

**REGULAR MEETING BOARD OF TRUSTEES**      March 12 2020

Present: Trustees Robin Ballard, Ted Locke, Mike Cooper, Ervin Maltbie, Shannon Mason

Absent: Jim Howard, Mayor Lindsay Walker

Guests: Christy Brady, Bernie Alvarez, Tyler Gibson, Jay Suhler, Dan McVey, Holli Locke, Marcia Elstob, Craig McGinnis, Ralph Bamber, Dave Engel, Donnie Batterton, Judd Granger, Tennille Rau, Michael Rau, Diane Visage, Carla Forrest, Tammy Newman, Matt Ballard, Jennifer Leathers, Howard Wilson Tasma Moody, David Lippoldt, Keith Davidson

Staff Present: Merna McGinnis, Interim Town Manager/Clerk/Treasurer  
Lyn Margolis, Administrative Assistant  
Katrina Martin, Police Chief  
Riley Cooper, Police Officer  
Keagan Gonzales, Police Officer  
Todd Messenger, Town Attorney

**ITEM 1 Meeting called to order**

The meeting was called to order at 6:06 pm by Mayor Pro-Tem Maltbie (We had an equipment malfunction. During the meeting, at 7:08 pm Ms. McGinnis, Interim Town Manager, sees that the recorder is not running. She started the recorder.)

**ITEM 2 Pledge of Allegiance**

**ITEM 3 Roll Call**

Trustees: Robin Ballard, Ted Locke, Mike Cooper, Ervin Maltbie, Shannon Mason

Absent: Trustee Howard and Mayor Lindsay Walker

**ITEM 4 Approve Regular Minutes of February 13, 2020 and Special Meeting Minutes of February 6, 2020**

Trustee Ballard raised a concern on the agenda and meetings for the hiring of the Town Clerk and the Special Meeting Feb 6, 2020. If it was an Administrative matter, that is an appointment of the Town Clerk. Todd Messenger, Town Attorney, said we needed to amend the agenda to add that it was a personnel matter.

Trustee Locke made a motion and was seconded by Trustee Cooper to approve the Special Meeting Minutes of February 6, 2020 and the minutes of the Regular Meeting February 13, 2020. Vote: Yes – Ballard, Locke, Cooper, Mason, Pro-Tem Maltbie No - none

Item 4A Trustee Cooper made a motion and was seconded by Trustee Locke to appoint Ms. Tammy Newman to the position of the Town Clerk.

Roll Call – Trustee Mason recused. Mayor Walker and Trustee Howard are absent.

Yes - Trustees Ballard, Locke, Cooper and Pro-Tem Maltbie No - none

## **ITEM 5 Approve Bills**

Trustee Ballard made a motion and seconded by Trustee Mason to approve the minutes of the Regular Meeting February 13, 2020

Vote: Yes – Ballard, Locke, Cooper, Mason, Pro-Tem Maltbie

No - none

## **ITEM 6 Adopt Baca County Emergency Operations Plan**

Jennifer Leathers gave a brief presentation on the newly developed Emergency Operation Plan. Trustee Mason made a motion and seconded by Trustee Ballard to adopt the Baca County Emergency Operations Plan.

## **ITEM 7 Baca County Conservation District, Approval of the final plat map.**

Bernie Alvarez, Chair of the Planning and Zoning Commission, recommended the Final Plat of the Kirkwood Subdivision Fil 2, Block 2, Lots 2A and 2B, with conditions. Owner is Frontier Group LLC as presented by the Baca County Conservation District. The final plat has been updated.

Mayor Pro-Tem Maltbie opened the floor for public comment. Keith Davison asked about access which was discussed by the Trustees. Mr. Howard Wilson stated that the purchase east of BCCD and south of the Forest Service helps fulfill a recommendation on a grant program. Discussion closed.

Trustee Locke made a motion to accept the final plat of the Kirkwood Subdivision Fil 2, Block 2, Lots 2A and 2B with conditions and was seconded by Trustee Ballard.

Yes - Ballard, Locke, Cooper, Mason, Pro-Tem Maltbie no none Motion carried.

Todd Messenger noted an agreement of the 25 ft radius is waived until development. This agreement will be recorded at the Clerk and Records Office following the recording of the plat.

Trustee Mason made a motion and was seconded by Trustee Cooper to adopt the Plat with conditions.

Yes - Ballard, Locke, Cooper, Mason, Pro-Tem Maltbie No - None Motion carried.

## **ITEM 8 Diane Visage, Discussion of Proposed Initiative Granting a Franchise to the Springfield Colorado Licensing Committee, to Create, Design, Regulate, Operate, and Maintain a Retail and Medical Local Licensing Authority in the Town of Springfield**

Diane Visage was asked to present to the Board or Trustees by Sean Sheridan, real estate developer, and author of the initiative. Ms. Visage gave a brief description of the initiative and then asked about the wording on the ordinance. Ms. Visage is not an officer in the business as presented in the document, Mr. Sean Sheridan is the only officer.

Trustee Mason would like the town to be proactive and put regulations in place for marijuana sales. Trustee Cooper supports the desire of the residents of Springfield if they want marijuana sales. Trustee Ballard states that Ms. Visage met her requirements. Now it up to the residents through an election. Todd Messenger, attorney, notes that the petition refers to the wrong state statutes. The marijuana laws were re-codified into another location of the Colorado Statutes.

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Ms Visage acknowledges that this is headed toward an election. Trustee Cooper asked Diane Visage, knowing what you do now, would you vote for this petition? Diane Visage responded that she had not studied it yet and doesn't trust lawyers. Trustee Cooper stated that this particular petition scares me. He said it's not going to happen this way. If you work hard, there is a way, it just cannot happen this way. Ms Visage said that Mr. Sheridan wrote this petition with legal assistance and wanted to use it to see if it would set a precedent to be used elsewhere as well. Ms. Visage would like to ask to repeal the current marijuana ordinances of the town. She has trouble agenda Item 10 Resolution 20-05, #6. Trustees and council stated it is likely in violation of Fourth Amendment to the Constitution - protection from unreasonable searches and seizures. Todd Messenger, attorney, stated that The Colorado Constitution is protective of allowing the people to petition their government. The people will now decide at the ballot box unless someone protests the petition in the next 10 days.

Mr. Howard Wilson, 600 Hill Street, as a business owner in the Town of Springfield, asked the Trustees to consider revoking the current marijuana ordinances to create a new set of ordinances to allow retail marijuana in the Town of Springfield, and to encourage business in our town.

Trustee Locke asked Ms. Visage if those signing the petition took the time required to read all of the 46 pages? The petition states: Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand it's meaning.

Diane Visage stated "No, they did not." I specifically pointed to the summary and said this is a bit of what it is about. They had every opportunity to read it. They chose not to read it, and they chose to sign it, based on the summary.

Attorney Messenger asked "did anyone that signed it read all of it?" Ms Visage said three people read the petition in its entirety. Others read the summary and the requirement to understand the petition before signing. I was required to get 5% of the 1002 registered voters', or 51 signatures in the Town of Springfield. I had the required 51 signatures for the petition, but they did not take time to read the petition.

Donnie Batterton, resident and property owner, voiced concern about having marijuana sales in this community.

Bernie Alvarez is in favor of business in town, and then addressed specific parts of the petition including concerns about where the revenue is distributed, there is no revenue being directed to the Town of Springfield, and why is Mesa County listed in the petition. This is a liability for the town. This particular petition was not good for the Town of Springfield.

Michael Rau addressed the board. He is unable to vote in the town, but please look at other communities that have adopted marijuana resale and what has happened in their community before deciding to adopt marijuana sales in the Town of Springfield.

Attorney Messenger, said based on what has been revealed at this meeting with the signatures, someone can protest the signatures in the next 10 days, by March 22, 2020 per CRS. 31-11-109 and 110. There is a 40-day protest period. This was filed February 11, 2020. The appeal period is until March 22, 2020. If this was protested, then this subject can be picked up in a less expensive process, a less confusing process. This is not up to the board to do, but that any individual person in the town can protest. It is of record that three people read the petition. Three signatures are not enough.

The board can refer ordinances to the people that the board does not want to be responsible for adopting. The board can have Fairfield and Woods, PC write a marijuana ordinance that would be sustainable legally and refer that to the people. The town would not have to get signatures, just place that on the next ballot. There is no obligation for the Town Board of Trustees to do that, it is an option.

**ITEM 9 Resolution No 20-04, A Resolution of the Town of Springfield Authorizing the Town Clerk to Appoint Election Judges for the Regular Municipal Election to be Held on April 7, 2020 and Determining the Appropriate Compensation for Such Judges**

Trustee Locke made a motion and seconded by Trustee Ballard to approve Resolution No 20-04.  
Vote: Yes - Trustees Ballard, Cooper, Mason, Locke, Mayor Pro-Tem Maltbie  
No - none Motion carried.

**ITEM 10 Resolution No. 20-05 A Resolution of the Town of Springfield Colorado in Opposition to the Initiated Petition Entitled “Referendum Petition: To the Town of Springfield Board of Trustees.” Dated November 14, 2019, Which Would Allow the Licensing and Operation of Retail and Medical Marijuana Establishments in the Town of Springfield, as Well as the Chartering and Franchising of a Private Company to Serve as the “Springfield, Colorado Licensing Committee” to Regulate Such Establishments**

This is in reference to Ms. Visage and Roger Gallagher’s petition discussed in Agenda Item 8. Mayor Pro-Tem Maltbie chose to read the entire resolution due to the number of residents showing interest in the matter.

Mr. Maltbie agrees with Trustee Cooper that Ms. Visage has worked hard on this petition. It is the way the petition was written that we oppose, we do not oppose the electors of our town or the issue presented.

Trustee Mason made a motion and was seconded by Trustee Ballard to approve Resolution 20-05. Vote Yes - Trustees Mason, Locke, Ballard, Cooper, and Mayor Pro-Tem Maltbie  
No – none Motion carried.

Ms. Visage and many attendees left the meeting at 7:55pm.

**ITEM 11 Appoint ARPA Board Members**

Jay Suhler – 2-year term to expire 12/31/21 and  
Darwin Hansen – 4-year term to expire 12/31/23.

Trustee Locke made a motion and seconded by Trustee Cooper to approve the appointment of Jay Suhler and Darwin Hansen to the ARPA Board.

Vote Yes - Mason, Locke, Ballard, Cooper and Maltbie No - None Motion carried.

### **ITEM 12 Public Comment for Non-Agenda Items**

Hollie Locke proposed we open the meetings with a (neutral) prayer right before the Pledge of Allegiance.

Keith Davidson filed a legitimate, verbal complaint on the conduct of the Springfield Police Department at this meeting.

**ITEM 13** Todd Messenger, Town Attorney, was touch with Mr. Sweeney, MuniCode, who has retired. The book was passed to other staff and we should see the final code book in a couple of weeks. Our goal was to pass this in a couple years. This corrects some incorrect cross references. The current code has fire area along main street, very old code. This code will need to be rewritten. This is an excellent example of what needs to be addressed once we have the re-codified municipal code. After adoption, we then address how to write the codes more clearly and enforceable in building, sub-division, planning and zoning areas.

Keith Davison wishes for a copy of the new town code when adopted. Mr. Messenger said MuniCode will make it accessible online. The online version is as up to date at the town sends them newly adopted code.

### **ITEM 14 General Business**

Town Manager/Clerk/Treasurer McGinnis got quotes for 120 LED street lights. Mike and Steve can do the installation. Trustee Ballard would like street lights in their neighborhood, for safety. Trustee Locke made a motion and was seconded by Trustee Cooper to buy the LED lights.

Yes - Cooper, Locke, Ballard, Maltbie No - Shannon Mason Motion carried.

Trustee Cooper asked about the Electrical Superintendent position. Ms. McGinnis said we have had one applicant. The person did not meet the qualifications.

Quotes were obtained for a new park mower. The department would like to purchase the John Deere. Trustee Cooper thinks they are nice but the maintenance is expensive. The mower we have is not commercial rated. Trustee Locke likes the John Deere and the business is in Walsh for maintenance.

Trustee Locke made a motion and was seconded by Trustee Mason to purchase the John Deere from American Implement in Walsh.

Yes - Mason, Cooper, Locke, Ballard, Maltbie No - none Motion carried.

### **ITEM 15 Administrative Reports**

Town Manager – Municipal and City Parks have been cleaned up since the last meeting. Larry Duncan will take care of both parks this year. He thinks the new mower will take less time than in summers past. They have allotted 15 hours at Memorial Park and 15 hours at the Town Park. Mr. Duncan is assisting part-time in the street department.

Elections are on April 7, 2020. Please come vote.

Trustee Mason has been working on plans to deal with the coronavirus and would like to see a plan adopted for the Town. It is not a matter of if, but when, we will be confronted with COVID19. Chief Martin said there is a meeting at the EOC tomorrow, and then will be more informed and be pro-active to design a plan. We will need to establish a quarantine. Ms. McGinnis doesn't think we can establish working at home with type of work.

Attorney Todd Messenger, emailed a resolution and subdivision agreement to Merna. Signature with indelible ink on the mylar so it will not smear. Check the signatures.

Ms McGinnis, Treasurer reported our funds are up a little less than \$100,000 overall. Lodging tax is steady. Sales tax was down a little. Sales are ahead of this time last year.

Police Department

Chief Martin has limited the physical contacts with the public, and are changing their methods of warning by flashing lights, and being present in the school zones both morning and afternoon. We try to limit encounters by 6 ft if possible. We plan to be more proactive in safety due to COVID19.

#### **ITEM 16 Mayor and Trustee Reports**

Trustee Ballard addressed the candidates, as a parting comment at her near last meeting as Trustee. We need to work on data retention policy. We cannot afford to lose it. 2) We have a nicely remodeled building. We budgeted for a dias (table for the board) a respectable table for the Board. 3) Careful using employee names in public gatherings. 4) Matt Ballard is an alternate commissioner on the Planning Commission. Thanked Lyn and Bernie for the hard work and professionalism on the Kirkwood Subdivision lot split.

Trustee Mason please design a way to continue with the Board of Trustee meetings in light of COVID19 or other event, that you cannot make quorum, because of isolation or quarantine, via phone or video, so you are protected.

Ms. McGinnis and Ms. Margolis have been thinking of ways to make the polling place elections a little safer.

April 1, 2020 Census Day

#### **ITEM 17 Adjournment**

Trustee Ballard made a motion and seconded by Trustee Cooper to adjourn at 8:50 pm. Motion carried.