

Collbran Board of Trustees Meeting Minutes
Tuesday, January 2, 2018
Regular Meeting
7:00 PM Collbran Town Hall

Mayor Pro-Tem Schowalter called the Regular Meeting of January 2, 2018 of the Collbran Board of Trustees to order at 7:02pm. The Pledge of Allegiance was recited.

PRESENT ON ROLL CALL: Trustees P. Sturm, Pell, Evans, and Mayor Pro-Tem Schowalter.

ABSENT: Mayor V. Sturm.

OTHERS PRESENT: Administrator Farrar, Town Clerk/Treasurer Phillips, Marshal Appelhanz, Dave Edwards, Bill Hoffman, Tilda Evans, and the Plateau Valley School Robotics Team.

APPROVAL OF MINUTES

MOTION: Trustee Evans moved to approve the Minutes from the Regular Meeting of December 5, 2017; seconded by Trustee P. Sturm.

ROLL CALL VOTE: 4 Yes votes – Evans, Pell, P. Sturm, and Schowalter. 0 No votes. Motion passed.

PERSONS PRESENT NOT ON AGENDA

No one came forward.

PLATEAU VALLEY SCHOOL ROBOTICS TEAM SPONSORSHIP REQUEST

Admin. Farrar mentioned that he was contacted by a student from the P.V. Robotics Team about being on the agenda to discuss Town funding. He explained that the Robotics Team did not apply for a donation during budget process. The SWIFT Robotics Team showed the Trustees a video on the work they do. Team members Tucker Wiltse, Logan Butterfield, Weston Hilgenfeld, Corbin Kirby, and Julie Wiltse introduced themselves in explaining the work that they do which included mechanical, electrical, programming, business, and the national competition. They noted that the Robotics Team helps them learn about important skills such as using tools, developing prototypes, and grant writing. The Robotics Team requested a donation from the Board; they said it would go toward buying materials. They are trying to raise \$20,000 and they thanked the Board for their time.

Trustee Evans and Trustee Pell asked questions about the program and previous donations. Admin. Farrar said \$500 was donated last year, and \$1,000 the three years prior to that. Trustee Evans asked why the Robotics Team did not submit a donation request this past budget season. They said that they did not have a team at the time, and just recently restarted. Mayor Pro-Tem Schowalter explained that because they missed the donation deadline, the Trustees are in an awkward position because they have denied other requests that came in after the deadline. She asked if an in-kind donation could be made. Admin. Farrar asked why the Robotics Team temporarily dissolved after last season. The new head coach to the Robotics Teams said the former head coach and assistant coach resigned without notice. Admin. Farrar asked the Robotics Team if they could provide a list of materials that they need that the Town could perhaps help provide.

MOTION: Trustee Pell moved to approve \$500 to the P.V. School Robotics Team with the condition that they plant the plants in the new planter boxes on Main Street this spring; seconded by Trustee Evans.

ROLL CALL VOTE: 4 Yes votes – P. Sturm, Pell, Evans, and Schowalter. 0 No votes. Motion passed.

JOINT MUNICIPAL COURT JUDGE AGREEMENT TO ADDRESS IN-CUSTODY BONDS AND RETURN DATES – Gregory J. Mueller, P.C.

Town of Collbran Municipal Judge Greg Mueller explained to the Trustees he has been Collbran’s presiding municipal judge since June 2002. He mentioned years ago he was a high school industrial arts teacher and a journeyman millwright machinery worker. He said he would donate one month of his Town compensation because he is aware of the impact that this type of program has on young people.

Judge Mueller discussed various laws that the legislators have enacted which impact municipal courts, and others that may be enacted in effect in July 2018. Colorado HB17-1338 is of particular concern and relates to availability of an attorney for defendants. He is working with three other municipal court judges in Mesa County on compliance. He noted that the ACLU initiated this Bill to reduce jail overcrowding Statewide. Judge Mueller explained the requirements of the Bill and noted that the new law ensures that defendants must be advised of their rights and have a bond set within forty-eight hours. He explained that he is working with the judges in Grand Junction, Fruita, Palisade, and DeBeque to put together a standing order with the Mesa County Sheriff’s Department that provides that if a defendant does not have access to an attorney within forty-eight hours, the Sheriff’s Department will release them on a personal recognizance bond. He gave an example in El Paso County where individuals stayed in jail for weeks or months because they could not pay a \$52 fee. He said the joint standing order regarding in-custody defendants with a municipal hold was put together by the four Mesa County municipal court judges in December. He said as it turns out, the first person to be picked up on a warrant this applies to was one from Collbran Municipal Court. He asked the Trustees to authorize him to swear-in the other three Mesa County judges so they can serve as Collbran associate judges to ensure that the 48 hour requirement is met, and noted that there is no cost to the Town. Trustee Pell asked about a situation where an individual has more than one hold in addition to Collbran. Judge Mueller said that an individual with other holds will not be inappropriately released.

MOTION: Trustee Evans moved to approve authorization for Town of Collbran Municipal Court Judge Gregory Mueller to administer the oath of office to Judge Care McInnis, Judge Marna Lake, and Judge Dan Robinson to be associate bond judges for the Town of Collbran; seconded by Trustee Pell.

ROLL CALL VOTE: 4 Yes votes – Evans, Pell, P. Sturm, and Schowalter. 0 No votes. Motion passed.

Judge Mueller noted that HB17-1309 is an unfunded mandate that there must be a court-appointed defense attorney at every first-advisement. This Bill has a major impact on small towns like Collbran because of the costs required to fund a defense attorney. It was his opinion that the ACLU’s goal is to reduce municipal courts to handling traffic offenses. He said this law could be enacted in July 2018, but the State must come up with funding to implement the Bill. He noted that currently if a defendant can prove they are indigent, he can appoint counsel to them. He said that if Collbran was required to appoint counsel to every defendant, it would have a negative impact on the Town budget. Discussion took place about the importance of municipal courts, and that under TABOR unfunded mandates are illegal. He

asked if the Board had any questions. Admin. Farrar encouraged the Board to periodically attend the Town's municipal court.

RESOLUTION NO. 1, SERIES 2018 – A RESOLUTION OF THE TOWN OF COLLBRAN, COLORADO, ESTABLISHING THE TIME AND DATE FOR THE REGULAR MEETINGS OF THE BOARD OF TRUSTEES AND THE OFFICIAL POSTING PLACE FOR TOWN NOTICES

Admin. Farrar mentioned that there is a State requirement to identify the Town's official posting. He said our official posting place is the bulletin board outside of Town Hall, next to the entrance.

MOTION: Trustee Pell moved to approve Resolution No. 1, Series 2018; seconded by Trustee Evans.

ROLL CALL VOTE: 4 Yes votes – P. Sturm, Pell, Evans, and Schowalter. 0 No votes. Motion passed.

ORDINANCE NO. 1, SERIES 2018 – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF COLLBRAN, COLORADO, AMENDING SECTIONS 9.03.010 (a) AND (b) AND 9.13.010 (a) AND (b) AND (c) OF THE COLLBRAN MUNICIPAL CODE REGARDING WATER AND SEWER RATES AND FEES

Admin. Farrar reviewed the red-line version of Ordinance No. 1, Series 2018 which shows the existing and proposed water and sewer rates. He reminded the Trustees that the adopted budget was based upon a 3% increase in water and a 5% increase in sewer rates to keep them current with inflation and system needs. Trustee Pell said that he understood the proposed increases in water and sewer rates would be at the end of 2018, not the beginning. He expressed concern about raising rates again after the recent increase in 2017. Trustee Evans said the 3% increase in the water rates are less than what was originally approved with Ordinance No. 1, Series 2017 before the rates were lowered with Ordinance Nos. 2 & 3, Series 2017. He said he supports the increase to ensure that the rates keep pace with inflation. Mayor Pro-Tem Schowalter asked if Ordinance No. 1, Series 2018 requires increases in future years. Admin. Farrar said this is a one-time increase and the Trustees would have to take action each year on rates if they are to change in the future. He said he encourages the Board make small increases on an annual basis instead of adjusting them significantly after 5 or 10 years. He noted that other utility companies regularly increase rates to keep up with inflation, and this is important to Collbran because the Water Fund and Sewer Fund are enterprise funds and must be operated like a business. Trustee P. Sturm asked what would be the first utility bill that would show the new rates. Town Clerk/Treasurer Phillips said that the mid-March bill would be the first.

MOTION: Trustee Evans moved to approve Ordinance No. 1, Series 2018, which increases the Town's water rates by 3% and sewer rates by 5%; seconded by Trustee P. Sturm.

ROLL CALL VOTE: 3 Yes votes – Evans, P. Sturm, and Schowalter. 1 No vote - Pell. Motion passed.

TRUSTEE COMMENTS

Trustee Evans mentioned that he is pleased with the new solar lights in Town. He said that along with the other downtown improvements coming, it will look inviting to visitors. Admin. Farrar mentioned some of the high-pressure sodium lights that will be removed so they do not overwhelm the new solar lights. Trustee P. Sturm said she did not expect the solar panels to be so large. Admin. Farrar said he believes that when we are done, we will be the only municipality in the State with all solar lighting downtown. He mentioned that the light poles will also have posts for mounting banners and planters. Mayor Pro-Tem

Schowalter said she received a letter from a student at P.V. School asking about having a sidewalk between the school and Town. Admin. Farrar said that 330 is a State highway. He noted the Town previously received a GOCO for a trail along Highway 330 over a decade ago, but it was stopped because legal access had not been obtained from landowners. He acknowledged there is a great need for safe access along 330. Trustee Pell asked about grant possibilities to widen Hwy 330. Admin. Farrar said there is not much right-of-way to widen the road and right-of-way purchase is very expensive. He said it could be a multimillion dollar project, and would have to involve coordination with CDOT and Mesa County. Marshal Appelhanz offered additional background on the Hwy 330 trail project from a prior administration over a dozen years ago that was not started properly and had to be reversed by the following administration. Tilda Evans mentioned a trail project near Palisade.

STAFF REPORTS

Town Administrator

Admin. Farrar said that representatives from Smith and Loveless are involved with the P.V. School sewer lift station because one of the new pumps is making noise. He mentioned the Town's engineer was also involved. He said one of the two pumps had to be pulled because it was not operating properly, and the system is functioning on one pump. He mentioned Smith and Loveless will be replacing that pump. He said the Town engineer will be writing Smith and Loveless detailing the problems with the project, and the additional cost the Town has incurred because of Smith and Loveless installation problems.

Admin. Farrar discussed the possibility of placing an April 2018 ballot question opting out of Colorado SB 152 related to broadband to give the Town more flexibility in the future. He noted that opting out does not require the Town to provide broadband service, but offers more flexibility to work with private companies and others on this much-needed service.

Admin. Farrar raised the issue of considering a use tax question on the ballot pertaining to building materials, but not motor vehicles. He said that the Town can spend time and dollars in providing information and education on the question to the public before the question is officially on the ballot. He said the latest that the Board can pass an ordinance to get a use tax question on the ballot is the week of January 29 - February 2, 2018. Prior to that date, Collbran can hold educational sessions and produce informational materials to educate the public about the issue. He asked the Trustees about a January 16 or 23 work session. The Board decided to have a work session on Tuesday, January 23 at 7pm at the P.V. Fire Station, and they scheduled a Special Meeting on Tuesday, January 30 at 5:30pm at Town Hall to decide on ballot questions for the April 2018 Regular Municipal Election.

Admin. Farrar said the next municipalities' dinner is in Fruita on Monday, February 12 at 6pm. He said this is a good opportunity to meet other elected officials in Mesa County and hear what is going on.

Admin. Farrar said that today is the first day an elector can pull a nomination petition for Collbran Mayor or Trustee. The deadline to return the petitions is Monday, January 22. Trustee Pell asked about his trustee seat. Town Clerk/Treasurer Phillips explained that because he was appointed by the Trustees, he has to run in the April 2018 election. He said that there are two trustee seats available in the April 2018 Regular Municipal Election, four years apiece. He said that the nomination petitions require valid signatures from ten registered electors in Town limits.

Town Marshal

Marshal Appelhanz distributed his monthly report to the Board. Mayor Pro-Tem Schowalter mentioned that Cowboy Christmas was nice. Marshal Appelhanz said that December started out busy. He noted that the Town received a check from POST for a little over \$7,000. He said he is hoping for another check for about the same amount from the Asset Forfeiture Board. He said that although Collbran does not have

marijuana shops, the community is impacted by increased calls for service. Admin. Farrar said that there is grant funding to communities impacted by marijuana that do not allow marijuana. Marshal Appelhanz said there has been no additional interest in the deputy marshal position. He noted that Mesa County is hiring approximately thirty new officers because of voter approval of the new public safety sales tax. He said Mesa County pays considerably more than the Town of Collbran, and that creates challenges for the Collbran hiring process. He mentioned Town could be with just one officer for a while. Trustee Evans asked about the status of the FML grant-funded new patrol vehicle. Marshal Appelhanz said he does not yet have the vehicle. He noted that he is purchasing items to equip the vehicle. He is hoping to obtain the vehicle by the end of the month. He reiterated his concerns that were discussed earlier by Judge Mueller and hopes Collbran Municipal Court does not get reduced to a traffic court due the financial impact of this change. Trustee Pell asked about options for the Town. Marshal Appelhanz said it will depend on how the law is written. Marshal Appelhanz noted that he is required to meet annual minimum training standards without funding assistance from the State.

APPROVE EXPENDITURES

MOTION: Trustee Evans moved to approve the expenditures for the Town of Collbran from December 6, 2017 through January 2, 2018; seconded by Trustee P. Sturm.

ROLL CALL VOTE: 3 Yes votes – Evans, P. Sturm, and Schowalter. 1 No vote - Pell. Motion passed.

ADJOURN

MOTION: Trustee P. Sturm moved to adjourn the Town of Collbran Board of Trustees Regular Meeting of December 5, 2017; seconded by Trustee Evans.

ROLL CALL VOTE: 4 Yes votes – Pell, P. Sturm, Evans, and Schowalter. 0 No votes. Motion passed.

The Regular Meeting of January 2, 2018 adjourned at 8:47pm.

Approved

Attest