

July 13, 2022

Present:	Mayor:	Larry Sitts
	Trustees:	Blaine Ice
		Casey Rushton
		Bill Kissell
		Calvin Melcher
		Rod Swisher
Austin Hazen	Holly Volunteer Fire Dept. Chief	
Craig Somers	Ireland Dean Designs, LLC	
Ronald Jara	Field Service Supervisor	
Phil Malouff	Town Attorney	
Michael Tanner	Town Administrator	
Megan Jara	Town Clerk/Treasurer	

Mayor Larry Sitts presided over the regular meeting of the Holly Board of Trustees on the above date at 7:00 p.m. Roll was called. Trustee Vance Brian was absent. All present gave the Pledge of Allegiance.

Additions to the Agenda. Reports: F.) Craig Somers- Ireland Dean Designs, LLC.

Minutes, June 1, 2022 Regular Board Meeting Minutes. Trustee Melcher motioned to approve the minutes of the June 1, 2022 Regular Board Meeting. Seconded by Trustee Ice. Motion carried 5-0.

Approval of Current Bills. Trustee Swisher motioned to approve current bills subject to review of the Finance Committee on July 12, 2022 at 8:30 a.m. Seconded by Trustee Rushton. Motion carried 5-0.

Notices and Communications. A sympathy card was passed around for signatures to mail to the Moldenhauer family.

Public Appearances. None.

Reports. Police Commissioner Report. Report was available for review. **Crew Report.** Ronald Jara read the crew report: Measured length of service wire needed for new service at food truck on East Colorado, installed new service and electric meter at food truck, replaced fuse in cut-out at Jerome Seufer's well, replaced broken cut-out and fuse in alley between 2nd and 3rd Street, repaired broken service pole for trailer house in Hollis Alley, wired new receptacle at Shop, fixed PVC conduit on Baseball Field light pole, replaced broken street light cover at Baseball Field, replaced yard light bulb at Tino Rodriguez, installed electrical meter at 120 South 10th Street, pulled electrical meter at 213 South 10th Street, pulled electrical meter at 734 Hollis Alley, attended Bucket Truck Rescue in La Junta, repaired service at Logan Peterson's, replaced 2 fuses in cut-outs at Co-op, disconnected CT wires at Vazquez Apparel, electrical meter read out at 849 West Colorado, changed north pedestal receptacles to GFCI's at South Park, met with Viaero to discuss transformer change out, conducted monthly water samples with Rick, repaired water main leak on South Main, laid gravel on South Main Street at site of water leak, conducted 2 locates for ATMOS and CenturyLink, turned water off and back on at 444 Pawnee, turned water on at 120 South 10th Street, turned water off at 213 South 2nd Street, completed Zones 1 and 2 for hydrant flushing, started cycling water main valves (north side of Town complete), turned water on at Vazquez Apparel, turned water off at 734 Hollis Alley, turned water off at Brownfield's 8th Street rentals, put up new chlorine signs at South and East Wells, storage shed and Swimming Pool room, changed chlorine bottle at South Well and Swimming Pool, read out water meter at 849 West Colorado, mowed and weed eat at South Park, North Park, RV Park, Baseball Field and Swimming Pool (This is done on a weekly basis.), replaced broken sprinklers at Baseball Field, weed eat at Yard, Light Plant and Lift Station (done several times through the month), turned sprinklers on at South and North Parks after Bluegrass Festival, fixed and put up new fencing on east

side of Pocket Park, rototilled sandboxes at Baseball Field, South and North Parks and Swimming Pool, replaced solenoid on zone 2 sprinklers at North Park, cut dead limbs off trees at Baseball Field, flushed sewer in alley of Reyman's Grocery, conducted quarterly fogging of sewer main in alley behind Reyman's, conducted quarterly enzyme treatment at Lift Station, laid gravel on South 10th Street, Atmos still needs to replace line before road can be completely repaired, laid rotomill on North 10th, North and South 1st Avenue, totaled square feet of ATMOS digs to be repaired, engineer walk-through and discussion at Shop, Town Complex and Fire Station, gathered cones and barriers for Bluegrass and placed on site, removed and replaced concession stand door at Baseball Field, installed all new emergency lighting at Light Plant, Shop, Library, Theater and Depot, repaired fallen chain link fencing by Depot, weed eat all ditches, conducted monthly door hangers, Vac truck hood was delivered, installed GFCI receptacle and weather proof cover at Theater, picked up ¾ ton pickup truck from Jr. Vasquez's, purchased new rototiller, installed new eyewash station at Shop, installed barrier upstairs at Theater, conducted monthly meter readings, mowed race track for July 4th fireworks, sprayed for mosquitos at race track, conducted monthly meter re-reads, burned tree limb pile at Landfill, mowed Airport and Sewer Lagoon. **Administrator Report.** Administrator Tanner reported: shop/complex structure was reviewed with Craig Somers and team, searching for Vac Truck parts, missing drivers' side headlight, Junior is working on attaching the wiring harness from the fuse box to the designated areas, sent a letter to Atmos regarding the 10th Street approximate date for repairs. airport hangar rent past due notice mailed out, water project application submitted to USDA on June 3, 2022 and website shows in processing. **Clerk/Treasurer's Report.** May's financials were presented and remaining payable to Pittsburg Tank and Tower which will be held until the tower is cleaned. **Library Report.** May's count of patron visits and checked out material was available, Librarian Heck reported 40 participants in summer reading program and exited to receive rewards of movie passes and pool passes, taking donations for annual Holly Hock-it. **Shop/Fire Dept Report.** Craig Somers of Ireland Dean Designs distributed drawings of floor plans and design requirements to meet the DOLA grant specifications regarding energy efficiency, therefore can't be built back as pole barn with these funds. The grant is for 50/50 match by the Town, however rehab total is \$818,151.29. Somers sought direction on how to proceed with design. Trustee Melcher motioned to hold a workshop for discussion on the design. Seconded by Trustee Swisher. Motion carried 5-0. Workshop was proposed for July 20, 2022 at 7:00 p.m. Regarding a need to gather cost for sewer infrastructure to meet Infrastructure Bill and grants deadline; Craig Somers presented a cost for a sanitary sewer system plan and phased construction schedule. No discussion commenced. Trustee Melcher motioned to approve all reports as given. Trustee Kissell seconded. Motion carried 5-0.

Old or Unfinished Business. None.

New Business. Resolution No. 2022-4 – A Resolution Authorizing the Sale of Real Property.

Trustee Ice motioned to approve Resolution No. 2022-4 authorizing the sale of real property. Seconded by Trustee Melcher. Motion carried 5-0. **Earnest Money Contract.** Trustee Swisher motioned to approve the Earnest Money Contract regarding the buyers' purchase commitment for the real property. Seconded by Trustee Ice. Motion carried 5-0. **Policy No. 39 – Prohibited Harassment (Nullifying Policy No. 17 and No. 26).** Trustee Swisher motioned to approve policy No. 39 Prohibited Harassment. Seconded by Trustee Ice. Motioned 5-0. **Policy No. 40 – Chlorine Safety (Nullifying Policy No. 16).** Trustee Ice motioned to approve Policy No. 40 Chlorine Safety. Seconded by Trustee Rushton. Motion carried 5-0. **2021 Financial Audit.** Trustee Swisher motioned to approve the 2021 Financial Audit. Seconded by Trustee Melcher. Motion carried 5-0. **Budget Workshops Scheduling.** Draft budget needs to be presented no later than October 15th, normally have a couple workshops prior to October 15th.

Miscellaneous. Austin Hazen – Holly Fire Dept. Residential Hazards. Austin Hazen approached the board regarding hazards the Fire Dept encounters on properties. Highlighting the height of weeds

and junk laying around makes fighting fires that much harder. Hazen encouraged enforcement actions even if it comes by way of sub-contractors.

Executive Session. Trustee Melcher motioned at 8:18 p.m. to enter Executive Session according to C.R.S. 24-6-402 (4)(b) Attorney Client Privilege. Seconded by Trustee Swisher. Motion carried 5-0. Trustee Swisher motioned to exit Executive Session at 9:30 p.m., seconded by Trustee Ice. Motion carried 5-0.

Upon returning to the regular public meeting, Attorney Phil Malouff reported: after negotiations between separate parties (Board of Trustees and Michael Tanner-Town Administrator) going back and forth to each room to discuss and exchange between the two parties. This is the report of what I felt the parties agreed upon. Presuming that it is an accurate representation, I will ask the Board to motion and second the resolution as I identify them, and also then ask Mr. Tanner to approve the resolution from his perspective. The recording will be reduced to writing and then a more formal writing in the near future. Attorney Phil Malouff continued; here is what we agreed upon: for the next six weeks through the end of August, 2022 there is going to be a new way of communicating between the Board of Trustees, Mayor, and Town Administrator. The Trustees are going to direct their comments, criticism, directives, suggestions, concerns to the Mayor. The Mayor is going to edit them and if he believes they are appropriate to pass to the Town Administrator, he will do so by email. So, we will have record of what the directives are. That email will be specific to what the directions are and what the timelines are. If the Town Administrator has some problem prior to the meetings that need to be directed to the Board, he will do the same thing but in reverse and he will communicate back to the Mayor. The Trustees as a group will refrain from any supervisory contact (social contact is okay) with Mr. Tanner or with any of the Supervisors. So that there is a more clear line of communication. We are going to refine the contract that is currently in effect to be more explicit with regards to the days that Mr. Tanner can be present in Holly and the days he can be somewhere else. We will have Mr. Tanner communicate if he is leaving town with the Mayor. That will all be reduced to writing with specifics. Mr. Tanner is going to be paid his normal salary and benefits from now and through the end of August 2022. If things go good, and we overcome all of these problems then his employment contract is going to continue. And I will draft a new contract. If things go bad, either way- if Mr. Tanner is unsatisfied or the Board of Trustees is unsatisfied, then on August 31st Mr. Tanner will one- resign; and two- will be awarded a six (6) month severance package which will include whatever employee benefits are normally paid to an employee. In the end, then he is completely relieved of his duties; during those six (6) months of time he has no responsibilities to the Town other than cash the check. He will provide a full release of any claims against the Town and the Town will provide a full release against Mr. Tanner for any claims. Now, if things go wrong on July 14th tomorrow, then we will kick in the six (6) month package, agreed? Without putting anyone on the spot, did I state it the way everyone thought it was supposed to go? (No comments were stated.) Mr. Mayor ask for a motion to approve the resolutions.

Mayor, Larry Sitts, sought a motion from the Board. Trustee Kissel motioned to approve the resolution presented by Attorney Phil Malouff. Trustee Swisher seconded the motion. Motion Carried 5-0.

Attorney Phil Malouff addressed Michael Tanner; Mr. Tanner you have heard me report all of these items to the Board and the Board has approved what I have approved, what is your position?

Town Administrator Michael Tanner answered, I agree.

Attorney Phil Malouff verified to Michael Tanner; Do you understand, by them making this formal act and passing this motion we are all bound tonight by those terms. Everyone understand that. (No comments were stated.)

Town Administrator Michael Tanner answered yes.

Attorney Phil Malouff reported the next steps are to reduce the terms to written form, so we have a diary of what has occurred. Everybody okay with that? (No comments were stated.)

Adjournment. Trustee Ice motioned to adjourn at 9:39 p.m.

/s/ Larry Sitts, Mayor

ATTEST:

/s/ Megan Jara, Clerk/Treasurer