

## MINUTES

### TOWN OF DOLORES, COLORADO

#### BOARD OF TRUSTEES CONTINUATION MEETING

NOVEMBER 23<sup>RD</sup>, 2020, 6:30 P.M.

**DUE TO THE COVID-19 PANDEMIC, THIS MEETING WAS HELD VIRTUALLY.**

**1. CALL TO ORDER:** Mayor Wheelus called the meeting to order at 6:34 p.m.

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

**3. ROLL CALL:** Board Members Present; Mayor Chad Wheelus, Trustees: Duvall “Val” Truelsen, Jen Stark, Sheila Wheeler, Andy Lewis, Melissa Watters, and Tracy Murphy.

**3.1 Staff Present:** Manager Interim Ken Charles, Building Official David Doudy, Attorney Jon Kelly, Sheriff Steve Nowlin, Treasurer Tricia Gibson, and Town Clerk Tammy Neely.

**4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST:** Trustee Stark identified a conflict of interest concerning a vote to appoint member to the Parks/Playground Advisory Committee. It was so noted.

**5. APPROVAL OF THE AGENDA:** *Trustee Wheeler moved to approve the Agenda for November 23<sup>rd</sup>, 2020, seconded by Trustee Lewis. Motion carried unanimously.*

**6. PUBLIC PARTICIPATION (5 minutes only):** Citizens may comment at this time or during a Public Hearing ONLY. No Public comments were made.

#### **7. STAFF/PROCLAMATIONS AND PRESENTATIONS:**

**7.1 Managers Report:** Manager Interim Ken Charles updated the Board on the CARES ACT Funding for businesses. Some businesses have already taken advantage of the help. Some funding is still available and Applicants will need to turn in their request by the November 30<sup>th</sup> deadline, after that all leftover funds will be rolled over to Montezuma County’s Business Assistance Program. A Memorandum of Understanding has been completed and is awaiting review from the SWCCA. Later in the meeting will be

a discussion of some citizens with concerns on the bike trail. Manager Charles commented that he would like to meet with these Citizens. Coronavirus is becoming a concern. A report is attached with the latest status of the State category of COVID-19 restrictions. Currently Montezuma County is in Orange category, which is High Risk. Citizens are strongly advised to stay home. Manager Charles also stated that he would like to invite Dr. Aiken at the next Board meeting for a Coronavirus discussion. Trustee Stark commented that there needs to be capacity limitation violations at businesses, and possibly a warning or fine depending on the amount of individuals in that area. Trustee Watters explained that the virus is not a Hoax and agreed with Trustee Stark. Trustee Wheeler supported the idea of Dr. Aiken coming for a discussion. Trustee Truelsen commented that the State has gone from a 25% to a 60% drop in business. Mayor Wheelus stated that it would be a good idea for Dr. Aiken to attend the meeting for December 9<sup>th</sup>, 2020. Trustee Stark stated "I'm looking at generating some awareness that the town is paying attention, and that's really, that's all, this is designed to do, and so we can put that at some moderate levels to give people a heads-up.". Attorney Kelly stated that he had been seeing comments from other Governments on what they are doing. Simply stated an Ordinance may be an option. Manager Charles questioned who would enforce this? Trustee Stark stated "We have signed a contract with the sheriff's office to be this Marshall and undertake directives from this town Town and that as a directive; I absolutely think that if they do not want to do it, we find another contractor that does it". Sheriff Nowlin stated that he was offended, and that The Sheriff's Department enforces every Town Ordinance set before them. If an Ordinance is made it will be enforced. Moving on Manager Charles updated the Board on the Water Project; delays at the Post Office Crossing will cause the project to finish the second week of December 2020. The Utility rates will be reviewed later in the meeting. Manager Charles reported to the Board that he toured a very large Forest Service Project coming up in 2021, the Forest Service will be making a part of 35,000 out of 55,000 of the Mesa healthy. This will be a big project and will include tree spacing so newer trees will have room to grow and spacing them for fire control. Manager Charles would like any of the Board interested in touring the project take a tour sometime in the spring. Trustee Wheeler expressed interest. In the IT department David Douady gave a short update that everything is moving along and conversion is going well. The new equipment will take some time to get started.

**7.3 Attorney:** Jon Kelly stated that he will be presenting Ordinances #546 and #547 in Public Hearing. In other news the Harris Property will be closing this week, he will bring the closing papers to the office later in the week. Note: The Attorney should have in fact been numbered 7.2, due to a change in the Agenda this was overlook.

## **8. COMMISSIONS AND COMMITTEES:**

**8.1 Parks/Playground Advisory Committee:** Manager Charles presented Ordinance #532 Series 2017. Two Members for the Committee are up for appointment. Manager Charles recommended Kalin Grigg for a 2 year appointment, and Nikki Gillespie for a 2 year appointment as per Ordinance #532 Series 2017. *Trustee Stark moved to approve Kalin Grigg and Nikki Gillespie for 2 year terms on the Parks/Playground Advisory Committee, seconded by Trustee Wheeler. Motion passed with Trustee Stark abstaining.*

**8.2 Planning and Zoning Committee:** Manager Charles requested to make a recommendation on the issue of Short Term Rentals. He stated that there has been an influx of correspondence concerning Short Term Rentals (STR) in the Land Use Code. Manager Charles proposed to schedule a joint meeting for the Board and Planning and Zoning. The meeting should take place in January as there are many issues to clear up. Manager Charles stated there has been some correspondence and comments made about the STR. P&Z Chair Linda Robinson commented that she was glad to see the Forest Service Project on the Mesa as it covers part of the LUC under hazards.

## **9. OTHER ORGANIZATIONS:**

### **10. PUBLIC HEARINGS:**

**10.1 Public Hearing Ordinance #546 Series 2020:** Second and Final Reading for Ordinance #546 Amending Chapter 5.16 of the Dolores Municipal Code concerning the Licensing of Medical Marijuana Center and Emergency Ordinance # 540 Series 2019 Prohibiting and enacting a Comprehensive Regulation and Taxation of All Medical and Recreation al Marijuana establishment's in the Town of Dolores, including Sales, Cultivation, Manufacturing, and Testing Businesses.. No Public comment was made; therefore Mayor Wheelus closed the hearing.

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

**11.1 Approval of Second Reading of Ordinance 546 Series 2020 Amending Chapter 5.16 of the Dolores Municipal Code.** *Trustee Murphy moved to approve Ordinance #546 Series 2020, second and final reading, seconded by Trustee Truelsen. Motion carried unanimously.*

**11.2 First Reading Ordinance 547 Amending the Land Use Code for the purpose of amending specific zone districts, uses and standards to ensure consistency with the Town Marijuana Code.** Manager

Charles stated that this Ordinance was for the Land Use Code to amend necessary chapters and to compliment Ordinance 546. Attorney Kelly also commented there is Marijuana items mentioned in the Land Use Code from the past. This will update commercial highway use, zoning issues, and types of Marijuana sales. Attorney Kelly also explained that he and Elizabeth Garvin of Community Re-Code amended some of the language to work with Ordinance 546 Series 2020 to work together. *Trustee Murphy moved to approve Ordinance 547 Series 2020 amending the Land Use Code for the purpose of specific zoning districts, use and standards to ensure consistency with the Town Marijuana Code, seconded by Trustee Truelsen. Motion approved unanimously.*

**11.3 Resolution #R432 Series 2020, to repeal the fire ban currently in use:** *Trustee Murphy moved to approve Resolution R432 Series 2020, repealing the current Open Flame Fire Ban, seconded by Trustee Stark. Motion was approved unanimously.*

## **12. ADMINISTRATIVE:**

**12.1 Discussion and possible action:** For the Senior (Elderly) Low Income Water & Sewer Discount. Manager Charles opened the discussion with a proposed Senior Discount, stating that Staff proposed a 25% reduction in water and sewer fees to qualifying Dolores Senior Citizens. Manager Charles also produced an application with specifications to anyone 65 years or older. He informed the Board that the fee reduction will show a very slight loss but not significant. The procedure will need to be completed, an application with identification, proof of residency, and proof of income. Staff will determine the eligibility. The question of residency was a concern. Trustee Murphy moved to approve the elderly low income water and sewer program, seconded by Trustee Lewis. Motion carried unanimously.

**12.2 Discussion regarding Public Comments on Bike Trail.:** Mayor Wheelus opened the discussion by saying that people are calling this trail a bike trail. That is not exactly what it is. He explained that the Trail is multi use and not just for bicycles. For the record a letter from several concerned citizens was submitted, citing they recommend the Town conduct further cost/benefit/environmental analysis. They also stated that the issue should be placed on a ballot and voted by the people. There were several issues of high truck traffic because of a large Forest Service Project, the safety of hikers and bikers because of steep inclines and rugged terrain. Traffic congestion of trailhead parking. Trustee Murphy commented that being a hiker there are many trails where there is a bicycle or horse encounter, basic trail etiquette would help. Trustee Stark commented on the distance of the trail making it a bit safer that traveling on the road. Attorney Jon Kelly, Sheriff Steve Nowlin, and Shawn Gregory of the SWCCA,

offered comments of security and safety as well. Mayor Wheelus commented “I think the pros outweigh the cons personally, and I think it's just another addition to our town and gives our town”. Trustee Waters also commented that there was a presentation by Shawn Gregory about the trail construction and the impacts. Trustee Wheeler stated that the proposed trail would go against the comprehensive plan and far as environmental impacts. Trustee Truelsen stated that “that population indicated, is continually the primary intent of those items in a comprehensive plan was not to block development, but to provide criteria by which waiver to work’. Quin Swope who is part of the SWCCA also commented that he could see Trustee Wheelers concerns about the environmental impact on vegetation and wildlife, and explained that wildlife would probably use the trail more than Road 31. Animals will use the trail in early morning as people would restrict their movement during daylight hours. Mayor Wheelus commented that this was a good discussion.

**13. COUNCIL REPORTS/ACTIONS:** No reports or actions discussed

**14. ADJOURNMENT:** Mayor Wheelus called for the meeting to adjourn at 8:35 p.m.

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Mayor Chad Wheelus

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Town Clerk Tammy Neely

