

**TOWN OF DE BEQUE  
BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 18, 2016**

The Regular meeting of the Board of Trustees of the Town of De Beque was held on Monday, April 18, 2016, at 6:00 p.m. in the Community Center, 381 Minter Avenue, De Beque, Colorado. Present were the following:

Mayor: Forest Matis

Trustees: Stephani Rose                      Gene Reed              Cinda Rexford  
                 Patrick Cole                      Deb Hoke

Absent: Travis Graham

Staff Present: Diane Rickstrew                      Isaac Inskeep                      David McConaughy  
                 Haley Carmer                      Shirley Nichols                      Lance Stewart  
                 Ed Sands                      Care' McInnis

Also Present: Dave Jackson              Judy Lake              Shanelle Hansen              Mark Terrell  
                 Dean Heizer                      Laura Firth                      Eric Jawurski

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

The meeting was called to order and Pledge of Allegiance recited.

**II. ROLL CALL:**

Roll call was taken and a quorum was present

**III. ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA:**

Mayor Matis made some changes in the order of topics on the agenda and moved number five out to the May meeting.

**IV. CONSENT AGENDA:**

**1. MINUTES: March 21, 2016**

**Motion:** Trustee Rexford

To approve the minutes of the March 21, 2016 meeting

**Second:** Trustee Cole

**Voice Vote:** Unanimously in favor of the motion and it carried

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Mayor Matis welcomed the newly elected Board members and thanked the outgoing members for all their work during the past terms.

**V. SWEARING IN OF TOWN BOARD OF TRUSTEES:**

Judge, Care' McInnis came forward to swear in the new Board. The oath of office was given to Forest Matis elected Mayor and Stephani Rose, Dave Jackson, Shanelle Hansen, Deb Hoke and Judy Lake elected Trustees. The new Board was seated and the meeting continued. They introduced themselves and stated reasons for wanting to serve on the Board. Some of the reasons given were interest in the community, time to step up and do their part, wanting to give back to the community, interest involving government, learning and working with the citizens and staff, keep the Town progressing, etc.

**2. BILLS AND EXPENDITURES: March, 2016**

Trustee Rose asked about the 2 copiers listed. We no longer have two. The explanation: The bill is for two months.

**Motion:** Trustee Cole  
To approve the bills and expenditures for March, 2016

**Second:** Trustee Rose

**Voice Vote:** Unanimously in favor of the motion

**VI. APPOINTMENT OF TOWN OFFICIALS:**

Judge McInnis asked that the Board consider an appointment of four years for her. Mr. Stewart said she has done an excellent job and recommended that they do this. No one had a problem with it.

**Motion:** Trustee Hansen  
To appoint Care' McInnis as the Town's Municipal Judge for a four year term.

**Second:** Trustee Rose

**Voice Vote:** Unanimously in favor of the motion

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Prior to his consideration of re-appointment, David McConaughy, Town Attorney, explained that he can be removed for any reason at any time or for no reason at all. Also, when there are two here representing his office they are only being billed for one. He is proud to represent the Town.

**Motion:** Trustee Rose  
To re-appoint David McConaughy, Town Attorney

**Second:** Deb Hoke

**Voice Vote:** Trustee Hansen, no; Remaining Board members, yes

Consideration of the appointment of Ed Sands as the Town's attorney for Municipal Court was next. He said he would love to serve for the next two years.

**Motion:** Trustee Cole  
To re-appoint Ed Sands as the Municipal Court Attorney for the next two year term.

**Second:** Trustee Hoke

**Voice Vote:** Trustees Lake and Hansen, no; Remaining Trustees, yes; Motion carried.

Town Clerk/Treasurer was next for consideration. She stated she had enjoyed working here the past nine years and would be happy to continue.

**Motion:** Trustee Cole  
To re-appoint current Town Clerk/Treasurer, Shirley Nichols, to an additional term.

**Second:** Trustee Lake

**Voice Vote:** Unanimously in favor of the motion

**VII. ITEMS FOR PERSONS PRESENT-NOT ON THE AGENDA:**  
None

**VIII. REPORTS:**

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Public Works Report had been submitted in writing.

The Mayor asked if anyone had any questions.

Trustee Cole asked about the sewer plant and the distinctly unpleasant odor. Isaac said he could find nothing wrong. It was finally determined that somehow the timers that run the aerators had been turned off at night.

Trustee Cole asked if they had been tampered with. This is an unknown. Isaac said there are other things going on at the new pond. This is the pond causing the problems. The installation of cameras was suggested.

Mr. Stewart stated that Steve LaBonde, of WestWater Engineering, will be up tomorrow to look at this and the problem with the water tanks and the overflow problem.

Mayor Matis asked what had been done about the overflow at the water tanks. Isaac stated that this would be expensive and he has asked for quotes on this. Further discussion on how to fix and how to fund ensued.

Mr. McConaughy reminded the Board that they need to appoint a Mayor Pro-tem at the May meeting. He would also like to have a new council orientation as a workshop before the next meeting. Start an hour early.

**IX. PUBLIC HEARING:**

NONE

**X. NEW BUSINESS:**

**1. Discussion and action to approve RESOLUTION NO. 2016-06, A  
RESOLUTION OF THE BOARD OF TRUSTEES APPROVING GREEN KIWI 3 LLC'S  
RETAIL MARIJUANA ESTABLISHMENT LICENSE RENEWAL APPLICATION**

Their renewal application material had been submitted and Mr. Stewart had deemed it satisfactory. They had not acted this past year but now have a new proposed site plan that they feel will be advantageous to the community.

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Ms. Carmer stated that the Board must make sure there is no Code violation and Mr. Stewart replied that there were none.

Mr. Heizer and Mr. Jawarski, representing Green KIWI, stated that there had been problems with Kum and Go regarding access and paperwork that had never been recorded. Currently there is a CDOT traffic study in progress and they are looking at a new building footprint. They cannot proceed until the access problem is solved. She asked if they had anyone that is interested in occupying the commercial spaces.

She was told, no. Trustee Hansen was concerned about why nothing had happened there but the explanation helped address her concerns.

**Motion:** Trustee Hansen

To approve Resolution No. 2016-06 granting a renewal license for Green KIWI, LLC for one year.

**Second:** Trustee Cole

**Voice Vote:** Trustees Hoke and Lake both voting, no; Remaining Board voting, yes, and the motion carried.

**2. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2016-07, A RESOLUTION OF THE TOWN OF DE BEQUE, COLORADO, BOARD OF TRUSTEES APPROVING THE PETITION FOR ANNEXATION OF A PARCEL KNOWN AS THE GRAVEL PIT ANNEXATION ACCESS PARCEL.**

Trustee Hoke asked if this was the access property at the river and was told, yes.

Mr. McConaughy explained that this resolution was for the purpose of findings of fact and substantial compliance as required by Statute. A dispute over access has required that we purchase some property and the landowner is requiring that it be annexed before we can complete the purchase. There is a pending contract. Timing is important and a Special meeting will be necessary to set a public hearing.

Trustee Jackson asked how this happened. The Town has been going down there forever. A 1983 Resolution was produced showing the Town has no legal access to this property at the present time.

**Motion:** Trustee Rose

To approve Resolution No. 2016-07 with the date of June 6<sup>th</sup>

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**Second:** Trustee Cole

**Voice Vote:** Trustee Lake, no (she will not be here on the 6<sup>th</sup>); Remaining Trustees in favor of the motion

Mr. McConaughy asked that they set a public hearing date at this time.

Motion: Trustee Cole

To set a special meeting on June 6, 2016 for a public hearing.

Second: Trustee Hoke

Voice Vote: Unanimously in favor of the motion

Mr. McConaughy stated that the decision had been made that purchasing the property would be the easiest way to fix the problem. Mr. Stewart stated that he did not think that dumping will be allowed there at any time in the near future.

**3. DISCUSSION AND ACTION TO APPROVE ORDINANCE NO. 473, AN  
ORDINANCE OF THE TOWN OF  
DE BEQUE, COLORADO, AMENDING VARIOUS CHAPTERS OF THE DE BEQUE  
MUNICIPAL CODE REGARDING PUBLIC NUISANCES AND ENFORCEMENT.**

Mr. Stewart explained that during the development of the strategic plan the public's number one priority was the enforcement of ordinances. Changes were necessary to insure they were enforceable.

Ms. Carmer stated that this gives law enforcement something to work with.

Changes in the ordinances regarding junk cars and multiple vehicles were discussed. A \$50.00 permit fee will be charged for vehicles being restored. Trustee Hansen thought that this was too much. The general consensus was that this is ok and the permit should be good for one year rather than six months.

Trustee Hansen does not think that it is clear who issues and approves the permit. Ms. Carmer stated this information could be set up on the permit. Mr. McConaughy stated this would be the Clerk's responsibility. The Marshal will assist.

Trustee Rose wants to have this in the newsletter. Mr. Stewart says this will be happening. Also, they may be going door to door with information regarding this Ordinance. Vehicles on private property that are registered and insured are ok. Broken down vehicles on the streets is a huge concern.

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**Motion:** Trustee Rose

To approve Ordinance No. 473 changing the permit time from six months to one year.

**Second:** Trustee Hoke

**Voice Vote:** Unanimously in favor of the motion and it passed.

**4. DISCUSSION AND ACTION TO APPROVE AN AGREEMENT WITH LARRY BECKNER FOR SERVICES IN THE FORMATION OF A TITLE 32 SPECIAL DISTRICT.**

Mr. Stewart said that we are seeking to form a Mosquito District and he would like the Board to approve a service contract to hire Larry Beckner, who is very experienced in the formation of Special Districts. It may be necessary for us to go door to door with the petitions required to initiate this. We would like to be in front of the County Commissioners soon. He is seeking the Board's approval of the funds for this.

**Motion:** Trustee Hansen

To approve the agreement with Larry Beckner and ask him to move forward with the formation of a mosquito district.

**Second:** Trustee Rose

**Voice Vote:** Unanimously in favor of the motion and it carried.

**5. DISCUSSION ON REPLACEMENT OF KITCHEN FLOORING IN THE TOWN HOUSE**

Mr. Stewart let the Board know that Deputy Zach Neverdahl would like to move into the Town's house on Minter. He is interested in renting it. The kitchen floor needs

to be replaced and he would like to use Dave Meyers (Sport) to do this. The general consensus of the Board was that this is ok.

**6. ACCEPT A RETAIL LIQUOR LICENSE APPLICATION FROM LAURA FIRTH  
DBA COYOTE JUNCTION, LLC  
TO BE CALLED WILDHORSE SALOON AND SETTING OF A PUBLIC HEARING.**

Ms. Firth Introduced herself stating her address of 197 W. 5<sup>th</sup>. And showed copies of her dream saloon and restaurant to the Board. She explained her plans and she is anticipating having 8 to 10 employees. She plans to have a family restaurant with live music and an open mike night. A survey she had initiated showed positive results and indicated a great deal of interest in having this business in De Beque.

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Surveys were received from other communities as well as De Beque.

**Motion:** Trustee Hoke

To accept Ms. Firths liquor license application and set the public hearing for a Special Meeting June 6, 2016 at 6:00 p.m.

**Second:** Trustee Rose

**Voice Vote:** Unanimously in favor of the motion

**X. OLD BUSINESS:**

Mr. Stewart advised the Board that the Town had been successful in obtaining several grants: Energy Impact grant, \$ 212,000; Federal Mineral Lease grant for streets, \$50,000; State grant for building our website, \$3,000. He has personnel involved to assist in doing this

Mayor Matis said the cemetery looks great. The cabin is repaired and Diane and crew will be chinking when weather permits.

After reading the minutes from the last meeting, Shanelle wanted the Board to know that she did not say what she was quoted as saying at the last meeting regarding a special review.

The Planning and Zoning Commission will need to consider appointment of replacements.

**XI. ADJOURNMENT:**

There being no further business the Mayor called for a motion to adjourn.

**Motion:** Trustee Cole  
To adjourn

**Second:** Trustee Hoke

All were in agreement and the meeting adjourned at 7:55 p.m.

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Date