

## MINUTES

### TOWN OF DOLORES

#### TOWN BOARD OF TRUSTEES

#### CONTINUATION MEETING

JUNE 29<sup>TH</sup>, 2020, 6:30 P.M.

**DUE TO COVID-19, BOARD MEETING WILL BE HELD VIRTUALLY UNTIL FURTHER NOTICE**

**1. CALL TO ORDER:** Mayor Chad Wheelus called the meeting to order at 6:32 p.m.

#### **2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:** Board Members present: Mayor Chad Wheelus. Trustee's Jennifer Stark, Sheila Wheeler, Tracy Murphy, Andy Lewis, and Melissa Watters. Trustee Duvall "Val" Truelsen arrived later in the meeting.

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

**5. PUBLIC PARTICIPATION:** No public comment was given

#### **6. PROCLAMATION/PRESENTATIONS:**

**6.1 Victor N. Sundquist:** The Town of Dolores proclaims Victor N. Sundquist Centurion of the Town of Dolores as of June 15<sup>th</sup>, 2020. Mr. Sundquist has been a longtime resident of Dolores, and served in the United States Army Air Corp as a Staff Sargent in WWII. He came from a family of loggers, attended Dolores High School, and married Dolores's first High School Cheerleader. The proclamation was acknowledged by the Board on June 29<sup>th</sup>, 2020.

**6.2 Dolores Public Library Board Recommendation:** The Dolores Library District Board of Trustees recommended that the the Board, as permitted per Article II, Section 1 of the Library District, appoint Sandra Jumper and Nicole Margeson as Dolores Library District Board of Trustees. The Library District Board has decided to go from a five member Board to a seven member. Trustee Stark questioned as to why the Town Board must make make the appointment when the Library District is a government body. She stated "it is not the Towns business to appoint Library District Board of Trustees". Mayor Wheelus, and Trustee Murphy also had the same question. Attorney Kelly was asked if this was common. Attorney Kelly answered that there was an Inter-governmental Agreement (IGA) years ago with the Library District and School Board. The Board would like to review the IGA. Not many Board Members were comfortable with something that they are not aware of. The matter will be tabled until the IGA can be located and review. Trustee Stark wanted to review the Consent Agenda before this item came and requested that it be reviewed. The Agenda was changed to show approval of the Consent Agenda, and Agenda towards the middle of the meeting. This was a new format. Trustee Stark wanted the removal of Consent Agenda items to appear before the review of the Consent Agenda.

**6.3 Sheriff's Report:** No report was made as this was a continuation meeting. Trustee Stark questioned the backyard fire pits on whether they were going to be an issue. Sheriff Nowlin did not see a problem

with it. It was mentioned to the Fire Chief Mike Zion and he did not see an issue either. The Sheriff stated if it does become an issue the Town Board would need to take action of some sort. In the past the Board has taken action.

**6.4 Financial Management Report:** Treasurer Tricia Gibson presented the Joe Rowell Community Playground Project expense report and reimbursement from GOCO. To date GOCO has reimbursed a total of \$86,746.50. Trustee Stark questioned the fact because of COVID-19

**6.5 Managers Report:** Manager Interim Ken Charles reported to the Board, addressed the Playground. He thanked the Community for their help in constructing the playground. He wanted to publically state the amount of work that the Town Staff put into helping with the Playground Construction. He acknowledged David Doudy being there from the beginning to the end, working mostly twelve hours a day. Public Works switched shifts around so that they were able to help. Ann Swope volunteered frequently. Tricia was unable to attend but made up for it on the accounts payable and spreadsheets. He reported that KaBoom sent a small email. CDPHE is reviewing their projects, which cause a slight delay in the KaBoom build, which is for toddlers. Manager Charles emailed back asking for top priority. There is landscaping that needs completed, and the background Muriel for the climbing wall. Manager Charles reported on the water project; stating that the contract dollars were received. SGM came back with a cost plan, which was higher than anticipated, Manager Charles asked about cutting some of the cost and they found some crossing lines that did not need work, those streets were 3<sup>rd</sup>, 8<sup>th</sup>, and a line at the water treatment plant. Manager Charles wanted to stay with the first plan, with a loan through Dolores State Bank, and some reserves. A contract was signed with with Bronze Hill for work on the Water Treatment plant. He Manager and Treasurer will be providing finance reports along the way. Work is planned to start on July 2020. It will bring the Town up with the CDPHE requirements. Bid requests will go out in July and end August 1<sup>st</sup>, 2020. He stated that CDOT costs will affect the budget for the project. The projected costs will be \$210, 00.00. CDOT has given permit approval as of yet. The project is still waiting for the type of fill CDOT will be requiring. There will be a mandatory pre-bid meeting the week of the 20<sup>th</sup> of July. Manager Charles expressed the importance of a Marijuana workshop and reserved time on the July 27<sup>th</sup> for a workshop, and if need be set time aside for action items. Manager Charles also suggested a formal meeting with the foot distancing requirements. He state that he and the Building Official David worked it in the Board room and it could be done. He asked if here were any questions. Trustee Stark asked if there is going to be 6 ft. distancing a mask will be required; she also asked what the value of the Staff being would be. Manager Charles explained that there is some documentation that needed to see in person. Manager Charles explained that it would be important for David the Building official to be there. More will be reported on the July 10<sup>th</sup>, regular meeting. Manager Charles asked that the Board think about going back to live meetings, with COVID-19 safety procedures. Trustee Watters mentioned the P&Z meeting which was held live and had no problem meeting in person. There was proper spacing, and face masks, and went well. The majority of the Board agreed it was time to have actual meeting again, with concerns for the public to be heard. Manager Charles brought up for discussion the Escalante Softball Tournament, and COVID-19. There are certain practices for health standards. There could only be a maximum of 25 people allowed, records will need to be kept of attendance in case of an outbreak. The tournament starts on a Saturday and will run through Sunday. Trustee Murphy stated that State guidelines must be enforced. The Softball Tournament is usually a big turnout, with lots of people, which gives cause for concern. Bathrooms are also a big concern. The majority of the Board agreed with State guidelines being enforced and limitations on groups. The Escalante Bike Race is capped at a 150 racers released in groups with 6 ft. spacing. Permits will need to be obtained. Trustee Stark mentioned that events were being canceled all over. The Mayor stated that the Bike Race was well planned. The Board questioned allowance for Escalante Days. Chamber of

Commerce Director Susan Lisak stated it was pending on what the Governor will be stipulating on new COVID-19 rules, which will be available at the next meeting. Trustee Stark asked Susan if there was a possibility to move the events to the Riverside Park, as it is more space and away from the middle of town. Susan explained that Central Ave is closed off for certain events and would not work at Riverside, as in the arm wrestling, and log cutting events. Trustee Stark asked Susan what would be the last date they could make a decision on Escalante Days? Susan stated that she could wait until the July 10<sup>th</sup>, 2020 Board meeting. Attorney Kelly stated that this must be considered under the strictest of State guidelines and enforced.

**6.5 Building Officials Report:** No report was given

**6.6 Public Works Report:** No report to give.

## **7. REVIEW OF THE CONSENT AGENDA**

**7.1 Approval of the minutes:** No approval as this meeting is a continuation from June 8<sup>th</sup> 2020.

**7.2 Liquor License Renewal:** Dolores River Brewery LLC.

*Trustee Murphy moved to approve the Consent Agenda, seconded by Trustee Truelsen. Motion carried unanimously.*

**8. REMOVED CONSENT AGENDA ITEMS:** No items were removed.

## **9. PUBLIC HEARINGS:**

**9.1 River Bar and Grill LLC:** With time being set aside Mayor Wheelus opened the public hearing for the River Bar and Grill LLC. The Hearing was recorded and conducted virtually. In an effort to involve the public it was posted in the Journal, on the Public Notice, and on the Dolores Town website at [www.townofdolores.com](http://www.townofdolores.com). The Mayor asked Attorney Kelly to remind the Board that they can approve or disapprove as this was not a revocation hearing. Attorney Kelly verified the virtual points of the meeting for the record. Debbie Valerio (General Manager of license) was present online. For the record written documentation was presented; public hearing notice, proof of notice, correspondence, notifications, and other evidence. Clerk Neely explained that the Board removed the liquor license renewal from the Consent Agenda on the June 8<sup>th</sup> 2020 meeting, based on the objection for approval by Montezuma County Sheriff Steve Nowlin; citing that River Bar and Grill LLC. received, two State of Colorado violations, on serving to minors based on a sting conducted by the State Liquor Enforcement Division. Also it was observed that intoxicated people were reported on several occasions leaving the licensed premise. The Sheriff was contacted by previous employees and a local citizen reporting that were individuals smoking marijuana on the premises, Sheriff Nowlin noted that this was never confirmed or observed. By the Sheriff or Montezuma County Deputies Also over serving or serving visibly intoxicated persons. Sheriff Nowlin recommended that if approved the Board consider: No Colorado Liquor Law violations, with particular attention no alcohol to under age persons, no sale to visibly intoxicated persons, a mandatory Colorado TIPS training by every current and future employee involved in alcohol sales, with certificates to be filed with the Town Clerk of Dolores and kept at the licensed premise for any peace officer to inspect during business hours, and no violation of any town ordinances. The Board heard from Joe and Jeanne Becker in objection of the tavern license renewal stating that they resided across the Dolores River, on Merritt Way and that the nights the Bar had music bands, the music was very loud until late night. The Mayor gave Debbie the floor to comment. Debbie had submitted a letter to the Board packet for the record for her defense she addressed the complaints

in the letter by Sheriff Nowlin of the State violations stating that the State was satisfied with the penalties and they were carried through. Currently a policy has been put in place to correct the violations that no persons will be served an adult without proper identification, the bar will not will be measuring all liquor beverages to ensure no over pouring. The bar will be monitoring the amount of adult beverages person will be served. Limiting 1 shot/mixed beverage per hour and/or 2 malt beverages per hour. The bar will not serve visibly intoxicated persons that have frequented another licensed premise. She state that she will be contacting Sheriff Nowlin on the protocol as to how this type of situation can be handled. Debbie also explained the change to the premise as they were going to only have a dinner bar; serving meals and closing at 9:00 p.m. Mayor Wheelus opened time for public comment:

Speaking on behalf of Debbie:

Deanna Truelsen 201 Central Ave: stated she has known Debbie for several years and she has known about the struggles Debbie has had (motorcycle accident) employees just don't care specially with quasi managers. Deanna also stated that the location of the River Bar LLC, was a good place and good for Dolores.

Patrick Labruzzo (due to technical issues Patrick could not be heard) called in to say that Debbie was a good person and has done her best with the bar.

Speaking against:

Joe Becker 1200 Merritt Dolores co questioned her management skills, selling to persons that are known to drunks.

Jeanne Becker 1200 Merritt, Dolores CO, complained that the music was very loud. (Residence id located across the river from the premise).

Chris Krassin 1110 Merritt: Stated that he was neighbors of the Becker's and he verified that the music was very loud, and asked if it could be turned downed.

Mayor Wheelus closed the public comment section of the public hearing. The Mayor gave the floor to Debbie in whom she addressed the concerns of Joe and Jeanne Becker. She explained that her Bar is going to be a dinner bar and hopes to have music from 7:00 p.m. to 11:00 p.m. She stated that it was not her intention to be a thorn in her neighbor's side or a nuisance, and will keep the music down if possible.

Mayor Wheelus opened comments from the Board Member:

Trustee Stark: Asked Sheriff Nowlin to clarify a REDI report and Bar check. Redi reports are a citizen's call in for drunk driving, and other violations. Bar checks is when deputies go into the bar to observe for violations and over al activity of the bar. Trustee Stark asked Debbie about the conditions submitted by the Sheriff, Debbie did not get a list and reviewed them at the hearing. Trustee Stark explained that they could not enforce these conditions and asked if she was willing to adhere to those conditions. Debbie answered yes to all conditions. To clarify Trustee Stark asked about the dinner bar and music. Debbie stated that 7:00 p.m. to 11:00 p.m. if there is entertainment.

Trustee Wheeler: Question Sheriff Nowlin on what consensual contact was. Sheriff answered a Police/Citizen contact. Trustee Wheeler also asked Debbie what her plans were to monitor the Bar. The plans were to have pour spouts eliminating free pouring. Bartenders hired will be experienced. Also

Trustee Wheeler asked Debbie to explain the two State violations. Debbie explained the violation was serving to a minor in whom the Bar was closed 3 business days, and the second violation was 2019 which took place while she was in the hospital again serving to a minor. A fine was paid and the Bar was not shut down.

Trustee Murphy: Asked the Sheriff about the noise complaints. Sheriff Nowlin stated that on occasion a citizen would call to complain about the noise, Deputies would have to ask for the music to be turned, not very often. Trustee Murphy stated that there is a nuisance ordinance for the town.

Trustee Truelsen : Questioned the pages for the record. Attorney Kelly explained the numbering.

Mayor Wheelus Closed the Public Hearing.

Attorney Kelly for the Mayor listed a declaration of facts and findings of the meeting. Mayor Wheelus asked if there was any discussion. Trustee Stark wanted to discuss the hearing. She commented that the Board needs to look at this close, and the fact that Marijuana will also be coming. Mayor Wheelus explained that the Board is here to approve a liquor license.

*Trustee Val Truelsen moved to approved the renewal of the River Bar and Grill LLC based on the condition recommendation of the Sheriff, seconded by Trustee Wheeler. Motion carried unanimously.*

**10. TOWN ATTORNEY:** Jon Kelly updated the Board on the closing for the Town Property closing which will be July 6<sup>th</sup> 2020. The Harris property is waiting for a title commitment and will have more information for the July meeting.

## **11. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

### **12. ADMINISTRATIVE**

**12.1 Manager Charles reviews the CARES ACT:** A Intergovernmental Agreement with Mancos, Cortez, Dolores, and Montezuma County was presented to the Board for possible action and discussion. This is regarding disbursement of funds from the CARES ACT. The Towns share would be \$79,547.59. These funds will be used to recover from COVID-19 expenses. *Trustee Stark moved to approve entering into the CARES ACT IGA, seconded by Trustee Murphy. Motion carried unanimously.*

**13. COUNCIL REPORTS/ACTIONS:** Each Trustee is provided an opportunity to report on meetings recently attended and discuss topics not otherwise appearing on the Agenda.

### **14. PRESENTATIONS FROM OTHER ORGANIZATIONS:**

**14.1 Chamber of Commerce:** Direct Susan Lisak, updated the Board on the Montezuma Business Task Force. They are planning to apply for a 501C3 status. This allows the group to apply for grants. He Tri Chambers will be applying for a 501C6 which also allows applications for grants. For Dolores she is currently working on the Escalante bike race. The Drive-in is almost ready to go.

**15. ADJOURNMENT:** Mayor Wheelus adjourned the meeting at 9:00 p.m. to enter into the Workshop

## **WORKSHOP:**

### **Discussion**

#### **1. Model Traffic Code of Colorado 2020 version**

**2. Dolores Municipal Code:** Title 10, vehicle and traffic, and title 9, public, peace, morals, and welfare.

**3. Marijuana:** Schedule to begin process of Town Laws, regulations, and codes.