due to a lack of technology and resources. Officer Connett stated that getting mobile units would help with response times and communication with Delta County. Sergeant Stassen stated that constituents wanted to see the police officers on the road more and the mobile units would greatly reduce the amount of time PD needed to be at the office. Sgt. Stassen stated that Cedaredge was the last jurisdiction in Delta County to look at implementing mobile units. TA Collins stated that the IT company the Town used was the same company that did mobile unit IT for Hotchkiss. Trustee Hart stated that he fully supported the mobile data center and stated that \$20,000 from the marijuana tax revenue be used to fund the mobile center. Mayor Udd thanked PD for using back the badge funds for this and stated that he would rather see the marijuana funds go to resurfacing a tennis court. Mayor Udd also asked if the funding could be set out over two years. TA Collins stated it would be detrimental to the PD to wait since all the Police Officer Standards & Training (POST) graduates are used to Mobile Data Centers. TA Collins then stated the Town would be asking graduates to learn how to do paperwork and their job differently, while offering candidates a lower wage. Sgt. Stassen stated that technology was a driver at the POST training academy at Technical College of the Rockies. Officer Connett seconded what Sgt. Stassen stated and explained how the technology would make PD jobs easier, safer, and more efficient. Mayor Pro Tem Atkinson stated that he had an issue with how the budgeting was done, since this was not part of the budget discussions in 2022. Mayor Pro Tem Atkinson stated that he does not support the timing of the matter. Trustee Murray stated that Cedaredge was woefully inadequate with wages. Trustee Murray stated that with world issues, computer chips may not be available if the Board waits. Mayor Pro Tem Atkinson stated it would be nice to have the computers, but it was not a necessity. Sgt. Stassen stated computers have been in patrol units since 1987, and that getting Mobile Data Units would not be chasing a shiny new object. Trustee Gist stated that the funds left in reserve were for PD.

Trustee Hart moved, and Trustee Murray seconded to approve the Cedaredge Police Department Mobile Data Center. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Mobile Data Center was approved.

Treasurer's Report – Trustee & Treasurer Mick Murray. Trustee Hart asked about construction use taxes and when the use taxes were collected. TA Collins stated that use taxes get paid at the time of the permit being paid and explained how the process worked.

Management Report: TA Collins submitted a written report.

- Mayor Udd stated that the Alfalfa ditch had over 70 cfs (cubic foot squared) of water and the headgates were not set for that. TA Collins stated that Superintendent Jeschke was aware of the issue, as were all the Alfalfa Ditch Board of Directors. Trustee Hirschboeck stated that peak flood times were May 21 through June 7th, historically.
- Cedaredge Golf Course is staffed. Mayor Udd asked if the Golf Course had a leak probe or if Public Works had one. TA Collins stated that she did not know but would ask. Mayor Udd stated if Cedaredge does not have a probe, one should be purchased.

Chipmunk Reservoir Conveyance Agreement: Attorney Nerlin stated that the agreement would be for the water rights only and exhibit B showed the agreement with the Forrest Service. Attorney Nerlin would then make sure that the shares were recorded with the Water Users Association and would be in the form of four quit claim deeds. Mayor Pro Tem Atkinson stated that he had seen historically when one or two quit claims had been lost. Attorney Nerlin stated the four quit claim deeds would be merged into one for recording and tracking and that way nothing could get lost or separated.

Trustee Murray moved, and Trustee Hawbaker seconded to approve the form of The Chipmunk Reservoir Conveyance Agreement. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Chipmunk Reservoir Conveyance Agreement was approved.

Brewer Custom Cleaning Agreement: Trustee Murray moved, and Trustee Hirschboeck seconded to approve the Brewer Custom Cleaning Agreement. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the Brewer Custom Cleaning Agreement was approved.

Trustee Hart asked if the attorney had reviewed the contract and TA Collins stated that the former attorney had approved it.

Resolution 07-2023: Boards and Commissions Policy. Mayor Udd stated that term limits and meeting limits were not addressed in the last discussion. Trustee Hart stated he would support a three consecutive term, term limit. Mayor Pro Tem Atkinson stated it would be better to have individual committees or board bylaws state the term limits and then the Board of Trustees would support the bylaws. Attorney Nerlin stated the terminology could state that the bylaws would be supported and then add in Resolution 07-2023 that term limits are set to three consecutive terms. Mayor Udd stated that chapter 206 needed changed to; boards and commissions should adhere to the intent of chapter 206, instead of stating that chapter 206 should be followed.

Meeting attendance: Trustee Hirschboeck stated that the removal of the stipulation of missing two consecutive unexcused meetings would be grounds for removal. Trustee Hirschboeck stated that section ii should read, if three consecutive meetings are missed whether excused or unexcused, should be grounds for termination.

Trustee Hart stated that verbiage did not match in section iv. TA Collins stated that there should be a section stating that when a position of a seated commissioner or trustee is up for reseating, that current commissioner/trustee must reapply for that position.

Mayor Pro Tem Atkinson moved, and Trustee Murray seconded to approve Resolution 07-2023 Adopting a Model Board and Commissions Policy. All voted 'aye,' no one voted 'nay,' the motion passed unanimously, and Resolution 07-2023 was approved with the following amendments:

- Membership section, subsection ii; stating that no member of a Board or Commission shall serve more than three consecutive terms.

- Reappointment section modified to state; the current seated commissioner/trustee must reapply for the seat.
- Removal section, subsection ii to state; having failed to attend three consecutive regular meetings.

Resolution 08-2023: Voluntary Refund of Over Collected Revenues

Every utility customer would receive a \$4.40 refund on their utility billing. Trustee Murray moved and Mayor Pro Tem Atkinson seconded to approve Resolution 08-2023 Approving Voluntary Refund of Over Collected Revenues from The Town’s Collection of a Five Percent (5%) Sales Tax on the Sale of Retail Marijuana. All voted ‘aye,’ no one voted ‘nay,’ the motion passed unanimously, and Resolution 08-2023 was approved.

Ordinance 2023-03: Repealing Marijuana Application Moratorium.

Trustee Murray moved and Mayor Pro Tem Atkinson seconded to approve Ordinance 2023-03 Repealing Marijuana Application Moratorium. All voted ‘aye,’ no one voted ‘nay,’ the motion passed unanimously, and Ordinance 2023-03 was approved.

Title 13: Public Services (Water and Wastewater):

Mayor Udd stated that Title 13 would be discussed at the May 18 meeting. Mayor Udd stated that there should be an inclusion for the use of grey water. TA Collins stated the Board should do a work session on grey water later and approve Title 13 now. Trustee Hart stated that collaboration on a single master document that would be posted on a one drive and marked with the “track changes” on, then be sent out to the Board and staff, so everyone can make their suggestions on the same document. Trustee Hart asked if that would be an issue with meeting laws. TA Collins stated she would ask Attorney Nerlin. Mayor Pro Tem Atkinson stated he would like to have discussions on all documents for Title 13. Trustee Hart stated that there were no definitions in the code in general and those would be useful to add when updating the code. Mayor Udd stated that on page 13 the code mentioned a consecutive system, and he was not clear on what that was. Mayor Udd stated that he wanted to know if Ginter’s Grove, Northridge and Town of Cedaredge were public water systems. TA Collins stated that she would ask Attorney Nerlin his legal opinion.

Boards, Committees & Commissions

a. Planning & Zoning Commission

- i. **Appoint Trustee Tracy Gist:** Mayor Pro Tem Atkinson moved, and Trustee Hart seconded to appoint Trustee Gist to the Planning and Zoning Commission. All voted ‘aye,’ no one voted ‘nay,’ the motion passed unanimously, and Trustee Gist was appointed to the Planning and Zoning Commission as an Ex-Officio Member.
- ii. **Seat Jason Weed:** Mayor Pro Tem Atkinson moved, and Trustee Murray seconded to appoint Jason Weed to a three-year term starting in May, to the Planning and Zoning Commission. All voted ‘aye,’ no one voted ‘nay,’ the motion passed unanimously, and Jason Weed was appointed to the Planning and Zoning Commission as a Commissioner.

Committee Updates

- Mosquito Abatement Committee: Trustee Hirschboeck stated on May 5, Greg Ranjowski set up to get the North Fork and Delta mosquito groups together to discuss an inter-governmental agreement (IGA). TA Collins stated that Orchard City would like to participate in the IGA. Trustee Hirschboeck stated Delta Mosquito Control had offered to donate three traps to Cedaredge for West Nile testing. On May 8th, Trustee Hirschboeck will attend the Delta Mosquito Control meeting.
- Trustee Hart stated the Recreation Committee discussed the placement of wayfinding signs. Trustee Hart stated that the committee looked at five locations around town and will meet again on May 2.

The Recreation Committee heard from the Grand Mesa Picklers and the condition of the tennis courts. Public Works had done studies at the courts and there was a water issue from the top down; there were drainage issues at the courts. Trustee Hart stated that TA Collins ran numbers, and it was around \$100,000 to fix the courts. The Recreation Committee did not feel that they were able to make a recommendation on the tennis courts. The committee would like to see what the costs to maintain them would be instead. Trustee Hart stated that he ran numbers on a deferred maintenance plan. The Recreational Committee would like to see a Recreational Master Plan first. TA Collins stated that the TAP program from Boulder was working on the Master Plan that included a recreational plan. TA Collins stated she spoke with GO-CO and they stated the Board should go bigger. GO-CO would like to look at the reface of the park, a splash pad and refreshing the Lions Pavilion, in addition to the courts and electric. Trustee Hart stated the skate park needed maintenance as well. Trustee Hart stated the skate park could use landscaping and the deck could use concrete resurfacing. Trustee Hirschboeck asked if the skate park pocket park could get landscaping. TA Collins stated that the landscaping was addressed. Trustee Hart stated there was a Tony Hawk program called Skate Park that would provide funding for maintenance.

- Golf Advisory Board met on 4.19.2023 for a training session. Mayor Pro Tem Atkinson stated that they were working on bylaws, seating a chairperson and that they wanted direction from the Board. Mayor Udd stated that the Golf Advisory Board would get direction tonight. TA Collins stated that the marketing plan was already in progress with the current marketing plan and the RFP that went out. Mayor Udd stated that the Golf Advisory Board would have input with the marketing. TA Collins stated that a strategic plan should be started since budgeting season would be starting soon. Mayor Udd stated that he wanted a timeline to get the strategic plan done. Discussions were had about how the Golf Advisory Board would interact or not with staff and what that would look like.
- Trustee Hawbaker left the meeting room at 7:22 p.m. and returned at 7:26 p.m.
- Economic breakfast with Dr. Perry. The last meeting was in March, and it focused on businesses and employment. Mayor Pro Tem stated that Delta County was stable in movement and not like the energy sector counties that were going negative. The main takeaway from the Economic breakfast from the EDAC was that Delta County was in a good position for the future.

Trustee Comments

- Trustee Hawbaker thanked Finance Director Francis for her work with Paonia and the support she gave them.
- Trustee Murray stated he was grateful for the Mobile Data Center being approved for PD.
- Trustee Hirschboeck stated the interconnection of law enforcement was huge. Trustee Hirschboeck stated the golf course operations were going smoothly and that it was a relief.
- Trustee Hart stated there was a webinar on May 3 from 1 p.m. – 3 p.m. on CML and Trustee Hart encouraged other Trustees to look because there was money available for fast speed electric charging stations. Trustee Hart stated that Club 20 sent out correspondence about small hydroelectric plants. Trustee Hart stated that CML had been focusing on SB 23-213. TA Collins stated that there were three categories of municipalities and Delta County was going to be affected by the bill. TA Collins stated the most impactful way to voice opposition of SB 23-213 would be to call the Senate and voice opinion. The Board directed staff to generate a letter of opposition now and have Mayor Udd sign it, then have a ratification at the May 18 meeting. Trustee Hart will attend the Economic Summit in GJ next week and Trustee Hart will then attend the opening of the Region 10 workspace center in Olathe.

Upcoming Events & Meetings

- Arbor Day Celebration: Surface Creek Trail, North of SE Independence Ave., April 28 at 10 am. Mayor Pro Tem Atkinson will read the proclamation for Arbor Day.

Adjourn: Mayor Udd adjourned the meeting at 7:47 p.m.

Respectfully submitted,



Jess E. Shelton
Town Clerk