

**Collbran Board of Trustees Meeting Minutes**  
**Monday, May 8, 2017**  
**Regular Meeting**  
**7:00 PM Collbran Town Hall**

Mayor Sturm called the Regular Meeting of May 8, 2017 of the Collbran Board of Trustees to order at 7:00pm. The Pledge of Allegiance was recited.

**PRESENT ON ROLL CALL:** Trustees Schowalter, P. Sturm, Evans, and Mayor V. Sturm.

**ABSENT:** none

**OTHERS PRESENT:** Administrator Farrar, Town Clerk/Treasurer Phillips, Marshal Appelhanz, Admin. Asst. Matarozzo, Mike Pell, Britany Miller, Todd Farrington, Tilda Evans, Sylvia Spangler, Dave Edwards, and Bill Hoffman.

**APPROVAL OF MINUTES**

**MOTION:** Trustee Evans moved to approve the Minutes from the Regular Meeting of April 4, 2017; seconded by Trustee P. Sturm.

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

Mayor V. Sturm announced National Law Enforcement Officers Week. Marshal Appelhanz and Deputy Marshal Mitchell were recognized; Deputy Mitchell was not present. The audience gave them a round of applause. Marshal Appelhanz thanked the audience.

**PERSONS PRESENT NOT ON AGENDA**

No one came forward.

**CONSIDERATION OF APPOINTMENT OF NEW TRUSTEE**

Admin. Farrar reviewed what has transpired since a trustee vacancy has existed. He said that Mike Pell (107 Main St) was the only one to apply and that he has resided in Town limits for over a year now. He asked if the Trustees had any questions for Mr. Pell; the Board asked none.

**MOTION:** Trustee Evans moved to appoint Mike Pell to the Town of Collbran Board of Trustees as a Trustee; seconded by Trustee P. Sturm.

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

Mike Pell took the Oath of Office from Town Clerk/Treasurer Phillips; he was congratulated by the audience at its conclusion. Trustee Pell took a seat with the Board.

**ARENA ADVISORY COMMITTEE (AAC) APPOINTMENTS**

Admin. Farrar mentioned whom the applicants for membership to the AAC are. He also mentioned who did not apply. He said that the grant application process is coming, and AAC members can help in the

process. Mayor V. Sturm stated that the applicants to the AAC are Kama Farrington, Luann Wallace, Tilda Evans, and Todd Farrington. He mentioned that Tilda Evans and Todd Farrington are present this evening.

**MOTION: Trustee Schowalter moved to appoint Kama Farrington, Luann Wallace, Tilda Evans, and Todd Farrington to the Town of Collbran Arena Advisory Committee (AAC); seconded by Trustee Evans.**

**ROLL CALL VOTE: 5 Yes votes – Schowalter, P. Sturm, Pell, Evans, and V. Sturm. 0 No votes. Motion passed.**

Mayor V. Sturm mentioned that AAC member Ami Hightower, according to AAC meeting minutes, had missed five out of six meetings, which, according to the Ordinance, would not be eligible to continue as a member; this would leave two vacancies remaining on the AAC.

**APPLICATION FOR RENEWAL OF A RETAIL LIQUOR STORE LIQUOR LICENSE – MAIN STREET INVESTMENT LLC (dba: MAIN STREET LIQUOR) – 107 MAIN STREET – Sylvia Pell**

Admin. Farrar mentioned that the material needed for the annual renewal for Main Street Investment LLC has been submitted and is complete. He said that the Marshal Department included a memo stating that there were no issues with Main Street Liquor. He also mentioned that staff recommends approval.

**MOTION: Trustee Evans moved to approve the application for renewal of a retail liquor license, and the alcohol tastings permit for Main Street Investment LLC, dba: Main Street Liquor, at 107 Main Street seconded by Trustee P. Sturm.**

Admin. Farrar mentioned that conducting tastings on 4<sup>th</sup> of July weekend might be considered, to coincide with the Heritage Days activities, however it was not listed as any of the dates on the tastings permit application. Trustee Schowalter suggested that Main Street Liquor take July 6, 11, 12, and 13 off their tasting schedule and replace it with July 1-4; Trustee Pell agreed.

**TRUSTEE EVANS WITHDRAWS MOTION; TRUSTEE P. STURM WITHDRAWS SECOND**

**MOTION: Trustee Evans moved to approve the application for renewal of a retail liquor license, and the alcohol tastings permit, with the amended dates, for Main Street Investment LLC, dba: Main Street Liquor, at 107 Main Street; seconded by Trustee P. Sturm.**

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

**APPLICATION FOR STREET CLOSURE PERMIT: 4<sup>TH</sup> OF JULY PARADE AND STREET DANCE – MAIN STREET – JULY 3 & 4, 2017 – Town of Collbran (applicant)**

Administrative Assistant Matarozzo approached the dais. She mentioned that one street closure request is for July 3 from 7pm to 12:30am, and the other is for July 4 from 8am to 2pm. She said the street closure on July 3 would be for the street dance which would be on Main Street between High Street and Short Street; the street closure on July 4 would be for the parade and would be for the entire length of Main Street. She mentioned that after the parade, Main Street would only be closed between High Street and Short Street until 2pm for the other activities scheduled. She explained what to expect with the street closures. Trustee Schowalter asked about fireworks. Admin. Asst. Matarozzo mentioned that she met with the fireworks shooter from last year; she was assured that there would be no problems this year. She said that she needs to fill out a street closure request for the car show on July 4 from 7am to 3pm, which would be on Elm Avenue between High Street and Willow Street. She mentioned that she would provide

maps and the application at the next Board of Trustees Meeting. She also said that the residents on Elm Avenue who will be affected by the street closure will be notified ahead of time.

**MOTION: Trustee Evans moved to approve street closure permits for Main Street on July 3, 2017; Main Street on July 4; and Elm Avenue on July 4, with the paperwork and map for the Elm Avenue closure to be submitted for the June Board of Trustees Regular Meeting; seconded by Trustee P. Sturm.**

**ROLL CALL VOTE: 5 Yes votes – Pell, Evans, Schowalter, P. Sturm, and V. Sturm. 0 No votes. Motion passed.**

**PERMIT APPLICATION AND REPORT OF CHANGES – TEMPORARY MODIFICATION OF PREMISES – JULY 3, 2017 – COLLBRAN CAFÉ LLC – Brittany Miller**

Britany Miller approached the dais. She requested to be able to modify the premises of Collbran Café LLC at 108 Main Street to extend into Main Street during the street closure of Main Street the evening of July 3 for a beer garden. She said that her request is for 8:15pm to 11:45pm so she can have the beer garden set up and taken down safely within the time period of the street closure. Trustee P. Sturm asked about how minors will be prevented from drinking. Ms. Miller mentioned that the entrance and exit will be through the café door and wristbands will be distributed to those who are of legal drinking age; to enter and exit the beer garden, the individual uses the bar door. She said security and a bartender will be in the beer garden. Trustee Pell asked how the beer garden will be bordered off. Ms. Miller mentioned that the area will be fenced.

**MOTION: Trustee Schowalter moved to approve the temporary modification of premises for Collbran Café LLC on Main Street on July 3 from 8:15pm to 11:45pm; seconded by Trustee Evans.**

**ROLL CALL VOTE: 5 Yes votes – Evans, Schowalter, P. Sturm, Pell, and V. Sturm. 0 No votes. Motion passed.**

**REQUEST FOR LICENSE FOR RIGHT OF WAY LICENSE FOR OUTDOOR PATIO – COLLBRAN CAFÉ – Brittany Miller**

Britany Miller requested if she could have a patio platform be placed in front of Collbran Café at 108 Main Street covering two parking spaces. She said the patio would be for eating outside at first, and then for also consuming alcoholic beverages once she applies for a temporary modification of premises and then it is approved by the Board and then the State. Admin. Farrar showed the Board a picture of a patio as an example and said it would be a great addition to downtown. He mentioned that the Town Attorney has already reviewed the right-of-way license. He said other conditions of approval include that the Town is listed as additional insured on Collbran Café LLC's insurance policy and that the minimum amount insured recommended by the Town Attorney is included. He mentioned that the applicant shall deliver a detailed set of professionally prepared and accurately scaled dimension plans for the patio that will be subject for review and approval by Town staff. He said that the patio shall be subject to inspection and final approval by Town staff prior to use. He mentioned he would work with Mesa County Building Department if need be for the proper specifications for the railing of the patio. Trustee Evans asked what area the patio would cover. Admin Farrar said it would be on the street, in front of Collbran Café, covering two parking spaces. He mentioned that the applicant would need to poll the neighbors, 100 feet north, south, and west of the business. Ms. Miller said that she has already approached the post office and the bank and they are in favor of the patio. Admin. Farrar mentioned that there would be a \$100 application fee, and pay for any additional costs incurred for review, inspection, and approval of the patio by the Town. He said that there would be no alcohol allowed on the patio until it is in place already, and then the applicant would apply for the modification. He said that the patio

would have to be stored by the applicant during the months it was not in use. Ms. Miller mentioned that Keith Encke of Public Works suggested to her the date range for the patio to be April 15 through September 30, to hopefully avoid an early autumn snow. The topic of smoking on the patio was addressed. Marshal Appelhanz said that there can be no smoking within 15 feet of the building, but the Board can approve it. Ms. Miller requested if smoking could be allowed after 8pm when the café portion of the business closes. Trustee Pell brought up the topic of angle parking on the west side of Main Street. After a brief discussion, Admin. Farrar suggested to bring that topic up at a later date. Ms. Miller said Collbran Café is 34 feet wide. Trustee Evans asked if the patio would be made up of two sections; Ms. Miller said yes.

**MOTION: Trustee Evans moved to approve the proposal for the right-of-way licensase for a portable, outdoor patio that is the width of a parking space in front of 108 Main Street and extends 34 feet, including the staff-recommended conditions and to allow smoking only during business hours that the café is closed; seconded by Trustee P. Sturm.**

**ROLL CALL VOTE: 4 Yes votes – P. Sturm, Pell, Evans, and V. Sturm. 1 No vote - Schowalter. Motion passed.**

#### **REQUEST FOR AUDITORIUM USE FEE WAIVER - PVHPS**

Sylvia Spangler mentioned to the Board that the request for the Auditorium fee waiver is for the annual butterfly release, taking place the day before Memorial Day, and the pancake breakfast from 8am to 12pm on Memorial Day. She said that service men and women will not be charged for breakfast. She briefly spoke of the other activities happening Memorial Day weekend. Admin. Farrar mentioned that staff recommends approval and that they are for good causes and public purposes.

**MOTION: Trustee P. Sturm moved to approve the waiver of fees for the Auditorium for the butterfly release on Sunday, May 28, and the pancake breakfast on Monday, May 29; seconded by Trustee Pell.**

**ROLL CALL VOTE: 5 Yes votes – P. Sturm, Pell, Evans, Schowalter, and V. Sturm. 0 No votes. Motion passed.**

#### **REQUEST FOR LICENSE TO USE TOWN PROPERTY AND FACILITIES AT GANDI PARK – OPTIMUS COMMUNICATIONS**

Admin. Farrar mentioned that he spoke with Mayor V. Sturm about this topic today, and contacted Mark McGowan of Optimus Communications to invite him to attend tonight's meeting. He said he has had a conversation with Mr. McGowan and will be meeting with him again. Admin. Farrar mentioned that he has concerns. He said that he spoke with Mesa County Administrator Frank Whidden, who also has similar concerns. Admin. Farrar mentioned that Mr. McGowan had told him that Collbran was not business-friendly. He mentioned that he told him that is not true and that he needed to back that up with facts. He said that Mr. McGowan has taken over the cable television business formerly operated by Kendall Wilcox and has also added Internet and voice over Internet protocol (VOIP); he mentioned that he wishes his business to be successful. He said many years ago there was a franchise agreement with a cable company in Town, but most recently that was not required with the cable business that Mr. Wilcox operated. He mentioned that the Town Attorney did not think a franchise agreement would be necessary at this point, but a license would be required if Optimus Communications is to occupy Town property with its equipment. He said that Brainstorm Internet also has equipment on Gandi Park, so he has been in communication with them as well to obtain a license. He also mentioned that Brainstorm Internet currently provides ten megabyte service to Town Hall at no charge. He said they have recently offered to increase that to fifteen megabyte service for the use of the park space. Trustee Evans asked about VOIP,

and also mentioned that he was surprised that use of Town property was not charged to the business owners in the past. Admin. Farrar said that the licenses would be revocable either for cause or no cause. He said that if a business needs to use public property for a business function, it is important that they work with the municipality. He mentioned that he recommended \$200 per month be charged to lease the space on Gandi Park for their equipment. He said that he will prepare the same type of license for Brainstorm Internet as well as the one for Optimus Communications. The Board agreed to table this agenda item to the June 6 Regular Meeting.

**AUTHORIZATION FOR MAYOR TO SIGN MESA COUNTY FEDERAL MINERAL LEASE DISTRICT (MCFMLD) GRANT CONTRACT FOR SEWER LIFT STATION**

Admin. Farrar mentioned that the Town has been awarded a \$50,000 FML grant for the school sewer lift station. He recommends that Mayor V. Sturm be authorized to sign the agreement. He said the Town will need some limited engineering for the project. He mentioned that the grant funds should cover all or at least most of the cost of the project.

**MOTION: Trustee Evans moved to approve the authorization of the Mayor of the Town of Collbran to sign the grant agreement from Mesa County Federal Mineral Lease District for the school sewer lift station; seconded by Trustee P. Sturm.**

**ROLL CALL VOTE: 5 Yes votes – Pell, Evans, Schowalter, P. Sturm, and V. Sturm. 0 No votes. Motion passed.**

**ARENA ADVISORY COMMITTEE (AAC) MINUTES**

Admin. Asst. Matarozzo mentioned that the date for the last AAC meeting had been changed, but the Town was not informed. Trustee Schowalter said that she is out of town frequently on business, so she has to miss some AAC meetings, and proposed that another Trustee take over for her as Board liaison to the AAC, since she has already held that position for quite a while. Tilda Evans of the AAC mentioned that everyone who attended the Kentucky Derby Day special event fundraiser had a good time. She said that not as many attended this year compared to last year. She mentioned that \$643 of income was earned for the event, before expenses. Mayor V. Sturm asked if there was any alcohol remaining after the event. Ms. Evans said that it was all purchased. Trustee Schowalter mentioned that the Arena clean-up day has been moved to June 2, since there is an event scheduled for June 3. She said that they plan on arriving at the Arena after 1pm on June 2. She mentioned that she spoke with Public Works about power-washing the bleachers and cleaning the bathrooms. It was agreed to schedule an AAC meeting soon with all of the new members.

**TRUSTEE COMMENTS**

Trustee Evans welcomed Trustee Pell to the Board. He also mentioned that he was sorry to see Trustee Schowalter leave the AAC, but understands why she needed to do so. He also said that he was glad to see Trustee P. Sturm back again. Trustee P. Sturm announced that she was diagnosed to be lymphoma-free. The audience applauded her announcement. Tilda Evans asked when a Board representative to the AAC would be decided; Mayor V. Sturm mentioned that the June 6 Regular meeting it will be addressed.

**STAFF REPORTS**

**Town Administrator**

Admin. Farrar discussed the historical status designation for the Auditorium. He said the Mesa County Planning Commission will hear it on May 11, and then the Mesa County Commissioners will hear it on May 20. He mentioned that the Town's application is available online or at Town Hall for viewing.

Admin. Farrar said that the Downtown Improvements Project is underway, with the Job Corps students pouring concrete. He mentioned a rig move occurring; he said that we have to accommodate them, so we are in communication with the energy company and Community Counts. He said that we were unable to obtain street lights for the project, so we went with portable stop signs instead.

Admin. Farrar mentioned that we were in the process of getting bids together for the solar street lights for Main Street. He said that the decorative planters and benches will come next. He mentioned that it is a great project for the Job Corps students, the community, and something we should be all proud of when it is complete. Admin. Asst. Matarozzo asked Trustee Schowalter if she could suggest where we could find decorative benches to choose from for the project. Admin. Farrar suggested that if anyone passes through a town with something that looks good, such as benches or planters, to take a picture of it.

Trustee Schowalter suggested working on changing the Town logo, maybe through an art contest.

Admin. Asst. Matarozzo mentioned that she has been approached by people saying the same thing.

Admin. Farrar said that is called community branding. Admin. Asst. Matarozzo said during the project is a good time to address this since the Town logo could be displayed on some of the new items.

Admin. Farrar mentioned that the Town is still on a level one alert for the West Salt Creek landslide area. He said the sag pond is flowing at 14.1 feet. He mentioned that 21 feet was the old flow level.

Trustee Schowalter asked about the status of the road going up Buckskin Hill. Mayor V. Sturm mentioned that next week it should be open, and that it will be a gravel road for a while.

Sylvia Spangler said that new signs for the scenic byway on Highway 65 are coming and that the PVHPS is working with those involved on signs that would also point travelers toward Collbran as well.

### **Town Marshal**

Trustee Schowalter thanked Marshal Appelhanz for being at Safe Prom. Marshal Appelhanz mentioned that in the 15 years doing Safe prom, no kids have been hurt; he thanked the volunteers.

Marshal Appelhanz said he received a call from Mesa County Sheriff Matt Lewis last Friday; he mentioned that they are attempting to place on the ballot a public safety tax. He said that if it passes, Mesa County would reimburse the municipalities at the end of each year depending on how much tax was collected. He mentioned that the tax would be specifically for public safety. He said that Sheriff Lewis would get the Town a copy of the ballot language when they had it completed. He spoke further on the topic.

The Board and Marshal Appelhanz briefly spoke of people speeding in and around Town. Marshal Appelhanz mentioned that he has a lot of meetings to attend this month. He said that he is having Deputy Marshal Mitchell burn some comp time in the next few weeks so going in to summer, his comp time balance is lower

### **APPROVE EXPENDITURES**

**MOTION: Trustee Evans moved to approve the expenditures for the Town of Collbran from April 5, 2017 through May 8, 2017; seconded by Trustee P. Sturm.**

**ROLL CALL VOTE: 5 Yes votes – Schowalter, P. Sturm, Pell, Evans, and V. Sturm. 0 No votes. Motion passed.**

**ADJOURN**

**MOTION: Trustee Evans moved to adjourn the Town of Collbran Board of Trustees Regular Meeting of May 8, 2017; seconded by Trustee P. Sturm.**

**ROLL CALL VOTE: 5 Yes votes – P. Sturm, Pell, Evans, Schowalter, and V. Sturm. 0 No votes. Motion passed.**

The Regular Meeting adjourned at 8:25pm.

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Approved

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Attest