

# TOWN OF COLLBRAN

## REGULAR MEETING

October 6, 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. PUBLIC HEARING  
Delinquent Water/Sewer Accounts
6. Approve 2008 Audit – Jeff Wendland, CPA
7. Staff Reports
8. Mayor and Trustee Comments
9. Executive Session  
Executive Session regarding personnel matters to interview Lance Stewart with Schmueser Gordon Meyer, Inc. as a consultant town administrator under C.R.S. Section 24-6-402(4)(f)(ii)
10. Approve Professional Services Agreement with Schmueser Gordon Meyer, Inc. for Interim Consultant Town Administrator Services
11. Executive Session  
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.
12. Adjournment

## COLLBRAN BOARD OF TRUSTEES MEETING

Tuesday, October 6, 2009

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

The regular meeting of the Collbran Board of Trustees was called to order at 7:34 p.m. by Mayor Roland Hall. The Pledge of Allegiance was recited.

**PRESENT ON ROLL CALL:** Trustees Teri Appelhanz, Lee Lent, Rachel Maigatter, Sammi White, Ed Satterfield, Mayor Roland Hall; Trustee Wilcox - absent.

**OTHERS PRESENT:** ; Vic Sturm, Public Works; Jeff Phillips, Treasurer; Jim Neu, Attorney; Adam Appelhanz, Marshal; Mike Wilkerson, Deputy Marshal; Jeff Wendland, Lance Stewart, Thomas Fisher, Rick Lucas

Trustee Sammi White presented a letter of resignation from the Board of Trustees effective immediately due to pending and potential health issues due to her pregnancy.

### CITIZEN COMMENTS

None

### ITEMS ON THE AGENDA

#### **APPROVE MINUTES**

Trustee Maigatter moved to approve the Minutes for the Regular Board Meeting of September 1, 2009 as presented; seconded by Trustee Appelhanz

**ROLL CALL: Yes – Appelhanz, Hall, Lent, Maigatter  
Abstain – Satterfield Did not attend 9/1/09 meeting.**

**Motion Passed.**

#### **APPROVE EXPENDITURES**

Treasurer Phillips answered Trustee questions concerning Board of Park Managers expenditures, copier supplies, and signage paid for with the Source Water Protection Plan grant. Mayor Hall said he had called attorney Michael Santo for additional information concerning job descriptions and personnel issues in the Personnel Manual. The Trustees discussed the use of energy industry donations and code violation funds from Delta Energy that were given to the Town by Mesa County. Nothing was decided from the discussion. Trustee Maigatter expressed concerns that the expenditures exceeded revenues for the month and Treasurer Phillips explained the reports.

Trustee Satterfield moved to approve the expenditures for September 2, 2009 through October 2, 2009 as presented; seconded by Trustee Lent.

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

Town of Collbran Board of Trustee Regular Meeting  
October 6, 2009

**PUBLIC HEARING**

Delinquent Water/Sewer Accounts

One delinquent account was paid prior to the hearing.

**PUBLIC HEARING OPENED – 8:00 p.m.**

Larry Davlin, whose water account is delinquent, was not present. There was no public comment. All notification requirements were properly executed.

**PUBLIC HEARING CLOSED – 8:01 p.m.**

**Trustee Maigatter moved to shut off the water to the Davlin residence if the water account is not paid in full by 5:00 p.m. on Friday, October 9, 2009; seconded by Trustee Appelhanz.**

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

**Motion Passed.**

Trustee Maigatter said she did not know what the utility customers are being told in the delinquency notices, but she wanted the newspaper to publish a notice that the public should come before the Board because the Board had the ability to grant leniency.

**APPROVE 2008 AUDIT – JEFF WENDLAND, CPA**

Jeff Wendland distributed the written audit report to each Trustee. He explained the need and process of an audit. The completed audit was sent to the State Auditor's office by September 30, 2009 as required by law. In 2008, the water fund showed a surplus and the sewer fund is closer to a surplus. The Town has a very strong balance sheet as of the end of 2008 with approximately \$1,100,000. Mr. Wendland offered suggestions for the Water Enterprise Fund to repay the \$278,000 due the General Fund. Repayment could be made each year until paid or the debt could be forgiven, either a portion per year or all at once, which could jeopardize the fund's enterprise status and the Town would not be able to utilize revenue bonds until enterprise status is regained. Attorney Neu suggested he do more research concerning enterprise status and talk with staff before the Board makes a decision.

**Trustee Maigatter moved to approve the 2008 Audit prepared by Jeff Wendland, CPA; seconded by Trustee Lent.**

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

**STAFF REPORTS**

**MARSHAL** - Marshal Appelhanz submitted a written report. Corrections to the report are 1 county citation issued and 3 arrests. The grant applied for from the NRA is \$20,000. Marshal Appelhanz presented more detail on the school violence seminar he attended. Through a Mesa County Sheriff Dept. grant, Marshal Appelhanz, on his own time, works DUI checkpoints and overtime patrol in the lower valley. The Mayor indicated funds would be budgeted in 2010 for training to satisfy CIRSA loss control requirements. Mayor Hall acknowledged Tom Fisher, Mesa County Regional Services Director, in the audience.

**Town of Collbran Board of Trustee Regular Meeting  
October 6, 2009**

**Trustee Satterfield asked to amend his previous motion to approve the expenditures to include the supplemental report to October 6, 2009. Trustee Lent amended his second.**

**Yes – Vote Unanimous  
Motion passed.**

Attorney Neu asked for clarification concerning the termination of water service to the Davlin residence. The consensus of the Board was to continue with the same procedure used by staff in the past.

**PUBLIC WORKS** – Director Sturm submitted a written report. Sturm should have more information soon concerning the Plateau Creek bridge repair. Large rocks were placed on the River Walk to repair high water damage rather than a concrete barrier because of FEMA regulations which would involve more engineering, studies, and reports. After discussion again concerning the tennis courts, Sturm will get resurfacing estimates and the issue will be discussed later. The desk and space has been prepared for the new administrator. Director Sturm plans to attend the graduation of the Job Corps students who helped with the Terrell Park project.

**ATTORNEY-** Attorney Neu did not present a report.

**CLERK-** Memos from the Clerk were included in the packet.

#### **MAYOR/TRUSTEE COMMENTS**

Attorney Neu explained to Trustee Maigatter that boundary line adjustments are handled administratively by staff and do not come before the Board. Attorney Neu reminded the Board that if there are only as many candidates as Trustee seats available for the April 2010 election without another ballot issue, the election can be cancelled and save the expense. The title only issue may be more expense than savings if it is the only ballot issue. The Board consensus was to forget the lodging tax. The vacant Board position will be advertised for the full 60 days. Mayor Hall will prepare thank you letters to Craig Meis for his assistance with the Recycle Tire Grant, Eric Bruton for the vac truck, and Collbran Job Corps for the community relations dinner. Mayor Hall read his written report. After much discussion about how to handle snow removal, it was decided to follow the purchasing policy. Mayor Hall wants to eliminate overtime for snow removal. Trustee Satterfield suggested flex time during snow season. Mayor Hall stated there were two employees, the clerk and Adam, who had more than 15 days accrued vacation time that needed to be used before the end of the year. Trustee Satterfield stated those two were grandfathered in. Trustee Maigatter suggested giving them the first three months of next year to use the extra days or then pay it off. Attorney Neu suggested looking at the situation again at that time. Trustee Satterfield asked why when there was a deal at one time about the clerk not getting paid and sick leave was vacation time not used. The Mayor answered it was. Mayor Hall stated that if the vacation time was not used before the end of the year, the employee could not continue to accrue vacation time.

**Trustee Maigatter moved to pay no more than \$3000 for the overlay on 58.5 Road; seconded by Trustee Satterfield.**

**ROLL CALL: Yes – Appelhanz, Hall, Maigatter, Satterfield  
Town of Collbran Board of Trustee Regular Meeting  
October 6, 2009**

**Abstain - Lent      Because he works for Mesa County**  
**Motion Passed.**

The Board recessed briefly and returned to regular session at 9:32 p.m.

**EXECUTIVE SESSION**

**Executive Session regarding personnel matters to interview Lance Stewart with Schmueser Gordon Meyer, Inc. as a consultant town administrator under C.R.S. Section 24-6-402(4)(f)(ii)**

**Trustee Maigatter moved to go into Executive Session regarding personnel matters to interview Lance Stewart with Schmueser Gordon Meyer, Inc. as a consultant town administrator under C.R.S. Section 24-6-402(4)(f)(ii); seconded by Trustee Lent.**

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

The Board went into Executive Session at 9:33 p.m. Attorney Neu will keep the recording of the executive session. Those in attendance were Trustees Appelhanz, Lent, Maigatter, Satterfield, Mayor Hall; Attorney Neu; Lance Stewart

The Board returned to the Regular Meeting at 10:38 p.m.

***APPROVE PROFESSIONAL SERVICES AGREEMENT WITH SCHMUESER GORDON MYERS, INC. FOR INTERIM CONSULTANT TOWN ADMINISTRATOR SERVICES***

**Trustee Maigatter moved to approve the Professional Services Agreement with Schmueser Gordon Myers, Inc. for interim consultant town administrator services of Lance Stewart; seconded by Trustee Appelhanz.**

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

Attorney Neu clarified that the position of town administrator will oversee all staff. He will be the CEO of the Town answering to the Board of Trustees and have all authority as the town administrator city manager form of government.

**Trustee Maigatter moved that with the position of town administrator that position will oversee all staff. He will be the CEO of the Town answering to the Board of Trustees and have all authority as the town administrator city manager form of government; seconded by Trustee Lent.**

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

Trustee Appelhanz left the meeting at 10:41 p.m.

**EXECUTIVE SESSION**

**Town of Collbran Board of Trustee Regular Meeting  
October 6, 2009**

**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.**

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  
Motion Passed.**

The Board went into Executive Session at 10:45 p.m. Those in attendance were Trustees Lent, Maigatter, Satterfield, Mayor Hall; Attorney Neu; Administrator Stewart

The Board returned to the Regular Meeting at 11:16 p.m.

**ADJOURNMENT**

Trustee Maigatter moved to adjourn the meeting at 11:16 p.m.; seconded by Trustee Lent.

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

December 1, 2009  
Approved

K Eisenack  
Interim Town Clerk