

TOWN OF COLLBRAN

REGULAR MEETING

March 3, 2009

7:30 p.m.

Collbran Town Hall

AGENDA

The Board of Trustees may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

1. Regular Meeting Call to Order, Pledge of Allegiance, Roll Call
2. Citizen Comments
(For issues NOT on the Agenda. Please limit comments to 3 minutes.)
3. Approve Minutes
4. Approve Expenditures
5. Appoint Trustee to Board Vacancy
6. Appoint Mayor Pro Tem
7. Occidental Oil & Gas Corporation Presentation
8. Consideration of Ordinance No. 1, Series of 2009
AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF COLLBRAN TO GRAND VALLEY RURAL POWER LINES, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY TO THE TOWN AND TO ALL PERSONS, BUSINESSES, AND INDUSTRY WITHIN THE TOWN AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID TOWN ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY WITHIN THE TOWN AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AND PUBLIC EASEMENTS AS HEREIN DEFINED AS MAY BE NECESSARY; AND FIXING THE TERMS AND CONDITIONS THEREOF. (FIRST READING)
9. Dennis Havens - Protest of Land Use Fees
10. PUBLIC HEARING
Delinquent Water/Sewer Accounts
11. Heritage Days Rodeo Committee Donation Request
12. Staff Reports
13. Mayor and Trustee Comments
14. Adjournment

COLLBRAN BOARD OF TRUSTEES MEETING

Tuesday, March 3, 2009

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 Roland Hall. The Pledge of Allegiance was recited.

PRESENT ON ROLL CALL: Yes – Trustees Teri Appelhanz, Lee Lent, Rachel Maigatter, Ed Satterfield, Mayor Roland Hall Kendal Wilcox absent

OTHERS PRESENT: Edith Ann Power, Clerk; Vic Sturm, Public Works; Jeff Phillips, Treasurer; Mike Wilkerson, Deputy Marshal; Karl Hanlon, Attorney; Gregg Kampf, Jack Broughton, Matt Poulton Doug Weaver, Scott Swan, Daniel Padilla, Philip Krueger, Chris Clark, Jaime Adkins, Julia Gruner, Sammi White, Emily Currier, Debbie Desmarteau, John Blady, Tom Fisher, Rick Lucas, Beau Addison

CITIZEN COMMENTS

Matt Poulton, representing the Plateau Valley Chamber of Commerce, requested the Board waive the rental fee of the Collbran Auditorium on March 30, 2009. The Chamber will host a presentation by the Business Incubator Center of Grand Junction to help stimulate entrepreneurship.

Trustee Maigatter moved to waive the Collbran Auditorium rental fee for the PV Chamber of Commerce on March 30, 2009; seconded by Trustee Appelhanz.

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

ITEMS ON THE AGENDA

APPROVE MINUTES

Trustee Satterfield moved to approve the minutes for February 3, 2009 meeting; seconded by Trustee Lent.

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

APPROVE EXPENDITURES

Treasurer Phillips explained an accounting adjustment to correct Deputy Marshal Wilkerson's salary.

Trustee Maigatter moved to issue a check in the amount of \$260.96 to make the adjustment in Deputy Marshal Wilkerson's salary; seconded by Trustee Lent.

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

Trustee Satterfield moved to approve the expenditures for February 4, 2009 through March 3, 2009 as presented; seconded by Trustee Maigatter.

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

APPOINT TRUSTEE TO BOARD VACANCY

Trustee Maigatter stated she had received phone calls from others that are interested in serving on the Board, but they did not know there was a deadline for submission and moved to extend the deadline for 30 days. Attorney Hanlon clarified for Trustee Lent that the number of Board members could not be reduced to six, but a special election could be held or the Board can appoint someone to fill the Board vacancy. Sammi White pointed out that the posted notices had a deadline of February 25. The notice had been published in the PV Times with the deadline. It was noted one letter of interest had been submitted; however, it was not announced for the record that Sammi White submitted a letter of interest that was included in the Board of Trustee packets.

Trustee Maigatter moved to extend the deadline for letters of interest for the Board of Trustee vacancy to April 2, 2009; seconded by Trustee Lent.

ROLL CALL: Yes – Hall, Lent, Maigatter
No – Appelhanz, Satterfield
Motion passed

Later in the meeting, former Mayor Blady addressed the Board expressing his concern with the Board's action to extend the deadline for letters of interest. He recounted a happening in 2002 very similar to this evening's happening. Because the Board had received a letter from an interested citizen and chose not to act on it, it appeared that they were waiting for someone of their choosing to fill the vacancy. He requested the Board reconsider the vote for extending the length of time and avoid the appearance of impropriety. No action was taken by the Board.

APPOINT MAYOR PRO TEM

Trustee Appelhanz moved to postpone the appointment of Mayor Pro Tem until a full Board is seated; seconded by Trustee Lent

ROLL CALL: Yes – Lent, Maigatter, Appelhanz, Satterfield
No – Hall
Motion passed

OCCIDENTAL OIL & GAS CORPORATION PRESENTATION

Chris Clark, Doug Weaver, and other representatives from Occidental Oil & Gas introduced themselves and gave an overview of their operations in the Plateau Valley and plans for the future. Production has been minimized in the Piceance Basin due in part to the decrease in the natural gas market price. The remainder of 2009 may remain quiet, but they will continue to be a good corporate citizen and encouraged communication.

CONSIDERATION OF ORDINANCE NO. 1, SERIES OF 2009

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF COLLBRAN TO GRAND VALLEY RURAL POWER LINES, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY TO THE TOWN AND TO ALL PERSONS, BUSINESSES, AND INDUSTRY

**Town of Collbran Board of Trustee Regular Meeting
March 3, 2009**

WITHIN THE TOWN AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID TOWN ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY WITHIN THE TOWN AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AND PUBLIC EASEMENTS AS HEREIN DEFINED AS MAY BE NECESSARY; AND FIXING THE TERMS AND CONDITIONS THEREOF. (FIRST READING)

Jack Broughton, General Manager, and Greg Kampf, legal counsel for Grand Valley Rural Power were present. Attorney Hanlon explained the agreement is a standard municipal 20-year franchise with a 3% franchise fee paid by the consumers and an additional 1% which goes into a fund for future underground needs. Jack Broughton presented revised copies for the Board that corrected minor errors. Proof of publication was presented. Two readings of the ordinance are required. There were no comments from the public. Grand Valley Power will make copies available at business locations in Town for citizen review rather than publish the Ordinance daily for two weeks in the Daily Sentinel.

Trustee Maigatter moved to approve consideration of Ordinance No. 1, Series of 2009, an Ordinance granting a franchise by the Town of Collbran to Grand Valley Rural Power Lines, Inc., its successors and assigns, the right to furnish, sell and distribute electricity to the Town and to all person, businesses, and industry within the Town and the right to acquire, construct, install, locate, maintain, operate and extend into, within and through said Town all facilities reasonably necessary to furnish, sell, and distribute electricity within the Town and the right to make reasonable use of all streets and other public places and public easements as herein defined as may be necessary; and fixing the terms and conditions thereof. (First reading); seconded by Trustee Lent.

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

DENNIS HAVENS – PROTEST OF LAND USE FEES

Julia Gruner, legal representation for Dennis Havens, stated the land use fees charged to Dennis Havens for a variance were disproportionate and unreasonable and requested the Town of Collbran reduce the land use fees to \$280 to be more in line with what other municipalities charge for variances. She asserted the other taxpayers of Collbran should pay the remainder. Upon questioning by Attorney Hanlon, it was established that Havens signed an Agreement to Pay form in the variance application process and that many of the phone calls to and time spent by the Town planner were for edification of Havens' legal counsel. If the initial variance application had been complete when initially submitted, the additional time would not have been necessary.

Trustee Maigatter moved to deny the protest of land use fees by Dennis Havens; seconded by Trustee Satterfield.

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

PUBLIC HEARING

Delinquent Water/Sewer Accounts

PUBLIC HEARING OPENED – 8:58 p.m.

John Rule, whose water/sewer account is delinquent, was not present. There was no public comment. All notification requirements were properly executed.

PUBLIC HEARING CLOSED – 9:00 p.m.

**Town of Collbran Board of Trustee Regular Meeting
March 3, 2009**

Trustee Maigatter moved to shut off the water to the Rule residence if the water/sewer account is not paid in full by 5:00 p.m. on Friday, March 6, 2009; seconded by Trustee Satterfield.

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

HERITAGE DAYS RODEO COMMITTEE DONATION REQUEST

Trustee Maigatter moved to donate \$250 to the Heritage Days Rodeo Committee; seconded by Trustee Lent.

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

STAFF REPORTS:

MARSHAL- Written report distributed to Board. Trustee Satterfield reported two arrests were made at the Plateau Valley School for drug and alcohol possession on the school campus.

PUBLIC WORKS - Written report included in packet. Cold patch was obtained from Mesa County to fill pot holes. The CO2 level in the Town Hall was very high due to an improperly regulated boiler. Supervisor Sturm suggested replacing the boiler with a more efficient system this summer. The infrastructure Pre-Engineering Report prepared by SGM for the possible stimulus funds is nearly complete at a cost of \$86,000, \$36,000 more than the approved \$50,000. How the State proceeds with distribution of the stimulus funds will determine how the Town proceeds to acquire funding. Trustee Maigatter read a prepared statement and motion.

Trustee Maigatter moved that additional finances be made available for the completion of the engineering studies by Schmueser, Gordon, and Meyer and that the costs associated with this motion will be a financial burden upon the tax payers of the Town of Collbran and will not exceed the amount of \$36,000 without the authorization and approval from the Board of Trustees; seconded by Trustee Lent.

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

Trustee Lent included in the motion that any and all available grants be pursued.

Sterling Construction, the contractor installing the natural gas transportation line from Brush Creek, has cut and crossed the Town sewer line at Plateau Creek six times. The estimated completion date of the project is April 1, 2009. The old Terrell Park playground equipment cannot be sold or donated per CIRSA due to liability concerns. Trustee Lent stated that the old snow blade should be sold or scraped. Mayor Hall suggested that in the future the Town follow guidelines as suggested by Attorney Hanlon for disposal of public property - place a notice in the PV Times to ask for bids to sell if possible. If no bids are received, dispose of the property at the landfill or sell as scrape. Discussion followed concerning re-bidding of change orders during a construction project and bringing the information back to the Board for approval if the change order amounted to more than 10% of the total project. This should be included in the Public Works Manual or in the Municipal Code in the future.

ATTORNEY- Attorney time and travel costs will be saved by using the newly upgraded phone system when the Municipal Court docket is light and does not require the prosecuting attorney's presence. The mayor will be sworn in at the next meeting.

MAYOR/ADMINISTRATOR- The written Clerk's Report, requested by Mayor Hall, was included in the Board's packet. Clerk Power called to the Board's attention revised notes from the meeting with BLM and Mesa County and asked for any Board comments to close the discussion on the parcels designated by the Board. The Board had no further comments regarding the parcels. If the Town receives a DOLA Recycled Tire Grant, the Town's match will be \$3,800 more than the bids received several months ago and originally budgeted.

Trustee Appelhanz read from Ordinance 10, Series of 2008 to indicate a motion is not necessary for purchases which were approved in the budget. Trustee Maigatter stated the Town did not have an Administrator. Trustee Appelhanz quoted from the approved minutes of June 5, 2008, which state "The Mayor will assume the administrator duties." Mayor Hall said former Mayor Osburn took on that responsibility for himself to be Administrator and he does NOT take on that responsibility. Trustee Maigatter stated that just because minutes were approved does not mean it is.

Trustee Maigatter moved to approve the expenditure for file cabinets as they become available not to exceed the budgeted amount of \$5,500; seconded by Trustee Lent.

ROLL CALL: Yes -Hall, Lent, Maigatter, Satterfield

No - Appelhanz because it was already approved by Ordinance #10

Motion passed

Trustee Appelhanz felt the Board was micro-managing. Trustee Lent stated it was the Board's duty to micro-manage. That is why they were elected.

Trustee Maigatter moved to approve the computer expenditure not to exceed the budgeted amount of \$5,000 without Board approval; seconded by Trustee Satterfield.

ROLL CALL: Yes -Hall, Lent, Maigatter, Satterfield

No - Appelhanz because it was already approved by Ordinance #10

Motion passed

MAYOR/TRUSTEE COMMENTS

The Mayor noted he authorized a grinder purchase for Public Works; the Board will need to deal with the annexation of the PV School and the Grove Creek area at some time in the future; he asked Public Works to keep unnecessary overtime to a minimum; RMHP will discuss the Town's renewal at the April Board meeting; four applications have been received for the Administrator position, one letter of interest was received for the Trustee vacancy; and limited parking signs in front of Town Hall should be considered.

A resident contacted the Mayor with concerns about an energy company using an old natural gas well at the end of Spring Street as a water disposal well. Joyce Foraker resigned from the Board of Park Managers. A vacancy notice will be placed in the PV Times. The Board chose not to order more lapel pins.

Trustee Maigatter received a call from Michael Santo to set a workshop to discuss the final draft of the Employee Handbook and needed ordinances to coordinate the Municipal Code. A workshop was scheduled for Monday, March 23, 2009 at 6:30 p.m. Attorney Hanlon will attend. Trustee Maigatter volunteered to be the liaison between Michael Santo and the Board.

Town of Collbran Board of Trustee Regular Meeting

March 3, 2009

ADJOURNMENT

Trustee Lent moved to adjourn the meeting at 10:30 p.m.; seconded by Trustee Maigatter.

ROLL CALL: Yes - Appelhanz, Hall, Lent, Maigatter, Satterfield



April 7, 2009
Approved

Edith Ann Demers
Clerk