

**DRAFT**

**Arriba Town Hall  
711 Front Street  
Arriba CO 80804  
TOWN OF ARRIBA  
BOARD OF TRUSTEES MEETING  
Monday March 14, 2016**

**Call to Order** Mayor Pro-tem Troy McCue called the meeting to order at 8:30. Roll call for the Arriba Town Board was read and those answering were Karen Kovar, Jody Schiffers, and Marcella Flores. Mayor Alex Flores was absent.

**Pledge of Allegiance** was led by Mayor Pro-tem Troy McCue.

**Public Audience** included: Larry Kitzel, Gerald & Carolyn Steinsiek, Jerry Norris, Vicki Wells, Jay Spurling, Michael Shirley, Tom Rush, Rod Child, Tim Litzenberger, Tami? Lindsey Michal, Leighanna Andersen, Jon Hart, Ed E Shiffers, Marilyn Lightsey, Marian Louise Skipper and Jeff Fike.

Mayor Pro tem McCue asked how many people would like to talk. He then stated that everyone was welcome to stay for the entire meeting, but that going out of Town Hall and coming back in would really be discouraged.

Jeff Fike spoke up saying that going out and coming back in was perfectly legal. He said that it wasn't on the Agenda or anything.

Mayor Pro-tem McCue said that he'd received a lot of comments about this issue and would like to handle it this way.

Tami ? said that America is still a representative republic, not a democracy- in a democracy majority or "mob rule" prevails, so whatever 50% of voters want something they get it, this is what the so called "Peoples Ordinance" is attempting to accomplish. A representative republic protects the rights of all citizens- not just the majority and it is founded on the principle of elected individuals representing the people with elections providing the opportunity for change, this is how America runs, you have representation- they're right here in front of you, if you don't like it, change it or run yourself. She said the other thing was that there actually is something called "the Arriba Town Board Meeting Protocols Policy" she said she wasn't going to go through the whole thing but you can actually find it- and it says "no person shall be allowed to interrupt the mayor, or board member, or staff member, or member of the public while speaking during the meeting."

Jerry Norris said that he was working on 'Commodities' and they've gone from just 9 people to over 30 families which is over 100 people, if anybody would like to sign up he

lives over at Leisure Pines at Apartment #1. He said it's almost impossible not to qualify so if anybody wants to sign up, see him, he'll get you signed up, because they break it down over there and it's from 1-3 and 4-6 units, so the more people you have in the family the more units you gets. He said twice a month they're getting fresh bread and for that he would need phone numbers and stuff so he can call because it doesn't come in on the first with the rest of the commodities. He said let's get the Town fed as best we can.

Jeff Fike said that we are a republic, what the "People's Ordinance" did is it took that very right to govern ourselves from Article 1 section 2 of the Colorado Constitution, exactly word for word quoted, reserved it to the people, which means that what happens is the Board would make an ordinance go through the process, have a hearing, all of that, and finally to become enforceable it would go to a public vote, also if I make an ordinance, or anyone, through the initiative process, same thing, once it goes through it goes to a public vote before it is enforceable. He said we are a republic not a democracy otherwise civil right and individual rights would be out the window.

Jeff Fike said we have asked and asked, and he has made enquiries about Leisure Pines on many occasions, just wondering what's going on, Leisure Pines is owned by the Town of Arriba, the Housing Authority of the Town of Arriba is whose on the deed, there is no mortgage on it- Mr. McCue got rid of that in 2013 somehow. He said anyway there's no lien on it other than there was a payroll tax lien that has been mostly satisfied, other than a wee bit of interest, why is Leisure Pines- since the Town owns it and we've got 10 citizens living there- kept to be such a big secret. He said he doesn't get it, he made an inquiry of Josie who said she didn't know anything talk to Dianne, so he made an enquiry of Dianne, to see what's going on here, see some financials and things with the response "oh I can't tell you nothing cause of HUD". He said when he got a hold of HUD turns out that is not true and he got that in writing from HUD, they have no interest they told nobody not to give out any information on the entity Leisure Pines. He said I know it's the Board's policy to never answer any questions but could you enlighten us on this Mr. Pro-tem, because it appears there's been some, maybe not malfeasance, but definitely incompetence or something, but I don't see if it's a public entity- which it is- its owned by the Town of Arriba- which is all of us here, why won't we be made aware of the financial goings on of Leisure Pines and have some accountability.

Jay Spurling said that he was planning a public get together this coming Saturday (March 19) he realizes its St. Paddy's day but he's going to be in the park, sandwiches are going to be \$5, basically \$5 a plate- it's going to be beans, chicken, pulled pork sandwiches, come down and meet any of the candidates if they want to come down and be a part of it, they are very, very welcome. He'd just like the public to show up and enjoy.

Vicki Wells said that some people know her and some people don't, her family has been in Arriba since the '30s so she has deep roots here. She said her parents met and fell in love, got married, at Audine's is where that started, so she's been around Arriba for a long time, not been a part of it until recently but she does have a lot of family interest so she's heard about it through the years. She said she doesn't like what she's seeing with

the antagonism between the community and the Board, she doesn't want to be part of that, what she wants to be part of is finding that common ground that we can agree on. She said but I do think that as a Board member you have the responsibility to act legally, you can't do things just because you want to do things, there are rules and laws that have to be followed, and anyway that's the long story short. She said I just think we could use some change and doesn't believe that being a property owner is the only reason to be on the Board, the only qualifications are to be a town member, to be a resident of the Town. She said I would like to throw my hat in- again I've had family here and have had all of my life. She said so vote for me please.

**Approval of Agenda** Trustee Schifferns moved to approve the agenda as written. Trustee Kovar seconded and the motion passed unanimously.

**Approval of Minutes** Clerk Hart said that the Minutes of the February 8 Public Hearing and Regular Meeting needed to be changed to reflect that those meetings were held at the Fire House due to the large crowd in attendance and because of the inadequate space at Town Hall.

Jay Spurling said that he was of the understanding that the Meeting was at 7:30 on that date. He said he showed up here and there was a note on the door directing him to the Fire House, at 7:30 he got there and the meeting was in full swing, it was actually delivered via email that the meeting was at 7:30.

Mayor Pro-tem McCue said that they did gather at Town Hall for the Public Hearing at 7:00 then we adjourned to the Fire House.

Jay Spurling said here in lies the rub-I get the emails through Maria Root and it's wasn't in the emails that there was a hearing prior to the general meeting.

Jeff Fike said that it wasn't in the newspaper either.

Trustee Kovar moved to approve the minutes from the February 8th Public Hearing and Regular Meeting as corrected. Trustee Schifferns seconded and the motion passed unanimously.

**Approval of Account Receivable and Payable**

Clerk Hart explained that the payment to Meyer & Sam's was for approval from the State for the new aerator.

Trustee Kovar moved to approve the Receivables and Payables for February. Trustee Flores seconded and the motion passed unanimously.

**Approval of Bills**

Clerk Hart said that was the full amount for having the Exemption from Audit done.

Mayor Pro-tem McCue commented that ballot printing cost was \$688.90.

Clerk Hart explained that the ballots were printed up in Alamosa, Judy Egbert was able to save money by having a bundle of ballots from the other towns that she sent in all together.

Trustee Kovar moved to approve the March bills for payment. Trustee Flores seconded and the motion passed unanimously.

**2015 Exemption from Audit** Clerk Hart said that the Exemption from Audit was done. The report was right here needing Board signatures then she'll send it into the State. She said that there were no errors reported in the Exemption from Audit.

Jeff Fike interrupted asking if the decision was already made before the meeting.

Mayor Pro Tem McCue said no, the Board always had to approve the Audit or Exemption from Audit of the final steps to get it filed. He said the Board has been aware of doing an Exemption from Audit for a few months.

**Proposed Amendments to the 2016 Budget** Mayor Pro Tem McCue said that during the Public Hearing it was talked about needing to change the municipal attorney line item amount, also addressing municipal judge.

Clerk Hart said that the Jayhawk software upgrade had been budgeted under Office Supplies.

Mayor Pro Tem McCue said that the Town was already going to be over for budgeted line item municipal attorney fees.

Trustee Schiffers asked why the lab fees were going from \$667 to \$3500.

Clerk Hart explained that the Town would be having a couple of expensive drinking water tests done this year, and a couple next year also. One test is done every 5 years and she thought that it was going to cost \$1000 to \$1500. She said that the lab fees keep going up too.

Trustee Schiffers asked why the water sales budget was down, in 2014 total water sales were \$56,517.00, water sales were estimated at \$57,918.00 in 2015, but for 2016 water sales are budgeted at \$53,000.

Clerk Hart said that she estimates the sales off of the accounts that the Town has and the average usage.

Trustee Schiffers asked if the accounts were down from what they have been.

Clerk Hart said no, they actually should be higher.

Mayor Pro-tem McCue said that water sales budget could be increased by \$5,000.

Clerk Hart said that looking at the end balances in the General Fund the Board will need to split the attorney fees through the different funds.

Mayor Pro-tem McCue said that right now municipal attorney is only budgeted at \$1500, if the Town is already up to \$7,000 that doesn't give the Town any room if they just increase the budget to \$7,000. Mayor Pro-tem McCue proposed to allocate a total of \$10,000 for municipal attorney fees and split that \$3,000 to General Fund, \$3,000 to Water Fund, and \$4,000 to Sewer Fund.

Trustee Schiffers asked what the \$15,000 equipment line item in the sewer fund is for.

Clerk Hart said that was for the aerator.

Mayor Pro-tem McCue said that for municipal judge staying with the \$400 budgeted, if the town went with someone locally that might only cover 3 or 4 sessions if they paid the judge \$50 per session, but the Town would probably have to pay more than that. He mentioned that there are a couple of locals that would be qualified for the position.

Trustee Schiffers proposed increasing the municipal judge budget line item to \$500.

Mayor Pro-tem McCue said that election expense which is budgeted at \$1000 would need to increase to \$6000, he commented that if the “People’s Ordinance” were to pass the Town would have more election expenses if the Town is going to have special elections for ordinance changes or adoptions.

Clerk Hart said that election expenses would need to be increased to \$7,000.

Mayor Pro-tem McCue read out loud the Resolution Amending the 2016 Budget and explained that the Board lacked a quorum at a critical timeline to be able to adopt the 2016 Budget in the normal fashion, there was also inadequate time for proper notice.

Mayor Pro-tem McCue went through the proposed 2016 Budget increasing the municipal attorney to \$3000 in the general fund and adding a line item in the water fund for municipal attorney for \$3,000 and adding a line item in the sewer fund for municipal attorney for \$4,000, increasing the municipal judge to \$500, increasing election expenses to \$7000, and increasing water sales to \$58,000.

Clerk Hart said that money would need to be transferred to the General Fund to leave a positive ending balance in the General Fund.

Mayor Pro-tem McCue proposed transferring \$5,000 from the General Reserve Fund to the General Fund.

The estimated expenditures for each fund/account for the 2016 Budget, as amended, are as follows:

<b>General Fund</b>	<b>89,994.00</b>
<b>Water Fund</b>	<b>79,778.34</b>
<b>Sewer Fund</b>	<b>107,117.70</b>
<b>Water Reserve Fund</b>	<b>500.00</b>
<b>Sewer Reserve Fund</b>	<b>3,500.00</b>
<b>Conservation Trust Fund</b>	<b>5,900.00</b>
<b>General Reserve Fund</b>	<b>7,000.00</b>
<b>Road &amp; Bridge Fund</b>	<b>2,000.00</b>
<b>Museum Division Fund</b>	<b>300.00</b>

That estimated revenues for each fund/account for the 2016 Budget, as amended, are as follows:

<b>General Fund</b>	<b>91,560.41</b>
<b>Water Fund</b>	<b>95,629.50</b>
<b>Sewer Fund</b>	<b>128,440.76</b>
<b>Water Reserve</b>	<b>9,636.88</b>
<b>Sewer Reserve</b>	<b>13,622.07</b>
<b>Conservation Trust Fund</b>	<b>10,937.28</b>
<b>General Reserve</b>	<b>28,912.68</b>
<b>Road &amp; Bridge</b>	<b>43,638.76</b>
<b>Museum Division Fund</b>	<b>3,921.59</b>

Trustee Kovar moved to adopt the Resolution amending the 2016 Budget with the specified amounts as revised tonight. Trustee Schiffers seconded and the motion passed unanimously.

**Trustee Resignation** Mayor Pro-tem McCue explained that Caleb and Winnie Brent have moved to Stratton for a new job and Caleb Brent resigned from his position on the Town Board as of March 4<sup>th</sup>, 2016. Mayor Pro-tem McCue read Trustee Caleb Brent's letter of resignation out loud.

Mayor Pro-tem McCue said that there will be 5 positions filled by the election in April. Clerk Hart clarified that people will only be able to vote for 4 trustees on their ballots. Mayor Pro-tem McCue said that according to the Town Ordinance that Mr. Fike helped bring to the Board's attention the next highest vote getter after the first 4 would be appointed to the 5<sup>th</sup> open trustee seat.

Vicki Wells asked if Trustee Brent's seat was a 2 year term. Clerk Hart said that it was a 4 year term. Vicki Wells asked how that would work for the three 4 year terms and the one 2 year term. Clerk Hart said that whoever is appointed will get a 2 year term. So there will be three 4 year terms and two 2 year terms.

**Adopt Resolution to Designate Posting Places** Clerk Hart explained that this was the annual designation for any required notices. Mayor Pro-tem McCue read Resolution 2016-4 out loud. Clerk Hart explained that 3 designated posting places are required, in the past the Town has done the Town Hall door, the Post Office bulletin board and the Arriba DJ Petro bulletin board.

Jeff Fike suggested designating the Town's Website as a posting place.

Clerk Hart explained that it was not required to designate the Town's website and she was against putting that in the resolution in case of an emergency or if something happened to the Town Clerk, it would be better to not have that as a designated posting place.

Mayor Pro-tem McCue said that the Town Clerk can still routinely post to the website just not have it tied to the resolution.

Trustee Kovar moved that the Post Office bulletin board, Arriba DJ's bulletin board and the Town Hall door would be the designated posting places for any Town of Arriba notices. Trustee Flores seconded and the motion passed unanimously.

Jerry Norris asked if there would be an alternate if DJ 's was closed for a longtime like it was last year. Mayor Pro tem McCue said that this would definitely have to be revisited if DJ's was closed for any length of time.

### **CIRSA Audit Report**

#### **-Lockout/Tagout Policy**

#### **-Excavating/Trenching/shoring Policy**

#### **-Playground Inspection Policy**

Clerk Hart explained that CIRSA comes through and audits what policies and safety measures that Town has. She said the Town will have to adopt a lot more policies and Leroy King will have to do a lot of safety training- which CIRSA will provide.

Mayor Pro-tem McCue explained each of the policies which are for general safety and procedures for the Town's Maintenance man.

Trustee Schiffers moved to adopt the Lockout/Tagout Policy, the Excavating/Trenching/shoring Policy and the Playground Inspection Policy. Trustee Kovar seconded and the motion passed unanimously.

### **Maintenance Report**

Leroy King had a written report of what he has worked on the past month (by mention the report is a part of these minutes).

Leroy King said that he has been working on the getting the new aerator working. He said it might be another week before it is operational. It being down shouldn't throw any lab tests off.

Trustee Schifferns asked when the playground equipment would need to be painted by. Clerk Hart said probably by the end of this year.

**Clerks Report** Clerk Hart said mail in ballots for the election will be going out this week, people can mail their ballots in or walk them in and put them in the ballot box here in Town Hall.

Clerk Hart explained about the Water Source Protection program with Colorado Department of Health. She said that there was a \$5000 grant available for it and what they do is come in, do a lot of testing and working with the community, scope the area around the wells to see what the danger levels are for well water contamination from agriculture spraying or surrounding waste hazards. Clerk Hart said that at this time it is not mandatory by the state, it is optional. She said the Town of Flagler just got done doing this. Clerk Hart said that she believed the Town would have to come up with a match for the grant.

Clerk Hart said that someone is interested in buying the old water tank by the pipestand. She said that the other water tank had been put up for bid and had sold for \$500. She thought that if the Town wanted to sell this one it would need to be put it up for bid. Trustee Kovar moved to put the water tank up for bids. Trustee Schifferns seconded and the motion passed unanimously.

Clerk Hart explained that there was an issue regarding the water and sewer account at 700 Front Street, the daughter of the couple that had lived there moved in a few weeks ago. Clerk Hart said that she let them pay the deposit to get the water turned on, but the situation was a lot like Marie Daniels account issue- nobody has been paying on the sewer, the bills were returned, the account balance is a little over \$1500. Clerk Hart wanted to know if the Board would let these people make payments on the back sewer owed.

Trustee Kovar moved to allow the residents of 700 Front Street to make a payment of \$50 a month towards the back sewer owed. Trustee Schifferns seconded and the motion passed unanimously.

**Bank Statements** Everything looked good.

**Trustees Report** Trustee Schifferns said that she would like to set a date for the Community Garage Sale. She was thinking Saturday, June 11<sup>th</sup> from 8am-4pm.

Trustee Schifferns asked how the sewer cleaning went and if this would be the last one.

Clerk Hart said that there would probably be 2 more cleanings after this. She said that the Town needed to approve a payment to Todd Simon with Work Force Inc in the amount of \$5,000 for cleaning a portion of the sewer lines.

Trustee Schiffers moved to approve payment to Work Force Inc in the amount of \$5,000. Trustee Kovar seconded and the motion pass unanimously.

Trustee Schiffers commented that the theater in Limon is looking very nice and clean.

Mayor Pro-tem McCue said that the theater got a \$2500 grant from Tourism to clean and paint and make some repairs.

Trustee Schiffers thanked the Board for the plant that was sent to her father's funeral service.

Trustee Kovar said that this would be her last meeting, she thanked everyone for the opportunity to be here.

Jeff Fike asked if the election official was the only one that would be opening the mail-in ballots. Clerk Hart said that they would be opened by the judges, which will be Charlotte Smithburg, Doris King, Sandy Collie and Jean Eastin. She said that one of the four judges will probably end up being an alternate.

Jerry Norris asked if the candidates can observe the counting of the ballots. Clerk Hart said that candidates can't observe but they can appoint a watcher.

Carolyn Steinsiek asked when the ballot box would be available in Town Hall. Clerk Hart said that it would be available tomorrow.

**LCEDC Report** Mayor Pro-Tem McCue said that he would email each Board member a copy of the LCEDC report he gives to the Board of Commissioners. He explained how the Town of Limon has been working on a Strategic Comprehensive Plan that outlines goals and objectives for the Town of Limon. He said that the expense and resources the Town of Limon put into developing that plan is beyond what Arriba, Hugo or Genoa could afford. He said that what he wants to do is take from it what can be used by each community. He said he has also been talking to Mike Tupa with Department of Local Affairs and they would be interested in sponsoring a county wide regional comprehensive plan so that Hugo, Arriba, Genoa and Karval could participate in unique sets of goals that could all be put together in one report, and the Department of Local Affairs would probably sponsor the biggest share of that cost. He said that this would be a great thing to have if the Town requests grant money for anything. Mayor Pro-tem McCue explained that a comprehensive plan is where you go through and assess what your assets are of your area and what the deficiencies are, so you identify what the area offers such as clean air, water, sewer structures, low cost real estate, and low crime. Then identify what the deficiencies are- such as lack of services, low population, low income demographics,

then you identify the goals you would like to achieve to improve the community such as how are we going to move forward and address the deficiency's and what are we going to do to make Arriba a nicer place for people to move to and set up business. He said that it sounds pretty easy to do, but if you do it right and go through all the necessary steps it's pretty detailed. He said it will help with getting grants for things in the plan.

**Mayors Report** Mayor Pro-Tem McCue thanked everyone for attending, he apologized for the late hour.

**Adjournment** Trustee Kovar moved to adjourn the meeting, Trustee Flores seconded and the motion carried unanimously. Mayor Pro-tem McCue adjourned the meeting at 9:38pm.

Submitted by: Josie Hart, Arriba Town Clerk

Signed by:

Mayor Pro-tem Troy McCue

**Approved by the Board on:**

Town of Arriba  
Public Hearing  
and  
Board of Trustees Regular Meeting  
Monday, February 8, 2016  
8:00pm

March 14, 2016  
JH

Sign In Sheet

Serald & Carolyn Stausuit  
Jerry Norris  
Jim  
Lindsay Michal  
Kerigh Anna Andersen  
~~North Star~~  
Ed. Stiffman  
Jay Spurling  
Larry Fitzell  
Marilyn Taylor  
C. Lutz

## Maintenance Report

- 2-9 Installed selves at town hall  
Checked the heat in park building
- 2-10 Took chlorine and Ph. Tests  
Filled chlorine tank at wastewater plant  
Moved snow off streets
- 2-11 Moved snow  
Pat called said he would be here on 12<sup>th</sup>  
Looked for papers for water inspection on the 17<sup>th</sup>  
Check heat in park building
- 2-12 Worked around wells and in the vault preparing for inspection  
Went over paper work with Pat for water inspection
- 2-16 Worked on different thing to get ready for water inspection  
Checked the heater in park building
- 2-17 Pat came for water inspection  
Had water inspection
- 2-18 Filled chlorine tank at wastewater plant  
Checked heater in park building
- 2-19 Worked at wastewater plant  
Checked water pressure at Marian Harts and decided she has leak after meter
- 2-22 Worked at wastewater plant
- 2-23 Turned water on at 700 Front St  
Worked in shop  
Checked the heat in park building
- 2-24 Prepared samples to go lab on the 25<sup>th</sup>  
Took chlorine and Ph. Tests  
Filled chlorine tank at wastewater plant
- 2-25 Sent samples to the lab  
Worked on aerator  
Checked heat in park building  
Turn water on at 819 Front St
- 2-26 Put aerator out of pond 2 in pond 1  
Workforce Inc. cleaned another section of sewer lines for the year
- 2-29 Read water meters  
Read well meters

## Maintenance Report

- 3-1      Worked at wastewater plant  
          Checked heat in park building
- 3-2      Took chlorine and Ph. Test  
          Filled chlorine tank at wastewater plant  
          Worked in the shop
- 3-3      Worked on aerator  
          Checked the heat in park building
- 3-4      Put aerator 2 back in pond 2  
          Put aerator 1 back in pond 1 with a new motor
- 3-7      Packed old motor up and shipped it back  
          Worked at wastewater plant
- 3-8      Dumped trash cans in park  
          Hauled trash out of shop
- 3-9      Took chlorine and ph. Test  
          Filled chlorine tank at wastewater plant  
          Filled holes in streets
- 3-10     Worked at wastewater plant  
          Checked heater in park building
- 3-11     Worked in the shop  
          Worked keeping weeds out of wastewater ponds
- 3-14     Worked on aerator