

COLLBRAN BOARD OF TRUSTEES MEETING

Friday, December 12, 2008

SPECIAL MEETING

7:30 p.m. Collbran Town Hall

The special meeting of the Collbran Board of Trustees was called to order at 7:30 p.m. by Mayor Brad Osburn. The Pledge of Allegiance was recited.

PRESENT ON ROLL CALL: Yes - Trustees Teri Appelhanz, Roland Hall, Lee Lent, Rachel Maigatter, Ed Satterfield, Mayor Brad Osburn. Trustee Wilcox arrived at 8:15 p.m.

OTHERS PRESENT: Vic Sturm, Public Works Supervisor

CITIZEN COMMENTS

NONE

ITEMS ON THE AGENDA

PUBLIC HEARING - 2009 BUDGET

PUBLIC HEARING OPENED AND CONTINUED

Because a final budget workshop was held just prior to the special meeting, the Mayor stated that pen and ink changes to the budget will be what are officially adopted.

Trustee Maigatter suggested taking the supplemental insurance benefit out of the budget. Trustee Satterfield stated for the record, as discussed earlier the health, dental, and vision will be added to the budget in accordance with current CMC of 100% for single employee, **or** 50/50 for dependents with anything over that being paid by the employee until the Board changes the ordinance. The Board was confused about the supplemental insurance inclusion in the budget; however, they chose to delete the supplemental amount. Accusations were made about staff including unapproved expenses in the 2008 budget. The wage budget amounts will remain as presented in the 2009 budget until the Board decides on and approves future wage increases. Trustee Hall read his year end summary (attached). Trustee Hall does not want to consider even the 2% increase that Trustee Satterfield directed the Mayor to include in an ordinance at the January meeting; however, he clarified for Trustee Satterfield that if the personnel manual is completed soon he would consider an increase. The utility trailer is deleted from the Public Works budget. Mayor Osburn attempted to close the public hearing. Trustees chose to approve Resolution No. 10 and Ordinance No. 10 before closing the public hearing.

APPROVE RESOLUTION NO. 10, SERIES OF 2008

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF COLLBRAN, COLORADO ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

Trustee Satterfield moved to approve Resolution No. 10, Series of 2008; seconded by Trustee Maigatter.

ROLL CALL: Yes - Appelhanz, Hall, Lent, Maigatter, Osburn, Satterfield, Wilcox
Motion passed

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APPROVE ORDINANCE NO. 10, SERIES OF 2008

AN ORDINANCE OF THE TOWN OF COLLABRAN, COLORADO, REGARDING
THE ANNUAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

Trustee Hall moved to approve Ordinance No. 10, Series of 2008; seconded by Trustee Lent.

ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Osburn, Satterfield, Wilcox
Motion passed

PUBLIC HEARING CLOSED

COMMENTS FROM MAYOR AND TRUSTEES

Trustee Hall read page two of his year end summary (attached). Mayor/Administrator Osburn started to offer an explanation in answer to Trustee Hall's comments, but Trustee Hall interrupted to insist the following motion was a formality and needed to be on the record. Trustee Hall proceeded to read the motion.

Trustee Hall moved to insure each member of the Board of Trustees receive a true copy of the personnel manual as completed by the Town's labor attorney as quickly and expediently as possible; seconded by Trustee Lent.

Trustee Satterfield asked to hear the Mayor/Administrator's comment. Mayor Osburn distributed copies of the draft personnel manual to all Board members, but reiterated that per his conversations with Attorney Santo that Attorney Santo requested the personnel manual be kept between the Town Clerk, the Mayor/Administrator, and himself as a draft document. Mayor Osburn had wanted to have some of the problem issues that he has detected in the draft document ironed out before submitting it to the Board. That has not been completed. Trustee Hall asked for a vote. Trustee Satterfield stated discussion would be completed before a vote.

Trustee Maigatter stated that she had contacted Attorney Santo several times as chairperson of the employment committee which was a vote of the Board, and he did not tell the Mayor to not distribute the draft. Mayor/Administrator Osburn stated that as Administrator he forwarded a letter to Mr. Santo on August 25, 2008, designating Mayor/Administrator Osburn as the only contact for the Town and further stating that Trustee Maigatter was no longer a point of contact for the Town. His reason for doing this was because when the Board held an executive session with an employee someone other than the Mayor/Administrator directed Mr. Santo to attend. The Mayor/Administrator and the employee were blindsided with no knowledge of the attorney being called to attend. Because the employee had the right to also have legal counsel present, there was potential for a lawsuit and serious monetary damages to the Town. Trustee Maigatter stated that the Board voted at the last meeting to give her a copy of the draft manual so she could make copies to distribute to the Trustees. Trustee Maigatter was corrected by other Trustees that there was no vote and it was a workshop, not a meeting.

Trustee Satterfield stated the purpose of the motion was to get copies of the draft personnel manual to Trustees which the Mayor has just done. He suggested having an unrecorded executive session in January, with or without Mr. Santo present, to discuss the manual.

Mayor/Administrator Osburn will review the past minutes to verify the configuration of the committees. Mayor/Administrator Osburn clarified that he never removed any Trustee from any

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committee; however, he did terminate the budget committee because its work was finished and the employment committee for the reason stated before.

It was Mayor Osburn's understanding that the personnel manual would be completed, and then Title 3 of the CMC would be changed as needed to correspond with the manual. To his knowledge, Mr. Santo has not worked on Title 3. Trustee Maigatter said Mr. Santo said he was available for a meeting before the end of the year; however, January and February would be difficult. Trustee Satterfield stated the Board could have a workshop closed to the public because it involves the personnel manual, but personally he did not understand why it was necessary to exclude the public.

Trustee Hall asked for a vote on the motion on the floor as a formality even though the Trustees had copies of the draft. The motion must be voted on or rescinded. Trustee Hall chose to vote rather than rescind the motion.

ROLL CALL: Yes – Hall, Lent, Maigatter, Satterfield since he already had it
No - Wilcox, Osburn
Abstain - Appelhanz

Motion passed

Mayor Osburn noted for the record that each Trustee acknowledged receipt of the draft personnel manual. Trustee Wilcox returned his copy of the draft to the Mayor.

ADJOURNMENT

Trustee Satterfield moved to adjourn the meeting at 8:50p.m.; seconded by Trustee Appelhanz.

ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, Wilcox, Osburn
Motion passed

Amended: Trustee Satterfield stated for the record, as discussed earlier the health, dental, and vision will be added to the budget in accordance with current CMC of 100% for single employee **or** 50/50 for dependents with anything over that being paid by the employee until the Board changes the ordinance.

Approved **as amended**

Clerk