

DRAFT

**TOWN OF ARRIBA
BOARD OF TRUSTEES MEETING**

Monday, February 13, 2017

Arriba Town Hall, 711 Front Street, Arriba, CO 80804

Call to Order Mayor Pro-tem Troy McCue called the meeting to order at 7:47. Roll call for the Arriba Town Board was read and those answering were Jack Petty, Carolyn Steinsiek, and Bob Rush. Mayor Alex Flores, Trustee Leigh Anna Andersen, and Trustee Tom Rush were absent.

Pledge of Allegiance was led by Trustee Jack Petty.

Public Audience included: Ed E. and Jody Schifferns, Jeff Fike, Curt Price, and Beverly Langley.

Ed E. Schifferns said we have a problem with stuff being moved in by the truck loads, and everybody has stuff. He understands that you can't just tell everybody get their junk out but he doesn't know what we can do to try to eliminate excessive stuff. He said the Curt was working on something in Genoa on the same problem that's addressed over here right now. He said I think we're seeing the same problem in a delayed effort. Mayor Pro-tem McCue asked if someone was trying to make a living off the scrap metal. Ed E Schifferns said that Mike, the owner (of the property) was still in jail. Curt Price said do not in any way, shape, or form make direct contact with him, it can become physically dangerous. Ed E. Schifferns said he didn't know what we can do and if the County can help, he didn't know. He said it always runs down to we get an ordinance passed and we go through all the paperwork and a judgement and then noncompliance. Beverly Langley said it was a lot like 303 Elm Street. Mayor Pro-tem McCue said that Ordinance #112 addresses all kinds of different things but the stuff that he's seen over here doesn't fit very many of those categories in 112. Ed E Schifferns said then there's another trick- there's like 3 or 4 people that owns the stuff on that property. Trustee Petty asked if there was any legal thing. Mayor Pro-tem McCue said that we'd have to have zoning for that and we could talk about zoning in the strategic planning stuff but zoning would say okay this is commercial, this is residential, and we don't have that here, Arriba has no zoning yet. Jeff Fike said that in Ordinance #112 the remedy to that sort of thing is a privacy fence, -and as Jody Schifferns said to Jay Spurling: the taller the better- which is how we wound up with that 9 foot fence on the corner. Curt Price said there is an issue that could be brought up, it would require that the state inspect the roads for safety, and then you could issue a letter stating a health and safety issue as it pertains to- fill in the blank. But you'd have to have the state highway or the county to come up and "survey" the road and access to it and right of ways. He said it's an inspection. Beverly Langley said why are you picking on this gentleman when you got other things that have been here for years and you haven't done anything, to me you treat everybody

the same way. Mayor Pro-tem McCue said he thought it was alarming to see the change- it has really changed in the last month. Beverly Langley said it was over night down there too, as soon as he bought it was changed and she had to live with it. She said she was sorry, but you might have to live with it.

Curt Price said that he would like it brought up at the next meeting that we change the starting of these meetings to 8:00 for the convenience of our current Pro-tem mayor. And for the respect of the people that do attend I think it's very disrespectful to sit for half an hour and be laughed at, and it's time for agenda to be brought up to look into zoning, whether you like it or not at least have it on the books that you're investigating it and finding out what zoning codes you want to use whether it's the 3 tier system or the 5 tier system, whether you are going to have a grandfather clause or a secondary clause to go with it. He said with the secondary clause you have a grandfather clause and then you give the next possession or its removal, it can't be brought back in, grandfather clause it stays there indefinitely.

Jeff Fike said he had several things, the first one is the apparent misuse of the Town of Arriba's funds or resources, in the December 2016 Town of Arriba budget meeting he had asked Mayor Flores about a \$1000 payment that was made by the Town of Arriba to CIRSA in August 2016 for an insurance deductible and Mayor Flores stated that was personal and the minutes of that meeting had to be amended to include the mayor's response. He said well this week he spoke with Luke Driscoll of CIRSA to inquire about a personal claim on the Town's insurance, that specific claim, and he learned that claim #***** was filed by the Town of Arriba on March 24, 2016 2 weeks before the town election for a loss which occurred on November 9th of 2015 and in May of 2016 CIRSA paid out \$10,862.73 to the law firm of Wells, Andersen and Race for personal legal defense of the Mayor's wife, Marcella Flores. Jeff Fike said the Town was not a defendant in that action, there are no minutes in the public record reflecting the authorization for the mayor's personal use of the Town's insurance and how was this personal use of Town resources authorized and he'd like to have that explained. Jeff Fike said (Troy) you're the only one that was on the Board then, but there's no public records and I'd like that explained on the record so the public might know how that happened and I'd like to add this letter to the minutes of this meeting so that Josie doesn't have to bother transcribing it. Mayor Pro-tem McCue said that when that all transpired everything was locked down awfully tight and he knows that it was his understanding as a Board member that it was all done through the O & E provisions of our CIRSA insurance policy which is Omissions and Errors by Town Board members and because whatever the issue was surrounded her conduct while in a board meeting. He said that's his line of understanding through O & E. Jeff Fike asked if there were minutes of the meeting that Mayor Pro-tem McCue was referring too. Mayor Pro-tem McCue said wasn't that when there were words between Skipper and Marcella? Jeff Fike said that was the case, yes. Jeff Fike said that that had nothing to do with the Board- that action was brought against Marcella, just Marcella not the Town, Marcella took a restraining order against Louise, Louise sued her for doing so as malicious prosecution. Mayor Pro-tem McCue asked was any of that surrounding Marcella's

conduct at a Board meeting. Jeff Fike said Troy would have to look that up. Beverly Langley said there's supposed to be a town employee, a Board member is not a town employee. Mayor Pro-tem McCue said that O & E does apply to Board members he believes. Clerk Hart said yes, it does. Jeff Fike said was there or wasn't there a Board meeting authorizing this claim or would that be to the mayor personally? In other words- is that an executive decision? Clerk Hart said that is was administrative. Jeff Fike said so it come under the Mayor administrative which the mayor would be executive so it had nothing to do with the Town Board, it was just the mayor? Mayor Pro-tem McCue said that he didn't recall the Board taking a vote on that. Curt Price asked would it be in the minutes of the date that this occurred, that this decision was made. Mayor Pro-tem McCue said there's been some stuff in the minutes when the issue was raised immediately following the settlement of that. Curt Price asked would it show in the minutes how this decision was arrived at. Clerk Hart said no, it wouldn't show in the minutes, because it was handled as any other insurance claim which is administrative. Jeff Fike asked who authorized it. Clerk Hart said she did. Curt Price said so this has nothing to do with the Board or Mayor? Mayor Pro-tem McCue said that he thought it was all based on the altercation at a Board meeting. Clerk Hart said that it was all based on that. Beverly Langley said it all started there but Skipper was going to drop it, Marcella was the one that kept it up for personal reasons -that's how a public person would see it. Jeff Fike said so Josie authorized the use of Town funds for that, Alex said it was personal so he's going to take him at his word, it certainly appears that way. Curt Price said will this discussion show in the minutes today that an audience member wants to know how this occurred. Mayor Pro-tem McCue said yes, it will show up in the minutes. Curt Price said now this is very personal- is this going to reflect on Josie? Will this look bad on her? Clerk Hart said she didn't think it would because the insurance views all claims and if the insurance felt that it was personal they wouldn't have covered it. Jeff Fike said they thought she was an employee. Clerk Hart said they saw her as a Board member and this was covered under the O & E for Board members. Curt Price said (to Jeff Fike) and you're saying it had nothing to do with the Town? Beverly Langley said nothing to do with the Town. Jeff Fike said no, the suit that was filed by Skipper was against Marcella not the Town specifically because the Town didn't do anything wrong, it was felt that it was an abuse of a restraining order as a personal vendetta, the Town didn't do a damn thing wrong.

Clerk Hart said that she was confident that CIRSA researched it- with the many people she talked to at CIRSA- that they researched the whole thing and they felt that it was covered under the O & E. Curt Price said maybe it would be to your benefit to re-contact CIRSA explain what's going on and have them issue a statement of complete explanation even if it's held in executive session it would be a matter of record because they would state that it was or was not an employee, it was or was not part of a reigning board, it was or was not due to a private litigation. Curt Price said Josie, watch out for yourself. Jeff Fike said yeah, in other words how is it that a \$50 part for the fork lift comes to the Board but a \$1000 dollar questionable deductible on the insurance does not- can you answer that, Josie? Curt Price said I don't want her to answer that, I want them to answer it for her because if she answers it she's liable. Mayor Pro-tem McCue said

that we can look into it and send you some sort of appropriate response. Curt Price said set a date that this will be done. Mayor Pro-tem McCue said hopefully by the next Board meeting, by the March meeting. Trustee Steinsiek said it would also depend on when the insurance company gets back to her, it's not always timely. Curt Price said he knows that, he's just saying.

Jeff Fike said on the minutes of the regular Board meeting in January is missing all kinds of important information, for example when Tom Rush had mentioned that that loan should have been paid off in 1960's then Troy McCue mentioned -acting as mayor- he thought it carried it forward this is on the water and sewer and that our park outhouse is not connected to the sewer system that was brought up at the last meeting and it wasn't in the minutes and also looking into paying off the water loan and the balance thereof was brought up at the last meeting and was not in the minutes. So I'd like to see the minutes accurately reflect that. He said that he has a whole bunch of stuff to the water and sewer system should we wait until the sewer system comes up or being it up now? Mayor Pro-tem McCue said that we could probably take that up under 'Water Loan' under new business.

Beverley Langley said I'm going to ask for my \$1,500 back on Oak Street, because of personal vendettas on the previous Board I was forced into paying that to sell the property which I should have never been, I could ask several people here when they moved in if they paid and they didn't have to pay \$1,500 for the sewer, that was personal vindictiveness and so I think it's time with a new board, the board working its way to be honest, that people are paid back for that. She said I don't care how much you don't like Ron Rohn or how much you want his property but you billed him \$1500 too so it wasn't just all women like I said- I will correct myself- but it was personal vendetta when that went on so I'm going to keep asking until the day I die every year and I'd like to get in the minutes because I have asked you every year and yes some say, you said you paid but I've never seen any proof and I've seen places, you know, that did pay and I know of that too, so if the mayor can dip into the Town funds for \$1000 bucks give me my \$1500 bucks back and everybody else there \$1500 back and lets start all over new here. She said I think it would be a much better town with fairness and everybody gets treated fairly works for here, and I'd like that in the minutes. She said that in your (Troy McCue) behalf she heard you did something nice for an elderly person in this town- you got her a computer and she thought that was very nice. Mayor Pro-tem McCue said that she bought it he just helped her and sent his boy to help her set it up

Approval of Agenda Trustee Bob Rush wanted to add 'Investigate Necessary Ordinances against Trash', Trustee Petty wanted to add 'Community Garden', Mayor Pro-tem McCue wanted to add 'Start Times for Meetings'. Trustee Petty moved to approve the Agenda as amended. Trustee Steinsiek seconded and the motion passed unanimously.

Approval of Minutes Trustee Steinsiek said that apparently the January 9th minutes need to be amended. Mayor Pro-tem McCue asked if the Board wanted to add the comments from Tom

Rush, the comments on the wastewater loan. Trustee Bob Rush asked if his dad had that messed up though because there were 2 loans wasn't there? Jeff Fike said no, he had it right he said that then Troy mentioned that it was some language or something he thought was carried forward. Trustee Bob Rush said there was one back in the '60s or '72 but that one was paid off. Mayor Pro-tem McCue said just barely before the Town rebuilt this new sewer system in 2000.

Clerk Hart said that this seems to be happening a lot where there are requests for more detail in the minutes, does the Board want her to start writing the minutes as transcriptions, like verbatim? Because you're looking at 20 page minutes there- or should she just write it as she has been and if there are items that public want added they can bring it up. Trustee Petty said if it's just more emphasis on things then just emphasize it more. Trustee Steinsiek and Mayor Pro-tem McCue agreed that as long as the Board can amend the minutes its fine.

Mayor Pro-tem McCue said so commentary on Tom Rush comments regarding the wastewater loan and the waste water potential payoff, also that the outhouses in the park are not connected to the wastewater system. Mayor Pro-tem McCue asked if the Board wanted to wait on approval of that until next month. The Board agreed to wait on approving the minutes from the January 9th meeting.

Approval of Account Receivable and Payable

Clerk Hart said that she had changed the format of the report- it's a little bit different than what she had been doing. She said that this is what's going to be in the paper from now on instead of making several different reports of the same thing. She said that she was wrong when she had said that the report would be in the Eastern Colorado Plainsman- it's going to be in the Limon Leader. She explained that this report is checks that have cleared, these are the bills the Board approved for payment at the January meeting, this report will be published in February. December's payables had been published in the Limon Leader on January 19th. She said that it cost \$48 to have the report published.

Trustee Petty asked what the Town pays the US treasury for. Mayor Pro-tem McCue said that was payroll taxes.

Trustee Bob Rush moved to approve the Receivables and Payables for January. Trustee Carolyn seconded and the motion passed unanimously.

Trustee Steinsiek said that the IRS mileage reimbursement rate changed to 53.5.

Approval of Bills

Curt Price asked if LCEDC is a private corporation. Mayor Pro-tem McCue said no, it is a nonprofit, it's a 501 (c)3. It's funded publically, its funded by government, and funded by corporate contributions. Curt Price said LCEDC is not an Agency but you are paid with contributed tax money. Mayor Pro-tem McCue said and corporate contributions. Curt Price said not budgeted tax money. Mayor Pro-tem McCue said right it comes out of the general fund of the county, and out of each general fund of the towns.

Trustee Bob Rush asked if the Town ever got an invoice from Nichols Electric. Clerk Hart said that they hadn't gotten the most recent one yet.

Beverly Langley asked if the \$1500 (for LCEDC) was for the year coming or the year past. Mayor Pro-tem McCue said it was for all of 2017.

Beverly Langley asked what kind of businesses do you expect to start here if any, she said she never seen anything since she's been here. Mayor Pro-tem McCue said that he would talk about it in his LCEDC report but there are some things that are developing that he hopes and anticipate will have some direct effect on Arriba.

Trustee Petty moved to approve the February bills for payment. Trustee Steinsiek seconded and the motion passed unanimously.

Records Retention Schedule Clerk Hart said that she had sent the Board the link for the Colorado Municipal Records Retention Schedule. She said that most of the Towns in Lincoln County, and Flagler as well have adopted the State's Records Retentions Schedule. She said it's a way for her to remove some of the old files in the back in a legal way. She said the Retention Schedule has a list of records within different categories that can be destroyed after a certain period of time. She said that adopting the retention schedule was a way to protect the Town. She said that Stan Kimble highly suggested the Town adopt it when he was the Town's attorney and Corey Hoffmann was surprised the Town didn't have it adopted. Jeff Fike asked what benefit to the Town of Arriba could that be other than in this case we're having an Audit after 7 years so if you go throw away financial records after 3 by doing that you are committing yourself to an Audit every 3 years and which is a big can of worms we're about to get into which is the sewer fees past records of those may become very pertinent and poignant, as might the audio records of Town minutes versus the written minutes as there have been several if not glaring important discrepancies. Mayor Pro-tem McCue asked if there were specific provision in the schedule for deposits. Clerk Hart said yes, and she doesn't think adopting this schedule would hinder the audit at all, the auditors are going to be familiar with the retention schedule they know what they need, and she's not just going to be going and shredding bank statements.

Clerk Hart said the Town can adopt the schedule and make the Town's own exceptions to it.

Trustee Bob Rush said that he thought the Town should have some type of format to go by.

Clerk Hart said she would like the Board to look through the schedule in depth. Trustee Steinsiek suggested going through it at an action meeting. Mayor Pro-tem McCue agreed that this was a great thing for an action meeting.

Trustee Bob Rush moved to table the Records Retention Schedule and have an action meeting with that main topic to discuss details. The Board agreed that Tuesday, March 28th at 7:00 would work best. Trustee Petty seconded and the motion passed.

Wastewater Loan Mayor Pro-tem McCue said that he remembered that there was some email questions about something that had come up that might interfere with the ability to retire the loan early. Clerk Hart said yes, to have an audit done it will cost up to \$7,300. Mayor Pro-tem McCue said he thought the Town budgeted \$5,500 for the audit. The Board agreed that the audit should be done.

Mayor Pro-tem McCue asked if there was a payoff amount of the sewer loan. Clerk Hart gave

him the payment schedule. Mayor Pro-tem McCue said that the payoff amount is \$11,381.45. There were comments from the public and paying off the sewer loan. There was question to how much was in the sewer reserve account but there was no treasurer's report available to check the balance of that account. Mayor Pro-tem McCue said his only concern about using reserve funds would be if there were more issues with the aerator. Clerk Hart said or an issue with the sewer pond lining. Mayor Pro-tem McCue said paying the loan off early would save around \$1400 in interest.

Trustee Bob Rush and Trustee Steinsiek suggested waiting until the Board had a recent treasurer's report to see what the balance in the sewer reserve fund was. Clerk Hart commented that the Board needed to keep in mind that to pay for an audit money may have to come out of the sewer fund. Mayor Pro-tem McCue said he thought that it would be better to discuss this when there is a full Board present.

Trustee Steinsiek moved to table Water Loan Discussion until the next regular meeting. Trustee Petty seconded and the motion passed.

Investigate Ordinance against Trash Mayor Pro-tem McCue said that this was concerning the Front Street issue that was bringing up the discussion on debris and how to deal with it. He said that a nice tall fence would solve all kinds of problem. He said he knows Ordinance #112 deals with un-mowed weeds, plants, and grass, stacked uncovered firewood, abandoned cars- and maybe abandoned cars could be an issue here. There was comment from the public and discussion on the junk on Front Street and where it's coming from. There was comments from the public and discussion of the issue that Genoa is having with Mike Cook and his property there. It was stated that Mike Sparling owns the Front Street property and Mike Cook owns the junk on the property. It was stated that Mike Sparling is currently in jail. Curt Price suggested having the street or property inspected for hazards and go from there. There was comments from the public about holding a cleanup day in Arriba with the Board participating in helping load trash and junk.

Mayor Pro-tem McCue said that addressing blight needs to be part of the (strategic) plan. Jeff Fike told the Board that he had found planning and infrastructure grants through DOLA. He asked the Board if they would authorize him to try to write 2 grants for the Town. Mayor Pro-tem McCue said that the Town should look into the possibilities, going for grants is something the Board has to vote on. Trustee Steinsiek said the Board would need to see the details of the grants, what's required, all of that. Jeff Fike said and that's what I'll bring to you but one thing they're going to want is good detailed records of accounting and audit. Clerk Hart said that the Town's audit should be done in June.

Mayor Pro-tem McCue asked what the Board wanted to do- does the Board want to focus on a joint effort for a free dump day sometime this summer? Is there anything else the Board wants to do regarding the issue of debris?

Trustee Steinsiek asked if the Board needed to start with letters. Trustee Petty said that's the way it sounds. Mayor Pro-tem McCue said that the Board has done letters in the past, then if they don't do anything the Board gives a timeline. Clerk Hart said that the Board has never sent a

letter to this property. Trustee Petty said would the letter go to the guy that's in jail right now? It was stated yes, since he's the property owner.

Trustee Bob Rush asked if a State Fire Marshall would have any jurisdiction, and would be able to say if the Front Street property is a safety hazard.

There was public comment on burning the brush pile on the Town's north lots. It was explained that the Town couldn't burn it down before because of the close proximity of the grain bags, that have recently been moved, but now it's too dry to burn.

Mayor Pro-tem McCue asked the Board if the Town wanted to take pictures of the property and send a letter to Mike Sparling. Trustee Bob Rush said if it would be worth it to look into State agencies. Trustee Petty agreed with him.

It was commented by the public that the Board couldn't pick on just one person- other properties should be addressed too. There was comments by the public on how many properties to start out with, and to emphasize safety. Trustee Bob Rush said the Board needed to realize that everybody is going to have some junk on their property not everybody is going to do everything the same you got to have some type of a threshold. Trustee Steinsiek said the threshold should be safety. There was discussion about how to get a State agency involved with the issue. It was suggested by Curt Price to pass an ordinance that says people can have scrap in his yard but he has to get a permit to do so, define square footage, allowed materials, length of time materials can be stored, and charge a measly \$8,000.

Trustee Bob Rush said that he would call Cindy McCaffrey about how they handled this issue (junk on properties) in Stratton.

Meeting Start Time Mayor Pro-tem McCue said that he did not know that Alex wasn't here. He said he didn't know what was going on with Alex, he knew Alex had been out of Town a few days ago. Mayor Pro-tem suggested meeting at 6:00. He said the problem was that the Hugo Town Board meets the very same night as Arriba and they rely on his report. Mayor Pro-tem McCue suggested changing it to the 2nd Tuesday of the month. He asked if this would work for everyone's schedule. He said it would work for him and he could much more often be here right on time. Trustee Steinsiek suggested moving the time to 7:00 as well. Trustee Bob Rush moved to change Board meetings to be at 7:30 on the 2nd Tuesday of every month. Mayor Pro-tem McCue said that he does have a commitment on the 2nd Tuesday in March. Trustee Petty moved to change the date of the Board meeting to the 2nd Tuesday of every Month instead of the 2nd Monday of every month and to keep the same time of 7:30, beginning in April. Trustee Bob Rush seconded and the motion passed.

Community Garden Trustee Petty said that he would like to get a community garden started, there's a lot of grass in the park we just throw water on. He said he figures we could make it into some food, get the community together a little more, maybe even use it as some kind of daycare, have some kids over there- if there's enough adults- pulling weeds and learning about stuff that's important. He said he'd like to see the garden from the road, from Colorado Avenue. Curt Price said it will require posting of the park water. Trustee Bob Rush said there is one

hydrant at the park that is hooked up to town water. Trustee Petty said he like not to worry about contamination in is his food either. It was suggested by Curt Price to look into Lotto money to fund this. Trustee Steinsiek said to talk with the people that run the one in Limon. Trustee Petty said that he wouldn't charge anything for the garden lots. Trustee Petty said he thinks it would be a little more beautiful than just grass. Curt Price said the town clerk will need to check with the Town insurance on this to see if the people working at the garden or accessing it would be covered. Trustee Steinsiek asked that Trustee Petty bring a firm plan to the Board at the March meeting. Trustee Bob Rush moved to table the community garden project until the March meeting, waiting on more information from Trustee Petty. Trustee Steinsiek seconded and the motion passed.

Mayor Pro-tem McCue said that one thing the Limon Community Garden did was sold box space for \$20 then used those resources to plant some corn and vegetables for the whole community to come get.

Trustee Petty said he wanted to do something to bring the community together, and maybe have a harvest party, add in an Arriba's day's event.

Audit Clerk Hart said that the audit will be completed in June, that's when they would come out and go through the books. She wasn't sure if they would make a presentation to the Board upon completion. She said that the Audit will cost up to \$7,300, and the Town would have to pull money from the sewer fund for this. Trustee Steinsiek moved to go ahead with the full audit. Trustee Bob Rush seconded and the motion passed.

Source Water Protection Grant Clerk Hart said that she would be meeting with Kimberly Mihelich and Pat Parker on February 23rd at 10:30am at Town Hall to go over some documents from the State.

Street Maintenance Clerk Hart said that she did get a hold of Scott Kimble about surveying Main Street but he said that he was really busy. She said she let Tom Rush take over that issue. There were questions from the public on what the issue was on Main Street. Mayor Pro-tem McCue said that the yard is going out into Main Street, there's some drainage issues because of the grass, and there's an issue about Mike Luft turning his truck over Mike Koehn's grass.

Maintenance Report Mike Becker said that he doesn't have a written report. He said that he's been working on the aerator replacement, there's problems with the aerator- he's been working with the electrician to figure it out, and been talking to the manufacture about warranty. He said he's got the front of the backhoe apart, and trying to get parts for it. He replaced a water meter at Mike Luft's, fixed a sink at the community building, chopped down a tree at the stock well, cleaning at the shop, and hung new curtains.

Trustee Bob Rush asked what was going on with the aerator. Mike Becker said it keeps blowing fuses, it will run for about 4 days then will blow a fuse. He said that something needs to be done for the sewer pond soon. He said he's working with Tom Rush on it.

Trustee Bob Rush said that the backhoe needs a spindle for one side, to get a spindle and bushing to fix the one side will be around \$700. Mike Becker came up with \$1103 for brand new parts from Case. Trustee Bob Rush said they have tried three different salvage yards but can't find a used spindle. He said complete rebuilt axle- that would be both ends rebuilt bushings shims wheel bearings- you're looking at \$3000, \$1103 will get one side. There was discussion about how the backhoe wasn't used that often but it's nice to have around, especially if there is a main break. Trustee Bob Rush said that \$1500 would fix both sides with new parts. Trustee Petty moved to approve spending \$1500 to \$1700 on fixing the front of the backhoe instead of the \$3000. Trustee Steinsiek seconded and the motion passed. Curt Price suggested replacing the tires on the backhoe too. Mike Becker said that the front tires of the backhoe are bald. Trustee Bob Rush said he thought that Tom Rush had replaced a tire on it a while back. Mike Becker said he didn't think so. The Board agreed to not purchase tires at this time.

Clerks Report Clerk Hart said that she had a letter from Viearo. She asked Mayor Pro-tem McCue to read the letter out loud (the letter is attached to these minutes). In the letter Viearo states they will be constructing a 140' tall, self-supporting cell phone tower in Arriba near the intersection of Lincoln Ave and Curtis Street. The letter states that if there are any effects of the tower on historical property to contact them. Trustee Bob Rush said that they had bought some property from Caleb Brent.

Trustee Bob Rush said that the tower shouldn't interfere with any water lines. He said that Viearo had the property staked for the tower and it went out to the street but Mike Becker and Tom Rush explained to them that they didn't have that much room.

Trustee Petty expressed concern about cell phone towers being linked to health problems. Mayor Pro-tem McCue encouraged Trustee Petty to contact Viearo about that.

Trustee Bob Rush said that Arriba doesn't have an ordinance against cell phone towers or zoning, there's nothing that says Viearo can't put up a tower.

Trustee Mayor Pro-tem McCue said that this is what the strategic planning is all about- municipal codifying this is about municipal evolution and bringing Arriba up to the 21st century.

Trustee Bob Rush said that is exactly why Viearo is building one in Arriba because there is nothing to prevent them.

Mayor Pro-tem McCue said that the Town need to resurrect the zoning effort and we do need to be bringing it on- codify it bring it forward and make it real. Because this is where the Board could have the biggest influence to the future of Arriba.

Trustee Petty said there's evidence out there -which he will look some up to bring- but high frequency radio waves people in multiple places around the world that have these (towers) are showing cancer clusters around them.

Trustee Bob Rush said that regardless the Board can't do anything to stop it from coming in, because the Board has no ground to stand on.

Mayor Pro-tem McCue said but it does show how important it is to get there.

Trustee Petty said maybe if the Town could cite health and safety.

Clerk Hart said that last month she sent a letter to Carl Myers about his dog and after that she got several more complaints about Myers' dogs so she sent him a certified letter. She said that if she gets more complaints the next step is to issue a ticket. She said the complaints are about 2 dogs running at large, getting into neighbors trash, and chasing cars. She said that one is a chow and one is a white pitbull/shepherd mix. She said at the next meeting the Board might need to decide what kind of fine to charge. Trustee Steinsiek asked that Clerk Hart bring the amount of complaints to the next meeting.

Treasurers Report none.

Trustees Report Trustee Steinsiek asked Mayor Pro-tem McCue if he got a resolution with TFAP.

Mayor Pro-tem McCue said that with the TFAP project he wants to make sure that whatever happens we try to keep the service going and he doesn't want to insert himself so far that he messes up the works because he knows that Jeff, Jay, Gerald, Jerry Norris, and a lot of folks and everyone has been contributing a lot to that project so he wants to do everything necessary to get that done. He said that he talked to LaRita Sawyer and asked her if she would take over Trustee Steinsiek's responsibilities (with TFAP) of accounting for what comes in on the truck and getting people to sign for the boxes they receive through TFAP, and she said she would. Mayor Pro-tem McCue said that he was getting mixed signals from the Colorado East office, Pat (Vice) said they were going to close the Arriba site but you can still get your food through Flagler, he didn't know what that involves- piggy backing on Flagler's program? Trustee Steinsiek said she didn't know if that was what she's talking about or if just individuals going to Flagler.

Curt Price said that he interviewed both Pat Vice and Becky Carter and their concerns were of the 9 senior citizens that don't drive or aren't mobile. He said their concerns were with the continuity of service, they didn't want the program to start and stop, start and stop. Curt Price said that Pat's concern was the non-mobility from Hugo to Arriba, the inability to have a large enough truck to do it. Curt Price said that a location for TFAP had tried to set up at the Congregational church but that didn't work out.

Trustee Steinsiek said that there hadn't been an issue with the truck or the volunteers for the Arriba TFAP site, she was the only one stepping down, but the decision had been made to close the Arriba site.

LCEDC Report Mayor Pro-tem McCue had a written report of what he has been doing with LCEDC and general news concerning other towns (the report is attached to these minutes).

Mayor Pro-tem McCue said that the big thing he thinks is going to affect Arriba is the wind tower lay down yard going in in Genoa and they look like they are really going to need to be a Foreign Trade Zone user because they can not only have duty deferment for wind tower part but they could also save on a whole bunch of distribution expenses for brokers fees on outgoing semi loads of product and they can do it once a week instead of several times every day and they can

make a difference of up to \$500 per semi load in brokerage fees. He said what that does for Arriba is it helps to keep the railroad viable, the jobs are going to be about a dozen jobs in that yard and he assumes some will live here and work over there, and he thinks that it will bring added attention to the assets we have right on this railroad right here, namely the campground - and if somebody has a great idea on how to talk to the Smithburg estate and get that campground broke out of that- there's two city block there dying for something to happen on.

There were comments from the public about the cell phone tower and what the Town is going to do about it. Trustee Petty said that it sounds like nothing can be done about it unless the property is historical. There were comments from the public about the Town making money off the cell phone tower by sales tax or a franchise fee. There were comments from the public about getting zoning in Arriba and how it may help getting businesses to locate in Arriba. There were comments from the public about getting sales tax established in Arriba.

Mayors Report none.

Adjournment Trustee Bob Rush moved to adjourn the meeting, Trustee Petty seconded and the motion carried unanimously. Mayor Pro-tem McCue adjourned the meeting at 9:58pm.

Submitted by: Josie Hart, Arriba Town Clerk

Signed by:

Mayor Pro-tem Troy McCue

Approved by the Board on:

VIAERO WIRELESS

1224 West Platte Ave
Ft. Morgan, CO 80701
Main 877.484.2376
Fax 970.867.3589
www.viaero.com

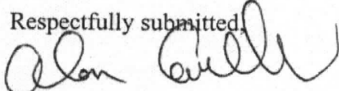
February 7, 2017

Town of Arriba
711 Front Street
Arriba, CO 80804

Dear Town of Arriba,

VIAERO Wireless is proposing to construct a new wireless telecommunications facility located in a Part of Block 2, Frontier City, Arriba, in Lincoln Count. This is located near the intersection of Lincoln Avenue and Curtis Street in the town of Arriba, Colorado. Around N.Lat. 39° 17' 14.10"/ W. Long. 103° 16' 29.2". The new facility will consist of a 140-Foot Self-Supporting Cellular Communications Tower. If you would like to comment regarding the potential effects the proposed facility may have on any **historic property** may do so by sending comments to: Alan Covelli, VIAERO Wireless 1224 West Platte Ave, Fort Morgan, Colorado 80701 or electronic comments to alan.covelli@viaero.com.

Respectfully submitted,


Alan Covelli
Site Acquisition Coordinator



Connecting life.

Lincoln County EDC – Executive Director Report

February 15, 2017

- I. **Lincoln County –**
 - A. 02/13/17 report to board of county commissioners
 - B. Participating in tourism board efforts, attending 2/16 board meeting
 - C. Participating in hospital strategic planning process, attending meeting 2/15
- I. **Arriba –**
 - A. 3 business retention visits (Leisure Pines, Everything Mechanical, D J Foodstore)
 - B. Made EDC report to board meeting 02/13
- II. **Genoa --**
 - A. 3 business retention/establishment visits with Genoa Rail Transfer, Dry Creek Seed Co., See Six States, LLC
 - B. Attended History Colorado's Most Endangered award designation in Denver, appeared in promotional video.
 - C. Backgrounding FTZ relevance for Genoa Rail Transfer
- III. **Hugo –**
 - A. 7 business retention visits (Lincoln Community Hospital/Care Center, FNB Hugo-Limon, Designs by Dave, Hugo Liquors, Hugo Lumber, Osborne's Supermarket, Main Street Mama's)
 - B. Attended HIP meeting in January, working through public business perception
 - C. Potential new SBDC client regarding possible Hugo Apartments purchase & restoration
- IV. **Limon –**
 - A. 11 business retention visits (Eastern Colorado Bank, Poudre Bay Capital, Pronghorn/Ace Hardware, Gordon Insurance, Hiner-Felzien Tax Prep, Trans-West Dodge, Plains Heating & A/C, Liggy's, Witt Boys NAPA, Ensignal, Golden China, Colorado Gifts)
 - B. 3 Active SBDC clients
 - 1. Project #15-017 – tax issues for service-based business
 - 2. Project #15-018 – developer-based area development
 - 3. Project #15-033 – local artist and production company start-up
 - C. Participating in CIRD event 2/27 – 3/1, will serve as Emcee
 - D. Expanding Sectors scholarship network and YCF client base
- V. **Karval –**
 - A. Working with Francis Maskus and Dan Merewether on funding sources for new ADA restrooms in Karval Community Building
 - B. Connecting Karval community with Dr. Brent Young-CSU Sterling, for greenhouse effort
- VI. **Small Business Development Center (SBDC) Activities**
 - A. Invoiced final 20 hours for January services
 - B. Organization seeking new SBDC consultant for Kit Carson/Cheyenne Counties and Yuma County.
 - C. Participated in staff online meeting, working with Lisa Hudson as new director, will pay visit here soon.

VII. Your Community Foundation

- A. Seeing interest from See Six States, Narcotics Anonymous, and Veterans War Memorial for all new fiscal agent/pass-through clients
- B. \$5k El Pomar award, coupled with good recent local donations and decent attendance will ensure new A/C and electric upgrades be made this spring and summer

VIII. Americorps/VISTA

- A. Responding to all required paperwork registration and acceptance of James Russell to begin volunteer year on 3/27/17.
- B. Will attend half-day Supervisor Training in Greeley 3/15
- C. James Russell will attend all-day training in Greeley 3/31

IX. Conferences/Training –

- A. Participating in RPD Interim committee, recently attended Yuma meeting, planning nonprofit capacity training and collective impact process over next 2 years
- B. No available co-sponsorship from ECCOG for Broadband Conference
- C. EDCC Drive-Lead-Succeed Conference in October, 2017