



TOWN OF ELIZABETH

**TOWN OF ELIZABETH
MAIN STREET BOARD OF DIRECTORS
Monday, January 09, 2023 at 8:30 AM
Town Hall, 151 S. Banner Street**

CALL TO ORDER

ROLL CALL

AGENDA CHANGES

UNSCHEDULED PUBLIC COMMENT

CONSENT AGENDA

- [1.](#) Minutes of the Regular Meeting of December 12, 2022

NEW BUSINESS

2. Discussion and possible action on appointment of 2023 President and Vice President
- [3.](#) Discussion and possible action on Main Street Board of Directors Resolution 23-01, a Resolution establishing a designated public place for the posting of meeting notices pursuant to C.R.S. 24-6-402(2)(c)
- [4.](#) Discussion regarding 2023 TOE Farmers' Market

STAFF REPORT

- [5.](#) Staff Report

BOARD REPORTS

ADJOURNMENT



**MAIN STREET BOARD OF DIRECTORS – RECORD OF PROCEEDINGS
DECEMBER 12, 2022**

CALL TO ORDER

The Regular Meeting of the Main Street Board of Directors was called to order on Monday, December 12, 2022, at 8:34 AM by Vice President Linda Bulmer.

ROLL CALL

Present were Vice President Linda Bulmer and Board Members Michael Hussey, Jeff Struthers, Kurt Prinslow, and Brandon Jeffress. President Tedd Lipka was not present. There was a quorum to conduct business.

Also present were Planner/Project Manager Zach Higgins, Town Administrator Patrick Davidson, Deputy Town Clerk Harmony Malakowski, and Community Development Administrative Assistant Dianna Hiatt.

AGENDA CHANGES

No agenda changes from Staff or Board Members. Agenda set.

UNSCHEDULED PUBLIC COMMENT

There was no unscheduled public comment.

CONSENT AGENDA

1. Minutes of the Regular Meeting of October 13, 2022

Motion by Mr. Hussey, seconded by Mr. Jeffress, to approve the minutes from November 10, 2022.

The vote of those Board Members present was unanimously in favor. Motion carried.

NEW BUSINESS

2. Discussion regarding possible development at 392 Main Street

Janet McCracken presented the development idea for a building behind the Carriage Shoppes. The Board of Directors provided their feedback and ideas.



3. Discussion and possible action regarding the CDOT Revitalizing Main Street Opportunity 2 Grant

Planner/Project Manager Zach Higgins discussed the different grant options and opportunities.

Motion by Mr. Hussey, seconded by Mr. Jeffress, to support the phased approach of Main Street development and provide direction to Staff to apply for the Main Street Opportunity 2 Grant.

The vote of those Board Members present was unanimously in favor. Motion carried.

4. Discussion and possible action regarding Main Street NOW Conference out-of-state attendance

Motion by Mr. Hussey, seconded by Mr. Jeffress, to request from the Board of Trustees that 2 members of the Main Street Board of Directors and requisite Staff attend the out-of-state Main Street NOW conference.

The vote of those Board Members present was unanimously in favor. Motion carried.

5. Discussion regarding Historic Advisory Board Mascot idea request

Item will be tabled until the January meeting.

6. Discussion regarding possible HAB and MSBOD joint meeting(s)

Members of the MSBOD will attend a workshop at the February 6th HAB meeting.

STAFF REPORTS

- Mr. Higgins provided an update regarding the national registration of the 188 S Main Street Bank building.
- The Add Services Agreement with CORE was approved by the Board of Trustees.
- Gesin Lot development will be further discussed once the new Board of Trustees is seated.
- Mr. Higgins provided an update on the 2022 ornament program.
- Mr. Higgins provided an update regarding upcoming joint Planning Commission trainings in December and January.

BOARD REPORTS

- Mr. Jeffress requested a status on Running Creek Park amenities. Town Administrator



Patrick Davidson provided a “hit list” regarding the park from the Board of Trustees for the upcoming year.

- Vice President Bulmer discussed the Mayor’s Tree Lighting and suggested a couple of ideas for improvements.
- Ms. Bulmer requested that Staff push out the ornaments again on Facebook to help sell the last of the inventory.
- Ms. Bulmer updated the Board on the items she discussed in the quarterly report during the BOT meeting.

ADJOURNMENT

Motion by Mr. Hussey, seconded by Mr. Prinslow, to adjourn the meeting at 10:23 AM.
The vote of those Board Members present was unanimously in favor. Motion carried.

President Tedd Lipka

Deputy Town Clerk Harmony Malakowski



TOWN OF ELIZABETH

HARMONY MALAKOWSKI/DEPUTY TOWN CLERK

TO: President, Vice President and Directors
FROM: Harmony Malakowski, Deputy Town Clerk
DATE: January 9, 2023
SUBJECT: Main Street Board of Directors 23-01 – a Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law

It is required by the Colorado Open Meeting Law that at the first Board meeting of the year a Resolution is passed to designate a public posting place for meeting notices.

The Town's posting place is located on the outside of Town Hall in the information board and on the Town's website.

Staff asks that the Board pass Resolution 23-01 designating the required posting place for meeting notices.

Attachment

MSBOD Resolution 23-01

**MAIN STREET BOARD OF DIRECTORS
RESOLUTION 23-01**

**A RESOLUTION ESTABLISHING A DESIGNATED PUBLIC PLACE FOR
THE POSTING OF MEETING NOTICES PURSUANT TO C.R.S. § 24-6-
402(2)(c)**

WHEREAS, C.R.S. § 24-6-402(2)(c) requires the Main Street Board of Directors to annually designate the public place for posting notices to comply with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* (the "Open Meetings Law");

WHEREAS, consistent with House Bill 19-1087, the Main Street Board of Directors hereby desires to post notice of the Main Street Board of Director's public meetings not only in physical locations, but also on the Town's website as the Main Street Board of Director's official online presence to the greatest extent practicable; and

WHEREAS, the notice must have specific agenda information, posted no less than twenty-four (24) hours prior to the meeting, must be accessible at no charge to the public, must be searchable by type of meeting, date of meeting, time of meeting and agenda contents, shall link to any social media accounts of the local public body, shall provide the address of the website to the Department of Local Affairs, and shall designate a public place within the boundaries of the local public body at which it may post a notice no less than twenty-hours (24) hours prior to a meeting if it is unable to post a notice online in exigent or emergency circumstances such as a power outage or interruption in internet service that prevents the public from accessing the notice online.

NOW THEREFORE BE IT RESOLVED BY THE MAIN STREET BOARD OF DIRECTORS OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. Designation. The Main Street Board of Directors of the Town of Elizabeth, in compliance with C.R.S. § 24-6-402(2)(c) of the Open Meetings Law, hereby designates the Town website at www.townofelizabeth.org as the official place for posting notices. The Main Street Board of Directors may additionally post notices at Town Hall, located at 151 South Banner Street, and any Town social media accounts. If there is a known power outage, known interruption of internet service, or an emergency meeting, the Main Street Board of Directors may post a physical notice at the public entrance of the Town Hall located at 151 South Banner Street.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2023, by the Main Street Board of Directors of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

Tedd Lipka, President

ATTEST

Harmony Malakowski, Deputy Town Clerk



TO: Main Street Board of Directors
FROM: Zach Higgins, AICP Planner/Project Manager
DATE: January 09, 2023
SUBJECT: License with The Elizabeth Brewing Company for Elizabeth Farmers Market

SUMMARY

The Town of Elizabeth Farmers Market in collaboration with Elizabeth Brewing Company will occur some time between June and August, 2023. The final dates will be coordinated with EBC. The License Agreement with EBC needs to be updated to reflect changes the MSBOD, EBC, and the BOT would like to see.

The MSBOD should discuss any improvements they would like to see and then coordinate a meeting with representatives from Elizabeth Brewing Company to discuss changes, as well as successes and shortcomings from the previous year's markets.

STAFF RECOMMENDATION

Discuss possible changes to the 2023 Town of Elizabeth Farmers Markets and set possible meeting times with Elizabeth Brewing Company.

ATTACHMENT(S)

2022 License Agreement with EBC

▪ PO Box 159, 151 S. Banner Street ▪ Elizabeth, Colorado 80107 ▪ (303) 646-4166 ▪ Fax: (303) 646-9434 ▪
www.townofelizabeth.org

RESOLUTION 22R15

A RESOLUTION APPROVING THE LICENSE AGREEMENT BETWEEN THE TOWN AND THE ELIZABETH BREWING COMPANY

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The License Agreement between the Town and the Elizabeth Brewing Company attached hereto as **Exhibit A** is hereby approved by the Board of Trustees of the Town of Elizabeth, and the Mayor is authorized to execute same on behalf of the Town.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2022, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

Megan Vasquez, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

EXHIBIT A

LICENSE

THIS LICENSE is made and entered into this _____ day of March 2022, by and between the TOWN OF ELIZABETH, Colorado whose address is 151 S. Banner Street, P.O. Box 159, Elizabeth, CO 80107 (the "Town") and THE ELIZABETH BREWING COMPANY, whose address is 239 South Main Street, Elizabeth, CO 80107 ("Licensee").

1. PROPERTY LICENSED, TERM.

a. The property that is licensed for the use and the term provided for in this license is described in Exhibit A, which is attached hereto and incorporated by this reference ("Property Licensed"). The Property Licensed for the use described herein is subject to all easements and rights-of-way of record.

b. The term of this License shall commence on June 10, 2022, and shall continue each Friday through and including August 19, 2022, from 3:00 p.m. until 10:00 p.m.

2. INSURANCE. Licensee shall obtain for itself, its agents, successors, assigns, lessees, licensees and agents, necessary and adequate workman's compensation insurance, personal injury insurance, and property damage insurance, with limits commensurate with the hazards and risks associated with the use of the Property Licensed, but in no event less than the liability limits established by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as now in effect or as hereinafter amended. Neither Licensee nor its agents, successors and assigns shall commence any construction, placement, operation or maintenance of the fixture or structure on the Property Licensed until it has obtained all insurance required under this section and shall have filed a certificate of insurance or a certified copy of the insurance policy with the Town. Each insurance policy shall list the Town as an additional named insured and shall contain a clause providing that coverage shall not be cancelled by the insurance company without thirty (30) days written notice to the Town of intention to cancel.

3. USE. Licensee covenants and agrees that it shall utilize the Property Licensed as follows:

- a. Licensee shall provide live music on each Friday during the term of the License.
- b. Licensee shall use the Town's branding for the event and shall receive approval through Town of Elizabeth before releasing new event market materials.
- c. Licensee shall provide an alcohol vendor on each Friday during the term of the License. Licensee will use the Town's special event permit and music license for the Town event.
- d. Licensee will be allowed to use Town's supplied power and will not be obligated to remit payment to Town for the use of the electric box during the market. Licensee maynot require payment to be remitted by vendors for electric hookup specifically; and

- e. Licensee shall facilitate the inclusion of a Farmers' Market from 5:00 p.m. until 9:00 p.m. on each Friday during the term of the License.
- f. The Town reserves the right to have one (1) booth space at each market as requested by the Town. The Town will coordinate with The Elizabeth Brewing Company regarding the location of the booth space.
- g. Elizabeth Brewing Company will coordinate with vendors and bands to keep vehicle traffic to the designated areas as outlined on Exhibit B.
- h. The Town will provide bandstand lighting and three (3) light poles in Running Creek Park.
- i. The Town will provide power directly to the bandstand.
- j. The Town will provide four (5) portable restrooms.
- k. The Town will provide seeding throughout Running Creek Park during the Farmers Market season.
- l. The Town will provide a dumpster to be utilized during the Farmers Market season.
- m. The Town will provide as may be available, one (1) to two (2) volunteers or interns between 5:00 p.m. until 9:00 p.m. to assist with the operations of the Farmers Market.
- n. The Town will provide a one-time payment of \$6,100.00, to be utilized for bands booked for the Farmers Market throughout the season.

4. RE-ENTRY. Licensee covenants and agrees to permit the Town or its duly authorized representatives to enter upon the Property Licensed, at any reasonable hour of any Friday during the term hereof, for the purpose of inspecting the same, making surveys, showing the Property Licensed to prospective licensees and to do such other acts and things as it deems necessary for the protection of its interests therein.

5. NOTICE. Any notice required under this License shall be in writing and hand-delivered to the respective parties at the address hereinabove given. The Community Development Director shall be the representative of the Town to accept or give any approval, notice or the like provided hereunder. In the event Licensee should change the address hereinabove given during the term of this License, Licensee shall notify the Town in writing of such change of address:

The Town: The Town of Elizabeth
 Attn: Community Development Director
 151 S. Banner Street, P.O. Box 151
 Elizabeth, CO 80107

Licensee: The Elizabeth Brewing Company
 239 S. Main Street
 Elizabeth, CO 80107

6. NO COVENANT OF TITLE OR QUIET POSSESSION. The rights granted herein are without covenant of title or warranty of quiet possession of the Property Licensed.

7. SUCCESSORS AND ASSIGNS. This License shall insure to the benefit of, and be binding upon, the respective legal representatives, heirs, successors and assigns of the parties.

8. ASSIGNMENT OR SUB-LEASE. Licensee covenants and agrees not to assign this License or to sublet any part of the Property Licensed without first obtaining the written consent of the Town.

9. PROPERTY LICENSED TAKEN "AS IS." Licensee understands and agrees that the Property Licensed is licensed "as is." The Town makes no warranty, written or implied, that the Property Licensed is fit for any purpose or that it meets any federal, state, county or local law, ordinance or regulation applying to the Property Licensed.

10. LIABILITY AND INDEMNIFICATION. The Town shall not be liable for any loss, injury, death or damage to any person or personal property which may arise from the use or condition of the Property Licensed including, but not limited to, loss, injury, death, or damage resulting from ice, water, rain, snow, gas, electrical wires, or fire, during the term of the License or any renewal thereof. Licensee hereby expressly agrees to defend, indemnify and hold harmless the Town, its officers, agents, employees and insurers against any liability, loss, damage, demand, action, cause of action or expense of whatever nature (including court costs and attorney fees) which may result from any loss, injury, death or damage allegedly sustained by any person, firm, corporation or other entity which arises out of or is caused by reason of Licensee's use of the Property Licensed or Licensee's failure to fulfill the terms and conditions of the License.

12. RESERVATION FOR BOARD USE. This License is made under and conformable to the provisions of all Town of Elizabeth regulations insofar as applicable. Said provisions are incorporated herein and made part hereof by this reference and shall supersede any apparently conflicting provisions otherwise contained in the License. The Town reserves the right to make full use of the Property Licensed as may be necessary or convenient in the operation of the public streets, drainage infrastructure, or drainageways under the control of the Town and the Town retains all rights to operate, maintain, install, repair, remove or relocate any of its facilities located within the Property Licensed at any time and in such a manner as it deems necessary

13. TERMINATION. This License Agreement may be terminated by the Town at any time upon thirty (30) days written notice to Licensee. If default shall be made in any of the covenants or agreements herein contained to be kept by Licensee, it shall be lawful for the Town to enter into the said Property Licensed, or any part thereof, either with or without process of law, to terminate the interest of Licensee or of any person or persons occupying the same, and to expel, remove or put out such person or persons, using such force as may be necessary in so doing, without being liable to prosecution or to damages therefor, and the said Property Licensed again to repossess and enjoy as in the first and former estate of the Town. If at any time the License shall be

terminated as aforesaid, or by any other means, Licensee agrees to surrender and deliver up said Property Licensed peaceably to the Town immediately upon the termination, and if Licensee shall remain in possession after termination, Licensee shall be deemed guilty of a forcible detainer on said property Licensed, and waiving all notice, shall be subject to eviction and removal, forcibly or otherwise, with or without process of law.

14. VENUE. For the resolution of any dispute arising hereunder, venue shall be in the courts of Elbert County, State of Colorado.





IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same intriplicate.

TOWN OF ELIZABETH, COLORADO

Megan Vasquez, Mayor for Town of Elizabeth

Untitled Placemark

Legend

-  500 E Kiowa Ave
-  Grumpy's Coffee
-  Running Creek Auto Center
-  Untitled Placemark

Gate
Porta Potty

FOOD TRUCK AREA

EXHIBIT B

500 E Kiowa Ave

Electric Panel

DRIVE LANE

EBC
Pie

Electric Panel

Stage

Electric Panel

Untitled Placemark

Porta Potty

Untitled Placemark



TO: Main Street Board of Directors
FROM: Zach Higgins, AICP Planner/Project Manager
DATE: January 09, 2023
SUBJECT: Staff Report

STAFF REPORT

1. Streetscape Design Update

- a. The Board of Trustees approved the PSA with CORE Engineering for the Streetscape Design on 01/11/2022.
- b. The certified letter was distributed to property owners and business owners on 01/14/2022.
- c. The Revitalizing Main Street Grant application was completed and sent to CDOT on 02/04/2022 before the deadline.
- d. Second Public Meeting occurred on June 30th at 6:00pm.
- e. A second certified letter has been distributed to property owners to notify regarding the second public meeting on June 7th.
- f. The third public meeting has been set for 10/13/2022.
- g. The Board of Trustees have heard progress on the project and provided further direction at their 09/13/2022 workshop.
- h. Streetscape Design Check In meeting was held and feedback received. The feedback received will be presented to the BOT in a memo at their 11/15/2022 meeting.
- i. The Add Services agreement with CORE was approved by the BOT on 11/29/2022.

2. Gesin Lot

- a. The Board of Trustees was presented with a proposal regarding the Gesin Lot by Gene Gregory. The Town is acquiring property valuation before continuing discussions with Mr. Gregory.
- b. The Board of Trustees is exploring additional options for the Gesin Lot before continuing conversations with Mr. Gregory.

3. Ornaments

- a. The initial order of 100 ornaments have been sold out from the Town.
- b. Of the second order of 50 ornaments, 9 remain in Town inventory.

4. Training Update/Reminder

- a. Main Street Now Conference will be held in Boston, MA on March 27-29, 2023.
- b. The CPI Saving Places Conference will be held in Boulder, CO February 8-10, 2023
- c. Planning Commission has one upcoming training scheduled:
 - i. Town Water Consultants providing Water 101 on 01/17/2023 @6:30pm



5. **Third quarter stats have been submitted to DOLA by 10/17.**