

**DRAFT**

**TOWN OF ARRIBA  
BOARD OF TRUSTEES MEETING**

**Monday, March 13, 2017**

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

**Call to Order** Mayor Flores called the meeting to order at 7:30. Roll call for the Arriba Town Board was read and those answering were Leigh Anna Andersen, Jack Petty, Carolyn Steinsiek, and Tom Rush. Troy McCue and Bob Rush arrived later.

**Pledge of Allegiance** was led by Mike Becker.

**Public Audience** included: Ed E. and Jody Schiffers, Jeff Fike, Curt Price, Jay Spurling, Joe Rush, Austin McCue, Bob Schoonover, Derrik and Courtney Dean, and Marcella Flores.

Jody Schiffers said she just wanted to remind everybody that when they fix the wall to the museum the person needs to be bonded and insured. Mayor Flores agreed that whoever fixes the wall will be bonded and insured. Jody Schiffers said that the other thing- and she is very concerned about this- she picked up a little dog that was sitting in the middle of the street and couldn't find who owned him, she found Mike and told him the dog needs to go in to the pound and Mike informed her that the pound was so bad that he would not put it in the pound he would take it home. She said she knows for a fact that she thought the Board put some money into the pound and it was supposed to be fixed to where you could put a dog in there, that's ridiculous. Mayor Flores asked Mike Becker what was wrong with it. Mike Becker said that it needs cleaned up. Trustee Tom Rush said that it needs a roof. He suggested putting a pen or two inside the building back there on the north. Jody Schiffers said she knows that it's not often that that happens but we need to have that ready in case it does happen especially with summer coming. Mayor Flores said there's got to be shade, but there's got to be a bit of heat in there too. Jody Schiffers said she would be more than happy to feed and whatever if the Town fixed it up. Mayor Flores said he didn't think this Board had a problem with doing that. Trustee Tom Rush asked how much are you going to spend on it. Mayor Flores said a couple of hundred. Trustee Tom Rush said it would take more than that- it needs a roof- probably \$1500 \$2000 to make it right. Trustee Petty said we have some tin maybe we could put something up. Clerk Hart said she thought there was a dog run or kennel in the shop. Mayor Flores said the Board would get an estimate of what it's going to cost and move on it. Jeff Fike said that he had a dog pen out front of his house that would probably fit inside that he'd just donate to the Town. Clerk Hart said that it has a nice dog pen, it just needs a shelter or dog house to sit in there. Mayor Flores said we could put a dog house in there and heat lamp for the winter, he didn't know what you would do for the summer- it should be fine. Clerk Hart said that they had dogs in there over the summer and they were fine- they were able to get out of the rain and sun for the most part. Mayor Flores

told Mike Becker to come up with some numbers. Trustee Steinsiek told him to come up with some solutions and different suggestions.

Ed E. Schifferns asked if the Town does any tornado testing on its own or is it all the county. Mayor Flores said yes, but he can't remember what month the Town usually does it. The Board thought in March or April. Ed E. Schifferns said that he and Mike talked about getting the street swept by borrowing or renting a street sweeper, Flagler has one, he could check with the county. He said he thought he would see if that's something maybe the Board would want to pursue along with some gutter cleaning in places, there's so much dirt that gets into the gutters and then Mike's been working on it between times but there's some others that if he could sweep then fix the gutters. Trustee Tom Rush said that Flagler's street sweeper is really nice. Ed E. Schifferns thought that the county's was one you drag behind. Derrik Dean said that the county has 2 street sweepers. Mayor Flores said that the Town would look into it and see what it would cost to rent one.

Jeff Fike said let me start off with in the last meeting I brought a letter to the Board and read it out loud and it had to do with the insurance claim that I had asked you about, Alex, you said it was personal and that I had called CIRSA and I talked to a Luke Driscoll about it and he gave me- Mayor Flores asked Jeff Fike is that when you called him and told him you were the Town Clerk of the Town of Arriba? Jeff Fike said you know Alex, I did not and let me tell you something else, I had a witness to that phone call that was sitting right there with me on the speaker and furthermore it was recorded, according to CIRSA all calls are recorded, so I would suggest that let's get a hold of CIRSA and get a hold of that taped conversation with Luke Driscoll -like the strawberry- Driscoll, and the fact of the matter is he said it was a claim from the November 9<sup>th</sup> Town of Arriba meeting which brings me to the minutes of the meeting, and if you read that November 9<sup>th</sup> meeting there was nothing ever happened, nothing at all, and this is the records according to Clerk Hart, the fact of the matter for those that were there was an altercation with Marcella Flores and Louise Skipper- Marcella Flores interjected saying that Louise started it. Jeff Fike said that's not the way I understand it, regardless, the fact of that altercation regardless of who started it does not exist in the public records of the Town. He said I invite everybody here to look at the November 9<sup>th</sup> 2015 minutes, no such thing ever existed, well this changing and modifying of records for the Town is becoming a problem. Mayor Flores asked if that was something that was discussed in executive session. Jeff Fike said to his knowledge there were no executive sessions on the subject of insurance save one in October of 2016, these events occurred in November, the claim was paid in...maybe you did have a meeting that was not on record, I don't know, is that what you are saying? Mayor Flores said I'm asking, but nobody here knows- none of these guys were on the Board. Jeff Fike said well I've looked for it and I didn't find it, the only thing on there is October but I think that was the time when you guys claimed the sewer aerator cable thing as a loss from CIRSA. Marcella Flores asked him what he was getting at with that. Mayor Flores asked what else can we help you with. Marcella Flores said she was curious- what is it. Mayor Flores said let's not discuss between the public- or

you guys can go outside and talk.

Jeff Fike so that's one thing but whether right or wrong, as you said it was personal, we've got to be careful of these things because then we wind up with a real accident which is what our Town insurance is for. He said I also made comment in an email to the Board which you may or may not have seen regarding the sewer bills and the loss of that income due to an error and omission on the part of the clerk- could that also be claimed on CIRSA insurance- I don't think that would be appropriate but maybe I'm wrong. Jeff Fike asked did you not see the email? Mayor Flores said yeah, he thinks he did. Jeff Fike said alright, then that's that, the rest of it has to do with the sewer when we get up to that point with the exception that you know, if you want to know how I came across the information? Mayor Flores said I just want you to give me your five minutes so we can keep moving here. Jeff Fike said yeah, I did, but anyway, interviewing my friends like Mr. Becker here, and checking out- you know if there is something in Town that says I'm not supposed to talk to Mr. Becker- Mayor Flores asked Jeff Fike who is interviewing your friends? Mike Becker asked who is interviewing me? Mayor Flores asked who is interviewing your friends, where did that comment come from? Jeff Fike said that comment came from me. Mayor Flores asked what does that mean? Jeff Fike said what that means is it appears- you know what Alex, I'm just going to let that one go, suffice it to say let's stay on the subject of the Town insurance. Jeff Fike said I don't think that was appropriate, the records do not reflect any altercation, the Town was never named in a law suit and I think it's questionable. He said okay, so with that I've got some more but it's saved for once we get to the sewer loan payoff, okay.

Bob Schoonover said I've got one main thing to bring to peoples concern which is probably going to lead to another discussion, but it's the proposed cell phone tower that's going to be put up on Caleb's- well it's not Caleb's lots anymore- right across the street, I don't know if anybody is aware that this is going on or happening, I don't know if anybody has had the opportunity to look into any health concerns with these cell towers. Mayor Flores said that if you google that stuff it has all kinds of potential. Bob Schoonover said there is and it's from one end of the table to the other, the federal government doesn't acknowledge there's any problem with it of course. He said independent studies from different universities, all of them in Germany, which actually cares about their people, did research on this it does show there's some significant health risks- not necessarily cancer- but other growth hormones for children, stuff like that. Bob Schoonover said I don't know what we could do or if there's anything we could do, I mean the land's been bought, they've already got it marked off, it looks to me like they could start building any day. He said I don't know if there's anything we could do- could we get a petition going? Mayor Flores said it kind of scares me you know, it worries me the potential, the possibility of putting another health hazard here just like we did with the poles here years back. He said I don't know, when we had that we went door to door and every single person in town agreed this is not good for us- have you talked to other folks? Mayor Flores asked how does everybody else here feel about it? Does everybody feel safe, are you just going to go by what the government tells you- or do want to look at other studies? You've got kids, we've all got kids here. Derrik Dean said I haven't heard much information about this, this will be something I have to do on my own, you

know, Limon has a tower right inside town so it would be talking to Limon to see if they've seen an outbreak of anything different in the few years they've had those towers, doing our own studies on our own time. Trustee Andersen asked if theirs were smaller. Mayor Flores asked if they were different. Trustee Steinsiek said unfortunately there's nothing we can do about it right now. Bob Schoonover said unfortunately the government hasn't done any significant studies to prove yes or no. Trustee Petty said that he's been doing a lot of research on it, there's significant problems that could come along with it but as far as the governments concerned... and you know they're making a lot of money, that's the problem.

Jeff Fike said on that subject the court might entertain a franchise fee like you do to KC Electric and so forth for operating within the Town. Bob Schoonover said that's exactly why these companies come to towns like this, because they know they can push their way in. Jody Schiffers said we have no zoning. Trustee McCue said we've never had zoning. Bob Schoonover said that leads to another thing I was going to talk about is property values, it doesn't bother anybody else but it's right across the street from me. He said I've worked 8 years trying to improve my property and my home- was that all for naught?- you know I don't want it there for more than 2 reasons, I'd just like to know how everybody else feels, can we get a petition? Mayor Flores asked how the Board feels, how do you want to pursue this, do you want to talk to the attorney, do you want to do anything about it, do you just want to say too bad? Trustee Steinsiek said I'd rather not have it here but I don't know if we're at a point where we can. Mayor Flores asked should we try to do something. Trustee Petty asked how much is talking to an attorney cost. Mayor Flores said the conversation with him is going to be ten minutes but the research he does that's where it starts to add up. The Board was in agreement that it was worth it. Trustee Steinsiek asked if the Board should put that on the agenda to vote on. Jeff Fike said you know if you guys would codify your ordinances it would make it a lot easier for everybody, because there is some zoning but it was way back when this part of main street was put as a commercial zone, so perhaps you may already have it and that's outside of the business district. Mayor Flores told Bob Schoonover that the Board would put him on the Agenda on that point.

Bob Schoonover said he had a question for the Board- what's our goal for the future? He asked do we want people to move to town, do we not want people to move to town? He said I know I personally worked with you, Alex, 25 years ago -former board members, current board members, everybody in the community- most everybody in the community is working to clean the community up, to make it nice, let's get people here. He said it just seems to me the past couple, 3 years maybe it's gone by the wayside. He said I understand we're limited with budget, an example I can give- Mayor Flores said actually it wasn't budget, it didn't have anything to do with that, when the previous Board wanted to enforce that they got so much heck from everybody it turned into this, now all we get is complaints and issues, we quit working on trailer house ordinances, we quit trying to clean up neighborhoods, we quit trying to do anything. He said all we do is sit here and deflect- what's going to come today, what's going to come today. He said that's why we're at where we are now. Bob Schoonover said I get it and that's sad,



because I've got 2 people that work for me at the port, young people we're trying to recruit and keep in the community, and things are so high priced in Limon- if you can find something it's so high priced- so I tried to promote Arriba and I brought him and his girlfriend over and I'll be perfectly honest with you by the time they left I was embarrassed, I really was, that was first time I've been embarrassed to live in Arriba Colorado, I won't repeat the words that they said, but it wasn't pleasant, we're basically in competition with Genoa, honestly, and they said I'd rather live in Genoa because it's closer. Mayor Flores said I don't know if you guys realize it but most of the stuff on the corner came from Genoa.

Bob Schoonover said in the past we'd have a community clean-up day, whatever, if we could maybe coordinate I'd be glad to donate my time, my boys, let's take a day to help do what we can to people that want to clean up.

Mayor Flores said Lincoln County's free dump day would be a perfect time to coordinate something like that so that we could haul it for free.

Ed E. Schifferns said that Limon is coordinating their cleanup day with Lincoln County and they also provide loader and dumpster, whatever, to try to- Mayor Flores said that Arriba did that in the past when Bob was working here. Bob Schoonover said we got a lot of support from the people in town that took our help, I realize that we've got people that like their stuff, to each his own.

Austin McCue said last year I had done steers right beside my house and I'm doing steers again this year and I would like to ask for your permission for me to put them by my house again. He said we are going to up the amp fly control by taking out steer poop weekly and making sure they're sprayed and have fly traps, and during the end of last year we got a couple of complaints about the water in the water tank getting a little smelly, so we are going to put either a different tank or a water circulation and everything will be under control like it was last year. He said I would like to know if I have your permission or not.

Trustee McCue said that there is a permit process that Josie Hart did get for him, he can apply under ordinance 113b, it lays out number of animals, what kind of animals, who owns them, and an expiration date. He said I figure it would be appropriate for him to complete the application and obviously I can't say anything about it and I can't vote. Mayor Flores said I'm sure we're all in agreement- it's a 4H community, we know that, that's why we left this deal there that we can do it, no hooved animals in town except for 4 H or FFA. He said it's up to the Board but he didn't have a problem with it. He said fill out your application and bring it back to us.

Joe Rush said referring back to Ed's statement about the gutters and what not, I've got a section of gutter in front of my house that has been deteriorated for years and my questions was is if we can do like a 50/50 match with the Town and myself to rebuild the gutter- is there a chance of that to help out with the continuous erosion that I'm always having to put fill dirt back in after each rain fall and goes back to filling the gutters full, it's a win-win situation in the end but I was just curious to see how you felt. Mayor Flores asked how much are we talking? Joe Rush said I don't know, I don't have any ideas or figures- I just thought I'd bring it to the Board and see how

you felt. Mayor Flores said find out. Joe Rush said I'll get a quote and I'm going to go through Asherman's in Burlington, and Gary Elrick with Green Horizons is starting to do gutter work now to. Trustee Steinsiek said that the Board needed to be prepared if he does and I'm not saying no, but that other people will want the same, so we have to look to see if we are willing to do that 50 percent- I'm all for fixing everything too but we just have to be prepared for that.

Courtney Dean asked does the Board have dates for when they would start on the cell phone tower. Mayor Flores said I hadn't heard of any start up dates, has anybody else heard? Trustee Petty said no, they just gave the Board a letter that if you have any questions about how it affects historical landmarks around them to let them know. He said I sent an email and haven't gotten a reply. Courtney Dean said I was just asking because if people are wanting to start a petition then they would have a ballpark of how much time. Trustee Petty said we don't know until somebody gets back with me, hopefully they can give me more answers. Jeff Fike asked if there was any historical national or state registered places within Arriba- is there even one? He said I don't know of it if there was.

There was discussion on if Creel's original house was on the historical register.

Jody Schiffers commented that she thought it had to be at least 100 years old to be on the national historical register.

Curt Price said I would like to say something about the cell tower- with zoning or lack of it, allows private sales to supersede everything, I don't know what the legal protection would be or how it could be gained from the Board itself, but its water under the bridge, but it would be an epitasis for zoning to be looked at with a great deal of intensity by the Board, but the Town as a whole, so to have the input so we can cure what Bob was saying about neighborhoods versus areas and whatever, and as for the other thing about the cell towers, with the number that they give you on the letter they just put you on a circle you know where they'll get back to you, because as moderator of the congregational church I thought we would be considered a historical corner but I didn't get anything, they never answer, unlike here where everybody yells at each other and know what's going on, they don't even answer there, so it's a tie between what's what. He said I had already mentioned to Jack if you need a letter from the church giving a perspective of older generation in an older building.

Marcella Flores said that she knows Josie has a paper that she gave everybody about this CIRSA nonsense that Mr. Fike is always on and on about and going back in time, I wish you would give him that paper so that he can quiet about it because it's done, it's over, get over it. Mayor Flores said you mean the one that the Trustees have? Marcella Flores said yes.

**Approval of Agenda** Trustee Steinsiek moved to add 'Discussion of Cell Phone Tower' to the Agenda under New Business. Trustee McCue seconded and the motion passed unanimously.

**Approval of Minutes** Clerk Hart said at the last meeting Jeff Fike had 3 items that he wanted added, but when I went back and looked, and listened to the tape, those 3 items are in the minutes, there was the item about getting the park restrooms connected, and that is in the minutes, there was the item about when the sewer system was put in and what Tom Rush said about it and what Troy McCue said about it, and that's in the minutes, and then looking into the sewer loan and deciding to pay off the loan, and looking into it at the next meeting is in the minutes of the January 9<sup>th</sup> meeting.

Trustee Andersen moved to approve the minutes from the January 9<sup>th</sup> regular meeting and from the February 13<sup>th</sup> regular meeting. Trustee Steinsiek seconded and the motion passed unanimously.

**Approval of Account Receivable and Payable**

Trustee McCue moved to approve the Receivables and Payables for February. Trustee Andersen seconded and the motion passed unanimously.

**Approval of Bills**

Trustee McCue asked if the Anthem Blue Cross bill was for both employees. Clerk Hart said yes, it was for both.

Trustee Petty asked how many gallons of chlorine does the \$373.43 buy. Clerk Hart said that \$75 of that is a deposit, there's a \$20 monthly fee, and the rest is for four 60 gallon drums that should last the Town 3 months, it is a couple of hundred dollars cheaper than getting the bleach from the Flagler Coop. Mike Becker said Pat Parker wanted the Town to go back to using this type of chlorine for the wastewater plant.

Trustee McCue moved to approve the March bills for payment. Trustee Petty seconded and the motion passed unanimously.

**Town Hall Damage** Trustee Steinsiek asked if it was ever found out who did it. Clerk Hart said that they were pretty sure it was Connie Boettcher but she hadn't gotten the police report yet. She said there's supposed to be another insurance guy coming out with an engineer on Wednesday at 10:00, they're both with CIRSA. Jody Schiffers said she understands that Connie Boettcher was not licensed or insured and she'd meant to call the assessors to see if she owns the house because if she does the Town can put a lien against it. Mayor Flores asked if we know for sure if it was her. Clerk Hart said she didn't know for sure, she'd have to wait to see what the police report says. Mayor Flores asked why do we assume that it was her. Trustee Andersen said because Connie ran into DJ's too. Mayor Flores said that doesn't mean anything. Mike Becker said that he looked out the door -and it was just a minute after eight- and he just happened to look out and Connie was out front of town hall looking at the front of her vehicle then she drove off. He said you can't see the damage to town hall from the shop door. He said that the sheriff's office took it over after that, in the meantime she went down to DJ's and smashed into where the air hoses are. Mayor Flores said people there saw her do that. Trustee Steinsiek said they have cameras down

there.

Clerk Hart said the Board needs to think about who they're going to contract to repair the damage. Trustee Tom Rush asked if we should advertise for bids. Mayor Flores said it will be slower but it's the right way to do it. Mayor Flores said have the bids in by the next regular meeting. Jody Schifferns said that the museum is closed right now until it is repaired.

**Discussion on the Cell Phone Tower** Trustee McCue said I had raised that question about franchise, I guess the lobby on cell phone towers is fairly strong as they have not yet allowed franchise fees for cellphone towers like phone companies and KC Electric, that doesn't mean it can't be done but I'm afraid it might have to be done at the legislative level. Trustee Steinsiek asked if the Town had a sales tax would we be able to collect on that. Jeff Fike said yes, through the carriers that people use in the area, and that's according to Doris King in Flagler.

Trustee McCue said there's getting to be a lot more online trading to where there's going to be a sales tax portion and when Arriba talks about getting a sales tax it used to be we're just going to be hitting DJ's, that's the only source of sales tax- all the sudden this online thing can end up being relevant. Mayor Flores said that he didn't think this was the direction that Bob Schoonover wanted us to discuss on the cell phone tower, we're discussing how to make money on the thing when he doesn't want it here. Trustee Steinsiek said unfortunately on that I think we're probably too late. Trustee Petty said that we need to have zoning for next time. Trustee McCue said if the Town had zoning it would trigger a zoning review before it would ever be approved. Bob Schoonover said according to Caleb this thing (cell phone tower) is going to be as tall as the water tower.

Mayor Flores said the Town will touch base with the attorney but he wasn't sure what could be done.

There was discussion about possibly enforcing an older ordinance that might have some zoning in it.

**Meeting Start Times** Trustee McCue explained that at the last meeting the Board moved to change the meetings to the second Tuesday of the month. Mayor Flores said that won't work for him because he has EMS meetings the second Tuesday of the month at 7:00. He said he has a fire board meeting the first week of the month, Board meeting the second week of the month, EMS second week of the month, training 3<sup>rd</sup> week and 4<sup>th</sup> week of the month. Mayor Flores said the EMS meeting is pretty important for this town. He said at the next EMS meeting they'll be requesting money for the radios they got for the new first responders.

Clerk Hart said that at the last meeting Trustee Petty moved to change the meeting date to the second Tuesday of every month instead of the second Monday, keeping the same time of 7:30, beginning in April. Trustee Bob Rush had seconded it and the motion had passed.

Trustee McCue asked what other solution is there, he explained that he hadn't known that Mayor Flores was going to be gone at the last meeting so he got there at 7:45 and there were some unhappy people waiting on him. Mayor Flores said that he is involved in a lot of different stuff and sometimes gets emergencies that just cannot be helped. Trustee Petty said that the Board

didn't know about the EMS meetings and those are very important. Trustee McCue asked what about going to the first Monday. Mayor Flores said there's a fire board meeting the first Tuesday of the month- he doesn't have anything the first Monday of the month. Clerk Hart said that if the Board changes the meetings to the first Monday that will set all of the financial reports back a month. Mayor Flores said that was the reason the meetings have been on the second Monday of the month. Clerk Hart said it gives time for all for all of the reports and bank statements to come in. Clerk Hart suggested changing the meeting time to 7:45 which will give Trustee McCue time to get here in case Mayor Flores can't make it.

Trustee Andersen moved to set the meetings to the second Monday of every month at 7:45pm. Trustee Steinsiek seconded and the motion passed unanimously.

**Investigate Ordinance against Trash** Trustee Bob Rush said he hasn't heard anything back from Cindy with the town of Stratton- she was supposed to get him some stuff about their permit process but she hasn't sent him anything yet.

The Board discussed how to handle the property on the corner of Front Street. It was noted that the owner is out of jail now.

Trustee Bob Rush explained that this is looking into getting people if they want to put scrap iron on their property for a permit- the town of Stratton did that and they were actually able to clean that place up, they made the permit fee high. He said he talked to Cindy a little bit about it, basically they just went through and discussed number of unlicensed and untagged vehicles that are sitting on the property, piles of or size of the pile of scrap iron- things like that. Trustee Andersen asked how would you enforce an ordinance like that. Trustee Bob Rush said there would be a steep financial deal with it.

It was mentioned that enforcing the ordinance would probably mean a lien placed on the property.

Mayor Flores asked what the Board wanted to do about the neighbors down the street- send them a letter showing what the ordinance is? Trustee Bob Rush said we need to pursue the permit idea too. Trustee Bob Rush asked if there was an action meeting at the end of the March to discuss this? Clerk Hart said that Board had planned to go over the Records Retention Plan. Trustee Andersen asked if there would be time to discuss both. The Board agreed that an update on this issue could at least be discussed at the action meeting. Mayor Flores asked what they wanted to do in the meantime. Trustee Bob Rush moved to table this ordinance deal until the action meeting on the 28<sup>th</sup>. Trustee Andersen seconded. Trustee Bob Rush said and send them a letter. Trustee Bob Rush moved to send them a letter and to table the investigate an ordinance to the 28<sup>th</sup> action meeting. Mayor Flores asked the Board why are you singling these people out. Trustee Bob Rush said that's why we're looking into the permit process to get away from that aspect. Mayor Flores asked do you want to just send one letter out then, cause that's singling them out.

There was discussion about other properties in Town that should get a letter too.

Trustee McCue seconded the motion. The Board discussed sending a letter to everyone in Town so that people aren't singled out. Trustee Petty said that more might get done if the letter



mentions the Town's helping clean up during the free dump day. Mayor Flores said send out a letter to everyone saying the town is having a clean-up day to hopefully coincide with Lincoln County Landfill's free dump day and whoever needs help, and who wants to be a volunteer, and give them time to give us their name and address and we'll help them haul stuff off. Trustee Steinsiek moved to amend the motion to be that we are sending a town wide letter notifying Town property owners of the free dump day, that we are looking for volunteers, to help anyone that needs help, that they will need to contact the town office if they need help, and noncompliance after a certain date will be enforced. Trustee Petty seconded and the motion passed unanimously.

**Wastewater Loan** Clerk Hart showed the Board that Town ordinance #128 and in section 8 states: No termination of the monthly service charge will be allowed. Mayor Flores said that this is the ordinance the Town had to pass in order to get the loan, to get the loan everyone had to pay for it.

Clerk Hart said that the Board wanted to review this ordinance and review the remaining balance on the sewer loan which is \$11,381.45 and to compare what the Town has in its Sewer Reserve fund. Trustee Tom Rush asked what the interest is, or what would be saved if it was paid off now. Clerk Hart thought that it was around \$1,500 that would be saved. Trustee McCue said that the Sewer Reserve fund balance was \$10,624.09, so the Town would have to pay off the loan out of the General account. Clerk Hart said the sewer loan will be paid off in 4 years, the loan payment is due in September of each year. The Board agreed that if the money isn't in the sewer reserve then the loan shouldn't be paid off just to save the Town \$1,500. Clerk Hart said that the original amount of the loan was \$40,000. Trustee McCue said that the whole project was big, with most of the money being from grants, this loan was for cost over runs or to fill gaps in the funding. He explained that the drinking water loan that the Town got in 2010 was a zero interest loan, this loan's interest is 5%.

Jeff Fike said before we back up and sweep this under the rug again part of the reason to pay this off in the first place was the disparities between some properties and other properties being billed for sewer when the water was disconnected, that's what this was brought up about, I sent an extensive email to the Board on the subject and I'd hate to see this go back under the table again and have to be brought up on an annual basis, so are we going to discuss that or what.

Mayor Flores said I thought we already discussed it and agreed not to. Trustee McCue explained the connection between how the Town is handling the sewer charges and being under this loan because the theory here is if we pay off this loan then we have ultimate freedom to handle the sewer charges as we wish because we're not under the state auspices anymore, although it looks like it would require an amendment to the ordinance- we'd have to adopt a new ordinance.

Trustee Bob Rush said one option would be to physically dig up the taps that aren't getting charged and cap them off, it would solve all argument. Clerk Hart said that in the past the Board went through properties that had been paying and they quit paying and their account balance reached \$2,000- which is the sewer tap fee- and the Town filed a lien on those properties. She said there is like 5-6 properties out there that still have those liens on them. She said in Jeff

Fike's case he did stop paying on 2 of his properties. Mayor Flores said which is fine, he doesn't have to pay on it just let it get up to that amount like we did everybody else. Jeff Fike said here's the point, the point is just taking the example of 210 Church Street -which I've said to the Board in detail- was owned by Larry and Jean Eastin it had a water and sewer tap and in the summer Larry and Jean would - and this is all since this ordinance has taken place- they'd turn on the water in the summer time for the garden they they'd turn it off then ML Skipper, Louise, bought it from them there was no past due charges of any kind, Larry had never been charged any sewer charge, Louise had it hooked up and rented that little property to a wind farm guy in a trailer and called Josie to hook it up, no problem, water and sewer. He said then Louise calls Josie, they don't have a self-contained toilet in that RV so we won't be needing the sewer, they'll be using one of the restrooms in the house, she said fine charge water only, this is 2015, then I buy it and obviously Josie and I don't see eye to eye on some things, and all of the sudden I have to come to the Board to get a \$1500 passed due charge waived for a new sewer tap that never existed, that was done grandfathered, and I'm just saying it is selective how people are charged for the same property under the same ordinances, that's my argument. Clerk Hart said what happened is when the Eastin's had that property she was under the impression that it had water only, she had been told there was no sewer tap, so they were just charged the water fee, when that RV was put in they said no sewer they were just going to use the water, so she assumed they didn't need a sewer tap, just the water, then Jeff Fike comes in saying he wants a sewer tap. Jeff Fike interrupted saying what? No, no, no. Clerk Hart continued saying she had told Jeff it didn't have a sewer tap and he had said there's one there, that's when she brought it to the Board and said here's the deal, do we back bill, make him pay the tap, what are we going to do. Trustee McCue said that he remembered that house being so old it predated...Clerk Hart clarified that the property in question was the RV lot but that the pink house was also an issue, there's no history on it, should the Town charge him a sewer tap because there's no history, there was never a lien put on it and that all came before the Board, and that Board decided no, just start billing. Trustee McCue said what that shows you is the track record that we've been managing by is if we have no history on the property no harm no foul, we go, if there is history and we know and its close enough and recent enough, especially something since 2000 with the new sewer system, then we feel like we've got the teeth for the \$1500 or whatever the max sewer charges are, so I'm not saying it's right or wrong, I'm just saying what's happened. Jeff Fike said here again it's grandfathered in there, its prior to 1970, both are, now on the pink house same situation only in this case David and Mary Rice owned, never a sewer charge ever, Louise buys it first no problem at all, then its transferred to me and all the sudden there's a problem. Jeff Fike said that she bought it in 2014, he bought it in 2015. Trustee Bob Rush said one way around this would be if a taps been inactive for 15years we should dig it up and cap it. Mayor Flores said he agreed. Trustee McCue said this had been talked about when Tom Rush was the maintenance man. Trustee Bob Rush said he knows there's an expense up front but you'd make it back when you charging them to connect it back. Jeff Fike said but then you are messing with the property rights that he bought, it has not been uniform, the ordinance says it was like Tom said it was designed

to generate revenue, everybody paid yet select people have paid and other people have not paid. He said that's what I'm trying to say, the accounting of this sewer system- how many sewer taps does the Town of Arriba have into the sewer system can anybody answer me that. Clerk Hart said yes, she could answer that but wasn't going to.

Mayor Flores said what does the Board want to do, we discussed it and you were over it, and were moving on to Community Garden anyway. Trustee McCue said trying to address the issue, when it comes to the ultimate solution he thinks Bob's idea has a lot of validity.

**Community Garden** Trustee Petty said he has plans drawn out for the garden on his computer but was unable to print anything off. He said he thought it would be good to start small this first year to see how it goes. He said he has plans to build 4 raised beds that are 4 x 10 or 4 by 12 feet, in those they should be able to get enough herbs and vegetables and flowers for people to be able to take from it and big enough to have 4-5 people there and get it done quickly. He said the location would be between 2 trees over in the middle of the park by Colorado Ave where the blue flags are.

Mayor Flores asked if we're concerned about the park water. Trustee Petty said we are, but there is a hydrant over in the southwest corner that is connected to Town water.

Joe Rush said just from a public perspective of it if you put it in the middle of the park you are going to have parties and community events happening, playing baseball, football, volley ball, why put it in the middle of the park versus up by the community building. Trustee Petty said that he picked the spot because when he goes through a town and he sees a community garden it's just visible. He said he did step off enough room for volley ball on the one side that is affected on the other side of the flag pole there is plenty of room. He said so we did take that into account but if there are problems it can always be moved around, this is just preliminary stuff, these will be movable boxes. He said he went to Hugo and they have the boards that he is looking for, he forgot the total but it's a few hundred bucks to get the lumber and peat moss and that would help get it started. He said he thinks it can be done relatively cheaply, the other bed that he was going to try to do is another raised bed but it would take a lot of wood, he'd like to get some from what's at the north lots before it gets burned. He said he wants to get everyone's feedback and ideas. Trustee McCue asked how he wanted to try to engage local citizens, does he want to advertise it or see who shows up. Trustee Petty said he didn't want to spend too much on advertising. The Board agreed that putting up flyers around Arriba or going door to door would be good enough. Trustee Petty said that he does have people that are interested in helping with it. He said he needs to get a little bit of money to get things going. He said if the Town is safe about the liability he thinks it would be a great place for kids to come pull weeds and just eat something straight out of the garden it gets them interested in those kind of foods and not skittles.

It was suggested by the public to use logs or pallets for the raised beds.

Mayor Flores asked what our next step is. Trustee McCue said we need to approve him for money. Trustee Petty said have a meeting with the people that are interested. He said it will big enough to where one person could take care of it in a morning. He said he'd been talking to Bev

Langley and she said she would come help- she's been coming by and cleaning up the park by the way. It was noted that Kay Willoughby has been helping clean up the park too.

Clerk Hart asked if there was a definite spot for the garden. Trustee Petty so no, not yet.

Mayor Flores asked if Trustee Petty estimated about \$300 to get the garden started. Trustee Petty said yeah, but he didn't include water hoses in that cost, the \$300 should cover lumber and peat moss. Trustee Tom Rush moved to approve Trustee Jack Petty spending \$300 for supplies to get started on the community garden. Trustee Steinsiek seconded and the motion passed unanimously.

**Source Water Protection Grant** Clerk Hart said that she met with Kimberly Mihelich and Pat Parker, there were some discrepancies with where the State was showing the wells were at so Kimberly and Pat will be coming out tomorrow to GPS the wells then that will get sent to the State and hopefully will get changed within 3 weeks, then at that time she, Kimberley, and Troy will work on getting invitations sent out to stakeholders and residents to get a meeting set. Trustee McCue said we're going to really try to talk to stakeholders about how were going in this thing together, we want to keep this together as a team, this is not about a town picking on a farmer and how he runs his businesses, it's about working together to see if we have any issues to talk about. He said that he and Jack Petty attended that meeting.

Clerk Hart said she was thinking maybe an April action meeting for the stakeholder meeting.

**Street Maintenance** Clerk Hart said as far as getting Main Street surveyed she did check with surveyors in Kiowa and Kanorado and it would cost around \$1500 to \$2000 to get it surveyed and it would be several months before they could get out here. Trustee Tom Rush said Scott Kimble told him he might be able to get out here in a couple of months.

**Maintenance Report** Mike Becker had a written report which is attached to these minutes. He said that the backhoe is in the shop and he will start putting it in the shop at night from now on.

Clerk Hart said Pat Parker had emailed the Board saying the Town needed to get a new PH meter. She said that Pat wanted the Board to know that he realizes Arriba is on a small budget but this is a State mandatory thing, the Town's current PH meter out at the sewer plant doesn't fit the requirements anymore, if it doesn't get replaced the Town will get a violation. Clerk Hart said that Pat Parker had sent a spec sheet on a PH meter that is around \$525.00 that he just bought for one of his other towns.

Mike Becker said that Pat Parker was going to bring one tomorrow and walk him through how to use it.

Trustee McCue moved to purchase the baseline Hach PH meter in that \$525 range plus shipping and tax. Trustee Andersen seconded and the motion passed unanimously.

Clerk Hart said in Pat's email he says that because the Town did have a violation (wastewater) in January or February Mike has to send in the readings and paperwork weekly and then Pat sends it to the State.

Trustee Andersen asked if Mike was still working on getting licensed. Mike Becker said the next

wastewater operators training and testing is June 8th and 9th, it's a 2 day course it's from 8am to 5pm, it's in Pueblo at a community college, the first day they go over everything like math and regulations and safety concerns, and then day 2 is the test. Mike said for members the cost is \$150, for nonmembers its \$225, the Town is a member. He said he needs to register within the next 30 days.

Mayor Flores said that it will cost \$150 plus hotel and food. The Board discussed reimbursing receipts Mike turns in.

Trustee McCue moved to fund Mike Becker's training and testing and lodging and will reimburse him for meals and mileage in June. Trustee Steinsiek seconded and the motion passed unanimously.

Mike Becker asked about how he should handle the volunteers cleaning up the park. He said he knows it's beneficial, but they have to keep in mind they're volunteers and if the trailer needs emptied it will get emptied whenever it gets emptied. Clerk Hart said CIRSA, the Town's insurance, requires all volunteers to sign a liability release. Mayor Flores told Mike Becker that next time just have the volunteers sign the liability waiver.

Trustee Steinsiek asked if the Town was still interested in the concrete picnic table that they have. Mike Becker said that it was broke underneath it and he wasn't sure. Trustee Steinsiek said that it does have a crack in it, and if the Town doesn't want it they are going to destroy it. She said Mike should come look at it. The Board told Mike Becker to decide if it would be good at the park or not.

**Clerks Report** Clerk Hart said the last Board had approved Michael Shirley having a key to the north lots to get in there and recycle the wood and cement and things. She asked how the current Board felt about that. The Board agreed that he shouldn't have his own key but be like everyone else in Town if he wants to go back there borrow a key from Clerk Hart. Mike Becker said sometimes the lots are open during business hours and sometimes it's locked.

Clerk Hart informed the Board about the CIRSA lunch in Limon on April 6th.

Clerk Hart said QuickBooks was going to need to be upgraded so the Town can use the Payroll feature, it will cost \$220 and will be good for 2-3 years.

Clerk Hart told the Board that the Heartland 4H club wanted to do a community service and they wanted to know if the Town has anything that they can do. The Board discussed different ideas including helping with cleanup and park maintenance/cleanup. Clerk Hart said the club had a lot of younger kids in it. Trustee Bob Rush said that the majority of the kids are from Flagler. The Board agreed they could help with the community garden or help with cleaning up the park for a few hours. Trustee Petty said he could coordinate it.

Clerk Hart asked for permission from the Board to have the letter from CIRSA explaining everything read out loud. She said she felt that what was in the letter needed to be public.

Trustees Steinsiek, Andersen and Petty agreed. Trustee McCue read the CIRSA letter out loud.

(A copy of the CIRSA letter is attached to these minutes.) The letter explained the issue of someone representing the Town under false pretense, and explained the Skipper / Flores lawsuit.



**Treasurers Report** The Board looked over the report, everything looked good.

**Trustees Report** Trustee Bob Rush apologized for being late. He said getting some information from Stratton and looking at a permit process is probably a great thing and something we really need to consider for some of this stuff and he thinks it will eliminate some finger pointing that has gone on for a long, long time.

Trustee Stiensiek said the Board needs to start thinking about putting sales tax on the ballot at the next election. She said the Board also needs to be looking at zoning and the strategic planning so we need to start getting some things on the calendar. She talked about the possible sales tax revenue from online purchases. Clerk Hart said she would look into it a little more.

Trustee Tom Rush said the new aerator is making a worse noise than the last one, and this is the one the Town has had for about 2 weeks. Mike Becker said he brought it to shore and looked it over but couldn't find anything wrong.

Trustee McCue said he appreciated the Board being willing to move the meeting date around for him but he does realize he is only one person so if it does get to where his responsibilities interfere too much he understands.

**LCEDC Report** Trustee 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). He said that tomorrow night was LCEDC's annual meeting at the community building in Limon. He said Excel Energy is going to be giving the keynote address. He said he would have a PowerPoint of the year in review and then there would be board elections, right now Arriba's designee is Jonathan Hart and that can always be brought up at this time or a different time at the Board's choosing and it is completely up to the Board to say who the designee is. He said the County Commissioners designee is Steve Burgess and that will leave 11 spots for business and industry because LCEDC bylaws caps the board at 16.

He said LCEDC did pick up two new sponsors.

He said his Vista volunteer will be showing up a bit earlier than expected.

He said he attended a Foreign Trade Zone meeting in Denver.

**Mayors Report** Mayor Flores said there will be a CPR First Aid training on April 5<sup>th</sup>, he would like both Town employees to participate in the training. He said everyone is welcome to attend the training, it starts at 5pm and should be done by 9pm.

**Adjournment** Trustee Steinsiek moved to adjourn the meeting, Trustee Andersen seconded and the motion carried unanimously. Mayor Flores adjourned the meeting at 9:30pm.

Submitted by: Josie Hart, Arriba Town Clerk

Signed by:

Mayor Alex Flores

**Approved by the Board on:**

Town of Arriba  
Board of Trustees Regular Meeting  
Monday, March 13, 2017  
7:30pm

Sign In Sheet

Ed & Holly Schifferns

Bob Weaver

Jeff Fink

Jay Spurling

Austin McClure

Chad

**Maintenance Report  
February 2017**

- 2-1 filled bleach tank at sewer plant, located water lines for fiber optic on Lincoln
- 2-2 hauled trash, fixed leak on sink at community building
- 2-3 met with Mark with Colorado Rural Water about testing, cleaned shop
- 2-6 trimmed trees on truck route
- 2-7 met with electrician at sewer plant, cleaned shop
- 2-8 worked on backhoe
- 2-9 worked on backhoe
- 2-10 OFF
- 2-13 pulled aerator motor from pond
- 2-14 disassembled aerator motor at shop
- 2-15 changed block heater on backhoe, changed oil on John Deere tractor, cleaned up back of shop
- 2-16 hauled trash, filled crossing on Colorado and raked smooth, filled pot holes in front of Post Office
- 2-17 sewer plant, hauled trash, replaced bleach pump hose, cleaned up tumble weeds
- 2-20 put in new meter and raised meter pit at Mike Luft's home
- 2-21 new stop sign at Lincoln and College, changed oil on backhoe
- 2-22 went to Flagler for supplies, filled hole in alley behind motel
- 2-23 met with Par Parker, worked at sewer plant, drinking water sampling
- 2-24 cleaned out bathrooms at park, hauled trash, filled bleach at sewer plant
- 2-27 read well meters and water meters
- 2-28 paperwork for Pat Parker



PROVIDING RISK MANAGEMENT SOLUTIONS

February 17, 2017

Josie Hart  
Town of Arriba  
P.O. Box 10  
Arriba, CO 80804

RE:	Our Member:	Town of Arriba
	Claimant:	Louise Skipper
	Claim Number:	PC5028196

Dear Ms. Hart:

Within the last week, Luke Driscoll in our Finance Department received a call from a person who stated he was with the Town of Arriba and requested financial information. The call was forwarded to Mr. Driscoll from our receptionist and the caller ID showed the call was from the Town of Arriba. Based on the caller ID and the person's representation that he was with the Town, we provided him with the information he requested. We would not have provided this information had we known he was not a Town official or employee. We apologize for our error in this regard.

Ms. Skipper filed a lawsuit against Ms. Marcella Flores. During the period in question, Ms. Flores was a member of the Arriba Board of Trustees. The Town is a covered party for purposes of liability claims to which CIRSA's coverages apply, as are the Town's elected officials when they are acting in their capacity as such.

In light of the allegations in the suit, we determined that Ms. Flores, as a member of the Arriba Town Board, was entitled to a defense from CIRSA; we understood that the allegations in the suit arose during the course of a Board meeting at which Ms. Flores was present and acting in her role as a Board member. The matter was not a personal matter, but rather, one that arose in the course of her Board member responsibilities. CIRSA was obliged to provide a defense in the matter; accordingly, by virtue of the CIRSA Bylaws and Intergovernmental Agreement, which the Board approved at the time it became a member of CIRSA, the Town was likewise obliged to pay its deductible of \$1,000.00 in the matter.

Should you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wagner", with a long horizontal flourish extending to the right.

Mike Wagner  
Claims Manager





Lincoln County Commissioners

March 7, 2017

Lincoln County EDC Report

- I. **Arriba –**
  - A. Sat in on Source Water Protection planning meeting on 2/23
  - B. Chaired meeting 2/13, ongoing review of sewer ordinance rules
- II. **Genoa-**
  - A. Coordinating See Six States, LLC community and region-wide engagement
  - B. FTZ relevance under research with Genoa Rail Transfer Yard
  - C. Attended Genoa Town Board meeting 2/15, observing annexation process
- III. **Hugo –**
  - A. 6 business retention visits (Lincoln Community Hospital/Care Center, Hugo Liquors, Hugo Lumber, Osborne's Supermarket, Main Street Mama's, Hugo Inn)
  - B. Attended HIP meeting in February, signing up to assist with welcome center starting Memorial Day
  - C. Attended public strategic planning session with Percival consultants for LCHNH on 2/15
- IV. **Limon –**
  - A. 10 business retention visits (Eastern Colorado Bank, Poudre Bay Capital, Pronghorn/Ace Hardware, Gordon Real Estate, Hiner-Felzien Tax Prep, Trans-West Dodge, Liggy's, Oscar's Bar-Grill, Golden China, Colorado Gifts)
  - B. 3 active SBDC Clients: #15-018 West Limon development and #15-016 Service-based business transition planning, #15-017 Service-based business payroll tax assistance, #15-029-Local service business expansion
  - C. Emcee'd CIRD event 2/27 through 3/1, transported national team members to/from airport
  - D. Signed two new EDC investors: Trans-West Dodge and Poudre Bay Capital
- V. **Karval –**
  - A. Backgrounding with DOLA (Greg Etl) on upcoming application for Karval firehouse
  - B. Providing assistance for ongoing greenhouse project
- VI. **Small Business Development Center (SBDC) Activities**
  - A. Ongoing consulting scope of work, working with El Paso business development lead – Calhan for potential rail connection in Lincoln County, working with Craig Curl
  - B. Recruitment for new SBDC Consultant for Kit Carson & Cheyenne counties underway.
  - C. Lisa Hudson will visit area on 3/31/17
- VII. **Americorps – VISTA Volunteer Program**
  - A. Responding to all required paperwork registration and acceptance of James Russell to begin volunteer year on 3/27/17. (ARRIVING 3/14/17)
  - B. Will attend half-day Supervisor Training in Greeley 3/15
  - C. James Russell will attend all-day training in Greeley 3/31
- VIII. **Foreign Trade Zone #293**
  - A. Made FTZ promotional presentation to the Town Board of Bennett, considering magnate site application
  - B. Two other promising leads in FTZ pipeline, attending Swedish WTC luncheon on 3/9, Joe will attend German WTC luncheon on 3/16
  - C. Revised FTZ material to include weekly entry cost savings as additional benefit to Users.

ECONOMIC DEVELOPMENT ANNUAL MEETING, TUESDAY, MARCH 14<sup>TH</sup>, 7 P.M., LIMON COMMUNITY BUILDING