

# MINUTES

## TOWN OF DOLORES

### TOWN BOARD OF TRUSTEES

#### VIRTUAL TOWN MEETING

APRIL 13<sup>TH</sup>, 2020 6:30 P.M.

**DUE TO THE COVID-19 VIRUS ALL TOWN BOARD MEETINGS WILL BE HELD VIRTUALLY UNTIL FURTHER NOTICE**

**CALL TO ORDER:** Mayor Wheelus called the meeting to order at 6:40 p.m.

#### PLEDGE OF ALLEGIANCE

**1. ROLL CALL:** Board Members present: Mayor Chad Wheelus, Trustees: Jennifer Stark, Duvall “Val” Truelsen, and Tracy Murphy. Trustees absent were James Biard, Melissa Watters, and Robert “Cody” Folsom.

**2. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST:** None given or stated.

**3. APPROVAL OF THE AGENDA:** *Trustee Murphy moved to approve the Agenda, seconded by Trustee Truelsen. Motion carried unanimously.*

**4. APPROVAL OF THE CONSENT AGENDA:** The Consent Agenda is intended to allow the Town Board by a single motion approve matters that are considered routine or noncontroversial. Here will be no separate discussion of these items unless a Board member requests an item to be removed from the Consent Agenda and considered separately. Item removed from the Consent Agenda will be considered under specific Agenda item numbers. *Trustee Truelsen moved to approve the Consent Agenda, seconded by Trustee Stark. Motion carried unanimously.*

**4.1 Minutes of March 9<sup>th</sup>, 2020** regular meeting.

**4.2 Minutes of March 23, 2020** Special meeting.

**4.3 Proceedings** for the month of March 2020.

**4.4 Liquor License Renewal** for a fermented malt beverage license renewal for Basecamp Food and Fuel (Paragon Business Investments LLC.).

**4.5 Liquor License Renewal** for a Retail Liquor license for GST Liquor (Grant Smith).

#### 5. COMMITTEE REPORTS:

**5.1 Planning and Zoning:** Commissioner Linda Robinson reported the discussions and actions of the Planning and Zoning Committee meeting. The Committee worked on Short Term Rentals (STR), at the workshop. The Committee remotely met with Elizabeth Garvin of Community Recode, Manager Charles, and Building Official David Doudy. She stated that they were close to completing a recommendation for an Ordinance on Short Term Rentals. The regular Planning and Zoning meeting took place, April 7<sup>th</sup>, 2020 remotely. A Public Hearing was conducted for a Special Exemption concerning The Cordoba Town Homes (Owner Lianna Smith). The Special Exemption allows the building to be sold as Townhomes, and can be sold as separate units. She mentioned the use of the website that Elizabeth Garvin established so that the P&Z members could view and make suggestions or changes in the Land Use Code. The next meeting on May 4<sup>th</sup>, 2020, the Committee will be discussing uses allowed in different zoning districts. Manager Charles added that there will be three planning & zoning seats open; two in April, and one in June. These positions will be advertised in the newspaper and the website as well. He is hopeful that the current members will reapply. The positions need to be filled quickly because of the Land Use Code is being updated. Trustee Stark agreed. Mayor Wheelus thanked the Planning and Zoning Committee for their hard work as well as David Doudy the Building Inspector. Trustee Stark questioned Manager Charles on how the P&Z Committee will be recommending to the Board on the Land Use Code. She asked if there were going to be several sections at a time or single. She also questioned the COVID-19 situation concerning STR's and lodging being closed to the public. Manager Charles answered the first question stating that the P&Z recommendations will be coming several sections of the LUC at a time. Most importantly were the STR and Marijuana changes for zoning and permit uses. He answered the second question by stating that COVID-19 restrictions on STR and Hotel use did not move forward by advice of the Montezuma County Health Department.

**5.2 Parks Advisory Committee:** Manager Charles reported to the Board that plans are going quickly and well. Due to the COVID-19 virus, the Community build will be deleted. The consultants for Play By Design wants to keep the June dates. The new plan is for a core group of individuals to build the playground. Kalin Grigg of the Parks Advisory Committee has implemented a group of qualified individuals to complete the build. He explained that the build will be completed quickly and efficiently. He mentioned that materials were on order. Pieces of the playground ordered were swings, slide, and wood, along with some rubberized surface for handicap accessibility (ADA). Also Manager Charles stated that Kaboom will come in later in which there will be a community build for at least two days. There was a meeting with Kaboom, Play By Design, Kalin Grigg, and Manager Charles, concerning Kabooms build.

**5.3 Chamber of Commerce:** Director Susan Lisak reported to the Board that that The Riverfest has been canceled and Mountain Film which is a fundraiser for Riverfest will be re-scheduled on Friday October 16<sup>th</sup>, 2020. The County and Tri-Cities (Cortez, Mancos, and Dolores) are starting Montezuma Business Task Force. It is to aid businesses in the area on how to handle the COVID-19 crisis. Several other groups will be helping businesses with SBA loans, and staying in business. The Task force will be

gathering information from the businesses. She stated there will be a webinar by Les Rogers, with Les Rogers and Company. This will be discussing certain loans and how to apply for them. The Webinar is scheduled for Friday April 17<sup>th</sup>, 2020 at 3:00 p.m. The three area Chambers of commerce have combined their newsletter to include a Tri-City Newsletter. She stated that the summer forecast will be pretty dismal, because of tourism. She predicted that the area will lose because of tourist flying in. She thinks that the best market will be in the four corner area, with tourist driving in. The Chamber plans to target the drive market. She is currently working on a website called Get Outdoors, with a target market, on camping, RV's, and outdoor activity. Manager Charles questioned Dolores State Bank availability to fund SBA, and business loans. Susan answered the Banks are getting a slow start due to security protocols, with the internet sites. Manager Charles requested information on statistics for the businesses. Trustee Stark questioned tourism on forest and BLM land. She commented on what part of camping sites are homeless vs tourism. Her main concern was providing water and people having access to the facilities. Susan answered the Chamber can go as far as assisting businesses. Mayor Wheelus commented that he had a conversation with Tom Rice of the Forest Service. Mr. Rice conveyed to the Mayor that it should be business as usual. The Mayor stressed that there is a **STAGE ONE FIRE BAN** in place. The Mayor urged this message to be passed around as much as possible. Susan stated that there is a fire ban in the County as well. Attorney Jon Kelly stated that there will be an average fire season, but the resources will be limited.

## **6. STAFF REPORTS:**

**6.1 Sheriff's Report:** Sheriff Steve Nowlin gave the monthly expenditure report and Marshall's report for the month of March. He stated that there were two burglaries. One case will be charged and the other is still being investigated. There are extra Deputies since school is out. He will give more input on section 8.2. He talked about the increase of camping on the Forest lands and BLM. There is a fire restriction in the San Juan National Forest. He will be putting in a request for a County wide fire ban. He reiterated on the limited resources with first responder in which he will also cover later. Trustee Stark questioned the fire ban. She questioned if backyard fires were allowed. The Sheriff will have a discussion with Fire Chief Mike Zion concerning the Municipal area. The Sheriff stated that people can apply for a burn permit through his office, as this helps in knowing who will be burning. Backyard fires should not pose a problem as long as it is safe.

**6.2 Managers Report:** Manager Ken Charles reported, that the Solar Energy Impact grant was submitted. Solar will be placed on the roof tops of the Town Office, Shop, and Water Plants. The grant met the April 1<sup>st</sup>, deadline, and is expected to be reviewed in July 2020. He stated that the Town project was one of only two renewable grant applications for this grant cycle. The grant was based on \$392,000.00, with \$294,000.00 funded and a Town match of \$98,000.00. This will be financed with a short term loan for six years to Shaw Solar and the debt service will be funded with the electrical savings. The improvements to the Water Treatment Plant and replacing the water lines under Highway 145 will cost \$585,260. . DOLA has initiated the contract for the \$292,630 grant. SGM has completed 65% of the final design documents, and is working with CDOT for permits. There is also a small \$25,000.00 grant from CDPHE for the water treatment plant improvements portion of the project. An outside vender will be hired for the plant.

Manager Charles discussed the Marijuana on developing licensing procedures. He plans to request advice on how to proceed. He is considering seeking an Advisory Committee to help guide the process. Attorney Kelly will assist. There are several issues that will need to be addressed as in setbacks, the number of retail shops, and zoning. This will need to be put in place by December 31<sup>st</sup>, 2021. Trustee Truelsen recommended that the Manager proceeds. Attorney Kelly commented that this should be a normal procedure with some aspects that the Board will need to use discretion on when prescribing the distance marijuana dispensaries must be from schools and putting a cap on the amount of Marijuana Store. There will be some decisions to be made by the Board. The Mayor remarked that he agreed with Trustee Truelsen. Mayor also stated that whatever it takes for the Manager and Attorney to get started the better. Also Manager Charles stated that the G-Suite program converting the emails systems is to be convert a week from now.

**6.3 Clerk Report:** Clerk Tammy Neely reported that the 2020 Municipal Election was a success. She stated the Marijuana issue will be a big project, concerning rules and regulations. A notice was submitted from the Colorado Liquor Enforcement Division concerning the online renewal of liquor licenses. Clerk Neely was concerned that the notice stated that it might imply the Town fee waived. The Board suggested investigating it further.

**6.4 Treasurers Report:** Treasurer Tricia Gibson presented a report she wrote in draft form. This is a report covering COVID-19, Emergency Operation for Financial Management and Administrative Support. The report shows how the Towns money is coming in and going out and tracking of funds. She explained that she and Manager Charles have been working on a revised sales tax projection and revisions to the budget. She attended an Accounting Academy in Albuquerque New Mexico and learned much information; the sales tax projections for the first quarter of the year were very good. She reported that several Bonds were called unexpectedly, in which she reinvested into Certificates of Deposit with the highest rate of 1.8%. This was done before the market dropped. There will be some adjustments in revenue returns and interest because of this.

**6.5 Building Officials Report:** Building Official David Doudy reported to the Board various inspections he has completed. A permit application for 206 Riverside, owner will be tearing down a structure and build a new house, possibly a triplex. Reviewing plans for Eso-Terra Cider, Inspected multiple building on 15<sup>th</sup> street, there will be more buildings a triplex and duplex will be built in the near future, a framing, plumbing and electrical inspection for a single family residence at 209 North 9<sup>th</sup> Street. Visited the site of a remodel at 101 North 8<sup>th</sup> Street, the contractor indicated that she is looking into a STR. David attended classes in Las Vegas. The classes covered Land Use Codes, Short Term Rental, BRB and Marijuana. There is a site Postcompliance.com in which they can track compliance for Short Term Rentals in the area. He added that he will probably be setting with the task force for Marijuana building code. Mayor Wheelus questioned the Building Official if he was working with Planning and Zoning on the STR issue. He answered that he was making recommendations to P&Z. Trustee Stark asked about the Trend Data Summery, and what the Building Officials opinion was concerning the STR. David explained that the main problem was un-hosted STR (Owner of property not living on the premise); this was a requirement of having a STR. There should not be a grand fathering and owner should give time to be compliant and there should not be a grand fathering and owner should give time to be compliant.

**6.6 Public Works:** Director Randy McGuire reported that the Motor Grader and Dump Truck have arrived; everything is in good working order. He mentioned the Dump Truck had only 17000 miles on it and was practically new. Maintenance is getting ready to finish the water and sewer on North 15th street. Prepping the sprinkler systems and repairing potholes. Manager Charles brought up a letter from the Department of Health. The letter was about Well-1 in Dolores, and reported not to be under the

influence of surface water. Director McGuire explained that if Well-1 was under the influence it would have to be run back through the water plant for treatment. The water is now good water and may be stored.

**7. CITIZENS TO ADDRESS THE BOARD (5 MINUTES):** Citizens may comment at this time or during a Public Hearing ONLY:

7.1 No public comment was made at this time.

**8. DISCUSSIONS AND POSSIBLE ACTIONS:**

**8.1 Public Hearing-Discussion and possible action:** The second reading of Ordinance #542 with an amendment, authorizing the sale of town-property known as 111 N. 14<sup>th</sup> Street (old town shop location) Dolores Colorado. Attorney Jon Kelly informed the Board that he had contacted the School Superintendent Liz Richards. She stated to Attorney Kelly that the School was no longer interested in purchasing the property. Attorney Kelly and Manager Charles revised Ordinance #542 (Section 1), to show that the sale may be any individual interested in purchasing the property. Mayor Wheelus opened the hearing to the public and waited for comments, after hearing none the meeting was closed to the public. *Trustee Murphy motioned to accept Ordinance #543 with amendment, seconded by Mayor Wheelus. Motion passed with Mayor Wheelus, Trustee Murphy, and Stark voting yes, Trustee Truelsen voting no.* Trustee Stark questioned the validity of a first reading with an amendment on the second reading. Attorney Kelly explained that since the School backed out the Ordinance was amended to give any entity or person the opportunity to purchase. Manager Charles asked about the purchase of the Harris property as it is based on contingent of the sale of the Town property. Attorney Kelly stated that the Harris property contract is now in limbo and it is the Boards pleasure whether to proceed or wait until the sale of the Town property. He suggested re-visiting the Harris property. Manager Charles suggested that it be discussed at the May 9, 2020 board meeting The Board agreed.

**8.3 COVID-19 Impacts-Discussion:** Sheriff Steve Nowlin has been attending meetings twice a week with the MAC Group. The first responders and deputies are all going under a D-CON process. His concern for the the Deputies is answering calls with unattended deaths and explained that there has been a considerable increase on welfare checks. This may cause potential hazards for the deputies as to who is infected. The tests are not coming back fast enough and they assume more people can be infected. Deputies do not know what the cause of death may be. Sheriff Nowlin will have a robot go into to the home of the deceased to keep the Deputies from getting infected. As far as an investigating procedure this will be worked out with the County Coroner for unattended deaths. He reported that the detention center is not showing any signs of COVID-19 as there are protocols in place. Inmates are checked regular, new inmates go into isolation until cleared, all staff has their temperature checked regularly. The Sheriff Dept. is trying to obtain the supplies as in PPE's. He stated that several members of the community have offered and it has helped. He stated that if the Town needs anything as in PPE's that he could help. He stated that if the Town needed anything to not hesitate to call. He will be contacting Manager Charles and Building Official Doudy to update mitigation for emergency plan, which is due this year. Manager Charles commented that he and Building Official Doudy have been on several conference calls concerning the COVID-19. The Town is operating on a 4 tiered planned; currently it is in Tier 3, which allows a shelter in place and safety measures. Resolutions were signed by the Board to allow the Town to do what is necessary for the citizens and staff and to conduct virtual meetings, telework, and home work. Looking at financial cuts, the usual approach is to delete Capital projects. Unfortunately, most of the capital projects already where started including the Playground, Solar installation for the Town buildings, updating the water lines, purchase of Motor-Grader and Dump Truck. Public Maintenance Staff is currently using all 3 employees. Town hall is staggering work schedules. Manager Charles stated simply there was no room for more for budget cuts because of the timing. There are holds on some of the projects. Public Works was to hire an additional fulltime employee, but this has been reduced to seasonal hire only for parks. The state has declared an emergency which will allow government to get funding for public assistance. FEMA is involved with public assistance and individual assistance as well. Trustee Stark stated that she was hesitant of the Governors decision to replace the Shelter in Place order on the 27<sup>th</sup> of April with Safer at Home rule. Treasurer Gibson stated in the training received there was talk of resurgence of COVID-19 in the fall. Sheriff Nowlin commented that what will help is quicker testing, which is a matter of science. Mayor Wheelus suggested that the new Town Board members will be brought to date, and to stay aware. Contact Manager Charles for more information and questions.

**8.4 CONTINUATION OF THE MEETING:** The Mayor stated that the meeting should be continued and not adjourned. *Trustee Truelsen moved to approve the meeting be continued to April 27<sup>th</sup>, 2020 at 6:30 p.m., seconded by Trustee Murphy. The motion was approved unanimously.*

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Mayor Chad Wheelus

Town Clerk Tammy Neely

**CONTINUATION MEETING  
DOLORES TOWN BOARD OF TRUSTEES**

**APRIL 27<sup>TH</sup>, 2020**

**6:30 P.M.**

**DUE TO COVID-19 THIS MEETING WAS HELD REMOTELY.**

**MEETING WAS CALLED TO ORDER:** Mayor Wheelus called the meeting to order at 6:35 p.m.

**PLEDGE OF ALLEGIANCE**

**12. STAFF UPDATES:** Manager Ken Charles reported that the Playground is proceeding. June 5<sup>th</sup> through the 15<sup>th</sup> of 2020 is the tentative plan for the build. There is no update on Play By Design plans for the weeks in June. The first shipment of playground equipment is due to arrive this week. Currently there is a group of professional builders being assembled at this time. He noted that Kalin Grigg has been putting a lot of time into it. The Solar project for the Town Hall, Town Shop, and Water Plant.; the Colorado Energy Office is asking for an Energy Audit. The Audit is needed to subsidize payments. There are several companies available to complete the task. The buildings will be inspected for a more efficient way to save energy. The Board commented on several ways to save energy. Manager Charles asked if the issue could be visited at the May meeting as he will have more information. The Mayor asked if the Board would visit the issue at the May meeting, in which all Trustees agreed. Manager Charles asked about assisting businesses by purchasing gif cards. The Board seemed thought that housing, facilities, water, and food were important factors to helping individuals with hardships. The Mayor suggested talking to the Chamber and Rotary Club to pinpoint where resources are needed.

**12.1 Treasurer:** Treasurer Tricia Gibson reported to the Board that she and the Manager are re-working the Budget. She stated that the largest source of income is sales tax. She also reviewed some of the expense projects that are needed. She had no formal recommendation as of yet.

**13. ACTIONS AND DISCUSSIONS CONTINUED:**

**13.1 Official Results of The Dolores Town Election and Swearing in the newly elected Trustees:** Clerk Tammy Neely presented the official results by canvass, with Mayor Chad Wheelus, Trustee Duvall "Val" Truselsen, Andy Lewis, and Sheila Wheeler as elected officials. Clerk Neely swore in the Mayor, and Trustees. Mayor Wheelus welcomed Andy Lewis and Sheila Wheeler aboard. Several appointments were made by the Board.

*Trustee Murphy moved to appoint Duvall "Val" Truselsen as Mayor Prom Tem, seconded by Trustee Wheeler. The motion was carried unanimously.*

It was agreed by the Board Trustee Melissa Waters stay as Ex-Officio of the Planning and Zoning Committee.

*Trustee Murphy moved to approve Trustee Andy Lewis be Ex-Officio to the Planning and Zoning Committee, seconded by Trustee Stark. Motion carried unanimously.*

*Trustee Stark moved to approve Trustee Sheila Wheeler as Ex-officio to the Chamber of Commerce Board, seconded by Trustee Murphy. Motion carried unanimously.*

*Trustee Murphy moved to approve Trustee Stark as Ex-Officio to the Region 9 Board seconded by Trustee Lewis. Motion was carried unanimously.*

Manager Ken Charles and Mayor Chad Wheelus were appointed without a vote as Representatives for the Colorado Municipal League.

**13.2 Discussion and possible action:** Manager Charles updated the Board on the Water Project. The plan is in the final stages of preparation for the Water Treatment Plant and the crossing of Highway 145. He reviewed the loan details. The project expenses are \$585,260.00, DOLA grant is \$292,630.00, with remaining expenses at \$292,630.00. The Town Cash from the Water Fund Reserves are \$133,815.00, with a loan to be obtained from Dolores State Bank of \$133,815.00. The Town proposed to enter into a loan for 15 years at 4% interest for the first ten years at \$1,354.00 per month and \$16,258 annually. Then an ARM for the last five years at 1% above prime and no pre-payment penalties. DOLA is in process of the contract process, which is to be executed by mid-May. The Town has committed to a rate increase to cover debt service and strengthen the Water fund. SGM is in the final planning stage, and is working with CDOT for permitting. Bidding should be ready early in May. \$55,000.00 is earmarked for the Water Treatment Plant which CDPHE requires. The Water Treatment Plant will bid out to a different contractor.

**13.3 Discussion and possible action:** Resolution #423 Series 2020, Increasing the Base Rate for Water and Sewer Services. The resolution increases the utility rates at \$5.00/monthly for water service and \$2.50/monthly for sewer. Increasing the rates will add a yearly increase for water at \$33,000.00 per year and sewer at \$16,500 per year. This Resolution will amend Resolution #419 Series 2020 to delay the effective date of rate increases to January 1, 2021. Trustee Stark asked for clarification as to what Resolution # 419 implied. Trustee Truelsens and Manager Charles explained that Resolution #419 was to be implemented on

June 1<sup>st</sup>, 2020, due to the COVID-19 issue, and leaving out a \$1.00 increase per month. Resolution #423 extends to no later January 1<sup>st</sup>, 2021. *Trustee Truelsen moved to approve Resolution #423 Series 2020, increasing the the base rates and amending Resolution # 419 Series 2020, to be applied no later than January 1, 2021, seconded by Trustee Stark. Motion was carried unanimously.*

**13.4 Discussion and possible action:** Manager Charles revisited the sale of the Town Property as the School District backed out of purchasing. He requested a direction of whether to continue the sale of the property. The purchase of the Harris property by the Town was contingent on the selling the Town property. The Board agreed that Manager Charles and Attorney Kelly continue to sell the Town property. Attorney Kelly will need to contact the Harris property owners to let them know that the Town is still interested. The Board agreed to let Manager Charles and Attorney Kelly pursue the sale of the Town property to purchase the Harris property.

**13.5 COVID-19 Discussion:** Manager Charles informed the Board of Governor Polis new COVID-19 procedure. The New Normal is to STAY SAFER AT HOME. Manager Charles stated a new plan is to be presented to the State. Re-Opening Town Hall would be May 14<sup>th</sup>, 2020, with appropriate Social Distancing (wearing masks-sanitation, health orders to be implemented). He asked if the May 11<sup>th</sup>, Board meeting is to be held virtual or physical. The Board agreed on another virtual meeting for May 11<sup>th</sup>, 2020. The Public Works will need to stagger shifts. Trustee Stark remarked that the restrooms were closed and the porta-potty was trashed.

**Adjournment:** Mayor Wheelus adjourned the meeting at 8:10 p.m.

**Workshop:**

**1. Short Term Rental (STR):** Planning and Zoning Recommendation

**2. Marijuana** licensing issues

**3. Budget Adjustment, COVID-19**

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Mayor Chad Wheelus

Clerk Tammy Neely