

## **Collbran Board of Trustees Meeting Minutes**

**Tuesday, February 3, 2015**

**Regular Meeting**

**7:00 PM Collbran Town Hall**

The Regular Meeting of the Collbran Board of Trustees was called to order at 7:00pm by Mayor Jones. The Pledge of Allegiance was recited.

**PRESENT ON ROLL CALL:** Trustees Dorman, Entwistle, Sturm, Schowalter, and Mayor Jones.

**ABSENT:** none

**OTHERS PRESENT:** Administrator Farrar, Treasurer/Clerk Phillips, Marshal Appelhanz, Deputy Marshal Mitchell, Kaleb Julius, Luann Wallace, Lew Evans, Tilda Evans, Tammy Clark, Fred Feller, and Beatrice Link.

### **APPROVAL OF MINUTES**

**MOTION:** Trustee Entwistle moved to approve the Minutes from the Regular Meeting on January 6, 2015; seconded by Trustee Dorman.

**ROLL CALL VOTE:** 5 Yes votes – Entwistle, Sturm, Schowalter, Dorman, and Jones. 0 No votes. Motion passed.

### **PERSONS PRESENT NOT ON AGENDA**

No one came forward.

### **APPOINTMENT OF 2015 ARENA ADVISORY COMMITTEE**

Admin. Farrar informed the Trustees that Curtis Conklin had withdrawn his AAC application due to a change in his job circumstances. Mayor Jones asked about the Arena Committee appointments ordinance. Admin. Farrar said that the ordinance is currently in draft form. He mentioned the ordinance language addresses committee appointments for two-year staggered terms. Mayor Jones asked Tammy Clark if Arena Advisory Committee (AAC) members can vote. She said that everyone has a say and votes. Mayor Jones said he would like all ten remaining AAC applicants to be appointed, but he prefers that the Collbran Trustee representative on the AAC abstain from voting on Arena Committee-related items at Trustee meetings because of a potential conflict of interest. He asked if the Trustee on the AAC has traditionally voted at Arena Committee meetings. Trustee Entwistle said that she did not think there was a conflict. Mayor Jones said he felt a non-voting status would eliminate an appearance of conflict of interest. Admin. Farrar suggested that a non-voting Trustee representative on the AAC who voted at a Trustee meeting on Arena topics would be okay. Trustee Schowalter (current Trustee on AAC) said that she would be okay with a non-voting status at AAC meetings. Trustee Entwistle asked if the 1922 Fairgrounds deed allowed more than seven members. Admin. Farrar said the draft Committee Appointment Ordinance can be structured based what the Trustees ultimately decide. Trustee Schowalter

said that more than seven AAC members would be too much. Mayor Jones said the Town Attorney confirmed to him that the Board of Trustees has the authority to determine AAC membership. Trustee Entwistle suggested there should be seven committee members and the meetings be public. Tammy Clark said that meetings between the AAC and various user groups will take place.

**MOTION: Trustee Dorman moved to approve that the Arena Advisory Committee (formerly known as the Board of Park Managers) to contain seven Board of Trustee-appointed members, with an eighth, non-voting member being from the Board of Trustees; seconded by Trustee Entwistle.**

**ROLL CALL VOTE: 4 Yes votes – Sturm, Dorman, Entwistle, and Jones. 0 No votes. Trustee Schowalter abstained. Motion passed.**

The Board Trustees continued discussion about making AAC appointments. Trustee Dorman asked who of the nine applicants for the Arena Committee were present; five were present. Luann Wallace asked if all applications could be considered, whether they were present or not. Additional discussion with initiated about how to vote on the appointments to the AAC. The Trustees decided to vote by secret ballot to determine who would be on the Arena Advisory Committee. When they were finished, the votes were given to Marshal Appelhanz to count. While the count was occurring, the Board proceeded to another agenda item.

**ORDINANCE NO. 1, SERIES 2015 – AN ORDINANCE OF THE TOWN OF COLLBRAN, COLORADO AMENDING TITLE 14 STREETS AND SIDEWALKS, PUBLIC PROPERTY BY ADDING SECTION 14.10 OF THE COLLBRAN MUNICIPAL CODE REGULATING USE AND OPERATION OF CERTAIN OFF-HIGHWAY VEHICLES (“OHV”) ON PUBLIC STREETS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF COLLBRAN**

Admin. Farrar introduced the ordinance and noted that the Town Attorney had double-checked the language of the ordinance. After additional discussion the Trustees took action on the ordinance.

**MOTION: Trustee Entwistle moved to approve Ordinance 01, Series 2015 as written and presented; seconded by Trustee Sturm.**

**ROLL CALL VOTE: 5 Yes votes – Schowalter, Dorman, Entwistle, Sturm, and Jones. 0 No votes. Motion passed.**

**LOCAL FOCUS DIGITAL MEDIA LLC CONTRACT – JoLynn Dorman**

Trustee Dorman mentioned that the Town Attorney had recommended one minor change in the contract which was contained in 6c that adds “to the extent permitted by law”; she then recused herself from further discussion because of a conflict of interest and left the dais. Admin. Farrar reviewed provisions of the marketing contract and reminded the Board this issue was discussed in some detail during consideration of the 2015 Collbran Budget. He stated that the budget included a \$3,200 appropriation for this purpose.

**MOTION: Trustee Sturm moved to approve the advertising contract with Local Focus Digital Media LLC as written and presented.**

The mayor asked if there was discussion on the motion. Trustee Entwistle asked for more specifics on the contract; she wanted to know what the \$3,200 pays for. Admin. Farrar responded that the advertising takes place at a number of locations in Grand Junction; he said that \$3,200 is the budget appropriation for this purpose. Trustee Entwistle proposed a contingency to provide for partnering with Vega State Park, Powderhorn, and other local attractions. Mayor Jones said that the Town could sell portions of its advertising space to Powderhorn, Vega, etc.

**MOTION: The motion on the table was seconded by Trustee Schowalter.**

**ROLL CALL VOTE: 3 Yes votes – Sturm, Schowalter, and Jones. 1 No vote - Entwistle. Trustee Dorman not present for vote. Motion passed.**

### **APPOINTMENT OF 2015 ARENA ADVISORY COMMITTEE - continued**

Trustee Dorman returned to be dais with the Board.

The results of the secret ballot for the 2015 AAC were announced. The appointed members of the AAC were Ami Hightower, Tammy Clark, Thena Walton, Ben Nichols III, Luann Wallace, Beau Addison, and Eric Bevan. Rebecca Schowalter was selected as the non-voting Trustee representative to the AAC.

### **DISCUSSION AND DECISION ON ARENA KEYS**

Admin. Farrar summarized his memo to the Board and reviewed the history of previous discussions. He noted that the two remaining arena key options were as follows: Option 2 - Arena Advisory Committee members check in and out keys like everybody else, but without the deposit. Option 3 is that two members of the AAC would be given a semi-permanent set of keys and keys would be returned to the Town when members no longer serve on the AAC. As noted in his memorandum, provisions relating to use of keys are as follows.

1. Keys are to be used by Arena Advisory Committee members for access to the Arena for maintenance purposes. Significant maintenance items will be discussed with and approved by the Town in advance of work performed.
2. Keys will not be handed out to others.
3. Use of keys by Arena Advisory Committee members shall not result in interference with scheduled events.
4. Copies shall not be made of Arena keys.
5. Keys can be used for emergency purposes at the facility.
6. Arena Advisory Committee keys are not to be used for facility access associated with organized events.

**MOTION: Trustee Entwistle moved to approve Option 3 which is that the Arena Advisory Committee members are given a semi-permanent set of keys to the Arena to use subject to the established rules; seconded by Trustee Schowalter.**

**ROLL CALL VOTE: 3 Yes votes – Dorman, Entwistle, and Schowalter. 2 No votes – Sturm and Jones. Motion passed.**

**DISCUSSION ABOUT ORDINANCE ON ARENA ADVISORY COMMITTEE APPOINTMENTS**

Admin. Farrar asked what “liason” means when described in the draft language referring to the Arena Advisory Committee being a liason between Arena users and staff. Tammy Clark said that user group meetings may take place and the AAC can educate people on how the Arena facility works and as necessary feedback can be relayed to the Board of Trustees. Admin. Farrar suggested that he work with the AAC on clarifying that language. Admin. Farrar said that the number of AAC members will be determined in the ordinance by the Board of Trustees. Trustee Schowalter asked about staggered terms for committee members. The Board agreed to have those who received the highest number of votes receive two-year terms for the initial appointment. However, five of the AAC members selected by the Trustees had the same number of votes. The Board asked if any of the AAC members selected wanted a one-year term, but nobody responded. Admin. Farrar said that the issue of term length would be determined at a future date. Admin. Farrar asked about Section 4.05.050 (3) and paragraph 4.05.050 (6) in the draft ordinance that the Arena Advisory Committee had stricken. Trustee Schowalter said that the wording on 4.05.050 (3) that said “to the fullest extent possible” seemed unnecessary. Tammy Clark mentioned that the Arena sometimes needs some last-minute repairs before an event. She also asked if the committee could fundraise for the Arena. She also mentioned that the edited text in blue font in 4.05.070 about a “\$500 allowance” were to be removed. The Board agreed to have the ordinance ready for the March 3<sup>rd</sup> Regular Meeting.

**WATER SERVICE AGREEMENT – RAINBOW MOBILE HOME PARK (57704 HIGHWAY 330) – Fred Feller**

Trustee Sturm recused himself from discussion on the topic because of a conflict of interest. Trustee Sturm is an employee of Mr. Feller. Admin. Farrar introduced topic; he said that the agreement provides that bulk water would be delivered to the Rainbow Mobile Home Park from the Town at a single point and Mr. Feller (mobile home park owner) would be responsible for testing and the distribution system beyond that point to the residents. Admin. Farrar said that the agreement includes a user fee that is two times higher than in-Town rates to offset the fact that there is no tap fee or no water rights dedication at this time. The agreement includes pre-annexation agreement language and these issues will be addressed in the future in conjunction with a specific annexation application. Mr. Feller said he would prefer a water rate 1 ½ times the in-Town rate. Trustee Entwistle asked if the agreement would transfer to a new owner if the mobile home park was sold. Admin. Farrar responded that the agreement is just to Mr. Feller while he owns the property. Fred Feller mentioned that the Colorado Department of Public Health and Environment is requiring him to install a water treatment system (if he’s not able to get potable water from the Town) because the previous owner allowed cross connection between untreated and treated water sources. He also said that the treated water from the Town would only be used for in-house potable use. Outside irrigation would only come from non-treated irrigation water and it would be no connection between the non-treated and treated water sources as provided for in the agreement and help Department regulations.

**MOTION: Trustee Entwistle moved to approve the water service agreement between the Town and Fred Feller’s Rainbow Mobile Home Park with the water rate being two times the in-Town rate; seconded by Trustee Dorman.**

Admin. Farrar said that Mr. Feller is obligated to pay for legal and consulting fees incurred by the Town to develop the agreement.

**ROLL CALL VOTE: 4 Yes votes – Dorman, Entwistle, Schowalter, and Jones. 0 No votes. Trustee Sturm not present for vote. Motion passed.**

**PUBLIC HEARING: APPLICATION FOR TAVERN LIQUOR LICENSE RENEWAL - JULIUS, INC. – dba GRAND MESA TAVERN – 1006 HIGH STREET – Kaleb Julius**

Trustee Sturm returned to the dais.

Mayor Jones introduced the item on the agenda. Kaleb Julius said that it was a calm year at Grand Mesa Tavern. He mentioned that he has worked on fixing issues with past noise ordinance violations. Marshal Appelhanz reported that there were two cases of over-serving this past year at Grand Mesa Tavern. He said that it was the same bartender, and the second time came after he had given them a warning. Mr. Julius mentioned that if somebody is not visibly intoxicated, then a patron can be served; he said if a person is visibly intoxicated, they can't be served. Admin. Farrar noted that one night when exiting Town Hall he observed two people leaving Grand Mesa Tavern and one of them couldn't even stand. Mr. Julius further discussed the issue of over serving and stated that persons that are not visibly intoxicated can be served under state law. He said the defining point is a visible physical change in the customer showing intoxication and that is the point at which a bartender must stop serving them. Mr. Julius, referring back to the bartender mentioned previously, said that the bartender had been switched to daytime hours and was eventually dismissed. He also said that he is trying to keep improving.

**Mayor Jones opened the public hearing.**

**PUBLIC HEARING: There were no comments from the audience.**

**Mayor Jones closed the public hearing.**

**MOTION: Trustee Sturm moved to approve the Tavern Liquor License application for renewal for Julius, Inc., dba Grand Mesa Tavern at 1006 High Street; seconded by Trustee Dorman.**

**ROLL CALL VOTE: 3 Yes votes – Sturm, Schowalter, and Dorman. 0 No votes. Trustee Entwistle and Mayor Jones abstained. Motion passed.**

**LETTER ON SEVERANCE TAX AND DISCUSSION REGARDING JOINING WITH OTHER GOVERNMENTS**

Admin. Farrar introduced the topic. He said that he proposed a letter from the Collbran Board of Trustees recommending that the Governor not use severance tax dollars to address the State's budgetary shortfall. He noted that copies of letters from other Mesa County governments and organizations also opposed the Governor's proposed action. He noted that severance taxes are very important to Western Slope communities impacted by energy development and are used for critical budgetary needs and to offset impacts from extractive industries.

**MOTION: Trustee Schowalter moved to approve a letter to be written to Governor Hickenlooper objecting to use of severance tax dollars to offset the State's budgetary shortfalls; seconded by Trustee Entwistle.**

**ROLL CALL VOTE: 5 Yes votes – Sturm, Schowalter, Dorman, Entwistle, and Jones. 0 No votes. Motion passed.**

## **STAFF REPORTS**

### **Town Administrator**

Admin. Farrar updated the Board on the 2014 Supplemental Appropriation to the Budget at the end of the year regarding the Sewer Fund. He said the amount was underestimated and that it is a technical budgetary violation that the Town Auditor will likely point out in the fiscal year 2014 audit.

Admin. Farrar also reviewed his meeting with the Federal Mineral Leasing Board of Mesa County on January 27 and noted that he gave the FML Board an update on activities in Collbran.

Admin. Farrar updated the Trustees on his meeting with Collbran Job Corps and the opportunity to use students to help with the Lilac Park crosswalk area and cul-de-sacs that are referred to in the recently adopted Downtown Master Plan. Trustee Sturm asked about possible improvements on Elm Avenue because of its use as a bypass for trucks. Trustee Schowalter said that the pedestrian bridge across Plateau Creek in the Master Plan would offer an alternative access to the Creamery and the Arena. Admin. Farrar said that funds for a pedestrian bridge could also be a GOCO project.

Admin. Farrar said he followed up on a discussion about additional help in Town Hall with the folks at Job Corps. He and Treasurer/Clerk Phillips interviewed a student candidate at the Job Corps and noted that the young lady was in the top of her class. He will be working with Job Corps representatives to use the student intern at Town Hall for approximately eight weeks. This is a trial project, but could be a great benefit for the Town, the student and Job Corps.

Admin. Farrar mentioned that there was a grant opportunity for a police car purchase; he said that would require some matching funds, but it would be a good way to acquire a new patrol car. Marshal Appelhanz said that he could get rid of the Expedition and the Charger. The Board agreed to pursue the grant and agreed to consider matching funds.

Admin. Farrar updated the Board on the status of the West Salt Creek landslide. He said that the pond near the top of the slide is approximately 200 acre feet. He noted that the experts estimate that the maximum capacity of the pond would be 400 acre feet before it overtopped the dike created by the slide. At that point and if the pond filled to that level, it is hoped that a natural stream channel would be established on the surface and allow the water body to drain. As has been identified previously, the concern again will be in the spring during runoff. Marshal Appelhanz reviewed a few scenarios for the upcoming spring runoff. Admin. Farrar proposed that the County hold another Collbran community meeting in March or April to update the community on the status of the slide and spring runoff conditions.

Admin. Farrar reported that the Town budgeted for the purchase of a Bobcat skid steer. The staff solicited prices from various dealers. Bobcat had the lowest price of \$28,000 and the public works supervisor signed the purchase document. However, recently Bobcat of the Rockies said they made an error in the pricing and the new price is \$43,000. Admin. Farrar said that he forwarded the purchase agreement information to the Town Attorney for review. At this point, the attorney recommended negotiating with Bobcat on the price.

Admin. Farrar mentioned that Mr. and Mrs. Shaw of 404 Park Avenue requested elimination of the availability fee on their water and sewer tap for their property at 402 Park Avenue. Admin. Farrar said he had informed the Shaw's that they would have to abandon their taps to avoid the fees. He will continue discussions with Mr. and Mrs. Shaw to ensure that they understand that the municipal code requires that they abandon the taps in order to eliminate the availability fee. This will require cutting the service lines and plugging them at the main. This may be an expense the Shaw's did not anticipate. He will review the material with them to ensure that they have a complete understanding of the potential costs.

Admin. Farrar brought up the topic of possible broadband dollars coming from the Colorado Department of Local Affairs. Marshal Appelhanz said that broadband is currently wireless to the Plateau Valley Grand Mesa. Admin. Farrar mentioned that he will continue to investigate the opportunities.

Admin. Farrar said that two computers were budgeted for the Marshal Department and those computers will be purchased in the near future; he also said that new computers are needed for the other offices at Town Hall but that will be an item for the 2016 budget year.

### **Town Marshal**

Marshal Appelhanz reviewed his activity report with the Board. He said he will be training in DeBeque in the near future. He also mentioned that he and Deputy Marshal Mitchell plan to complete active shooter training soon; he said that he had attended it last year and it was excellent.

### **APPROVE EXPENDITURES**

Treasurer/Clerk Phillips mentioned to the Board that regarding the 2014 Supplemental Appropriation for the Sewer Fund the focus is on expenditures. He said that even though the supplemental appropriation would have been enough if you take revenue and expenditures into account, it wasn't enough only when you look at just expenditures. He said that the Source Gas reimbursement of the sewer main repair on Rodeo Road isn't taken into consideration because it is revenue.

Treasurer/Clerk Phillips also mentioned that there are two entries in the expenditures for Uniform Accessories Warehouse that are the same amount. He said that they are the same purchase; one is a sales order and one is an invoice. He said the sales order will be deleted.

**MOTION: Trustee Entwistle moved to approve the expenditures for the Town of Collbran from January 7, 2015 through February 3, 2015; seconded by Trustee Schowalter.**

**ROLL CALL VOTE: 5 Yes votes – Entwistle, Sturm, Schowalter, Dorman, and Jones. 0 No votes. Motion passed.**

### **ADJOURN**

**MOTION: The Board of Trustees collectively moved to adjourn the Regular Meeting of February 3, 2015.**

**NON-ROLL CALL VOTE: 5 Yes votes – Sturm, Schowalter, Dorman, Entwistle, and Jones. 0 No votes.**

**Motion passed.**

The Regular Meeting adjourned at 9:10pm.