

RECORD OF PROCEEDINGS
February 16, 2010
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REGULAR BOARD MEETING:

Mayor Schmidt called the meeting to order at 7:00 p.m.

Pledge of Allegiance.

Trustees present for roll call were Trustees Fowler, Keairns, Webb, Blanken, Yarbrough and Davis.

MINUTES:

Trustee Yarbrough moved to approve the minutes of the meeting held on February 2, 2010 as amended. Trustee Fowler seconded the motion. The vote was unanimous. Motion carried.

TREASURER'S REPORT:

The Board acknowledged receipt of the treasurer's report and financial statement.

OLD BUSINESS:

LA VETA FIRE PROTECTION DISTRICT – TRANSFER OF PROPERTY – ORDINANCE #253:

Mayor Schmidt presented Ordinance #253 which transfers property to the La Veta Fire Protection District. The Ordinance was previously read at the February 2, 2010 meeting. Trustee Yarbrough moved to adopt Ordinance #253. Trustee Fowler seconded the motion. The vote was as follows: Trustee Fowler, aye; Trustee Keairns, aye; Trustee Webb, aye; Trustee Blanken, aye; Trustee Yarbrough, aye; Trustee Davis, aye; Mayor Schmidt, aye. The vote was unanimous. Motion carried.

LOWELL EDDY, ET AL – RE-PLAT ORDINANCE #254:

Mayor Schmidt reviewed the Ordinance to re-plat Lots 35 through 41, Block 14. Trustee Fowler moved to adopt Ordinance #254. Trustee Davis seconded the motion. The vote was unanimous. Motion carried.

NEW BUSINESS:

YEARBOOK AD:

The Board had received a request to consider placing a congratulatory ad in the yearbook. After discussion, Trustee Fowler moved to purchase a 6 x 9 ad at the cost of \$100.00 in the yearbook. Trustee Webb seconded the motion. The vote was unanimous. Motion carried. Trustees would work on the ad.

CAROL HOUK AND REED WHITE – COMMERCIAL DEVELOPMENT PERMIT APPLICATION:

The Board reviewed the application of Carol Houk and Reed White for a restaurant and microbrewery to be located on a portion of Lots 18-22, Block 35 more commonly known as 1010 South Oak. After review, Trustee Yarbrough moved to accept the application as substantially complete and to set the application for hearing on March 2, 2010 at 6:45 p.m. and to order posting and publication. Trustee Davis seconded the motion. The vote was unanimous. Motion carried.

ARVIN VANRY – RAILROAD TICKET OFFICE LEASE:

Mr. VanRy was not in attendance. The Board discussed the lease. After discussion it was decided to request the lease be for a one year period, currently March 1 to December 31, 2010 and by way of a cover letter strongly recommend that an adequate emergency plan be put in place as soon as possible and note the concerns of the Town Board regarding the lack of such a plan being filed with the La Veta Fire Protection District.

Trustee Webb moved to offer a lease for the term of March 1 through December 31, 2010 with the offer being good until March 1, 2010 and providing the cover letter as discussed. Trustee Davis seconded the motion. The vote was unanimous. Motion carried.

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DWIGHT HARRISON – OFFER OF SETTLEMENT FROM CHARLES R. BRIGGS:

Mr. Harrison noted that the Board had had the proposal for two weeks, but that he had not heard from either the attorney or the Town Board and asked what the status was on the proposal.

It was noted that the Board had received a review regarding the proposal from the attorney but had not had the chance to have a meeting to discuss the information.

After a question and answer session with Mr. Harrison about certain aspects of the proposal, Trustee Webb moved to executive session at 8:02 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e). Trustee Blanken seconded the motion. The vote was unanimous. Motion carried.

The Board returned to session at 9:05 p.m. Trustee Webb moved that under the advice of counsel, the Town is unable to accept the terms of the proposal presented because the Town is required to comply with State statutes. Trustee Davis seconded the motion. The vote was as follows: Trustee Fowler, aye; Trustee Keairns, aye; Trustee Webb, aye; Trustee Blanken, aye; Trustee Yarbrough, aye; Trustee Davis, aye; Mayor Schmidt, aye. The vote was unanimous. Motion carried. It was noted that the statutes involved were in Title 24 and Title 31.

RE-ORGANIZATION OF MUSEUM – ORDINANCE #255:

Mayor Schmidt read the ordinance into the record. Trustee Fowler moved to adopt Ordinance #255. Trustee Keairns seconded the motion. The vote was as follows: Trustee Fowler, aye; Trustee Keairns, aye; Trustee Webb, aye; Trustee Blanken, aye; Trustee Yarbrough, aye; Trustee Davis, aye; Mayor Schmidt, aye. The vote was unanimous. Motion carried.

RESOLUTION #4-10 – ELECTION JUDGES:

Trustee Keairns moved to adopt Resolution #4-10. Trustee Webb seconded the motion. The vote was unanimous. Motion carried.

Trustee Yarbrough moved to re-schedule the April 6, 2010 Board of Trustee Meeting to Wednesday, April 7, 2010 at 7:00 p.m. Trustee Davis seconded the motion. The vote was unanimous. Motion carried.

The Board discussed drafting a resolution based on the suggestion by Bruce Cantrell regarding that land not proposed to be platted into building parcels, including streets, green belts, etc. not be included in the acreage when calculating the fee for an annexation petition.

BOARD REPORTS:

HPC: No report.

TREE BOARD: No report.

CORRESPONDENCE:

An amendment to the Alltel lease was presented. The amendment was necessary due to the Town requesting that the original location of the service building be moved. The amendment provided mapping to show the location, as built. Trustee Davis moved to approve the amendment to the Communication Facility Lease with Alltel and to authorize the Mayor to sign the documents. Trustee Blanken seconded the motion. The vote was unanimous. Motion carried.

COMMITTEES:

Museum:

- Mayor Schmidt noted that the Huerfano County Historical Society would need to be properly informed that the lease for the Museum was terminated and that an ad was needed to seek letters of interest for the positions on the Museum Board.

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Streets and Alleys:

- There was no report.

Police, Code Enforcement and Building:

- Trustee Davis moved to accept the letter of resignation from Albert J. Drum II effective April 2, 2010. Trustee Blanken seconded the motion. The vote was unanimous. Motion carried.
- The Board agreed to place an ad to seek letters of interest for the position of Municipal Judge until the close of business on March 23, 2010.
- Trustee Davis moved to ask Rick Dunn to acquire the proper licensing to do mechanical inspections as required. Trustee Blanken seconded the motion. The vote was unanimous. Motion carried. The Board will also speak to Tom Lessar.
- A police and personnel committee meeting was scheduled for Monday, February 22, 2010 at 6:30 p.m. at Town Hall.

Water and Sewer:

- Mayor Schmidt noted that as the Mexican Ditch case got closer to trial that counsel was getting queries from other interested parties in the case.

Personnel:

- There was no report.

Finance:

- There was no report.

AIRPORT LEASE:

Town Attorney, Larry Berkowitz, was continuing work on the airport lease.

BILLS:

GENERAL FUND		
30320	Conservation Trust Fund Savings	\$ 2,385.01
30321	Jerry Bumgarner	\$ 835.49
30322	Nancy Culbreath	\$ 37.62
30323	Al Drum	\$ 33.45
30324	Richard Dunn	\$ 132.98
30325	FPPA	\$ 656.06
30326	Family Support Registry	\$ 350.00
30327	Jason Vaughan	\$ 783.56
30328	Jason Vaughan	\$ 41.01
30329	Harold Willburn	\$ 842.92
30330	Bob Martin	\$ 394.85
30331	Mary Jean Fowler	\$ 911.81
30332	Division of Oil & Public Safety	\$ 70.00
30333	California Contractors	\$ 139.70
30334	CenturyLink	\$ 626.59
30335	WCI of Pueblo	\$ 71.55
30336	Grimshaw & Haring	\$ 7,830.12
30337	Lila Manzanares	\$ 390.00
30338	La Veta Oil	\$ 136.48
30339	SE&EC Recycling	\$ 471.24
30340	Sporleder Feeds	\$ 91.18
30341	Xerox Captial	\$ 142.84
30342	Nancy Culbreath	\$ 178.50
	TOTAL DISBURSEMENTS	\$ 17,552.96
WATER FUND		
7204	CJ Bynum	\$ 738.06
7205	Nancy Culbreath	\$ 916.94
7206	Chris Knowles	\$ 941.05
7207	Rob Saint-Peter	\$ 1,032.41
7208	Shannon Shrout	\$ 935.87
7209	Mark Sladek Heating	\$ 12,377.50
7210	Cliff Brice	\$ 78.75
7211	Colorado River Engineering	\$ 78.75
7212	WCI of Pueblo	\$ 718.95
7213	Meyer & Sams	\$ 254.83

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7214	MacDougall, Woldridge	\$ 430.00
7215	Pueblo C/C Health	\$ 58.00
7216	UNCC	\$ 3.08
7217	USA Bluebook	\$ 42.02
7218	Meyer & Sams	\$ 226.82
	TOTAL DISBURSEMENTS	\$ 18,833.03
SEWER FUND		
2570	Stewart Environmental	\$ 211.00
	TOTAL DISBURSEMENTS	\$ 211.00

Trustee Fowler moved to approve payment of the bills. Trustee Keairns seconded the motion. The vote was unanimous. Motion carried.

It was noted that in the future anyone requesting mileage reimbursement will need to provide a Google map showing the miles traveling one way.

ADJOURNMENT:

There being no further business to come before the Board, Mayor Schmidt adjourned the meeting at 10:00 p.m.

Mickey L. Schmidt, Mayor

Nancy Culbreath, town clerk