

**BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
TUESDAY, DECEMBER 5, 2017
REGULAR MEETING**

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CALL TO ORDER

Mayor Patterson called the meeting to order at 5:30 p.m.

ROLL CALL

The following members were present: Christy Patterson, Audrey Gluschke, Paul Wenke, Art Nordyke and Jim Bistodeau

ABSENT: Rod Thornburg and Bess Cole

PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance

OTHERS PRESENT

Tracy Ballard-Tribune, Dave Tonsing, Mike Kierbusch-Sentinal, Jay Printz, Mike Carter and Kathy Reis

APPROVAL OF MINUTES

Ms. Gluschke moved and **Mr. Bistodeau** seconded to approve the minutes of the November 7, 2017 regular meeting. Motion carried. **Ms. Gluschke** moved and **Mr. Bistodeau** seconded to approve the minutes of the November 20, 2017 special meeting with removing Ms. Gluschke changing to Mayor Patterson called the meeting to order at 9:00 a.m. Motion carried.

TREASURER'S REPORT

REVENUE RECEIVED IN NOVEMBER 2017:

GENERAL FUND CHECKING:	\$	35,013.56
CONSERVATION TRUST FUND:	\$	8.84
MUNICIPAL COURT CHECKING:	\$	0.00

EXPENDITURES FOR NOVEMBER 2017:

GENERAL FUND CHECKING:	\$	39,585.93
CDOT/TAP CHECKING:	\$	125,788.96
TOTAL GENERAL FUND	\$	165,374.89

BALANCE IN ALL ACCOUNTS:

GENERAL FUND CHECKING:	\$	125,181.31
CDOT/TAP CHECKING	\$	346.53
SUMMIT ACCOUNT	\$	11,056.54
MUNICIPAL COURT CHECKING:	\$	4,128.00
CONSERVATION TRUST FUND:	\$	20,835.78
TOTAL C.D's PLUS INTEREST:	\$	388,671.68

Ms. Gluschke moved and **Mr. Bistodeau** seconded to approve the Treasurer's Report. Motion carried.

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APPROVAL OF BILLS

Mr. Wenke moved and **Ms. Gluschke** seconded to allow and pay all bills. Motion carried.

NEW BUSINESS

a. Discuss fire safety inspections for fire extinguishers, egress and other potential hazards to live/safety to patrons-Dave Tonsing.

Dave Tonsing with the Fire Department presented a plan that they should be providing regarding life safety to include: checking fire extinguishers, egress and general safety issues. This should be a free service. He was requesting the Board of Trustees input.

Some of the concerns were how it would affect the businesses. Would it cost them a lot of money, could they be shut down, the time line and how the businesses would be notified. It was suggested to give the businesses choice of times to have the inspection completed. Would it be voluntary or mandatory?

Dave Tonsing further explained that this all comes under the IBC Fire Code adopted by the Town. We could shut them down. It really is about safety. The types of things looked at would be drop cords, fire extinguishers, out swinging doors, capacity, heating systems, possibly hot water heaters. Jesse Souza would do the inspections, two days a week are designated for the business district, at least one day a week. The inspections are done annually. He would like it to be free, however there is a cost for Jesse's time. The fire board will be meeting next week to discuss it.

He also said January would be a good time to start the process. Notification could be done by the press and individual letters to the businesses letting them know it could be beneficial.

After further discussion, the Board of Trustees asked Dave to come back in January with a proposal and list of types of inspections.

Dave also reported that the Town should consider appointing a person for the Designated Emergency Response Authority (DERA) as it relates to hazmat. You could appoint the Liberian or Mike as the contact. If you don't take action it will default to the Fire Department. Sheriff Byerly is the county appointee, the Colorado State Patrol is for the highways. No decision was made.

b. Consideration of request to approve Ord. 11-2017 amending Title 1, Administration, Chapter 6 Municipal Court.

ACTION: **Mr. Wenke** moved and **Mr. Bistodeau** seconded to approve Ord. 11-2017 amending Title 1, Administration, Chapter 6 Municipal Court. Motion failed.

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NEW BUSINESS CONTINUED

After some discussion there was concern with the last sentence (This court fee may be waived or modified at the sole discretion of the Town Municipal Court Clerk upon written evidence that the offender will be unduly harmed by being required pay the mandatory court fee.) It puts too much responsibility on the Court Clerk and it doesn't solve the issue of fines not being imposed.

ACTION: **Ms. Gluschke** moved and **Mr. Nordyke** seconded to approve Ord. 11-2017 amending Title 1, Administration, Chapter 6 Municipal Court with removing (This court fee may be waived or modified at the sole discretion of the Town Municipal Court Clerk upon written evidence that the offender will be unduly harmed by being required pay the mandatory court fee). Motion carried.

- c. Consideration of request to approve Ordinance NO. 12-2017 amending Title 9 Motor Vehicles and Traffic, Chapter 1 Westcliffe Infraction Code.**

ACTION: **Mr. Wenke** moved and **Mr. Bistodeau** seconded to approve Ordinance NO. 12-2017 amending Title 9 Motor Vehicles and Traffic, Chapter 1 Westcliffe Infraction Code. Motion carried.

- d. PUBLIC HEARING – 2018 BUDGET.**

There were no comments from the public.

- e. Consideration of request to approve Ordinance NO. 13-2017 Adopting the 2018 Budget.**

ACTION: **Mr. Wenke** moved and **Mr. Bistodeau** seconded to approve Ordinance NO. 13-2017 Adopting the 2018 Budget. Motion carried.

- f. Consideration of request to approve Ordinance NO. 14-2017 Appropriation of Funds from 2018 Budget.**

ACTION: **Mr. Wenke** moved and **Ms. Gluschke** seconded to approve Ordinance NO. 14-2017 Appropriation of Funds from 2018 Budget. Motion carried.

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NEW BUSINESS CONTINUED

- g. Consideration of request to approve Ordinance NO. 15-2017 Set Mill Levy for 2018 Budget.**

ACTION: Mr. Wenke moved and Mr. Nordyke seconded to approve Ordinance NO. 15-2017 Set Mill Levy for 2018 Budget. Motion carried.

- h. Consideration of signing a thank you letter to the director of CDOT regarding the TAP project.**

Mayor Patterson requested the letter be sent to her for a few changes.

ACTION: Mr. Bistodeau moved and Mr. Nordyke seconded to approve signing a thank you letter to the director of CDOT regarding the TAP project. Motion carried.

- i. 2018 Municipal election information.**

Clerk Reis reported that Mayor- Christy Patterson, Trustee's – Bess Cole and Art Nordyke were appointed. Rod Thornburg and Paul Wenke both seats are up for election in April 2018. The mayor is a four (4) year term. The person running for trustee with the lowest number of votes will be a two (2) year term. The other three (2) will be for a four (4) term.

January 2, 2018 is the first day nomination petitions are available and first day they may be circulated. January 22, 2018 is the last day that nomination petitions may be circulated and signed prior to the election and must be returned to the Town Clerk office at 305 Main no later than 5:00 p.m.

Mayor Patterson announced that she will not be seeking another term.

- j. Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4) (e).**

ACTION: Mr. Wenke moved and Mr. Bistodeau seconded to adjourn regular session and move into executive session allowed by C.R.S. Section 24-6-402(4) (e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators. Motion carried.

Mayor Patterson stated a motion has been made to adjourn into Executive Session by C.R.S. Section 24-6-402(4) (e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators Motion carried.

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NEW BUSINESS CONTINUED

EXECUTIVE SESSION

At 6:49 P.M., the Regular Meeting was recessed. The Executive Session was convened at 6:50 P.M.

REGULAR MEETING

At 7:10 P.M., Mayor Patterson reconvened the regular meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Ms. Gluschke, Mr. Wenke, Jim Bistodeau, Art Nordyke, Mike Carter, Jay Printz and Kathy Reis. For the record, Mayor Patterson asked that if any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record.

Attorney Printz attest that the discussion was kept on task, no decisions were made.

STAFF & COMMITTEE REPORTS

a. Report from Town Clerk – Kathy Reis

It was reported that Mountain States Employees Council (MSEC) has reviewed our Town Hand Book, made some suggestions. It was then sent to our attorney for comment. Clerk Reis sent it back to MSEC for clarifications. The board requested it be sent to them for review. It will be put on the February agenda for consideration of making revisions needed. Attorney Printz stated it needed cleaned up as some laws have changed.

b. Report from Building and Zoning – Mike Carter

No Report.

c. Report from Town Attorney – Jay Printz

Attorney Printz reported that he received information from the American Civil Liberties Union (ACLU) regarding imposing jail time for municipal violations. I responded to them that all our ordinances have been amended taking that out.

Ms. Gluschke moved and **Mr. Bistodeau** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis
Town Clerk