

TOWN OF COLLBRAN

REGULAR MEETING

July 7, 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. Board of Park Managers Report
6. Liquor License Renewal - Ole Dad's Liquor
7. Liquor License Renewal - Cattlemen's Grill
8. Applications for Custodian Employment Position
9. Ordinance No. 4, Series of 2009 (Adopting Town Purchasing Policy)
10. New Canon Copy Machine
11. Personnel Handbook - Sick Leave Bank
12. Staff Reports
13. Mayor and Trustee Comments
14. Executive Session on for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding pending and potential litigation.
15. Adjournment

COLLBRAN BOARD OF TRUSTEES MEETING

Tuesday, July 7, 2009

REGULAR MEETING
7:30 p.m. Collbran Town Hall

The regular meeting of the Collbran Board of Trustees was called to order at 7:32 p.m. by Mayor Roland Hall. The Pledge of Allegiance was recited.

PRESENT ON ROLL CALL: Trustees Teri Appelhanz, Lee Lent, Rachel Maigatter, Ed Satterfield, Sammi White, Mayor Roland Hall
Trustee Wilcox arrived at 7:40 p.m.

OTHERS PRESENT: Karen Eisenach, Deputy Clerk; Vic Sturm, Public Works; Jeff Phillips, Treasurer; Jim Neu, Attorney; Joe Flores, Assistant Recreation Director; Adam Appelhanz, Marshal; Emily Currier, Brad Osburn, Tammy Clark, Deni Conard, Beau Addison, John Blady, Anna Lopez, Tom Fisher, Regional Service Director for Mesa County, Rick Lucas

CITIZEN COMMENTS

None

ITEMS ON THE AGENDA

APPROVE MINUTES

Trustee Lent mentioned he disputed the location of the Little Glen Ditch pipeline destruction, and he would like it reflected in the minutes.

Trustee Satterfield moved to approve the Minutes for the Regular Board Meeting on June 2, 2009 as amended; seconded by Trustee Maigatter.

**ROLL CALL: Yes –Hall, Lent, Maigatter, Satterfield, White,
Absent – Wilcox
Abstained – Appelhanz**

Motion Passed.

APPROVE EXPENDITURES

Trustee Maigatter noted that the reimbursement of a Board of Park Manager should state "reimbursement" because citizens are commenting the Town is paying him a salary. Treasurer Phillips stated this will be reflected in the publication. Trustee Maigatter also had questions as to the budgeted amount for the Parks & Recreation Department. Assistant Director Flores stated that they were hired to work 40 hours a week. Trustee Appelhanz stated that it should only be 40 hours in the beginning for scheduling and set up purposes; however, once events take place it should be part time for the Assistant and full time for the Director, as needed. Assistant Director Flores also noted they have been helping in the Town Hall as needed and approved by Mayor Hall. Trustee White was concerned that the budget in this area is almost completely spent and we are just now half-way through. There was discussion about breaking down the time sheets to reflect in the Parks & Recreation budget and the Administration budget for time they spent assisting in the Town Hall.

Trustee Satterfield moved to approve the expenditures for June 3, 2009 through July 7, 2009 as presented; seconded by Trustee Maigatter.

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.**

Trustee Phillips asked for approval to include the \$50,000 for engineering fees for the stimulus money, the \$63,286 for the Terrell Park playground equipment, and the \$7,000 for the Western Implement repair settlement in Budget 2, which is the appropriation budget that will need adopted at the end of the year. The Board asked him to do this and also to have the mid-year 2009 Budget ready for the August Board Meeting for the Board's review. Treasurer Phillips also had questions regarding the Public Works payroll. Both Director Sturm and Assistant Encke worked on Saturday and Sunday, but took Friday off for the July 4th Holiday. Trustee Satterfield stated that because they worked the actual holiday, then they should get Saturday and Sunday's pay at time and a half.

Trustee Lent moved to pay the Public Works Director and Assistant at time and a half for work done on Saturday, July 4, 2009 and Sunday, July 5, 2009; seconded by Trustee Appelhanz.

**ROLL CALL: Yes – Satterfield, Appelhanz, Lent, Maigatter, White, Wilcox, Hall
Motion Passed.**

BOARD OF PARK MANAGERS REPORT

Tammy Clark, Beau Addison, and Deni Conard spoke on behalf of the Board of Park Managers. Ms. Clark stated that the bleachers were painted and the pens completed before Heritage Days. A list of all the volunteers who helped get things done was passed out. They have used \$3,200 of the \$4,000 the Board of Trustees gave for all the upgrades at the Fairgrounds. There was a wonderful turnout at the Calcutta in June, which raised enough money to repair the drag and for an appreciation dinner for the volunteers. Mr. Addison stated that they got a lot done; but there is more to do. The Board of Park Managers will be hosting another Calcutta on August 22, 2009 to raise more money. Ms. Conard stated she had spent a couple of hours with Clerk Power today regarding the GOCO grant cycle and application. The Board of Park Managers is working on a grant for new grandstands, concession stand, and bathrooms. Mr. Addison stated they would like to schedule a workshop on Monday, July 13, 2009 with the Board of Trustees and other organizations to work on plans and ideas for the grant. The Board of Trustees agreed to the workshop. Trustee Lent stated this year's event was the best. Trustee White had concerns about the trailer and barricades left on High Street on Sunday morning. Quite a few vehicles had a hard time getting past them. Ms. Clark noted that the Plateau Valley Chamber of Commerce and the Heritage Days Committee will work on their communication for next year.

LIQUOR LICENSE RENEWAL – OLE DAD'S LIQUOR

The applicant was not present.

Trustee Satterfield moved to approve the Liquor License Renewal for Ole Dad's Liquor; seconded by Trustee Maigatter.

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.**

LIQUOR LICENSE RENEWAL – CATTLEMEN'S GRILL

Anna Lopez, owner of Cattlemen's Grill, was present. There was discussion about the smoking distance in front of the Cattlemen's Grill. State Law requires a 15 foot setback from an establishment; however, a municipality can change the requirement to no less than 3 feet. Trustee Lent stated the Board should have an ordinance to allow smoking within 3 feet of all establishments within the Town of Collbran. Attorney Neu stated he would have something at the next regular Board Meeting.

Trustee Satterfield moved to approve the Liquor License Renewal for Cattlemen's Grill; seconded by Trustee Appelhanz.

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.**

APPLICATIONS FOR CUSTODIAN EMPLOYMENT POSITION

Mayor Hall asked the Board to form a hiring committee to interview the applicants and hire for the custodian position. Trustee Lent and Trustee Maigatter stated they would sit on the committee. Trustee Satterfield stated he would like Clerk Power to sit on the committee as well. Mayor Hall stated he would be there. Interviews were set for Friday, July 10, 2009 starting at 4:30 p.m. Deputy Clerk Eisenach will contact the applicants to schedule interview times.

ORDINANCE NO. 4, SERIES 2009 (ADOPTING TOWN PURCHASING POLICY)

Attorney Neu noted he made the changes the Board requested at the workshop. Mayor Hall pointed out a change that was missed on the last page striking out "if the estimated value of the property exceeds one thousand dollars (\$1,000.00)." Attorney stated the Board could approve the ordinance with the amendment, and he would send a final copy to Deputy Clerk Eisenach for the Mayor's signature.

Trustee Lent moved to approve Ordinance No. 4, Series 2009 as amended; seconded by Trustee Maigatter.

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.**

NEW CANON COPY MACHINE

Deputy Clerk Eisenach submitted a memorandum to the Board regarding the opportunity to receive a new Canon Color Copier for just the price of an annual maintenance agreement. The current copier is outdated, does not copy in color, is not connected to the network, and parts are hard to find. The Board would like Attorney Neu to look at the agreement before it is ordered and set up.

Trustee Maigatter moved to approve a 1 year maintenance agreement for the Canon Copy Machine depending on the approval of the agreement by Attorney Neu and not to exceed \$1,800 annually; seconded by Trustee Lent.

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.**

PERSONNEL HANDBOOK – SICK LEAVE BANK

Mayor Hall stated he received Mesa County's copy of their sick leave bank policy from Trustee Lent. Trustee Satterfield stated if an employee goes over their allotted sick leave accrual, then the sick leave automatically can go into the bank. He is also worried about abuse; who will oversee the policy and it should be for major health reasons. Mayor Hall also said the policy should define who would be eligible. Trustee Maigatter noted that it should only be used when an employee's sick, compensation time, and vacation time has been exhausted. This item was tabled for the Monday, July 13, 2009 scheduled workshop.

STAFF REPORTS:

MARSHAL - Marshal Appelhanz submitted a written report. He had only one person review the construction work that is needed, but they have not submitted an estimate. He is waiting for the other person to contact him. He suggested he run a background check on the applicants for the custodial position before interviews were conducted. He also had complaints and concerns about the July 4th events. The closures remaining on High Street and Main Street caused problems on Sunday morning. Also, the Plateau Valley Chamber of Commerce needs to be aware that it's illegal to have open containers on the street. The Chamber needs to submit a Special Events permit and have a beer garden. It would allow the Marshals and the Deputy Sheriffs to contain the liquor to one area and those outside could be cited. Also, the Plateau Valley Fire Protection District was not on call during the

fireworks display. Mayor Hall suggested Marshal Appelhanz write a list of things that need addressed with the Plateau Valley Chamber of Commerce. Trustee White volunteered to attend the Chamber's next meeting to discuss these items with them.

PUBLIC WORKS – Director Sturm submitted a written report. He reported that the clutch in the F-150 was out. Central Service estimated the repair cost at \$1,225.

Trustee Maigatter moved to approve having Central Service repair the clutch in the F-150 for an amount not to exceed \$1,225; seconded by Trustee Appelhanz.

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.**

Director Sturm wanted direction from the Board as to whether he should proceed with the USDA Rural Funding to replace water and sewer lines throughout Town. Through USDA Rural, the Town would receive a grant/loan combination. The Board asked Director Sturm to submit the loan application to Attorney Neu for his review before any more work was done. Director Sturm informed them that the same engineering work that was done for the Stimulus Funding will be used for the USDA Rural Funding. Last, Director Sturm stated that CIRSA Loss Control would like the River Walk Trail to be fixed so that water does not get onto Rodeo Road. According to the new purchasing policy, Director Sturm will have to advertise for bids. Trustee Maigatter asked about getting the Main Street Bridge repaired. Director Sturm stated he is trying to contact the driver's insurance company. Trustee Lent also commented on getting the brakes fixed on the backhoe. The Board informed Director Sturm to contact Western Implement. If he was not successful, then possibly Attorney Neu could assist.

ATTORNEY-

None

CLERK-

None

MAYOR/TRUSTEE COMMENTS

Trustee Lent reported that he attended the Little Glen Ditch Users meeting. He brought back some written information which states that the Ryan Estate gave the Collbran Cemetery District water rights from the Little Glen Ditch for irrigation purposes.

Mayor Hall submitted a written report.

The Public Works Department requested additional funding in the amount of \$2,700 for the concrete planters at the Auditorium Parking Lot. The work has already been done, but the Board needs to motion to have the funds spent. This money will come out of the \$15,000 Delta Energy Impact fund.

Trustee Maigatter moved to approve spending \$2,700 for concrete planters at the Auditorium Parking Lot; seconded by Trustee Appelhanz.

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

Motion Passed.

Mayor Hall stated that the Board needs to review the annual accrual amount of sick leave in the Employee Handbook. At one point it says 10 days per year and at another point it says 12 days per year. This will be on the July 13, 2009 workshop.

Mayor questioned if all the storm drains were cleaned after the streets were swept. Director Sturm stated they were.

Mayor Hall stated the Town received a resolution opposing House Bill 2454, "American Clean Energy And Security Act. This bill will eliminate the use of coal as a source of energy. The Board instructed

Deputy Clerk Eisenach to rewrite the resolution including the Town of Collbran's information and submit it to the Board at the August Regular Meeting.

Mayor Hall asked if a Board member could attend the Community Counts meeting on July 28, 2009. Someone must attend in order for our website to be linked with the Community Counts website. Trustee Maigatter volunteered to attend.

EXECUTIVE SESSION

PENDING LITIGATION – For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S, Section 24-6-402(4)(b) regarding pending and potential litigation.

Trustee Maigatter moved to go into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4)(b) regarding pending and potential litigation; seconded by Trustee Satterfield.

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

The Board went into Executive Session at 10:16 p.m. Those in attendance were Trustees Lent, Maigatter, Satterfield, White, Appelhanz, Wilcox, and Mayor Hall; Attorney Neu.

The Board returned to the Regular Meeting at 11:03 p.m.

Trustee Maigatter moved to come out of Executive Session; seconded by Trustee Satterfield.

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

ADJOURNMENT

Trustee Lent moved to adjourn the meeting at 11:05 p.m.; seconded by Trustee Maigatter.

ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter, Satterfield, White, Wilcox
Motion Passed.

August 4, 2009
Approved as Amended



Eisenach
Deputy Clerk