



Board of Trustees  
**Special Meeting**  
Thursday, January 4, 2024, 5 p.m.

**Call to Order & Pledge of Allegiance:** Mayor Pro Tem Atkinson called the meeting to order at 5:00 p.m.

**Roll Call:** Mayor Pro Tem Jim Atkinson, Trustees Tracy Gist, Greg Hart, Kathy Hirschboeck, Mick Murray. Mayor Richard Udd, Trustee Jerry Pippin and Attorney Bo Nerlin appeared via Zoom. Let it also be shown for the record that Interim Town Administrator Tammy Francis and Town Clerk Jess Shelton are in attendance.

**Agenda Approval:** Trustee Gist moved, and Trustee Murray seconded to approve the agenda with the removal of item 7, letters of interest for Interim Administrators.

**Roll Call Vote:** all voted 'aye,' no one voted 'nay,' the motion passed unanimously, and the agenda was approved with the removal of item 7.

**Constituent Time:**

- 1) **Amanda Seaver and Wes Racklif;** Business address 690 South Grand Mesa Drive Cedaredge; The Town Cellar. Ms. Seaver stated she emailed Trustees letters with concerns about the liquor license for the Liquor Vault.
- 2) **Justin Hoffbauer;** 115 NE Fir Street, Cedaredge. Mr. Hoffbauer asked the Board to reconsider the start time of the meetings so people who work can attend. Mr. Hoffbauer stated the Town should be focused on growing and that a liquor store on the corner of Main Street would make an old building updated and bring more revenue to the Town.
- 3) **JP Shireman;** 13869 High Park Road, Cedaredge. Mr. Shireman asked why the new liquor store was an issue for the current retail licensed establishment. Mr. Shireman stated he hoped there was a way to resolve this and to create good jobs and tax revenue for the Town.
- 4) **Ken Volgamore;** Cedaredge. Mr. Volgamore stated he was in support of another liquor license in Cedaredge.
- 5) **Wesley Ratclif;** 215 S Grand Mesa Drive. Mr. Ratclif stated his business was barely surviving and another license would end his business.

### **Application for Retail (City) Liquor License: The Liquor Vault**

- Mr. Van Houten stated he saw a need for the Town and sought to solve an issue. Mr. Van Houten stated the Board had asked at the last meeting to have the applicant provide proof in writing as to the methodology of measurement for distance. Mr. Van Houten stated he provided a video demonstrating that the distance is over 3,000 feet with Google Maps as the State mentioned in their email. Mr. Van Houten stated there was a .002 margin of error with that method of measurement.
- Mr. Holveck stated he and Mr. Van Houten have been rolled over the coals by people in the Town and he stated the Liquor Vault would provide more jobs and more sales tax revenues.
- Mr. Van Houten stated they paid for a concurrent review of the application so that they could know if the license was approved before the closing purchase on the building, which the State license was approved at that time.
- Trustee Hart stated the measurement was done in miles and not feet, as stated in the liquor code. Trustee Hart stated Google Earth provides a radius measurement in feet. Trustee Hart stated that the applicant needs to show proof with Google Earth in feet.
- Mayor Pro Tem Atkinson stated at the last meeting that a measurement be performed via survey and that has not been done, so therefore the measurement cannot be verified.
- Trustee Hart stated if an official certified survey came in over 3,000 feet, then the distance issue would be resolved, and the application would be approved.
- Mr. Van Houten asked if a variance would be entertained. Trustee Hart stated the Board would entertain a variance.
- Trustee Murray stated a trip-o-meter on a car rolls a number on the dial, then that vehicle has traveled that distance.
- Mayor Udd stated there was uncertainty from .5 to .6 of a mile. Mayor Udd stated there was a lack of precision in measurements done in that manner.
- Attorney Nerlin joined the conversation via Zoom and stated the Board needed to cease the back and forth with the members of the public.

Mayor Pro Tem Atkinson opened the meeting up to public comment.

- Steve Anderson, 310 NW Fir. Mr. Anderson stated this was a business and the spirit of the statute is to promote business and not hinder.
- Wesley Ratclif, 215 S. Grand Mesa Drive. Mr. Ratclif stated if distances on a property were in question a surveyor would be used.

Mayor Pro Tem Atkinson closed the public comments at 5:50 p.m.

- Mayor Udd stated the State would need to entertain a variance before the Town would entertain a variance. Town Clerk Shelton stated she could call the Liquor Licensing on Monday to discuss a variance.
- Attorney Nerlin stated the options tonight were to approve, deny or continue the matter.
- Mayor Udd moved, and Trustee Hart seconded to approve the continuance of this matter for another date.

**Roll Call Vote:** all voted ‘aye,’ no one voted ‘nay,’ the motion passed unanimously, and the application and hearing was continued to January 18.

**Discussion and follow-up on DOLA funding – Dana Hlavac**

Mr. Hlavac stated he would assist with the grant and funding application, while the Town was short-staffed.

Mayor Pro Tem stated the Board made a firm commitment to the bridge and the road continuing up to the highway. Mayor Pro Tem also asked Mr. Hlavac if there was funding for right of way purchases. Mr. Hlavac stated he was unsure of funding due to the broad scope of the question, but he would try to get a package together to get funding.

**Interim Town Administrator:** Letters of Interest – Pulled from the agenda

**Town Administrator Wage Scale:**

Mayor Pro Tem stated there would not be any action taken tonight but some discussion would be had.

Trustee Hart stated the wage decision was inaccurately posted. Trustee Hart stated the Interim salary should be closer to \$93, 000.

Attorney Nerlin stated the position would have to be reposted to correct the error in the wages posted.

Mayor Udd stated the wage would be negotiated for the Interim at the time of hiring. Mayor Udd stated the Board needs to approve a wage scale for a permanent Town Administrator.

Mayor Udd tasked Acting TA Francis and Trustee Hart to work together to determine a wage scale for the permanent Town Administrator.

**Browns Hill Engineering and Controls: VSaaS System Contract**

Attorney Nerlin stated he did not have a problem with the contract as presented.

Trustee Hart moved, and Trustee Hirschboeck seconded to approve the VSaaS Systems Control Contract with Browns Hill Engineering and Controls.

**Roll Call Vote:** all voted ‘aye,’ no one voted ‘nay,’ the motion passed unanimously, and the VSaaS Systems Control Contract with Browns Hill Engineering and Controls was approved.

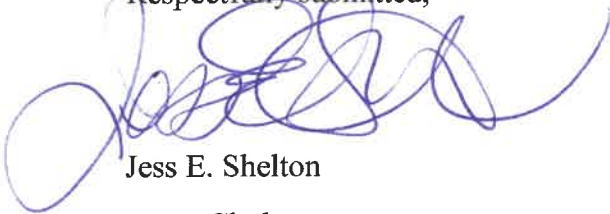
**Constituent Time: No one signed up for constituent time.**

**Trustee Comments:**

- Trustee Murray stated he was happy to accept the help of Dana Hlavac from DOLA on the Deer Trail project.
- Trustee Hart stated there were an excellent quality of candidates for the Interim TA position. Trustee Hart stated the applications were particularly good and encouraged the other Trustees to go to Town Hall and look at the applications.
- Attorney Nerlin stated the applications could be hand distributed for the Interim position.
- Trustee Gist stated she could not attend the evening meeting next Thursday or Friday.
- Mayor Pro Tem stated that a meeting Monday, Tuesday, or Wednesday would work.
- Mayor Udd stated Monday would not work for him.
- Attorney Nerlin stated that the applications be hand distributed and not sent electronically. Attorney Nerlin stated he would send out an email with thoughts and then determine a date.
- Attorney Nerlin stated it was not necessary for him to be present for the Executive Session.
- Mayor Pro Tem scheduled the executive session for Tuesday, January 9 at 5 p.m.
- Trustee Pippin stated he was torn on the issuance of the Liquor License.
- Mayor Udd asked Acting TA Francis to get him copies of the applications. All Trustees agreed to meet with Acting TA Francis to collect copies of the applications.
- Mayor Pro Tem Atkinson asked about the Wayfinding signs and Town Clerk Shelton stated she would follow up with Buds signs.

**Adjourn:** Mayor Pro Tem Atkinson adjourned the meeting at 6:29 p.m.

Respectfully submitted,



Jess E. Shelton

Town Clerk