

**TOWN OF ARRIBA
BOARD OF TRUSTEES REGULAR MEETING
Monday, May 12, 2014
Arriba Town Hall, 711 Front Street, Arriba, CO 80804**

Call to Order

Mayor Pro-Tem Alex Flores called the meeting to order at 7:37. Roll call for the Arriba Town Board was read and those answering were Jody Schiffers, Mike Koehn, and Caleb Brent. Troy McCue was absent.

Pledge of Allegiance was led by Caleb Brent.

Public Audience included Marcella Flores, Dolle Lehrkamp, Beverly Langley, Karen Kovar, Pam Koehn, Ted Grundmeier and Harvey Dumcum.

Dolle Lehrkamp asked if anyone had any questions. She said that Ordinance 11 which moderates the duties of the officers of the Town had been found. She said the Town also has a municipal court because the copy of the ordinance that she had was not signed or verified but Clerk Hart had found a signed copy, so the Town is good, the Town can have a municipal court. Mayor Flores asked if it was a court not of record. Dolle Lehrkamp said that it is a court not of record but it can be a court of record if the Town wants to hire an attorney, and if it's a court of record it must be recorded electronically. The Town would have to compensate a judge and would have to have a bailiff and hire a court clerk. The court clerk could be the stenographer and the court clerk. Mayor Flores said he didn't think the Town wanted to do that. Dolle Lehrkamp agreed saying it was fairly expensive and Flagler does it but the rest of the small Town's do not. Dolle said that if anyone has any questions about her judgments then it would be appealed to the County Clerk and Lee Fisher. If it was a court of record it would be appealed to the 18th Judicial District. Mike Koen asked if the Ordinance that he found that were not signed if the signed copies had been found. Dolle Lehrkamp said yes that Josie Hart has the copy. Mike Koehn said not just 11 but the others. Dolle Lehrkamp said that Ordinance 11 was signed that it was the one concerning the municipal court that wasn't signed that there were questions about but Clerk Hart has the signed original. Mike Lehrkamp said that when they had looked through the ordinances there had been a number of other ordinance that were not signed. He asked if they had ever been signed or if there were still problems in those areas. Dolle Lehrkamp said she didn't know. Mayor Flores said that the ordinances would have to be gone through individually. Clerk Hart said that all the old originals were in the safe. Beverly Langley asked Mayor Flores if he had ever went and looked at the hole in her neighbor's yard. Mayor Flores said no hadn't because he didn't want to go on to his property. He said he could almost tell where it was but he wasn't going to walk out onto his property. Trustee Brent asked Beverly Langley where the hole was. He said that he had gone by there too but couldn't see where it was at. Beverly Langley said that it was completely between the house and the garage. Trustee Brent asked if that was on the

corner right to the south of her. Beverly said yes it was. Trustee Schiffers said the problem was that it was on his property. She said that she had looked at it. She didn't know if the Town could legally do anything since it was on his property. Dolle Lehrkamp said that the only ordinance she had found was ordinance number 7 which stipulates open holes but only on public property. She said even if it is a hazard if it's on private property there's not much that can be done. Beverly Langley asked what about the truck. Mayor Flores said that the truck was out there but that if you look at the opposite corner Larry Rodrigues truck is out there too, and if you drive through Town there are lots of people who park their truck out there on the Town's right of way. Beverly Langley said that she bet they were all licensed too. Mayor Flores said probably the majority would be and that was a different deal unlicensed vehicles. He said abandoned vehicles, machinery, all that is in the Town's ordinance as a safety hazard or fire hazard. Beverly Langley said that on the other side of her, her neighbor is asking the owners to get rid of the abandoned trucks on the property because he didn't want them and he is just renting. He is really working at the property too. She said why a renter works at that kind of rent is amazing. Mayor Flores asked which house that was. Beverly Langley said the one north of her. Dolle Lehrkamp read section 9 in Ordinance 7 concerning excavation. Beverly Langley said that if the Town would just ask Littlehorn when he was going to get it done, and if he would just make a commitment to get it done. But that if it was like everything else over there it was never going to get done.

Approval of Agenda Trustee Schiffers moved to approve the Agenda, Trustee Brent seconded and the motion passed.

Todd Simon- Sewer Lines Todd Simon was not in attendance. Clerk Hart asked the Board if they wanted to call him. Mayor Flores asked what Todd Simon had wanted to discuss with the Board. Clerk Hart said that he wanted to explain to the Board what was going on with the sewer lines and why he had to put the risers on. Mayor Flores said yes to calling him. Trustee Schiffers asked if risers was the right word for them. Mayor Flores said that that is what they were called at the last meeting. He asked if cement risers was the right term. Trustee Koehn said they might be steel but he wasn't sure what the material was. Trustee Brent asked if the Town had an explanation of charges from Todd Simon. Mayor Flores said yes the town should and it should be on the bills. Mayor Flores asked Clerk Hart what Todd Simon had given her for an invoice. Todd Simon was called and put on speaker phone. Mayor Flores said he would go around the Board and see if anyone had questions on this. Mayor Flores asked what exactly the concrete risers were for sure and what it does. Todd Simon said they are cast iron raiser rings and they put them in the rings that are there to raise up the lid so it is more easily accessible, so instead of digging up 12 inches of dirt so there is a faster access to the manholes themselves. Todd said that was the reason he had Clerk Hart call everybody because having those manhole you need access to them where they're really not doing you any good. He said so what he did was raise up three of them and some of them didn't need to be raised, there were actually 4 of them that should have been raised but he only raised 3. He said his it's cheaper to have them raised then to pay him every time to dig them up. Mayor Flores asked him if this was all around town- would they need to do this to all of them. Todd Simon said no not all of them, maybe four or 6, but he would not

know until he dug them up. He said if they were within 3 inches to the top of the ground they would not need to be raised, but if they're more, then its time consuming and especially if there is a plug up. He said if somebody is waiting to see if it's the town's problem and you're having to go out there and it takes 30 to 40 minutes to dig up manholes people get impatient, it's just so that the manholes will be accessible, you can go out there and lift one up within a couple minutes and inspect the sewer lines. He said what he did the ones that were so deep raised them up to a couple inches of the ground. He said it cuts down on having to locate them and dig them up, and now they'll be able to find them and you'll know what's there. He said the Town will have more access to the sewer system.

Todd Simon asked if everyone on the Board was okay was this and if they aren't okay with it he wouldn't do it again. He said he felt like it was something that needed to done, he wanted to make it up to date as he can. He said what he's doing is trying to build a profile of the Town's system, he's not only doing a maintenance but building maps. He said that he do a diagram on the cleaning report that shown one manhole in the system that is absolutely worthless. He said it comes in on one side of the manhole on the outside and goes through the manhole and turns again on the other side of the manhole. He said those are the kind of things that you need to know. He said he's trying to build the town something so that if anyone comes in and wants to know what's going on with the system the Town will be able to show them the documentation that he has done. Mayor Flores said that the Town appreciates that but that the Board had approved a certain amount and that it was more than that and some of the Board members wanted to meet again at a regular meeting instead of doing it on the fly. He said this way the public and everybody is aware of what the Board is doing and it's all up front, and the Board isn't saying they're going to do one thing and then doing something else. Todd Simon said that that was his concern with the whole thing anyway. Todd Simon said that he would take the blame for that. He said he should have warned the Board that there is no way he could reach exactly 5000 feet because there's different distances between manholes and he will try to keep it down there as much as he can. He said that he needed a little leeway, so if something comes up like this and another manhole needs to be raised the Board needs to know ahead of time. Todd Simon said he apologized and said he should have said that in the first place. He said that with his other clients he's already done all this and raised the manholes and done everything where everything is accessible, and he forgot to bring it up. He asked for the Boards patience, he said can do this again and wants to work for the Town but these are the things that he is going to run into because it's not a perfect system, but he will do that best he can.

Trustee Schiffers asked about the manhole that wasn't working what it meant and if the Town needed to do something there.

Todd Simon couldn't hear the question. Mayor Flores asked him about the one manhole that wasn't working what it would take to fix it. Todd Simon said to fix it the Town would have to put in 2 manholes. He said a manhole would need to be at each corner so the town could have access, and still leave that other one in there so you can get through the little section there. He said it wouldn't be cost effective to do anything about it. He said that he could clean it the way it is. He said he runs his cutter through from the top and down then shuts that off and pulls it back then runs a jet, and the jet will go around

the corner but the cutter won't. He said the idea was to run the cutter through so that if there were any roots coming out of the services he would be able to get those removed. And there was one place on the upstream side that they knocked loose some roots then went into the manhole he was talking about and flushed those out of there with the jet. He said it was a little more work for him but it's still a doable thing and he was able to get those things out of there and get it cleaned. He said to fix it would be cost prohibitive, and the Town would basically have to put in 2 more manholes for that 8 feet. Mayor Flores asked the board if there was anything else for Todd Simon. He thanked Todd Simon.

Todd Simone said thank you and he hoped he answered everybody's questions.

Trustee Schifferns asked if she was looking at the map right and that the manhole in question was behind the antique store. Mayor Flores said it was down the alley.

Trustee Koehn asked Mayor Flores what the conversation was when Todd Simon had called and said he wanted to do two lines instead of three. Trustee Keohn said it was his understanding that Mayor Flores had said that Todd Simon had called and said he only wanted to do two lines instead of three, and that he wasn't able to do as much and that was when Mayor Flores has told him to keep it at \$5000. Mayor Flores said that Tom Rush had called him and said it was going to be more than what was said and did the Board want to go ahead and let him do it. He had said not without talking to the Board, just do what we agreed to do. Mayor Flores said that Town did turn out to have more feet than what Todd Simon had said. Clerk Hart showed the Board on the map that Todd Simon had given her that showed the extra lines that added up to more feet and more cost. Trustee Schifferns said that he couldn't stop at 5000 feet exactly, she thought that was acceptable.

Clerk Hart said that Todd Simon had charged \$675 for all the digging on the manhole covers. Trustee Schifferns said that if that one manhole is behind the antique store she's never had any problems. Mayor Flores said that anything with plumbing is expensive. Trustee Schifferns agreed. Mayor Flores read a line on the invoice from Todd Simon: Labor for Locating & Digging manholes 3 hours @ \$225.00 per hour...\$675.00.

Trustee Schifferns said that was why Todd Simon was making the map now so that they wouldn't have to do that in the future. Clerk Hart said which is why he wanted to raise all the manholes. Mayor Flores said that the Board knows it's going to be mapped out and that Todd Simon is going to do a good job for the Town, but he is costly. Mayor Flores asked if there was anything else on the sewer. He said that next year the Town was going to do this again. Trustee Koehn said that in the future the Town should lay eyes on it and see what the justification is for putting the risers on it. Mayor Flores said that before Todd Simon comes the Town needs to locate the covers, and put markers on them so that when he comes he doesn't have to spend time looking for them. Trustee Koehn said that Tom Rush had called Mayor Flores and had told him that cleaning the three lines as proposed would exceed \$5000, but that two lines could be cleaned at \$5000 and that Mayor Flores had instructed Tom Rush to keep the cost at \$5000. Trustee Koehn said that the Town had an agreement for 5000 feet and that was \$1 a foot. He thought it was reasonable to expect that the Town got \$1 a foot the Town would pay \$5000 for the cleaning and if there were additional expenses the Board should lay eyes on it and decide. He said the Board didn't really follow through with seeing if that was what the Town really needed.

Mayor Flores said that the Board knew what the cost was but that they were estimating feet when that decision was made. Trustee Koehn said that to him an agreement is an agreement and that he had asked before what the difference was why the Board went with an agreement instead of a contract. He said an agreement to him was that you know what you are doing and you're estimating the job and you'll do a third of cleaning for that amount.

Trustee Schifferns said that was in a perfect world too, but we're not in a perfect world. She said that she had no problem with what Todd Simon did.

Trustee Koehn asked if three lines were a third of the town. Mayor Flores said he was unsure how many feet of sewer lines the Town had. Mayor Flores said that nobody could find a map of the sewer system.

The Board agreed that next year the Town should have the manhole covers found, marked and dug out, then the Town would know if risers would be needed. Trustee Schifferns said that if the Town wants to do it at \$5000 next year and it turns out that risers are needed then the Town would need to have less feet of sewer line cleaned to keep the cost at \$5000.

Trustee Koehn said that to keep the cost at \$5000 it might take an extra year to have the whole system cleaned.

Approval of the Minutes Trustee Schifferns said that there was one unfinished sentence that needed completed in one of the minutes. It says 'Trustee Schifferns apologized' but doesn't say what she apologized for. She said that it should have said that she apologized for the election mistakes.

Trustee Koehn said that there had been an improvement in the way the minutes have been recorded but there are still some gaps. He said it was reasonable to expect that what the issue was, what the arguments were and what the action or response was be recorded. He said the Board was not getting that all the time and it could be improved. He said if a person who hasn't been to a meeting read the minutes and they read that there was a discussion, in a lot of cases it doesn't say what the arguments were or who made them, what the response was or the action.

Clerk Hart said that really it was up to the Board what they wanted recorded because legally all that's required is who made motions what it was about, who seconded and if it passed. Mayor Flores said that discussion should be recorded or if someone disagreed with something that should be recorded.

Trustee Koehn said it's important for the Town's reference to be able to go back and see what the argument was on an issue and what the response or action was. He said right now it's pretty tough to go back and see what was happening.

Dolle Lehrkamp asked Trustee Koehn if there was anything from the last meeting that he would like included in the minutes.

Trustee Koehn said that he would have to look at that a bit. He said that when he had brought up the need to be respectful of the sunshine law. He said he has heard from some of the residents that there's a perception that Trustees are doing business outside of the Board and the two most recent conversations that have involved that and that there's been some people that have asked him about it. He said buying a computer outside of a Board meeting when the Board was able to make that decision on which computer to buy and how much to spend at an action meeting. Trustee Koehn said if you revert back to the

minutes you don't see the conversation where he had brought that up, or the response from Trustee McCue saying that sometimes the Board has to make snap decisions to keep the water running. Trustee Koehn said that he disagreed with that. He said he didn't think that buying a computer or buying the riser rings for the sewer project was keeping the water running.

Dolle Lehrkamp said that concerning the Sunshine law- in Colorado Revised Statutes in article 24 it stipulates the rules, and regulates public meetings that are held or specifically any meetings that are held for a public institutions. She said privately you can't have more than 3 members of the Board of Trustees together outside of the publically announced meeting. She said a publicly announced meeting means notice has been given to the public at least 24 hours in advance, and that can be done by posting the time and location of the meeting on the door of Town Hall, and can also be done by publishing notice of the meeting in a newspaper of record. She said if that has not been done then 3 or more members cannot meet to make decisions because if any decisions are made outside of a publicly advertised meeting those decisions are deemed invalid and must be discussed at the next publicly advertised meeting.

Trustee Koehn asked what the Board does if there had been a violation.

Dolle Lehrkamp said that at this point there's not much that can be done except to just not do it again, but if violations continue then the Town could be liable to prosecution from members of the town who feel that they have been excluded from the process of Town government. Dolle Lehrkamp said that these meetings can be held by email or telephone but the public still needs to be notified and any member of the Town who wishes to be part of the email or conference call has to be allowed to submit their email address or phone number. This does not include executive sessions. She explained that the mayor and city manager is the same in small towns but in larger cities those positions are split. But in a small town there are many decisions that don't need to come before the Board except in an advisory capacity because the mayor can make those decisions on his own.

Ted Grundmeier said that some decisions that are made outside of a meeting benefits the Town. Dolle Lehrkamp said that things might happen where a decision needs to be made quickly but that they need to be brought back up at the next public meeting.

Trustee Brent moved to approve the minutes from the April 14th regular meeting as amended and to approve the minutes from the March 10th regular meeting and the April 29th action meeting. Trustee Schifferns seconded and the motion passed.

Approval of Accounts Receivable and Payable April and approval of May Bills

Mayor Flores commented about the detail of the DJ Petro bill.

Mayor Flores wanted to know what the bill from Arriba Welding Technologies was for. The amount of the bill was \$615 and says: Construct & Install ¼" X 12" X 60" HR Flat Rolled for 3" gap. for waste water, Labor.

Trustee Schifferns wanted to know where the 2 new meters that Tom Rush had ordered were going to be put. She said she thought there was going to always be some in reserve. Clerk Hart said that she couldn't remember where the new meters were going and that she thought Tom Rush had used all the meters in reserve after a couple had frozen or quit working.

Trustee Schifferns moved to approve the receivable and payable for April and to approve the May bills. Trustee Koehn seconded. Motion died.

Trustee Brent asked if the Board should wait until the next meeting to discuss the Arriba Welding Technologies bill. Mayor Flores said that by then the bill would be past due. He said he didn't remember ever talking about anything that needed to be built for the wastewater. Trustee Schifferns said she thought it had something to do with the lining cleaning. The Board agreed that Paul Reida with welding technologies should be called.

- At this time Jason Rand stepped in to tell the Board that Clint Rand's 2 dogs left today and would not be causing any more problems for the Town. He apologized for the trouble the dogs had caused.

Trustee Brent tried calling Paul Reida but no one answered.

Mayor Flores asked the Board if this bill could be approved by phone tomorrow when there is information on what it was for. Trustee Brent asked if a notice would be need to put on the door concerning this. Dolle Lehrkamp said that the Mayor can make the decisions by himself.

Trustee Schifferns moved to approve the Receivable and Payable for April and to approve the May bills excluding the Arriba Welding Technology bill which will be paid with the discretion of the Mayor. Trustee Koehn seconded and the motion passed. Mayor Flores said that he would find out what that bill was for and relay the information back to the Board.

Open Trustee Seat Mayor Flores asked who all wanted to be on the Board. Karen Kovar, Marcella Flores, Kay Willoughby and Ted Grundmeier were interested in being on the Board. Trustee Koehn, Trustee Caleb and Trustee Schifferns were given blank paper to vote for who they wanted to fill the 2 open Trustee seats. Clerk Hart gathered the papers and counted the votes. Mayor Flores stated that Karen Kovar and Marcella Flores had received the most votes.

Dolle Lehrkamp swore in Karen Kovar and Marcella Flores. They took seats on the Town Board.

Code Enforcement Trustee Koehn said that they had worked on Ordinance 111 concerning dogs at large and nuisance barking. He said they had reviewed other Town's ordinance and now they need to check with Stan Kimble on the language and have a reading on the ordinance. Mayor Flores explained that the Town Ordinance says vicious dog which would be changed to aggressive dog. He said a dangerous dog doesn't have to bite it just has to show intention to attack. He said if your dog does this in Limon and Hugo requires you to carry insurance. Trustee Schifferns asked who determines if the dog is dangerous. Dolle Lehrkamp said that the courts would determine it.

Trustee Kovar said that any dog will bark or growl to defend his property.

Dolle Lehrkamp said that the Town's dog pound would need to be operational.

Trustee Schifferns said that she had asked Tom Rush what the dog pound was like but Tom Rush had said it was fine but needed something added to it. She said that the Board needed to ask Tom Rush about it.

Dolle Lehrkamp said that if municipal court was held someone with the Town preferably the code enforcer would need to be there to be a witness for the Town. She said that

whoever issues a ticket has to be a witness, a ticket cannot be issued on here say. She said that Mayor Flores can make someone a deputy to serve in his place. Trustee Marcella asked if a picture of a loose dog would serve as witness. Dolle Lehrkamp said that cell phone pictures are now permissible in municipal court but the picture would have to be conclusive enough.

Trustee Schiffers asked if she saw a dog running and she took a picture of it, could she call Mayor Flores to make her a deputy. Dolle Lehrkamp said no you have to be a deputy first and when seeing the dog at large.

Clerk Hart asked what the Town could do if a complaint was made about a loose dog. Lehrkamp said that it was up to the code enforcer if he wants to issue a citation or not but that if it came before her and there was no proof there wouldn't be a lot she could do. Mayor Flores asked if someone had seen a dog loose could he bring in that person as his witness. Dolle Lehrkamp said yes.

Trustee Koehn said that Stan Kimble had advised the Town have language in the ordinance for restitution, and that is not currently in the ordinance.

Dolle Lehrkamp said that when Wesley Rand's dog was accused of killing Eberle's dog no one actually saw Wesley Rand's dog kill Eberle's dog.

There was brief discussion on the dogs in Town that frequently run loose.

Clerk Hart said that the Town had issued a ticket to Chaz Newcomb as owner of the white pit-bull that had killed Rod Child's cat. She said a guy had come in on the Monday that Municipal Court was supposed to be held but quite a while after Dolle Lehrkamp had left. She said that the guy's name was Kyle and he stated he was the owner of the pit-bull not Chaz Newcomb, he had paid the \$10 fine.

Trustee Brent said that Tailgate, Clint Rand's white and black pit-bull had broken into his female's dog's cage.

Trustee Koehn said that some language that should be included in the ordinance is maintaining the registry of the dogs that are in Town. He asked if there was a registry of the dogs in Town. Clerk Hart said yes there was. Trustee Koehn asked if it was complete. Clerk Hart said no it wasn't. Trustee Koehn asked if there was language in the ordinance about maintaining the registry.

The Board discussed notifying residents especially new residents that their dogs must be licensed. The Board discussed putting this information in the Welcome Packet or on the Town water bill.

Mayor Flores asked when the Town would hold the dog clinic. Clerk Hart said it would be scheduled tonight.

Pam Koehn said that the ordinance states someone can only own 3 dogs.

Trustee Koehn said that they had spend a lot of time collecting information.

Mayor Flores said that a lot of people have complaints of barking dogs but they don't want to talk to their neighbors.

Dolle Lehrkamp said that in the event that someone is fined and they are unable to pay the fine or refuse to pay the fine, she can swear out a warrant for their arrest but doesn't feel comfortable doing that for a nuisance violation. She said the options for that are having a recourse to the water and sewer bills, garnishment of wages or to file liens.

Trustee Koehn said that Stan Kimble said the Town cannot tie it to their services.

Mayor Flores said that the items that would be added to Ordinance 111 includes the restitution language, the aggressive or dangerous dog wording and requiring insurance for a dangerous dog.

Trustee Schiffers asked if the whole ordinance would need to be advertised or just the revisions. Trustee Koehn said that the Town could actually just advertise the title and people could come in and read the ordinance.

Trustee Brent asked what the dog issues are right now. Trustee Koehn said that dogs at large and barking dogs. He said that his recommendation is to talk to Stan Kimble, look at the language and get it passed. Trustee Koehn said that nuisance barking could be added to citing time limits for the barking. Dolle Lehrkamp said that there would need to be a witness of the barking.

Trustee Schiffers asked the Koehn's if they had been having any more problems with barking dogs.

Trustee Koehn said that last year he didn't mind it so much he had just come to the meetings in support of Mrs. Cousins. He said he felt bad for what she was putting up with. He said that the dog behind Cousins is a pretty bad deal, the dog is tied up and barks for hours a day. Trustee Koehn said that Don Pilgrim had reported a barking problem at his end of Town. Trustee Koehn said that he is being woke up every day the past 2 months at 6:00 with hours of barking by the dogs across the street from them. He said that it was every day. He said that he had come to the meetings last year to support Mrs. Cousins and at the time Steffanie Bell's dogs had been causing him a lot of grief but that Trustee Schiffers had said that she didn't really hear the barking. Trustee Koehn said that the dogs bark at everything and with windows open it was very annoying, but winter came and windows were shut and they didn't really notice the barking anymore. He said now that the weather is nice again windows will be open again.

Clerk Hart asked him if the issue was with Steffanie Bell's dogs or the dogs to the east of him. Trustee Koehn said that it was both dogs on either side of their property. Pam Keohn said that Steffanie Bell's dogs were getting better and weren't so bad. Trustee Koehn said that the biggest problem was the dogs to the east of their property, these dogs bark a lot and break their chains a lot.

Dolle Lehrkamp said that the proper procedure for this is if the neighbors wish to come in and file a complaint and state which days or if it's constant, that complaint will be taken by Clerk Hart and given to the code enforcer. The code enforcer would determine what to do which would probably be to immediately issue a warning letter. She said if it does not stop and they come into file another complaint or if the code enforcement witnesses himself what is going on and wants to issue another violation letter at this point it would be a citation with a fine and court date. She said that if she has 3 hearings with the same person over the same issue the highest amount she can fine is \$300 and also 30 days of jail time which she does not feel comfortable with doing. If the dog is overly aggressive the options after the \$300 fine is to destroy the dog which the Town would have to pay for. She asked the Town council if they were comfortable with that. She said that if the dog was overly aggressive and has caused severe damage to someone and the sheriff's department has been involved the Town would still have its ordinance violations but the aggressive dog part would be handled in the county court with the sheriff's office.

Trustee Koehn said that hopefully problems can be solved with a warning.

Mayor Flores said that they would write up the revision as best as possible then give it Stan Kimble for review.

Dolle Lehrkamp said that any decision she makes can be appealed to the county court by the defendant but cannot be appealed by the Town.

Trustee Koehn said that in court people are innocent until proven guilty so the burden of proof is on the Town which is why the language in the ordinance must be so specific and right.

Trustee Schiffers said to keep in mind that Stan Charges \$110 an hour.

Trustee Koehn said that from what he hears the public is more than happy to pay to update the Town's ordinance and start correcting some of the situations that the Town has on its hand.

Water & Sewer Operator Mayor Flores said that Par Parker would be here Wednesday the 21st and he wants to go over everything about what the Town will have to deal with. He said that there is a class May 22nd and 23rd in Rifle, this is just a class to prepare for one of the tests. Trustee Brent said that a lot of the test preparation can be done online. Trustee Koehn said that he had talked to the Colorado Water Association and they will have a class on the 22nd and 23rd and they wanted \$150 for the 2 day class. He said that he and Mayor Flores wanted to look into it to see if it was something they could do themselves for the Town. He said he had told Mayor Flores that he wanted to pay his own way he said that it looks hard and cryptic and it might not be what you think but until you go you don't know. He said that it was worth the \$150 to learn about it. He said that he and Mayor Flores would be going. Mayor Flores said that he would be paying his own way as well.

Trustee Keohn said that there were different options, you could get a small water license which is probably a little easier to get then the Level 1 and the D which the Town is currently operating under. He said he didn't think the Town needed four licenses, it was his understanding they could either do a level 1 and a D or a small systems. He said the small systems would only work for them if they planned to do their own system. If they want to travel or do any other Town's they would need a level 1 and a D, and depending on the population they would need to move up to a higher level. He said if it was a larger population they would need a level 2. He said he was of the understanding that Par Parker had a level 2. He said that after he looked into it he wasn't sure if he would even want to do it, that's a lot of responsibility and liability and people's lives are at stake. But it was worth \$150 to him to go and learn about it to see if they can do anything for the Town. Mayor Flores said that he had been told it will take about a year to get all of the licensing. He said that Pat Parker said he would stay until the Town had someone else.

Trustee Koehn said that there are only 3 times that you can even test for the licenses, and the soonest that the Town could get someone trained up would be in 2015.

Trustee Koehn said that there are private companies that offer training at \$450 for a 3 day session.

Mayor Flores and Trustee Brent commented on the 4 licenses but they were unsure of what exactly they were called and what was required.

Trustee Koehn said that CRWA had said that they knew what the Town had and the small water systems would cover them if that's all they would be doing.

Park Grant Clerk Hart said that Erin Star with the Colorado health Foundation had emailed her and that the grant deadline is June 15th. Clerk Hart said she had explained to Erin Starr that the Town only had about \$5000 to contribute, Erin Starr had suggested the Town go ahead and apply because the foundation likes to see money contribution on the Town's part but that it wasn't required. Clerk Hart showed the Board the plans for the new park equipment. Clerk Hart said that the amount of the request could be either \$161,331 which included full removal of old equipment and installation by Colorado Health Foundation and included new border timber and playground wood chips or \$128,596 which was removal of old equipment by them and community installation plus new timber border and playground wood chips. Clerk Hart said that the concrete for the pad under the fitness stations was not included in either amounts.

Trustee Schifferns said that the Town should put that \$5000 somewhere else.

Trustee Koehn said that he wasn't for it either.

Mayor Flores said that the Town gets lottery funds for the park but that the Town has been using those funds to pay the mower loan and maintain the park.

Trustee Brent asked if it would hurt to apply to see if the Town could even get the grant.

Ted Grundmeier said that the Town could offer a token amount, and say \$1000.

Trustee Schifferns said the Town could put down \$500.

Trustee Koehn said he was against it even for \$500.

Trustee Kovar was against it. Trustee Schifferns was against it. Trustee Flores was against it. Trustee Brent was for it.

Water Rate Increase The Board reviewed the current rates for the Town. (a copy of the rates have been included with the minutes and by reference are a part of these minutes) Mayor Flores said that the Town would be paying Tom Rush's medical insurance. Clerk Hart said that she was of the understanding that Tom Rush had qualified for Medicaid and the Town is not having to pay for his insurance.

Trustee Koehn asked what that had to do with the water rates. Mayor Flores said that he was just going over expenses that the Town might have that it didn't have before.

Trustee Kovar said that electricity has gone up. Mayor Flores said that electricity and gas rates have gone up.

Trustee Koehn asked how much the Board was looking to increase the rate.

Mayor Flores said a small amount.

Trustee Kovar asked what percent the electricity had gone up. No one on the Board could remember the percent that it had gone up.

Dolle Lehrkamp said that her and her husband agreed that the water rates need to increase.

There was discussion on raising the out of town rates. There was discussion on if Tarado was in town limits or out of Town. Ted Grundmeier said that the Town has never annexed Tarado because there is a piece of land in between Town property and Tarado. Trustee Brent said that Genoa has water issues and have to pump their water from Bovina so they are strict on their water rates. He said that might be something to go off of. He said the way to do it might be to restrict the gallons and then if they use so much charge them for overage

Trustee Koehn agreed saying maybe reduce the amount of gallons you get before the next tier. She said that she watered a lot last year but rarely went over the minimum.

Trustee Brent said that he was of the understanding that the average usage was 1000 to 2000 gallons of water a month, so if the Town's minimum is 5000 gallons he thought that not many people would pay anything over that.

Trustee Kovar, Trustee Schiffers and Trustee Flores suggested raising it 10% or 13% or 15%.

Clerk Hart said that the out of Town water rates had not been raised since before the water project.

Trustee Kovar suggested decreasing the in-Town water rate minimum to 3000 gallons.

Trustee Schiffers said it was her opinion that the tap fees should be increased.

There was discussion on tap fees in the big cities.

Trustee Schiffers asked about the tap fee money that the Town had received last month.

Clerk Hart explained that \$1500 was for the sewer tap on the Rand's trailer next to the Post office, and the \$200 was part of Trustee McCue's rental's tap fee.

Trustee Koehn suggested decreasing the in Town minimum to 4000 gallons and increasing the rate by \$1.50, so that it would be 4000 gallons for \$40.

The Board discussed if a \$1.50 was too much of an increase.

There was discussion on what other Town's rates are. Clerk Hart said she thought other Towns used to be lower than Arriba's rates. Trustee Brent said he thought Limon's were higher than Arriba's.

Mayor Flores said if the minimum is decreased then the tiers would need to be adjusted too. There was discussion on raising the tier after the minimum by .25 to .50 cents.

There was discussion on the average usage and how many people used the most water.

There was discussion on dropping the minimum to 2000.

There was discussion on how much it costs to pump the water. Clerk Hart explained that every year when she is working on the budget she usually has to borrow money from the general fund and sewer fund to keep enough money in the water fund. She said that the water fund usually comes up about \$5000 short.

Trustee Kovar suggested finding out how much the utilities have increased and then look at how the Board can adjust the number causing the minimum impact on low income people, then see how that fits with what the Town needs.

There was discussion on how the Town would need an extra \$500 a month to cover that \$5000 short.

Mayor Flores said that the rates have not been increased in 4 years. He said he agreed with Trustee Kovar on waiting to find out what percent the utilities increase was.

Trustee Kovar said that it should be set up so that a small increase was made automatically every year or every time other utilities were increased.

Trustee Schiffers said that the out of town rate should be increased by 15%.

The Board agreed that more information would be gathered and that Water Rate Increase would be discussed at the next meeting.

Trustee Koehn asked when he could complain about his high water bill, saying it was out of control. He said he would mention it under Trustee's report or bring it up under the maintenance report.

Maintenance Report Trustee Koehn said that he was getting an unusually high bill from the maintenance department. Mayor Flores asked how much was unusually high.

Trustee Koehn said that he had his usage here and that when he called Clerk Hart about it Clerk Hart said that she also had a couple of other people inquire about their unusually high water bill. Trustee Koehn said that something is going on that is not right.

Trustee Koehn said that he had tracked his usage, he said that he had only watered a couple of times this year. He said that last May when he watered all day every day getting his 3000 square feet of grass going he said that he used 12000 gallons, but for the last couple of years their water usage had been around 3000-4000 gallons a month. He said that there was no way he used 10,000 gallons last month. He said he watered the yard twice for a couple of hours. Trustee Koehn said that he was told that the Congregational church, Harvey Dumcum and Larry Eastin had inquired about unusually high water bills. Mayor Flores asked if they were read by the wand.

Clerk Hart said that she and Tom Rush have been having problems with numbers in the records and numbers that the meter reading wand records not matching. She said what she wanted to do was start over with many of the numbers and maybe estimate this next month's bills and try to start with fresh number to see where the problem was. She said she wasn't sure if the problem was with the meters or the reading gun, she didn't think it was the billing system at this time.

Mayor Flores said he didn't think it could be gun and he didn't see the meters going bad all at once.

Clerk Hart explained that the old meters read by thousands and that was what the reading gun was calibrated to, the new meters read by 10ths and that Tom Rush had told her that someone had told him that the meter reading gun might need a new part and new calibration be able to read the new meters correctly. Clerk Hart said that she wasn't sure what the problem was but that every now and then a problem like this pops up, everything will be reading fine then the numbers will be off or someone will have a high reading.

Trustee Schiffers said that one of her meters reads every 10 gallons.

Dolle Lehrkamp said that their 3 accounts seemed to be fairly accurate.

Clerk Hart said that it was just a few accounts and she really wanted to start with base numbers, maybe estimate a few accounts this month and see how it goes.

Trustee Koehn said that that doesn't really indicate a problem with the gun when you've only got a few accounts showing problems.

Mayor Flores said that Trustee Koehn and brought up this problem with a high bill before and asked if this had happened more than once. Trustee Koehn said that he had disputed a charge one other time other than tonight, and that it's obvious that it's not right because he didn't use 10,000 gallons last month when he had used 2000 - 4000 in the months previous.

Mayor Flores asked if from one month to the next if it went back to the normal usage.

Trustee Koehn said it had been pretty steady all through the winter then 10,000 gallons.

Mayor Flores asked Trustee Koehn if he had looked at his meter when everything was shut off to see if it was still turning. Trustee Koehn said he hadn't, he said that he had no water coming into his basement. He said that it was reasonable to pay for what your use and that when he goes to the gas station and puts in 20 he doesn't expect to go in and pay

for 40. Mayor Flores said that the Board needs to visit with Tom Rush to see if something needs to get tested or see what's going on.

Clerk Hart asked if she could give the Koehn's another credit on his account. Trustee Koehn said that he wasn't complaining about the dollar amount but he wouldn't want to pay for 10,000 gallons a month when he uses 2,000. He said that it wasn't just him there were other people reporting high water bills and they have to bring it before the Board.

Mayor Flores asked if there was anything else on Maintenance.

Trustee Koehn said yes he had had some residents asking about the use of the park mower on the county road ditches, and why the Town doesn't use the tractor and mower for the rough mowing, and that they think it will wear out the mower sooner than it needs to be. He asked if the Board had any comment about that. Mayor Flores said that he would ask Tom Rush.

Trustee Koehn said that he also had some residents asking about the width of the town right of ways in town and some trees that over hanging and hitting trucks. He said that Robin Tibbett's had told him that up by the Schifferns there is a tree hanging way out into the street and a truck with a load of hay went by and hit it and knocked some branches down. Trustee Schifferns asked what tree. Trustee Koehn said it was one of Robin's trees not one of her trees.

Dolle Lehrkamp said that anything planted in between the sidewalk and the street is on the right of way.

Trustee Koehn said that the biggest concern was the truck route and the width of the road for 2 trucks and with the busy season coming the Town should be taking a look at the width of right of ways and if that was a safety concern and what the Town wanted to do about it.

Trustee Kovar said the Trustee Koehn was pushing all of the hot buttons tonight.

Trustee Koehn said that he has a lot of time on his hands and speaks to some of the residents and see what their concerns are and bring them to the Board for them.

Trustee Kovar said that it was a constant battle about whose trees were in the right of way. Mayor Flores said that the Board knew that this would be an issue when those trees were planted years ago.

Trustee Koehn said but when it get's to the point where the trucks can't pass each other safely then the Town has to do something.

Trustee Koehn said that was just his opinion and he had some other people asking the Board to take a look at it.

The Board discussed having Tom Rush cut the trees down that are causing problems and how this will upset the property owners. Trustee Kovar suggested sending the property owners a notice about the tree and state that Tom Rush would be cutting the tree down. Mayor Flores said he didn't think Tom Rush could cut the trees down by himself.

Trustee Koehn said that there was also a problem at the Town rubbish collection point. He said it was getting out of hand. He said that he and Mayor Flores had gone up and took a look at it and the tree limbs pile is bigger than a house, it's huge, it's bigger than a house. He said that he thought the Town was kind of behind on that. He said that they also noticed there's a lot of things up there that shouldn't be up there. He said that for some reason the Town is falling behind on work at the collection point and not only that

but there's a lot of things up there that weren't ever supposed to be up there when they started that. He said it was his understanding that it was for tree limbs.

Mayor Flores didn't know how the Town could control what gets dumped out there.

The Board discussed keeping it locked up, but that people could still find ways to dump stuff back there.

Trustee Koehn said that it should be locked and the Town needs to get control of it as the Town can't have illegal dumping.

The Board discussed how there are couches, air conditioner and refrigerators up there when there should only be tree limbs and weeds or grass clippings.

Trustee Schiffers asked if the Fire department could do some training in up there and burn the brush pile. Mayor Flores said they plan to.

Trustee Brent asked if people were aware that only certain things could be dumped up there. He asked if there was a sign up there stating that.

There was discussion on sending out a summer newsletter letting people know about the brush pile and also about the dog clinic and dog licensing.

Trustee Schiffers suggested once a month allowing stuff like that to be dumped and then hauling it to the dump with the Town truck.

Trustee Koehn said he thought that was a great idea and it would encourage people to clean up their properties.

The Board agreed that the Town will notify residents that they can dump back there and what is allowed and what isn't. The Board discussed having Tom Rush start cleaning up the dump site. Freon and toxic waste being dumped back there was discussed.

Trustee Koehn said that the Town Hall building needs some maintenance done such as window repair, caulking, and painting and soffit repair. He said that the paint on the picnic area at the park was in the same shape. He said that he had received an email from Bryant Elrick about a church group called Love Loud that will be coming to the area this summer to do community service projects in the area. He said that they asked that the Board finds something that they could do to be a service to the community. Trustee Koehn said there might be some liability issue, the Town would have to think about not getting somebody hurt. Trustee Schiffers suggested maybe providing lunch if the group were to do a project in Arriba.

Trustee Koehn said that a lot of the residents have asked that the Board get a lot of this stuff out of the way and start doing something a little more positive that brings the community together. He said this might be an opportunity to get a little work done and have some fun. Trustee Koehn said that canopy at the park is in pretty bad condition and the paint on the trim.

The Board discussed different things that could be done for the Town.

Trustee Koehn said that the group would appreciate the Town getting hold of them as soon as possible with a plan. Dolle Lehrkamp asked if there was any elderly people that would like or need help with getting their properties cleaned up. Clerk Hart suggested asking Jim Littlehorn. The Board agreed that Clerk Hart will contact Bryant Elrick and tell him what the Town had come up with then she will call Mayor Flores and he will let the Board know.

There was discussion about if the Town had a cell phone for Tom Rush or if Tom used his own. The Town used to have a cell phone for Tom but doesn't anymore and right now Tom uses his person cell phone.

Clerks Report Clerk Hart asked the Board what items they wanted in the newsletter. The Board said the dog clinic and dog tag information, and ask people if they need help with property cleanup- but with small items only.

There was discussion about Town clean up and discussing jobs for the Love Loud group. Dolle Lehrkamp suggested talking to FFA groups, school groups, boy scouts and girl scouts that needed public service projects about doing projects around the Town. Mayor Flores said that also to add to the newsletter would be information about the brush pile including what can and cannot be dumped there.

Trustee Schifferns suggested adding yard clean up and mowing.

Trustee Kovar suggested putting a note asking if anyone has small yards jobs they needed help with.

Clerk Hart asked if the Board had a particular day they wanted to schedule the dog clinic. The Board agreed that it's usually held in June.

Clerk Hart explained to the Board the issue with the sewer tap on the Rand property by the Post Office. She said that several accounts were messed up in the program and she had tried to fix the problems but when she went to do the billing several of these accounts ended up doubling their account balance. She said that Kendra Brent had come in to pay off the account and when Clerk Hart had gone in to the account she saw that the balance was \$1878.50. Since the tap fee is \$1500 she adjusted the balance to \$1500 and Kendra wrote her a check for \$1500. It was later that Kendra Brent called her asking for an account printout that she noticed that account balance was originally \$977 but showed that after the billing the balance jumped to \$1878.50. Clerk Hart said that she did the math and the Town need to write a check for \$493.00 back to Kendra Brent. The Board gave Clerk Hart approval to do this.

Clerk Hart asked the Board if the Town wanted to advertise the community yard sale in the Ranchland news. Trustee Schifferns said that she thought it was around \$25.

The Board agreed that the Town should advertise in the Ranchland News.

Clerk Hart said that she needed a new notary stamp, because of the new requirements for the stamps. She explained that instead of having a stamp for her name and a stamp for her notary expiration date it's supposed to be all on the same ink stamp. She said that her stamp is a press stamp.

She said that when she worked for the Town before, the Town had bought her a stamp. She said it costs around \$30.

The Board agreed that the Town would buy her a new notary stamp.

Clerk Hart asked the Board if they wanted her to start the CIRSA application. She said that to be ready for the Town Insurance renewal she should start now, even it's just for a quote. The Board agreed that it would be a good idea.

Clerk Hart asked the Board if she got paid for meetings. She said that before she did and wanted to know if she would now. The Board agreed that she should get paid for meetings.

Clerk Hart said that she had gotten the new computer and had James Martin come out and get the files transferred over. She said he had gotten everything transferred but the Jayhawk software, the water and sewer billing program. She said that this was her fault because she thought it would be like the QuickBooks where you just backup the files then import them into the new computer, but it didn't work like that for the Jayhawk Software

and she has been trying to contact Jayhawk tech support but hasn't been able to. She said that until they call her back Jayhawk program is down and she wasn't sure what it would entail to get the up and running.

Clerk Hart said that Friday was the last day of school and if it was okay with the Board she was going to work Thursday so she could have Friday off to be at the school. The Board was okay with this.

Treasurer's Report The Board reviewed the report. All accounts looked good.

Trustees Report Trustee Flores said thank you for the opportunity to be on the Board and she hopes she can do a good job for the Town and she was looking forward to it. Trustee Brent said that there was a branch at the park touching some wires that Tom Rush might want to look at.

Trustee Koehn welcomed Marcella Flores and Karen Kovar to the Board. He asked Mayor Flores if he preferred to wait to talk about the CML stuff they had discussed earlier until the action meeting or next meeting when Tom Rush was here. Mayor Flores said yes he would. Trustee Koehn said that he did attend the CML Outreach today in Limon and found some good insight on issues the Town is dealing with so he'd table that until the next meeting.

Trustee Schifferns said she wanted to thank Clerk Hart for her quick response on a question she had had the other day. Trustee Schifferns said that the gutter for the park building needs replaced. The wind had blown it down and Tom Rush had removed it. Trustee Schifferns said that she really wants the Town to have a Welcome packet. Dolle Lehrkamp said that she had picked up other Town's Welcome Packets to look over. Trustee Schifferns suggested looking at Hugo's. Clerk Hart said that she has been working on one for the Town.

Trustee Schifferns welcomed Marcella and Karen to the Board.

Trustee Kovar said thank you for appointing her to the Board again and said that the Board has a lot to work on but that she thought the Town had a really good Board.

Trustee Koehn thanked Dolle Lehrkamp for all the work she has done.

Trustee Koehn said that every one of these ordinances were made to deal with a situation where somebody didn't have common sense, didn't know how to take care of the trash or didn't know how to control their dog, and every one the ordinances was brought up to deal with the situation and it's unfortunate that you have to have that. He said nobody dislikes rules more that he does, but they're necessary and it's not just for him it's for the good of the Town.

Mayor Report Mayor Flores welcomed the new Board members. He said that the Board has lot of work ahead of them but the Board can do it. He said he doesn't like making new rules that the Town has plenty of Ordinances to fix everything the Town just has to figure out a way to enforce them.

Mayor Flores thanked everyone for coming and apologized for dragging the meeting out so long.

Adjournment There being no further business to bring before the Board, Trustee Kovar moved to adjourn the meeting, Trustee Brent seconded. Mayor Flores adjourned the meeting at 10.25

Submitted by Josie Hart

Signed by _____

Approved by the Board on _____