

# COLLBRAN BOARD OF TRUSTEES MEETING

Tuesday, July 1, 2008

REGULAR MEETING

7:30 p.m. Collbran Town Hall

The regular meeting of the Collbran Board of Trustees was called to order at 7:38 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, Mayor Brad Osburn      Absent - Ed Satterfield, Kendall Wilcox

**OTHERS PRESENT:** Edith Ann Power, Town Clerk; Jim Neu, Town Attorney; Vic Sturm, Public Works; Adam Appelhanz, Marshal; Mike Wilkerson, Deputy Marshal; Davis Farrar, Planning Consultant; Emily Currier, Martin Weekley, Rick Lucas, Elvy Vigna, Beau Addison, Angie Taylor

## **CONSENT AGENDA**

**MINUTES:** *June 3, 2008 Regular Meeting; June 2, 2008 Special Meeting; June 5, 2008 Special Meeting*

Trustee Appelhanz moved to approve the minutes of the June 3, 2008 Regular Meeting; June 2, 2008 Special Meeting; June 5, 2008 Special Meeting as presented; seconded by Trustee Lent.

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

## **BILLS AND EXPENDITURES**

Mayor/Administrator Osburn stated he would only address questions pertaining to expenditures over \$500. He encouraged any Board member, or any citizen, who had questions to do their own research at Town Hall during regular business hours. He stated the Board's decision to change the administrative structure of the Town to eliminate the Manager position and have the Mayor serve as administrator was a mistake and created problems that should be readdressed by the Board.

Mayor/Administrator Osburn answered expenditure questions. The Finance Clerk is working with Source Gas to correct the Town's account which has been in error for many months. Mayor/Administrator Osburn explained he approved the \$50 overtime charge for Clerk Power prior to the exempt status approval by the Board.

Trustee Appelhanz moved to approve the bills and expenditures as presented; no second. For lack of a second the motion failed.

The Board chose to not approve the payment of expenditures. Attorney Neu cautioned the Board of consequences for failure to pay bills. Mayor/Administrator Osburn called a special meeting for Tuesday, July 8, at 7:30 p.m. to again consider the expenditures.

## **CITIZEN COMMENTS**

None

**ITEMS ON THE AGENDA**

**PV CHAMBER OF COMMERCE REPORT**

Angie Taylor, Chamber president, gave an update on the Heritage Days events and thanked the Board for the water used in the Main Street flower barrels. Plaques made by Brad Osburn to recognize the sponsor will be placed on each barrel.

**PUBLIC HEARING**

**DELINQUENT UTILITY ACCOUNTS**

**Public Hearing Open**

One delinquent account was paid prior to the hearing. No disconnect or lien decision was made for the delinquent account of Jake Harris. The water is turned off, but base rate monthly charges will continue to accrue. No others came forward in favor or opposition to this matter.

**Public Hearing Closed**

**PUBLIC HEARING**

**LIVESTOCK PERMIT REQUESTED BY AMANDA BAILEY**

**Public Hearing Open**

All requirements for the livestock permit to allow chickens had been met by the applicant. No others came forward in favor or opposition to this matter.

**Public Hearing Closed**

Trustee Maigatter moved to approve the Bailey livestock permit; seconded by Trustee Hall

**ROLL CALL:** Yes – Appelhanz, Hall, Maigatter, Osburn

Abstain - Lent

**PUBLIC HEARING**

**LAND USE CODE**

**Public Hearing Open**

Davis Farrar, Planning Consultant, noted the Board held 15 workshops to review the Land Use Code. He gave an overview of the Code. Antenna specifications give the Board discretion for approval. Sexually oriented business regulations are included. No others came forward in favor or opposition to this matter.

**Public Hearing Closed**

**APPROVE ORDINANCE NO. 7, SERIES OF 2008**

AN ORDINANCE OF THE TOWN OF COLLBRAN, COLORADO AMENDING TITLE 6 “BUSINESS REGULATIONS AND LICENSES” REGARDING SEXUALLY ORIENTED BUSINESSES, AMENDING TITLE 14 “DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS” REGARDING VACATION OF RIGHTS OF WAY AND COMPLIANCE WITH THE COLLBRAN PUBLIC WORKS MANUAL, AND REPEALING AND REENACTING TITLE 15 “LAND USE AND DEVELOPMENT” OF THE COLLBRAN MUNICIPAL CODE

The Ordinance will be amended to adopt the zoning map dated January 5, 2008 and provided by Western Slope Consulting.

Trustee Maigatter moved to approve Ordinance No. 7, Series of 2008 as amended to adopt the zoning map dated January 5, 2008; seconded by Trustee Hall

**ROLL CALL:** Yes – Appelhanz, Hall, Maigatter, Osburn

Town of Collbran Board of Trustee Regular Meeting

July 1, 2008

No - Lent

**APPROVE RESOLUTION NO. 7, SERIES OF 2008**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF COLLBRAN, COLORADO ESTABLISHING PROCEDURES FOR DESIGNATING AUTHORIZED VOLUNTEERS OF THE TOWN OF COLLBRAN

The resolution refers to the VAMP program (Volunteer Accident Medical Plan) through CIRSA that was approved at the June Board of Trustee meeting.

Trustee Lent moved to approve Resolution No. 7, Series of 2008; seconded by Trustee Maigatter

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

**APPROVE RESOLUTION NO. 8, SERIES OF 2008**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF COLLBRAN, COLORADO DESIGNATING PERSONS AUTHORIZED TO EXECUTE DOCUMENTS REQUIRED FOR THE WITHDRAWAL, TRANSFER AND EXPENDITURE OF TOWN FUNDS

Trustee Lent moved to approve Resolution No. 8, Series of 2008; seconded by Trustee Maigatter

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

**APPROVE AFLAC PLAN**

The AFLAC plan is intended as a benefit to employees at minimal cost to the employer; however, Trustee Lent felt the employee should pay the \$6 monthly service fee themselves.

Trustee Maigatter moved to approve the AFLAC Flex 125 Cafeteria Plan with the Town paying the set up fee and each employee paying their monthly service fee. The full time employee annual deduction limit is \$1500; seconded by Trustee Lent

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

**ACCEPT 100-YEAR ANNIVERSARY PROCLAMATION**

Trustee Lent moved to accept the 100-Year Anniversary Proclamation as presented; seconded by Trustee Maigatter

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

**WEBSITE REDEVELOPMENT**

Dreamweaver and Adobe 9 computer software is needed to get the Town website up and running and to maintain the website. Allspeed will provide some training and assistance.

Trustee Maigatter moved to approve the expenditures to redevelop and maintain the Town website; seconded by Trustee Appelhanz

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

**APPROVE ADDITIONAL EXPENDITURE FOR EMPLOYMENT ATTORNEY**

Trustee Hall read a prepared statement and motion to approve an additional \$5,000 for completion of a personnel manual and Title 3 of the Municipal Code by Attorney Michael Santo.

Trustee Hall moved to approve the additional expenditure of \$5,000 for Michael Santo to serve as the Town's employment attorney; seconded by Trustee Lent

**ROLL CALL:** Yes – Hall, Lent, Maigatter, Osburn

No – Appelhanz

**STAFF REPORTS**

**MARSHAL:** Written report attached. The Marshal has approved Karl Belden to serve as a reserve officer. The donation from Plains Exploration and Production Co. provided a defibrillator that helped save a citizen's life recently. The Marshal asked for clarification how the Board wanted to address the many extra hours worked by the Department. It was agreed by the Board that the Marshal should adjust the work schedule to allow for the extra hours worked. The Marshal reviewed trainings the department plans to attend.

Trustee Maigatter moved to approve expenditure for two training sessions for the Marshal Dept.; seconded by Trustee Hall

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

**SUMMER RECREATION PROGRAM-** No report

**PUBLIC WORKS:** See attached report.

Trustee Maigatter moved to approve the expenditure of \$1600 to purchase software for 100 additional users for the Water General; seconded by Trustee Hall

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

Trustee Maigatter moved to install one 30-minute parking sign from 8:00 a.m. to 5:00 p.m. in one space in front of the Public Works building; seconded by Trustee Hall

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

Trustee Maigatter moved to approve the budgeted expenditure for playground equipment at Terrell Park not to exceed \$25,000; seconded by Trustee Hall

**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

The expenditure for installation of sprinkler systems was tabled until PW can investigate getting irrigation water to Terrell Park. PW will research mowers to replace the Walker lawnmower. DCP donated the purchase and installation of a PA system at the Fairgrounds. PW will contact property owners who have trash, etc. covering water meters.

**ATTORNEY:** As noted by the auditor and to comply with statute, a letter has been sent to the Secretary of State concerning Trustee Appelhanz's potential for conflict of interest. A petition for certiorari has been filed with the Colorado Supreme Court regarding the attorney fee issue in the employee lawsuit.

**ADMINISTRATOR:** Martin Weekley spoke to the Board concerning connecting to the Town sewer system when he purchases the property at 15609 59.5 Road. The Board will extend the

connection completion date from September 30, 2008 to September 30, 2009 due to Mr. Weekley's present financial situation. A new letter stating the agreed completion timeline will be forwarded by the Administrator to Weekley.

See attached written outline. Administrator/Mayor Osburn again stated the problems that have been created by eliminating the manager position and expecting a part time mayor to make decisions and keep abreast of all the issues that come before an administrator in a day's time. Davis Farrar, with years of administrative experience, stated he found it impossible to adequately represent DeBeque as a part time administrator in the past. The mayor/administrator in New Castle has also experienced these same frustrations. The CIRSA loss control auditor during the recent audit expressed concerns with the present administrative structure.

Trustee Lent interrupted to move to pay the expenditures except for items #250, 334, 338, 425, and Power overtime.

Trustee Lent moved to approve the bills and expenditures with the exception of 5 items in question; seconded by Trustee Maigatter

**ROLL CALL:** Yes – Hall, Lent, Maigatter, Osburn  
No – Appelhanz

Attorney Neu suggested discussing the expenditures in question and the administrative structure at the July 8, 2008 special meeting. Attorney Neu will move forward with the water portfolio and the franchise agreements. Trustees Maigatter and Hall volunteered to serve on a budget committee. Delta Petroleum representative has expressed interest in the needs of the Town and invited the Town to be a part of upcoming 'Community Counts' meetings. Attorney Neu explained utility costs and charges to Trustees for their understanding at future meetings with the PV School Board. Due to security issues, Marmot will pay for the internet service from Mountain Radio Systems for public use at the Collbran Library. The Administrator/Mayor discussed his ideas for a filing system and suggestions for purchases of other equipment to develop a useful database and GIS system.

#### **COMMENTS FROM MAYOR AND TRUSTEES**

Trustee Hall asked if a signer on the Town's fund accounts had or needed to be bonded. Clarification will be obtained from CIRSA.

#### **ADJOURNMENT**

Trustee Lent moved to adjourn the meeting at 11:22 p.m.; seconded by Trustee Appelhanz  
**ROLL CALL:** Yes – Appelhanz, Hall, Lent, Maigatter, Osburn

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Approved

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Clerk