



Kendall Wilcox  
Mayor  
Town of Collbran  
1010 High Street  
PO Box 387  
Collbran, Colorado 81624

May 7, 2024

RE: Town Manager Grievance

Mark McGowan has been providing Broadband services to Collbran, Plateau Valley and surrounding areas since 2003. I have been experiencing prodigious treatment from the Mayors and Town Managers since purchasing Collbran Cable in 2013.

These are some of the incidents in roughly chronological order:

1. Town of Collbran attempted to interfere with the agreement/purchase of Collbran Cable between Mark McGowan and Kendall / Theresa Wilcox. Mayor Vic Sturm and Town Manager Davis Farrer
2. Optimus requested Town of Collbran write a letter of support for the DORA Grant. These grants are usually done in conjunction with Private/Public partnership. Town of Collbran refused. Mayor Vic Sturm and Town Manager Davis Farrer
3. Optimus Communications offers to provide Broadband service to Town Hall. Staff was not interested. Mayor Vic Sturm and Town Manager Davis Farrer
4. Town Hall has Broadband services installed by Brainstorm Internet without requesting bid from Optimus Communications. Mayor Vic Sturm and Town Manager Davis Farrer
5. Town of Collbran Public Works was notified that 811 Locate has the town listed as the responsible party for CATV utilities and they are responsible for locating utilities owned by Optimus Communications.
6. Town of Collbran approved placing the Vertical Bridge tower within 1500 feet of the Optimus communication tower at Gandi Park without consultation with Optimus (FCC Code **17.120.040 General requirements part H**). Town Manager was informed that there is an FCC rule requiring approval for construction of sites closer than 1500 feet. Permission was not asked for. Town violated this Federal law by not contacting those required; this is a lack of prudence by the governing officials. Optimus had to build a tower near Tori Kohlers and on ME

Road in order to move the customers who were blocked by this new tower without compensation. During construction the contractor cut through the main cable for Optimus even though it was clearly marked by Optimus AND Town of Collbran Public Works. Collbran residents suffered an extended outage, Optimus was given a black eye. Mayor Vic Sturm and Town Manager Davis Farrer

7. Town board determined that Optimus Communications must pay a \$100 per month rent for the yard and Right-Of-Way Utility Easement located at Gandi Park. The State of Colorado has determined that ISP's are a Utility and have full access to utility easements. Optimus Communications was already a Utility because of their ownership of the cable system. Mayor Vic Sturm and Town Manager Davis Farrer
8. Mark McGowan brought together the community anchor institutions including Town of Collbran, Davis Farrer, Job Corps, PV School, PV Clinic and Powderhorn to develop a plan on bringing Fiber to Plateau Valley. This group met at least twice. Discussions included grants available from DORA and matching grants from the Public Institutions. Mayor Lou Evans and Town Manager Davis Farrer
9. Town Manager Melonie Matarozzo notified Optimus Communications that they could no longer enjoy the use of the fenced in property which Optimus purchased from Wilcox. And was paying rent to the Town for. This site would now be used as an impound yard for the Marshal. (Optimus is seeking a full refund of all rents paid for the storage lot). Mayor Lou Evans and Town Manager Melonie Matarozzo.
10. Optimus Communications starts building a Fiber Broadband System in the Town of Collbran.
11. Optimus Communications offers to provide Broadband service to Town Hall. Staff was not interested. Mayor Lou Evans and Town Manager Melonie Matarozzo
12. Town of Collbran failed to locate cable on Main Street prior to construction by Black Hills Gas. Contractor appeared to not have any of the utilities located and cut the CATV cable. Collbran residents suffered an extended outage, Optimus was given another black eye. Optimus did not receive compensation for the cost of the repair. Mayor Keith Todd and Town Manager Melonie Matarozzo
13. Town of Collbran failed to locate cable on Spring Street prior to construction. Kendall Wilcox notified the contractor of the exact location of the cable. Contractor disregarded direction from Wilcox and cut the CATV cable. Optimus did not receive compensation for the cost of the repair. Mayor Keith Todd and Town Manager Melonie Matarozzo
14. Town of Collbran unilaterally decides that THEY need Fiber and receive a MESA County COVID Grant to cover some of the costs. There is no discussion with the existing service providers even though the Town does not have the expertise. Town unilaterally hires a consultant to determine what the "TOWN" needs are without discussion with the existing service providers.
15. Discussion with Town Board: Mayor Keith Todd and Town Manager Melonie Matarozzo
  - a. Optimus Communications, a Colorado, Mesa County, and Collbran business, requests that the Fiber project traverse the DeBeque Cutoff so that Optimus can bring Fiber to the Home to the Mesa County Residents. Optimus was told that there was not enough money to do that. (Optimus was not consulted about supporting the costs)

- b. Optimus Communications, a Collbran business, discusses with the Town Board how we would like to be involved with the design and implementation of the Fiber project. Optimus was told that it is too early in the project to discuss this.
  - c. Optimus Communications, a Collbran business, requested that the Town's contractor "Lash" / install Optimus Fiber to the Town fiber during the construction project. Optimus was told that it was too late for that.
  - d. Optimus Communications, a Collbran business, requested to be sent a bid request for the construction. Town Manager was notified that Optimus is not on BidNet and requested the opportunity to bid should it arise. This request has not been honored to date.
  - e. Optimus requested a copy of the design documents, especially the drawing "Shape" files. This has not been honored.
  - f. The Town of Collbran states that they are going to provide service to the "Anchor Institutions" being the school, Job Corp, The Clinic, The Town Hall and take away revenue from Optimus Communications, acting as a private service provider, and building over already established fiber connections.
16. AGAIN: Town of Collbran Public Works was notified that 811 Locate has the town listed as the responsible party for CATV utilities and they are responsible for locating utilities owned by Optimus Communications. Mayor Keith Todd and Town Manager Melonie Matarozzo
  17. Optimus Communications requested copies of the bid awards. This request has not been honored. Mayor Keith Todd and Town Manager Melonie Matarozzo
  18. Optimus has notified the Town Manager that Optimus needs pricing, design, and other information so as to be able to plan on the implementation of the Fiber. This request has not been honored. Mayor Keith Todd and Town Manager Melonie Matarozzo
  19. Optimus learned from other utilities that the Town Manager was in discussion with them about utility changes at Gandi Park. Optimus was delivered by Certified Mail an eviction notice, rather than a request to meet and discuss future planning, to vacate Gandi Park. As stated previously, Optimus Communications has a Utility Easement for Gandi Park. Optimus pushed back and the eviction was withdrawn. Mayor Keith Todd and Town Manager Melonie Matarozzo
  20. The Town of Collbran is hit with an unexpected cost for crossing lands in the interest of building the new Fiber line. These costs could have been avoided if the Town had partnered with Optimus Communications, LLC, a utility that is allowed to use utility easements. Mayor Keith Todd and Town Manager Melonie Matarozzo
  21. Optimus Communications AGAIN offers to provide Broadband service to Town Hall. Staff was not interested. Mayor Keith Todd and Town Manager Melonie Matarozzo
  22. Optimus Communications was delivered by Certified Mail a letter to participate in the discussions at a Town WorkShop regarding the building of a new 40 foot tower at Gandi Park. Mark McGowan attended that meeting and was rudely cut off in mid sentence by Trustee Tilda Evans. It was evident to most spectators that this was a premeditated maneuver with the Town Manager to quiet discussion with Optimus Communications. Due to these hostilities, Optimus Communications will not give its permission per FCC rules (which were quoted above) for the construction of a tower within 1500 feet of Optimus

Communications' existing communications tower. Mayor Kendall Wilcox and  
Town Manager Melonie Matarozzo

Conclusion:

In light of the series of incidents outlined, it becomes unmistakably clear that there has been a persistent pattern of hostility exhibited by the Town Manager and governing officials of Collbran towards Optimus Communications. These actions, ranging from refusal to cooperate on crucial projects to blatant disregard for established rules and regulations, paint a concerning picture of negligence and disrespect.

From denying support for grants to ignoring established utility easements and failing to communicate effectively, the Town Manager and officials have repeatedly undermined Optimus Communications' efforts to contribute positively to the community. Instead of fostering collaboration and mutual benefit, they have chosen a path of unilateral decision-making and dismissive behavior, which ultimately harms both parties involved.

It is evident that this behavior is not conducive to the growth and prosperity of Collbran as a whole. By alienating local businesses and disregarding established protocols, the Town Manager and officials are not only hindering progress but also eroding trust within the community.

In conclusion, it is imperative that the Town Manager and governing officials reassess their approach and prioritize constructive engagement and collaboration. Only through mutual respect and cooperation can Collbran truly thrive. It is time for a change in attitude and a commitment to working together for the betterment of all residents and businesses in the town.

Mark McGowan  
Managing Member.  
Optimus Communications LLC

Manager



Kendall Wilcox  
Mayor  
Town of Collbran  
1010 High Street  
PO Box 387  
Collbran, Colorado 81624

May 7, 2024

RE: Internet and Telephone service quote

Optimus Communications, along with Mark and Tylor McGowan have extensive experience in the communications field. It is our understanding and recommendation from past experience that the system will run smoother and customers will be happier if Optimus Communications owns and manages the communications infrastructure. We have several businesses and government agencies which we have this type of relationship with.

We propose that Optimus Communications provide Fiber Broadband services to the Town Hall, Public Works building and The Collbran Auditorium.

Our proposal is as follows:

\$149/month for Broadband to the three locations

\$19.95 per month per voice line

\$1.00 per month per Direct Inward Dial (DID) phone number

Optimus Communications also offers hosted VoIP PBX services.

Thank you for your interest in our services,  
Mark McGowan  
Managing Member  
Optimus Communications LLC

# Optimus Communications, LLC

Type: Check · Delivery method: Any · Name: Town of Collbran · Date: All dates

undefined	Date	Type	No.	Payee	Total	Attachments	Action
<input type="checkbox"/>	04/01/2024	Check	Bill Pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	03/01/2024	Check	bill pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	02/01/2024	Check	bill pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	01/02/2024	Check	billpay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/01/2023	Check	bill pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/01/2023	Check	186	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/02/2023	Check	Bill Pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/01/2023	Check	Bill Pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	08/01/2023	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/03/2023	Check	dc	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	06/01/2023	Check	Bill Pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	05/01/2023	Check	bill pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	04/03/2023	Check	Bill Pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	03/01/2023	Check	bill pay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	02/01/2023	Check	BillPay	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/30/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/01/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/01/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/30/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/01/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	08/01/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/01/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	06/01/2022	Check	ach	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	05/12/2022	Check	10288	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	04/01/2022	Check	10285	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	03/01/2022	Check	10279	Town of Collbran	\$100.00		<a href="#">View/Edit</a>

undefined	Date	Type	No.	Payee	Total	Attachments	Action
<input type="checkbox"/>	02/01/2022	Check	10271	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/31/2021	Check	10261	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/08/2021	Check	10257	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/01/2021	Check	10249	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/01/2021	Check	10242	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/01/2021	Check	10235	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/30/2021	Check	10223	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/01/2021	Check	10219	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	06/01/2021	Check	10211	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	04/30/2021	Check	10198	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	04/01/2021	Check	10193	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	03/01/2021	Check	10185	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	02/01/2021	Check	10176	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/31/2020	Check	10167	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/01/2020	Check	10162	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/30/2020	Check	10153	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/01/2020	Check	10148	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/01/2020	Check	10139	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/31/2020	Check	10129	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/20/2020	Check	648	Town of Collbran	\$80.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/01/2020	Check	10124	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	06/01/2020	Check	10117	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	05/12/2020	Check	10110	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	04/16/2020	Check	10103	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	02/28/2020	Check	10095	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	01/31/2020	Check	10090	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/31/2019	Check	10084	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/29/2019	Check	10080	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/01/2019	Check	10075	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/01/2019	Check	10070	Town of Collbran	\$100.00		<a href="#">View/Edit</a>

<b>undefined</b>	<b>Date</b>	<b>Type</b>	<b>No.</b>	<b>Payee</b>	<b>Total</b>	<b>Attachments</b>	<b>Action</b>
<input type="checkbox"/>	08/30/2019	Check	10067	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	08/01/2019	Check	10064	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/01/2019	Check	10062	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	05/31/2019	Check	10060	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	05/01/2019	Check	10058	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	04/01/2019	Check	10056	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	03/01/2019	Check	10054	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	02/01/2019	Check	10052	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/31/2018	Check	10050	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/30/2018	Check	10048	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/21/2018	Check	10046	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/26/2018	Check	10044	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/26/2018	Check	10042	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	08/14/2018	Check	10040	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/11/2018	Check	10038	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	06/12/2018	Check		Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	05/10/2018	Check	10034	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	03/14/2018	Check	10030	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	02/13/2018	Check	10028	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	01/10/2018	Check	10025	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	12/12/2017	Check	10022	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	11/14/2017	Check	10019	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	10/12/2017	Check	10016	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	09/20/2017	Check	10013	Town of Collbran	\$100.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	08/10/2017	Check	262	Town of Collbran	\$80.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	07/11/2017	Check	10008	Town of Collbran	\$200.00		<a href="#">View/Edit</a>
<input type="checkbox"/>	06/21/2017	Check		Town of Collbran	\$200.00		<a href="#">View/Edit</a>





Kendall Wilcox  
Mayor  
Town of Collbran  
1010 High Street  
PO Box 387  
Collbran, Colorado 81624

May 7, 2024

RE: Denial of Request to build within 1,500 feet of Optimus Tower

Per FCC regulations which were addressed at the last meeting by the Mayor, Optimus Communications, LLC is NOT giving our permission to the Town of Collbran or anyone else to construct a tower within 1,500 feet of our tower.

Mark McGowan  
Managing Member  
Optimus Communications LLC



Kendall Wilcox  
Mayor  
Town of Collbran  
1010 High Street  
PO Box 387  
Collbran, Colorado 81624

May 7, 2024

Dear Mayor Kendall Wilcox and Town Manager Melonie Matarozzo

I am writing to formally request a full refund of all rental payments made by Optimus Communications for the yard and Right-Of-Way Utility Easement located at Gandi Park. As per the decision of the town board, Optimus was required to pay a monthly rent of \$100 for the use of this property. However, recent developments have indicated that this property is no longer available for our use as it no longer has a fence.

It is worth noting that the State of Colorado recognizes ISPs as utilities, granting them full access to utility easements. Furthermore, Optimus Communications, being the owner of the cable system, already holds utility status. Given these circumstances, it is clear that the rental payments made by Optimus Communications were unjustified.

Therefore, we kindly request that the town issue a full refund of all rental payments made for the storage lot at Gandi Park in the amount of \$8,460. We believe that this refund is fair and necessary considering the change in designation of the property and the utility status of Optimus Communications.

Thank you for your attention to this matter. We look forward to receiving a prompt response regarding the refund request,  
Mark McGowan  
Managing Member  
Optimus Communications LLC