

# COLLBRAN BOARD OF TRUSTEES MEETING

Tuesday, April 8 2008

REGULAR MEETING

7:30 p.m. Collbran Town Hall

The regular meeting of the Collbran Board of Trustees was called to order at 7:30 p.m. by Mayor Frank Jones. The Pledge of Allegiance was recited.

**PRESENT ON ROLL CALL:** Yes - Trustees Ed Satterfield, David Schuman, Rich Sharples, Roland Hall, Lee Lent, Rachel Maigatter, Mayor Frank Jones

**OTHERS PRESENT:** Edith Ann Power, Manager/Clerk; Jim Neu, Town Attorney; Adam Appelhanz, Marshal; Mike Wilkerson, Deputy Marshal; Joe Fox, Public Works; Vic Sturm, Land Use; Davis Farrar, Land Use Consultant; Gene Scott, Teri Appelhanz, Janice Satterfield, Rose Satterfield, Doug Satterfield, Cory Satterfield, Jamie Weekley, Martin Weekley, Brad Osburn, Tom Kerrigan, Julie Sharples, Fran MacKenzie

## CONSENT AGENDA

### *MINUTES: March 4, 2008 Regular Meeting*

Trustee Maigatter requested that a paragraph concerning the resignation of Trustee David Schuman from the Board be stricken from the record. The Board consensus was that it would remain in the minutes.

Trustee Lent moved to approve the minutes of the March 4, 2008 regular Meeting as presented; seconded by Trustee Satterfield

**ROLL CALL:** Yes - Hall, Jones, Lent, Maigatter, Satterfield, Sharples

### *BILLS AND EXPENDITURES*

Trustee questions were answered. The Board requested that overtime pay be separated from regular pay on the expenditures each month.

Trustee Satterfield moved to approve the bills and expenditures as presented; seconded by Trustee Sharples

**ROLL CALL:** Yes – Sharples, Satterfield, Jones

No – Maigatter, Lent, Hall

Tie vote; motion to approve expenditures failed.

The break out of overtime from regular pay was discussed. Trustee Maigatter wanted to pay the expenditures without approving overtime that has already been paid to the employees.

Trustee Lent moved to approve the bills and expenditures through 4/8/08 with the stipulation that overtime be separated from regular pay for future review; seconded by Trustee Hall

**ROLL CALL:** Yes - Hall, Jones, Lent, Maigatter, Satterfield, Sharples

## ITEMS ON THE AGENDA

### ***OATH OF OFFICE FOR NEW TRUSTEES AND MAYOR***

The Oath of Office was administered by the Town Clerk to Mayor Brad Osburn and Trustee Teri Appelhanz, Trustee Lee Lent, Trustee Roland Hall, Trustee Rachel Maigatter, Trustee Kendall Wilcox.

### ***APPOINT MAYOR PRO TEM***

Trustee Maigatter moved to appoint Roland Hall as Mayor Pro Tem; seconded by Trustee Lent

**ROLL CALL:** Yes - Osburn, Lent, Maigatter, Satterfield, Appelhanz, Wilcox  
Abstain – Hall

### ***APPOINT TOWN OFFICERS: TOWN CLERK, TREASURER, ATTORNEY, MUNICIPAL JUDGE***

Attorney Neu explained the difference between employment and formality of statutory office appointments and that the Municipal Code does not set a time for appointments. Considerable discussion ensued concerning appointments. Attorney Neu stated if no appointments occur at this meeting, the appointments will merely continue. The Trustees expressed the possibility of restructuring with new job descriptions the Trustees have been developing.

Trustee Satterfield moved to appoint Edith Ann Power as Town Clerk; Jeff Phillips as Treasurer; Jim Neu as Town Attorney; and Gregory Mueller as Municipal Judge  
Manager Power called to their attention that Jeff Phillips is not a signor on the Town accounts at this time; therefore, would not be able to sign as Treasurer the expenditure checks to be distributed 4/9/08.

Trustee Satterfield amended his motion and moved to appoint Edith Ann Power as Town Clerk; Edith Ann Power as Treasurer; Jim Neu as Town Attorney; and Gregory Mueller as Municipal Judge

Trustee Satterfield withdrew his motion.

Trustee Hall moved to carry on with business as usual with existing appointments until the May 6, 2008 regular Board of Trustee meeting; seconded by Trustee Lent

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

### **CITIZEN COMMENT**

Martin Weekley questioned an invoice for the installation of a water tap at the property he rents on Grove Creek Road. Manager Power explained that the invoice had been sent to the owner of the property, Laurie Turner, and conversation with the owner, as well as the Weekleys, discussed the cost for the installation and parts. Trustee Wilcox noted it was the responsibility of the developer to be informed about Code requirements. Staff will include, with the sewer/water tap application form, additional information concerning installation costs involved with taps. Tom Kerrigan received his invoice at the same time, but he called immediately to make arrangements for payment.

## **STAFF REPORTS**

**MARSHAL:** Marshal Appelhanz asked for direction from the newly seated Board concerning use of the patrol car. Consensus from the Board was for officers to use their discretion, but the visibility of law enforcement presence was important. PXP will allow the Marshal to have access to an area of their property for training purposes. The Marshal recommended no parking on Cherry Lane and River Court due to safety issues concerning access for emergency vehicles and snow plowing equipment.

Trustee Lent moved to sign Cherry Lane and River Court for no parking; seconded by Trustee Satterfield

**ROLL CALL:** Yes - Hall, Lent, Satterfield, Appelhanz, Wilcox  
No – Maigatter  
Abstain – Osburn

The Marshal asked the Board to consider making the Town of Collbran an OHV route for licensed drivers. All traffic laws would apply. The Board may consider an ordinance in the future.

The Marshal noted the possible reserve officer he introduced at the last meeting would not be joining the Department as he did not meet all requirements.

### ***PUBLIC WORKS:***

The department is making the transition from winter to summer maintenance. More improvements are being made to the round pen at the Fairgrounds. The streets of the entire Town will be swept and vacuumed on April 16. Mesa County workers are again beginning work on the Azcarraga fence. A listing of emergency numbers will be posted at the Water General. The Board consensus was to not install a pressure reducing valve on the Water General. A new culvert was installed at the sewer plant. Work continues on the source water springs area. Temporary repairs on the Main Street bridge approach have been made. The final bridge work will begin April 30. Chlorine detectors and other confined space entry equipment are needed for safety.

Trustee Maigatter moved to purchase needed equipment, not to exceed \$3000, from the contingency funds in the Public Works Department budget; seconded by Trustee Lent

**ROLL CALL:** Yes - Hall, Osburn, Lent, Maigatter, Satterfield, Appelhanz, Wilcox  
**MANAGER:**

See attached written report. Old Code books are to be returned to the Clerk to avoid future confusion. Trustee Satterfield directed the Manager to contact Mountain Radio Systems to have an internet receiver placed at the Library as part of their agreement. Trustee Lent suggested Karen and Jeff attend the CML conference. There was minimal discussion of the existing code concerning burn permits. No decision was made.

The Board will conduct interviews to fill the PW seasonal employee, van driver, and summer recreation director positions on April 11 from 1:00 p.m. to 4:00 p.m. Attorney Neu suggested delegating staff to follow through with hiring seasonal staff.

The Special Meeting for the Board's acceptance of the Plateau Valley Source Water Protection Plan will be May 14, 2008 at 7:00 p.m. The CIRSA Public Officials Liability Workshop was scheduled for April 29, 2008 at 6:00 p.m. A CML public official's liability workshop may be scheduled in Montrose soon.

Town Hall will be without power from 1:00 p.m. to 5:00 p.m. on April 11 due to upgrade work in the vicinity by Grand Valley Power. Notices to the public will be posted. Town Hall will remain open.

Through Vic's persistence the Town has received \$7,000 from the Colorado Water Conservation Board for the Plateau Creek stream flow gage maintenance costs. Vic continues to work with them for partial or full funding of next year's cost.

Mesa County is producing a three-part series for their Channel 12 about the County's Energy Master Plan. If one of the Trustees is interested, please call her after April 22. Trustee Satterfield asked to have the information put in his mailbox. Trustee Wilcox is looking into broadcasting the Town of Collbran meetings through the local cable system.

The Mayor called a ten minutes recess. The meeting was called back in session at 10:03 p.m.

**ATTORNEY:**

With regard to the lift station surcharge ordinance legal was directed to draft by the previously seated Board, the PV School District attorney felt a lift station surcharge would be a very political issue. The attorney will submit the school's objections in writing. His response may be available at the May meeting to allow for a meeting of both Boards.

An alleged zoning violation will be brought before the Municipal Court soon. Davis Farrar explained the circumstances concerning the expansion of a non-conforming structure by Dennis Havens in the Spring Creek Mobile Home Park which is not in conformance with Municipal Code regulations. The Town and Mesa County have red tagged the building project three times. Mesa County has withdrawn the permit.

Trustee Satterfield moved to site Dennis Havens as manager of the Spring Valley Mobile Home Park into Town of Collbran Municipal Court for zoning violations; seconded by Trustee Appelhanz

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

**APPROVE ORDINANCE NO. 4, SERIES OF 2008**

AN ORDINANCE OF THE TOWN OF COLLBRAN, COLORADO AMENDING SECTION 9.13.010(a) OF THE COLLBRAN MUNICIPAL CODE REGARDING SEWER OVERAGE RATES

The Board had directed legal counsel to draft an amendment to the Municipal Code to delete the sewer overage charge of \$3 per 1,000 gallons of water usage over 10,000 gallons.

Trustee Lent moved to approve Ordinance No. 4, Series of 2008; seconded by Trustee Wilcox

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

**APPROVE ORDINANCE NO. 5, SERIES OF 2008**

AN ORDINANCE OF THE TOWN OF COLLBRAN, COLORADO, AMENDING SECTION 15.08.060(b) (1) (xiii) OF THE COLLBRAN MUNICIPAL CODE REGARDING THE ENVIRONMENTAL ASSESSMENT REQUIREMENT FOR SUBDIVISION APPLICATIONS

In an effort to correct ambiguity in the existing land use code prior to the adoption of the new land use code, this ordinance eliminates the need for an expensive environmental assessment on properties obviously not an environmental risk for the process of simple lot line or boundary rearrangements. The Code would continue to require the assessment for known waste sites.

Trustee Lent moved to approve Ordinance No. 5, Series of 2008; seconded by Trustee Maigatter

**ROLL CALL:** Yes - Hall, Osburn, Lent, Maigatter, Appelhanz, Wilcox  
Abstained – Satterfield

**PUBLIC HEARING**

Plateau Valley CattleWomen – Special Events Liquor License Permit

**PUBLIC HEARING OPENED**

Kris Melnikoff, President of the PV CattleWomen, representing the Stockgrower’s Banquet and Ball event was present. All requirements have been met and insurance is secured as special event coverage through CIRSA. No one came forward in opposition to this matter and the public hearing was closed.

**PUBLIC HEARING CLOSED**

Trustee Maigatter moved to approve the Special Events Liquor License Permit to the PV CattleWomen for the Stockgrower’s Banquet and Ball; seconded by Trustee Satterfield

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

Trustee Lent suggested waiving facility rental fees in celebration of the Town’s 100 year anniversary for the 2008 calendar year. The damage and key deposits, 10% gate and concession fees, and the lights fee would still apply. Manager Power asked for perimeters and clarification. Discussion followed. Attorney Neu suggested gathering more information to consider the financial impact before making the decision.

Trustee Lent moved to waive the facility use fee for the Stockgrower’s Banquet and Ball; seconded by Trustee Maigatter

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

**PUBLIC HEARING**

Boundary Line Dissolution Subdivision Plat – Rose Satterfield Subdivision

**PUBLIC HEARING OPENED**

Rose Satterfield was present. Davis Farrar explained the complexities of the current Municipal Code to accomplish this simple boundary line dissolution. Staff recommended approval with stated conditions. All requirements have been met. No one came forward in opposition to this matter and the public hearing was closed.

**PUBLIC HEARING CLOSED**

Trustee Lent moved to approve the Rose Satterfield Boundary Line Dissolution Subdivision Plat with conditions; seconded by Trustee Maigatter

**ROLL CALL:** Yes - Hall, Osburn, Lent, Maigatter, Appelhanz, Wilcox  
Abstained - Satterfield

## **PUBLIC HEARING**

Livestock Permit – Ayers

### **PUBLIC HEARING OPENED**

All requirements have been met. Staff recommended approval. No one came forward in opposition to this matter and the public hearing was closed.

### **PUBLIC HEARING CLOSED**

Trustee Maigatter moved to approve the Ayers Livestock Permit; seconded by Trustee Lent

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

## **PUBLIC HEARING**

Delinquent Water/Sewer Accounts

Manager Power noted the delinquent water/sewer account(s) in question had been paid in full prior to the meeting. No public hearing was necessary.

### ***PV HERITAGE DAYS RODEO COMMITTEE – DONATION REQUEST***

Tammy Clark, president of Heritage Days Rodeo Committee, presented information concerning the event. The rodeo is now a large purse rodeo. The queen contest which the Town has sponsored in the past is cancelled this year due to lack of interest.

Trustee Satterfield moved to donate \$250 to sponsor the Jr. Rough Stock event; seconded by Trustee Hall

Trustee Satterfield amended the motion to include waiving the facility use fee for the Heritage Days Rodeo; seconded by Trustee Hall

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

### ***PV SCHOOL LITERARY FESTIVAL – DONATION REQUEST***

Leslie Nichols, representative for the Literary Festival, was unable to attend.

Trustee Maigatter moved to donate \$250 to the PV School Literary Festival; seconded by Trustee Appelhanz

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

### ***SAFE PROM – DONATION REQUEST***

A letter was received from Joyce Hawkins, representing the PV School Athletic Booster Club, requesting a donation for the 2008 Safe Prom event.

Trustee Satterfield moved to donate \$250 to the Safe Prom event; seconded by Trustee Maigatter

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

### ***PV CHAMBER OF COMMERCE PRESENTATION – ANGIE TAYLOR***

Angie Taylor, president of the PV Chamber of Commerce, reported on many activities and projects the Chamber are or will be pursuing – flyers, directory, Main Street flower barrels, website, welcome baskets, welcome sign, July 4<sup>th</sup> fish fry, Heritage Days parade, business spotlights, and economic development efforts. Angie will continue to present a Chamber update at each Board of Trustee meeting.

***PVA HISTORICAL PRESERVATION COMMITTEE – SYLVIA SPANGLER***

This Committee applied for a \$5000 matched mini grant through the Colorado Council on the Arts in the name of the Town of Collbran for funding programs that promote the arts. The amount received through the grant will be matched by the PVA. The Mesa County Commissioners funded \$250 of a \$1000 grant to purchase display cases to showcase historical pictures, etc. in the Auditorium and will participate in the Heritage Days parade. Kitchen equipment from the PV Hospital District will provide a 'cater kitchen' at the Auditorium. The PVA will have a display in the Auditorium during the Heritage Days celebration. Future grants are hoped for replacement of the Auditorium roof.

***APPROVE RESOLUTION NO. 5, SERIES OF 2008***

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF COLLBRAN, COLORADO ADOPTING THE TOWN OF COLLBRAN PUBLIC WORKS MANUAL CREATED IN MARCH 2008 AS THE PUBLIC WORKS MANUAL WITH WHICH ALL PUBLIC IMPROVEMENTS CONSTRUCTED IN THE TOWN WILL CONFORM.**

The City of Grand Junction generously provided an electronic copy of their 2008 updated public works manual at no cost. It is a mirror of the unofficial public works manual the department has been using for reference. Any reference in the manual to City of Grand Junction standards are the same as AWWA standards and do not need to be changed. An official manual is needed for proceeding with engineering and bid specifications to proceed with the infrastructure upgrade DOLA grant.

Trustee Satterfield moved to approve Resolution No. 5, Series of 2008; seconded by Trustee Maigatter

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

***APPROVE BOUNDARY LINE CONFIRMATION AGREEMENT AND QUIT CLAIM DEED – SULLIVANT/SCHMIDT***

This agreement is to correct a surveying error for the deeded 30 foot easement at the Town's springs pump station between the Sullivant and Schmidt properties.

Trustee Maigatter moved to approve the Sullivan/Schmidt boundary line confirmation agreement and quit claim deed subject to an approved Exhibit B and title policy; seconded by Trustee Satterfield

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

**COMMENTS FROM MAYOR AND TRUSTEES**

Trustee Satterfield suggested, since the ballot measured failed, printing by title only in the PV Times but making printed copies available for 30 days after publication. Rick Lucas, editor of the PV Times, spoke up to offer printing the monthly expenditures for the Town at no cost and reducing the cost of other publications to 8 cents. Manager Power will email the Daily Sentinel costs to Editor Lucas. The publication of the new Land Use Code will be costly. Attorney Neu will explore alternatives.

Mayor Osburn voiced a concern about Trustees being charge for copies or accessing Town records within their official capacity, but did not wish to pursue a discussion at this meeting.

**EXECUTIVE SESSION – Legal Advice on Specific Legal Questions**

**C.R.S. 24-6-402 (4) (b)**

Mayor Osburn called for a motion to go into executive session pursuant to C.R.S. 24-6-402(4) (b) stating the subject is for legal counsel to answer questions that have arisen during the Board’s rewriting of staff job descriptions and to review the employee performance evaluations without Trustee comment.

Trustee Maigatter moved to go into Executive Session at 11:42 p.m.; seconded by Trustee Wilcox

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

**The Board moved to Executive Session at 11:43 p.m.**

**The Board returned to the Regular Meeting at 12:40 a.m., April 9, 2008**

Upon returning to the regular meeting, the Board scheduled a workshop for Tuesday, April 15, 2008 at 6:30 p.m. to discuss job descriptions and salary schedules for staff positions.

**ADJOURNMENT**

Trustee Lent moved to adjourn the regular meeting at 12:45 a.m. April 9, 2008; seconded by Trustee Maigatter

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

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Approved

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Clerk