



INVOCATION/PLEDGE OF ALLEGIANCE

Pastor Kevin Weatherby of Save the Cowboy Ministry gave the invocation, and Mayor Howard led the Board in the Pledge of Allegiance.

CALL TO ORDER/ ROLL CALL

Mayor Howard called the regular monthly meeting of the Board of Trustees to order on July 8, 2025, at 7:01 PM.

Present: Mayor Howard, Mayor Pro Tem Hart, Trustee Stahl, Trustee Shafer, and Trustee Smith were present in person. The Town of Kiowa had a quorum to conduct business.

Trustee Wineland joined late at 7:11 pm and on Zoom due to technical issues.

Also present:

Kim Boyd, Town Administrator

Sasha Davidson, Town Clerk

Ruth Borne, general counsel for the Town of Kiowa

Mona Schantz, local business owner and resident

Debbie Ullom, local business owner

Nikki Ullom via Zoom

Annette Burmaster, local business owner via Zoom

Joey Kuhn, local business owner and Main Street Board member

Theresa Lowry, resident via Zoom

Richard Croisant, resident via Zoom

Laura B via Zoom

Nicky Q, Elbert County News

AGENDA CONSENT

Trustee Shafer motioned to approve the agenda with a revision to move NEW BUSINESS before PUBLIC COMMENT. Trustee Wineland seconded, and the motion was carried 5-0 with no discussion.

NEW BUSINESS

Mayor Howard opened the public hearings at 7:04 pm.

PUBLIC HEARINGS

1. Building permit for 811 CR 134

MacKenzie Howell spoke as the property owner's representative. She advised that the plan was to place three large storage containers to store hay for the business. Clerk Davidson

informed the board that the planning commission approved this plan, as did the Town's building department, as presented, and this approval is only applicable to this specific project. Any other future proposed projects would require going through the same special review process.

Mona Schantz asked whether restrooms or electricity would be needed. Clerk Davidson advised neither was available or necessary because this permit only covers storage, not a brick-and-mortar business. Trustee Shafer moved to approve the use by special review permit, and Trustee Stahl seconded. The motion passed 6-0 with no further discussion.

Mayor Howard closed the public hearings at 7:13 pm

2. Trustee Shafer moved to approve RESOLUTION NO. 8, SERIES 2025 - A RESOLUTION SUPPORTING THE APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE MAIN STREET CANDIDATE PROGRAM, and Trustee Stahl seconded. The motion passed 6-0 with no further discussion.

CONSENT ITEMS

3. Trustee Smith motioned to approve the minutes from the June 10, 2025, monthly meeting. Trustee Stahl seconded, and the motion was carried 6-0 with no discussion.
4. Administrator Boyd gave a presentation to the Board: Kiowa's Fiscal Reality in the Face of a New Normal

STAFF REPORTS

5. Mayor
None.
6. Board of Trustees
Trustee Stahl inquired if the presentation could be mailed to citizens, and Clerk Davidson responded that it can be added to the agenda and minute portal now available on the Town website. She also asked for some official literature or guidance on what she can say during individual conversations with citizens about town matters.
7. Town Administrator
Administrator Boyd advised that there are some minor issues with publishing the first meetings of July, but they have been worked through, and the next meeting will be ready.
8. Public Works
Administrator Boyd spoke to the large tree that fell behind the old County Road and Bridge building on Cheyenne Street, blocking the street entirely, and the quick response and work Mr. Mendez did in getting that situation resolved for the residents.
9. Code Enforcement –*July report will be included in the August meeting packet*
10. Ms. Borne requested that the board make a motion to place the tax increase questions back on the ballot for this year's general election, as there is a deadline for Clerk Davidson to notify the County of our intention to participate in this year's election.

Trustee Smith made a motion to put the increase of sales tax, use tax, and add a lodging tax back onto this year's ballot in the same amount as previously placed. Trustee Schafer seconded the motion, and the motion passed 6-0 with no further discussion.

11. Ms. Borne gave a conflict of issue statement before moving into executive session. She asked if any board members felt they had a conflict on any topic of the proposed executive session.
12. Administrator Boyd posed questions to Ms. Borne as to the validity of holding the executive session as it relates to the town Charter and the Colorado Revised Statutes. Specifically:

- Per C.R.S. 24-6-402(4)(f)(I) that states:

“Personnel matters, except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. “

But Section 3.12 (e) of the Kiowa Home Rule Charter states, “for personnel matters.”

The state allows the employee to request that the matter be discussed in a public meeting, rather than in executive session, but the Charter does not provide the same language. Does the Colorado Statute control, or does the Town Charter? What is the basis for the position you are taking? Case law? And if the Charter supersedes Colorado Revised Statutes, does that mean this matter can only be discussed in closed session? Does that conflict with the “supersede” direction imposed under Section 3.12? Further, not knowing who the personnel matter is referring to – administrator, clerk, or both – how would any of the “personnel” understand what their options are under Colorado Revised Statutes or the Charter? As the Clerk is not an employee of the Board, is a non-Board employee subject to an executive session? What is the authority for that?

Ms. Borne explained that, in the absence of specific provisions in the Town charter, the personnel matter is not explicitly outlined. Regarding personnel issues, she noted it was intended to be a broad, general concern rather than a specific one. Ms. Borne confirmed that it relates to staff, and therefore, anyone employed by the Town is considered personnel and can be subject to executive session.

Administrator Boyd asked in response:

- Rules in Section 3.12 of the Kiowa Town Charter and C.R.S. noticed on this agenda seem to be in direct conflict with each other as they relate to whether the personnel in question can or cannot be heard in an open meeting.

How do you reconcile the conflict of the 2 provisions, and which is the controlling authority? If the Charter superseding C.R.S. is a conflict, is this a material conflict?

Ms. Borne explained it is not a material conflict.

13. Mayor Pro Tem Hart made a motion to move into executive session at 8:04 pm. Trustee Wineland seconded, and the motion was carried 6-0 with no discussion.

PUBLIC COMMENT

14. *Mona Schantz - Owner of High Plains Food at 403 Arapahoe Street and a Kiowa resident.* Spoke to the moratorium, cars backed in at residences, and the Kiowa school board.
15. *Annette Burmaster – Owner of Patty Ann’s Café at 230 Comanche Street, Kiowa.* Spoke to the moratorium, Main Streets, and the regulatory issues also under the moratorium
16. *Joey Kuhn - Owner of Just Peachy Day Spa at 320 Comanche Street, Kiowa.* Spoke to the moratorium and the feasibility of businesses.
17. *Kim Beaver – resident within the 80117 zip code, but not of the Town voting district.* Spoke to the moratorium and suggested extending the town limits to add more people to the population of the town.
18. *Jesi McElroy – Partner at Unbridled Contractors.* Spoke to the moratorium and asked if the Board would consider changing the Town Charter to allow local business owners the ability to also vote in the Town’s general and special elections. Voiced an interest in serving on town boards, commissions, or committees.

In response to the public comment, Trustee Schafer made a motion to schedule a follow-up special meeting to discuss exceptions to the moratorium suggested previously by Ms. Borne. Trustee Smith suggested July 22nd as the date for this meeting, the other board members concurred, and Trustee Stahl seconded the motion to hold a special meeting on July 22nd at 7 pm. The motion passed 6-0 with no further discussion.

OLD BUSINESS

None.

DISCUSSION/COMMUNICATIONS

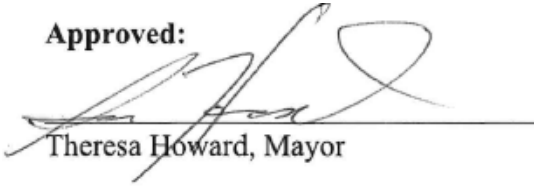
None.

ADJOURN

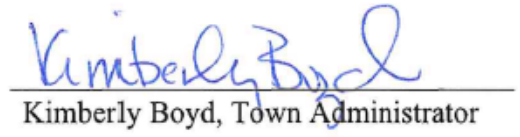
Trustee Smith moved to adjourn at 10:01 p.m. Mayor Pro Tem Hart seconded, and the motion carried 6-0 with no discussion.

The next monthly meeting will be held on August 12, 2025.

Approved:



Theresa Howard, Mayor



Kimberly Boyd, Town Administrator