

Collbran Board of Trustees Meeting Minutes
Tuesday, August 8, 2017
Regular Meeting
7:00 PM Collbran Town Hall

Mayor Sturm called the Regular Meeting of August 8, 2017 of the Collbran Board of Trustees to order at 7:02pm. The Pledge of Allegiance was recited.

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

ABSENT: none

OTHERS PRESENT: Administrator Farrar, Town Clerk/Treasurer Phillips, Marshal Appelhanz, Dana Lynch, Judy Schowalter, Tilda Evans, Gene Stricklan, Loyal May, Tom Rau, Evonne Stites, Monet Hisson, Jeff Wendland, Laura Brown, and Tamara Entwistle.

APPROVAL OF MINUTES

MOTION: Trustee Pell moved to approve the Minutes from the Regular Meeting of July 11, 2017 and the Special Meeting of July 13, 2017; seconded by Trustee Evans.

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

PERSONS PRESENT NOT ON AGENDA

Tony Matarozzo discussed an incident that occurred on July 14, 2017 between Trustee Mike Pell and Town employee (and his wife) Melonie Matarozzo. He explained that Ms. Matarozzo posted on her Facebook page a message inquiring if anyone had any requests for Applejack Wine & Spirits before she returned from training in Denver. Mr. Matarozzo presented the Board a screenshot of that Facebook post. He noted Mr. Pell's response to the post "if that is how you support our local economy, it's no wonder nobody likes you". He expressed his displeasure at the post and made it clear that as long-term residents they support the local economy and they own a local business. He said that they have spent thousands of dollars at Collbran Supply, and questioned whether Mr. Pell has had that same level of commitment to local businesses. Mr. Matarozzo further expressed disapproval of the disrespect he said she receives because her position with the Town and doing her job upholding Town of Collbran policies and regulations. He made it clear that he defends and protects her from unwarranted assaults as a result of her professional position or otherwise.

Trustee Pell said he understood Mr. Matarozzo's willingness to protect his wife, and said he would do the same. He explained that when he first moved into Town, before he knew her, Ms. Matarozzo told him that people did not like her because of her position with the Town. He justified his Facebook response by noting it was based upon what she had told him, that he did not know she was purchasing items he did not sell at Main Street Liquor and his perception that she was going to fill her vehicle with liquor that could have been purchased locally. He explained that he felt it was inappropriate because she was on a Town trip. Mr. Matarozzo noted the activities took place on her personal time on her way home in a personal vehicle. Trustee Pell replied that she may have been on her own time, but she was in Denver on Town business. He explained that he supports local business including the Collbran Café and Collbran Supply.

Gene Stricklan spoke to the Trustees about the liquor license later on the agenda and said that the Town has a bar and does not need a second establishment. He added that if the Town approves another bar, it should generate enough tax revenue to fund a second marshal. Admin. Farrar said that the public hearing on the proposed liquor license is scheduled later on the agenda and the testimony is more appropriate at the hearing. Mr. Stricklan said he had to leave to attend another meeting.

Loyal May also spoke against the proposed liquor license and said he shared Mr. Stricklan's comments. He said he previously spoke in opposition to the Grand Mesa Tavern liquor license at the July public hearing. He said he also had to leave to another meeting.

Grace Bible Church elder Tom Rau said he also shares the opinions of Mr. Stricklan and Mr. May and that he too had to leave to a meeting. He said that under a previous owner, the Grand Mesa Tavern customers would park in the church parking lot and they experienced property damage from patrons. He said the Town has a liquor store and a bar, and encouraged the Board to deny the liquor license.

Tamara Entwistle, owner of a building east of Town Hall, said she spoke with Admin. Farrar about the downtown esplanade design and asked if the proposed center medallion is going to be an elk design. Admin. Farrar said that he understood the Job Corps student design was a silhouette, depicting the Grand Mesa. He said he suggested that the design concept be presented for input before it was finalized. He cautioned that "design by committee" could have undesirable results. Ms. Entwistle was pleased that input will be considered because the Downtown Master Plan was based on input from many community work sessions.

COLLBRAN JOB CORPS YOUTH TO YOUTH INITIATIVE – Evonne Stites

Collbran Job Corps Student President Monet Hisson introduced the President of Peer Counseling, the President of Education, and other top leaders in Peer Counseling. She presented the Youth to Youth (Y2Y) Partners for Peace Campaign; a violence prevention initiative created and led by Job Corps students nationwide. Youth violence is a community problem that needs a community solution. Y2Y seeks to address violence and aggression in our community, empower one another to help prevent violence/ aggression, and share stories and talk about solutions. She invited the Board to join their effort. Several events at the Collbran Job Corps are planned the week of September 18, and they will send a detailed list and extended an open invitation. She thanked the Board for their time. Evonne Stites said the Board could send a letter in response, to be shared with staff and students.

PUBLIC HEARING: APPLICATION FOR A NEW TAVERN LIQUOR LICENSE – NELSON COLO COMPANIES, LLC (DBA: GRAND MESA TAVERN) – 1006 HIGH ST – Dana Lynch

Mayor V. Sturm opened the new tavern liquor license public hearing for Nelson COLO Companies, LLC. Admin. Farrar explained that the first public hearing in July for this liquor license was approved contingent upon the results of the background checks for the two owners of Nelson COLO Companies, LLC. However, the background check for Cody Nelson identified issues not disclosed in the liquor license application. The Town Attorney recommended posting notice and conducting another public hearing. Dana Lynch, the other owner of Nelson COLO Companies, LLC has modified the LLC listing her as the sole owner and amended the license application. Admin. Farrar noted that the original application identified 1006 High Street as leased and included leased parking behind 103 Main Street. In 2012 when the location changed from a laundromat to a tavern, the Trustees required additional bar parking, which resulted in the parking behind 103 Main Street. He noted that the amended liquor license application listed NELSON COLO COMPANIES as the owner of 1006 High Street, but there is no parking lease agreement. He said the Town land use code allows off-site parking within 300 feet of a business location.

Dana Lynch said that Mr. Nelson will not be “in play” regarding the business, her record is clean, has twenty years in the service industry, and an excellent professional resume. She will respect community, property, and people. She acknowledged the church members opposition to the license, but said that competition is good. She said others she spoken to are excited about the tavern opening. She will be serving pizza, and assured the Trustees that there will not be mishaps experienced at the previous Grand Mesa Tavern. Mayor V. Sturm mentioned that the previous problem was not the tavern operator, but the intoxicated people leaving the Tavern. Concern was expressed about people vomiting in the church parking lot, as well as sleeping in their cars. Ms. Lynch said that will not happen under her management. She said the previous owner, Kaleb Julius, acknowledged by email her use of the parking behind 103 Main Street. She is working with Mr. Julius’ secretary on leased parking while Mr. Julius is on vacation.

Admin. Farrar stated that the amended application is complete. He said that for the record, three individuals spoke earlier in the meeting during the Persons Present Not On Agenda who asked the Board to deny the new liquor license.

Tamara Entwistle asked why parking is an issue for this hearing. She noted that other businesses such as Collbran Café did not have to secure additional parking. Admin. Farrar said the Town’s parking regulations govern the issue and the Trustees in October of 2012, required three additional parking spaces when 1006 High Street changed from a laundromat to a tavern. There was further discussion about the parking topic. Ms. Entwistle felt that the new business was being unfairly targeted. She expressed additional concerns about the comments from church members, and there was discussion about being business friendly. Ms. Entwistle felt that the Board was not welcoming. Mayor V. Sturm asked her to curtail her comments because she had exceeded the three-minute limit. She said she was offended; he apologized.

Admin. Farrar provided more background on the parking issue and the Town regulations. He suggested that it would be a good idea to look at modifications to the parking requirements in the downtown. He recommended that the Trustees add a condition that the owner lease off-site parking consistent with the 2012 Trustee approval, and noted that Ms. Lynch said she would provide the leased off-street parking. Trustee Pell suggested that the Auditorium parking lot could serve as an overflow, just as it does for Collbran Café.

Marshal Appelhantz noted that Tavern patrons parked behind 103 Main Street and there was damage to Town property, presumably by a patron of the tavern. He said the Town installed monitoring cameras on public works. He said that he will enforce a trespass on the church property on a complaint basis.

Town Clerk/Treasurer Phillips inquired about the Mesa County health inspection and Ms. Lynch said that it was scheduled for August 10. He noted that the final requirement is the Mesa County Health Department approval. Admin. Farrar reminded the Trustees that a liquor license application is a discretionary action by the Board of Trustees. Staff recommended approval of the license with the following conditions: 1) a satisfactory lease for off-site parking, and 2) a favorable report by the Health Department. Trustee Pell said parking next to Collbran Auditorium is adequate for overflow.

MOTION: Trustee Pell moved to approve the new tavern liquor license for Nelson COLO Companies, LLC, owner Dana Lynch, with the contingency that the property at 1006 High Street receives clearance from the Mesa County Health Department; seconded by Trustee Evans.

Trustee Discussion - Trustee Schowalter asked if Ms. Lynch secured permission for off-site parking behind 103 Main Street; Ms. Lynch said yes. Trustee Schowalter said downtown parking should be revisited. Admin. Farrar explained that parking enforcement is an administrative action. Ms. Lynch reaffirmed that she will provide a lease for off-site parking.

ROLL CALL VOTE: 3 Yes votes – Pell, Evans, and Schowalter. 2 No votes – P. Sturm, and V. Sturm. Motion passed.

Mayor Sturm closed the public hearing at 7:45pm.

AUDIT PRESENTATION OF TOWN FINANCIAL STATEMENTS FOR FISCAL YEAR 2016 - Jeff Wendland, CPA, LLC

Jeff Wendland, the Town Auditor, presented the 2016 fiscal year municipal audit. He said that Mr. Wendland offered to attend a Board work session to go over more detail of the audit. Mr. Wendland said that Colorado State law requires a municipal audit and that these financial statements are true and accurate in accordance with generally accepted accounting principles (GAAP). He noted a common problem in all of the small entities he audits. The first is segregation of duties in organizations with limited staff, and the second is limited in-house technical knowledge necessary for preparation of GAAP compliant financial statements. He explained that the Board reviews expenditures every month so they are aware of the financial situation of the Town.

Admin. Farrar mentioned that some of the audit highlights included the December 31, 2016 General Fund reserve balance of \$1,471,000 (healthy for a small town), the Water Fund net position of \$1,213,610 which is up slightly by \$15,434, the net position in the Sewer Fund was down since the beginning of 2016 from \$471,550 to an end of the year amount of \$458,193. It was noted that the Water and Sewer Enterprise Funds are operated like a business and must be sustainably financed through user fees. The Conservation Trust Fund (CTF) annually receives about \$7,000 for parks and recreation purposes. He noted that that Town Clerk/Treasurer Phillips does an excellent job and his meticulous work makes the auditor's job easier. Mr. Wendland said that the books are in very good shape. Admin. Farrar said that staff takes pride in accurate accounting and being responsible to the public for those funds.

Mr. Wendland encouraged the Board to offer questions or comments and he will respond to them at this meeting or subsequently. The audit is due to the State Auditor's Office September 30. Admin. Farrar asked the Board if they would like to have a work session on the audit. Trustee Schowalter said Town Clerk/Treasurer Phillips answered her questions and it would not be necessary to hold a separate work session. All of the Trustees agreed. Mr. Wendland further recognized Town Clerk/Treasurer Phillips' excellent work. Admin. Farrar echoed the comment and said that Collbran is lucky to have him; Mayor V. Sturm agreed. Admin. Farrar additionally recognized his diligence and ability, and that he continues to educate himself.

AMERICAN LEGION REQUEST FOR FEE WAIVER & DONATION REQUEST – Kaleb Julius

Admin. Farrar mentioned that he understood that Mr. Julius was out of Town. He said that the American Legion will be on the September Regular Meeting agenda to request a special event liquor license permit hearing for an event at the Auditorium. He said that Mr. Julius is requesting a \$1,200 donation to cover the cost of food for the event, a waiver of the \$400 damage deposit of the Auditorium, and a waiver of the \$50 Auditorium rental fee. It was noted that when the Trustees have waived the use fee, the Town collected the refundable deposit. It was explained that the Town has established a budget process in which community organizations can request contributions so they can be included in the budget and this \$1,200 donation request was not made as part of that process. Trustee Evans asked how much the American Legion will charge for the event. It was noted that that information is not available. Town Clerk/Treasurer Phillips said that the special event permit application will be on the September Regular Meeting agenda.

Laura Brown spoke in place of Mr. Julius and on behalf of the Legion. She said \$15 will be charged for food, and they will charge for the alcohol. There was additional discussion about the event. Staff recommended waiving the \$50 Auditorium rental fee but not the deposit, nor the \$1,200 donation request because it was not part of the budget process. Mayor V. Sturm expressed his displeasure with the way

Mr. Julius treated the Board when he was on the agenda late last year. Trustee Schowalter asked if the damage deposit was refundable; Admin. Farrar affirmed. Trustee Evans said he is not comfortable with the \$1,200 donation request for food because it was not part of the budget process. Trustee Pell agreed.

MOTION: Trustee Schowalter moved to approve the \$50 fee waiver for the Collbran Auditorium rental fee for the American Legion event on September 9, 2017, but not the \$400 refundable damage deposit, nor the \$1,200 donation for food request since it was not submitted during budget time; seconded by Trustee Evans.

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

DISCUSSION REGARDING STREET LIGHT PURCHASE AND TOWN PURCHASING POLICY

Admin. Farrar distributed to the Board drawings of the solar light fixtures to be ordered for the Downtown Improvements Project and noted the appearance is in keeping with the Collbran Downtown Master Plan. He explained that he discussed the Town purchasing policy with the Town Attorney to ensure compliance. There are two sections of the purchasing policy that apply to this acquisition (Section 5.03.050(a) 3 and Section 5.03.050(a) 5. Staff will be purchasing approximately 28 fixtures/poles. The lights will be installed along High Street and Main Street to the Plateau Creek Bridge. The acorn lights on the bridge will be retrofitted to LED lights. Solar lights will be installed around Lilac Park and directly across the street on that new esplanade. The light delivery time is approximately 6 – 8 weeks and staff is targeting installation in the fall. Admin. Farrar said he wanted to be open and transparent to the Board on this purchase in order to move forward with this acquisition. Trustee Schowalter asked about the cost of the 28 fixtures. Admin. Farrar said he thought the streetlight budget was about \$130,000. There was discussion about the type of light poles (one or two lights), location and other aspects. He said that Greenshine representatives came to Collbran to look at lighting locations on the ground and to gather information about the project, which was very helpful. Trustee Pell discussed pole mounting configurations. Admin. Farrar said all installations would be completed according to manufacturer specifications with installation performed by staff or a contractor. The consensus of the Trustees was to move forward the streetlight purchase.

AGREEMENT REGARDING THE PROVISION OF ANIMAL SERVICES FOR 2017 – Mesa County

Admin. Farrar said that this contract is considered annually, but Mesa County overlooked sending us the 2017 agreement until recently. Staff recommended that the Board approve the contract.

MOTION: Trustee Evans moved to approve the Agreement Regarding the Provision of Animal Services for 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.

MEMORANDUM OF UNDERSTANDING WITH TOWN MARSHAL – Collbran Job Corps

Admin. Farrar offered some background about the Collbran Job Corps memorandum of understanding (MOU) for law enforcement services. The MOU was sent to Town Attorney Jim Neu for review and comments. Admin. Farrar explained that the Town has a similar agreement with School District 50, and they have given the Town \$10,000 annually for a couple of years. He said he has not received comments from the Town Attorney yet. He mentioned staff recommends approval contingent upon favorable

comments or amendments from the Town Attorney. Trustee Schowalter asked Marshal Appelhanz if the MOU looks the same as in previous years; he said it looks pretty much the same. He believes it is more of a formality for Job Corps since they do not use Federal law enforcement. Trustee Pell asked if Job Corps is annexed into the Town; Admin. Farrar confirmed they are annexed. He said the one difference between the School District's agreement and this is that it mentions transporting students. Marshal Appelhanz said that can occur sometimes, notably with Department of Youth Correction kids at the Job Corps who violate their parole. He said that not everybody who is arrested goes to jail. Trustee Pell was concerned about potential costs of this MOU to the Town taxpayer. He said that the Job Corps is not paying for any of the law enforcement services. Trustee Evans said he would like to table this discussion until the next meeting. Marshal Appelhanz said that because Job Corps is annexed, we are obligated to provide law enforcement independent of this MOU. It was explained that the MOU is simply an agreement between two parties setting forth the mutual understandings without obligations. Trustee Pell was concerned about transporting Job Corps students to Grand Junction thereby limiting Marshal's Office response to issues in-Town. Admin. Farrar explained that there is a potentially greater concern when the Marshal's Office is assisting the sheriff in unincorporated Mesa County and an in-Town call occurs. Trustee Schowalter noted that the MOU does not require the Town Marshal to transport students to court appearances. Trustee Pell said that he would be okay with the MOU if the Town Attorney does not identify problems. The Board agreed to table the discussion until the September Meeting.

TOWN OF COLLBRAN MID-YEAR FINANCIAL REPORT

Admin. Farrar said that the Trustees packet included a budget to actual printout showing the Town funds. The General Fund revenues through June are 41.7% of the budgeted amount. Town Clerk/Treasurer Phillips explained that County sales tax is the largest tax received each month and to date there are five monthly payments recognized through June. The timing of payments puts them in arrears. He said the final County tax payment will be recognized in January 2018 and credited toward fiscal year 2017. He said that there are only four Town sales tax payments recognized in 2017 through June, but two more payments coming in January and February 2018 will be credited to 2017. Admin. Farrar said that we have received more grant money than expected this year. He mentioned we have received \$10,000 to help offset services provided by the Marshal's Office to the School District. He said the services are identified in the School District intergovernmental agreement (IGA). He mentioned \$15,605 was generated through the sale of the old backhoe, and interest income is higher than expected.

Admin. Farrar said that expenditures in the Marshal Department are over the departmental budget. He has requested a detailed breakout of grant revenues and expenditures from the Marshal. He mentioned that the grants the Marshal applied for are 100%, no matching. Town Auditor Jeff Wendland explained earlier in the meeting that if the General Fund is within the appropriate amount, a supplemental appropriation is not needed prior to year-end. Admin. Farrar mentioned that the Town has ample General Fund reserves as a buffer for expenditures. He said expenditures that are made from reserves are typically not made without a discussion with the Trustees. He mentioned that Public Works are 55.6% of budgeted expenditures through June. The Trustees were encouraged to contact Town Clerk/Treasurer Phillips at any time and particularly before a Trustee meeting for any detail.

Admin. Farrar said highlights of the utility funds are as follows: Water Fund revenues are 51.9% of the budgeted amount through June. Bulk water fees are up. In the Sewer Fund, revenues are 52% of the budgeted amount through June. Sewer Fund expenditures are at 38.9%. The Conservation Trust Fund (Lottery) expenditures are negligible as of June. Town Clerk/Treasurer Phillips said that the July financial report will show the \$7,000 expenditure for the Collbran Arena electrical project.

ARENA ADVISORY COMMITTEE (AAC) MINUTES

Tilda Evans of the AAC said that some of the committee members have questions about items that are in the Collbran Arena Master Plan, but also recognize that the Master Plan is intended as a future project template. The AAC is working to secure matching funds and support letters for a GOCO Arena grant.

Trustee Schowalter asked about the August 18 Western Slope Colorado Oil & Gas Association (WSCOGA) clean-up day. Admin. Farrar said WSCOGA is sponsoring the event including a barbecue, and the Town of Collbran is a partner in the project. There will be dumpsters at Terrell Park. Laramie Energy will present a \$10,000 matching funds check for the DOLA (Colorado Department of Local Affairs) Downtown Improvements grant. Trustee Evans suggested photographs for the Plateau Valley Times and/or the Daily Sentinel. Admin. Farrar said he would write a story for the P.V. Times. Trustee Schowalter recommended to spread the word about their clean-up day and suggested posting the event on Community Connections.

STAFF REPORTS

Town Marshal

Marshal Appelhanz said Deputy Marshal Mitchell has been busy, and asked if the Board had any questions about his report. He noted his department attended tactical medical training at the Mesa County Sheriff's Office. Sunday he is going to Denver for another three day training course. He said that a \$6,705.59 asset forfeiture grant was received. Procedurally he purchases items first and requests reimbursement. He said his department also acquired equipment that will be reimbursed by POST (Peace Officers Standards and Training) in an amount close to \$8,000. Other department purchases included Red Man suits, Laserlyte pistols, and blue guns. Marshal Appelhanz reviewed other training the department has attended.

Discussion took place about the August 15 Mesa County Communications Center Board meeting. There is a short review of the proposed sales tax for the 911 Communications Center to be used in part for a sustainable communication center funding mechanism. More discussion took place about sustainable funding mechanisms for the communications center. Garfield County's Communication Authority was used as an example of a facility that is adequately funded through a tax.

Mayor Sturm said he spoke to Grand Junction News Channel 5 about covering Collbran's weather and he received a very positive response. Trustee Schowalter asked if there were any updates on the West Salt Creek landslide. Admin. Farrar said he spoke to Andy Martsof (Mesa County Emergency Services Director) and was told the pond is still draining and has not been an issue.

Town Administrator

Admin. Farrar said the Town is proceeding with the P.V. School lift station bid with West Water Engineering. West Water has handled the project bidding. It appears the project cost will fall within the allocated grant funding of \$50,000. Gross Excavation was awarded the contract. Because school will be in session, work is planned for a weekend. The Town will be installing the same Smith Loveless equipment that was used in the existing station.

Admin. Farrar reminded the Board about the CML District 11 Meeting in Grand Junction on September 13. He recommended that they attend because it is a great way to meet elected officials from other jurisdictions

Admin. Farrar said Mayor V. Sturm is not available for the WSCOGA clean-up day on August 18, so he will make some opening remarks and encouraged the Board to attend.

Admin. Farrar presented a PowerPoint showing graphs of sales tax. He said the Town sales tax was slightly higher in the first six months of 2017 compared to the first half of 2016. He mentioned that his opinion is that the Town is doing well financially, and is moving forward in a positive direction.

TRUSTEE COMMENTS

Trustee Pell suggested that the Trustees start thinking about Admin. Farrar's replacement when he retires in May 2018. He said Admin. Farrar has done a great job getting grants for the Town. Admin. Farrar is targeting May for retirement, after the April 2018 municipal election. The Trustees should consider soliciting applications in February or March of next year. Admin. Farrar works about sixteen hours a week but suggested Trustees consider a one half or three quarter time position. He noted that it may be challenging to find someone willing to work part time in the position. Marshal Appelhanz encouraged the Trustees to solicit staff input and participation in the search because several employees have been through a number of administrators, and staff works with the administrator regularly. Other suggestions were proposed about the hiring and transition process. Admin. Farrar said that he recently was involved in the hiring process at the Town of Basalt as interim manager. He said that he will be starting as part-time interim manager for the City of Rifle, and they also are conducting a manager search. He mentioned DOLA can help Collbran in the search; process. He said his experience with the Board has been very positive here.

Mayor V. Sturm asked if the Town had any information from T-Mobile about the cell tower in Gandi Park. Admin. Farrar said that they discussed targeting the September Regular Meeting, and they inquired about the application process. He said he met with project representatives at Gandi Park recently. Trustee Evans asked about the Kimball Creek tower; the topic was briefly discussed. Trustee Evans appreciated the work Admin. Farrar has done for the Town; he said his knowledge of government has been invaluable. Admin. Farrar said he has enjoyed working for Collbran.

APPROVE EXPENDITURES

MOTION: Trustee Evans moved to approve the expenditures for the Town of Collbran from July 8, 2017 through August 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.

ADJOURN

MOTION: Trustee Evans moved to adjourn the Town of Collbran Board of Trustees Regular Meeting of August 8, 2017; seconded by Trustee Pell.

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

The Regular Meeting adjourned at 9:48pm.

Approved

Attest