New Board Sworn In

At a very short, Special Meeting held on December 28th, and without much fanfare, the new Board of Trustees were sworn in by Town Clerk McMechan. After the seven members were sworn in, Mayor Bagby called the meeting to order.

The only item on the Agenda was appointing the Mayor Pro Tem. One person received a nomination, Tom Bender. A roll call vote was taken and Bender was appointed Mayor Pro Tem unanimously. It is the job of the Mayor Pro Tem to step in should the Mayor be unavailable.

With the exception of the two prior Board members who retained their seats (Johnson and Taylor), none of the previous Board members were in attendance.

The transition was not without a few bumps. First, the Town Clerk, stating she was acting on the advice of the Town Attorney, elected to wait until the seven day period for requesting a recount had passed before swearing in the new Board. There was only one race - Burd, Crosby, Row - that was close enough to request a recount and Burd had stated she would not request the recount.

After consulting an outside attorney, several members of the newly elected Board, were sworn in by a judge and called a Special Meeting for December 18th. This meeting was subsequently canceled by the new Board on the advice of the Weld District Attorney due to “safety concerns” for the citizens. (See Letter to the Editor by Don Alexander for opposing viewpoint, and the article, A Conversation with Keith Olson.)

With the Town Clerk not recognizing the swearing in by the judge of the new Board and 4 members of the previous Board recalled, it was questionable who was running the town for thirteen days between the election and swearing in.

One thing is certain, the new Board has their work cut out for them. Immediately pressing issues are the Land Use Code / DOLA Grant fiasco, connecting the emergency siren and generator that were installed last summer, and the water system.

For eighteen months we have been told by the previous Board that our water system was safe. However, in a letter to the new Board, Pigue said, “...I would also remind you the water system needs to be under contract as soon as possible. This is a public health matter….”

It was also disclosed during this tumultuous period (the thirteen days) that the Weld County District Attorney has an ongoing open investigation of misconduct by town officials.

Newly Elected Mayor Resigns

In a surprise twist, newly elected Mayor, Joe Bagby resigned his position citing safety concerns for his wife, self, home and property as the reason. Bagby was sworn in with the other newly elected Trustees on December 28th. Following the swearing in, a brief Special Meeting was held to appoint the Mayor Pro Tem.

Tom Bender received the nomination and appointment in a unanimous vote. That Special Meeting is the only meeting Mayor Bagby presided over. Bagby did not attend the January 7th Regular Board Meeting.

In his resignation letter to the Board (it is posted on The Nunnion’s website) Bagby states, “...Due to safety concerns for my wife, myself, my home and property….” The Bagby’s had several incidents of vandalism against their property as well as a suspicious person on their property in addition to numerous incidents of vandalism against their property as well as a suspicious person on their property in addition to numerous...
**Mayor Resigns (Con’t From Page 1)**

emails and letters which Bagby felt were threatening.

With Bagby’s resignation, Bender filled the position of Mayor until the Board decided, at the January 18th Special Meeting, to appoint Bender Mayor. A bit of poetic justice for Bender, who you may remember was elected Mayor in the April, 2008 election only to be ousted by the Board several weeks later.

The Board will post the vacant Trustee seat. Letters of Interest are due in the Town Clerk’s Office by February 3rd.

**Police Blog**

The Nunn Police Department handled a total of 116 calls in the month of December. To end the year there were 90 traffic stops, 1 traffic complaint, 1 suspicious vehicle, 9 suspicious incidents, 2 animal complaints, 1 report of missing dog, 1 vandalism report, 1 harassment report, 5 agency assists, 1 open door, 1 noise complaint, 1 building check, and 2 arrests.

A total of 1,036 calls were answered in 2009 with approximately 3,120 hours of police coverage. The number of calls has steadily increased since January, 2009 when 48 calls were answered. November was the busiest month with 131 calls.

Chief Clement now has handgun cable locks available at no charge for anyone interested in utilizing them. These locks go through the ejection port on semi automatic pistols or through the cylinder on a revolver and render the firearm unusable until the cable lock is removed. They can be picked up at the Town Hall.

Chief Clement is aware of several emails circulating through town and would like to caution everyone that sending threatening emails and/or making libelous statements via email is a crime. In a surprise move, at the January 7th Regular Board Meeting, Town Attorney Brittany Scantland announced her resignation. Scantland, and her firm, felt this would be a good time to resign as Town Attorney. Scantland said she will stay on until a new firm is hired. At the January 18, 2010 Special Meeting, by a vote of 4 to 2 (Bender and Crosby the dissenting votes), the Board approved terminating Scantland’s contract and hiring Greg Bell as interim attorney. The position has been posted and several bids have been received.

Then, at the January 18, 2010 Special Meeting, the Town Clerk stated that the Town’s auditor, Brian Crosier, would not be submitting an engagement letter. When questioned, McMechan stated it was due to the District Attorney’s investigation. Further questions regarding possible action for breach of contract against Crosier resulted in McMechan stating this was not an option since the contract had certain requirements which the Town had failed to meet. McMechan stated Crosier has already been paid approximately $2,000 for work on the 2008 Audit which is not complete.

As the 2008 Audit is now 4 months late, the Town will have to hire an auditor who will then have to start over. In the meantime, the State is withholding tax revenue from the Town due to the audit being delinquent (2nd year in a row). The deadline for filing the 2009 Audit is July 31, 2010. Work cannot be started on the 2009 Audit until the 2008 Audit is completed.

**Recycling Comes to Nunn**

A and D-G will be providing a recycling opportunity in Nunn on a monthly or bi-monthly schedule depending on the interest. Initially they will set up on the east side of the park where they will accept a multitude of recyclables.

Some of the items they will be accepting are: glass, aluminum, paper, cardboard, food cans, and most auto parts. They will be paying a small amount for these items. Daphne, one of the owners of the company, said even though the amount they pay will be small to start with, it is still better than throwing the items away and getting nothing.

If you’re interested in recycling items, call Daphne at 970-213-1011 for the schedule. Daphne said they plan on starting out once a month but could come up more if needed.

**Neighborhood Watch Meeting**

A Neighborhood Watch organizational meeting is being planned for February 17th, 7:00 p.m. at the Nunn Community Center. We will discuss policies and procedures, elect block captains, etc. Since we don’t have 24/7 police coverage it is important we band together to deter crime. In 2009 there were over 60 incidents of suspicious activity / vandalism.

**Town Attorney & Auditor Jump Ship**

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Chief Clement is aware of several emails circulating through town and would like to caution everyone that sending threatening emails and/or making libelous statements via email is a felony offense in Colorado. Colorado Revised Statutes state, “...A person who shall knowingly publish or disseminate, either by written instrument, sign, pictures, or the like, any statement or object tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue, or reputation or expose the natural defects of one who is alive, and thereby to expose him to public hatred, contempt, or ridicule, commits criminal libel...” Criminal libel is a Class 6 Felony.

Chief Clement

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Christmas Snow by Sue Frederiksen

A storm blew into Colorado on the Tuesday night before Christmas. By Wednesday morning at 4:30 there was 9-1/2 inches of snow on the ground. Snow continued throughout much of the morning and by evening, just in time for Christmas travelers, the roads were a mess. It would have been hard enough to deal with the snow, about a foot of the white powdery stuff, but then, the winds kicked up. Reportedly 40 to 50 mph sustained winds blew for 3 days. Travel became treacherous. Roads drifted shut. People got stuck. And tempers flared. All through our town people were grumbling about the conditions of the roads.

This editor was one of those grumbling. An emergency vehicle got stuck. I grumbled some more. I called Pigue and left a message that emergency vehicles getting stuck was not acceptable and the roads needed to be cleared.

And the wind blew. 40 to 50 mph for 3 days.

Wind and powdery snow make for drifts. There was a 4 foot drift 3 feet wide the whole way across Cleveland Ave. We heard many of the other streets were drifted too.

While most of us were enjoying the holiday weekend, 4 days off, where were Sid and Amy? Grumble… Grumble… They were working! Trying to keep the roads clear. 40 to 50 mph winds and a foot of white powdery snow made their task almost impossible. They’d no sooner get one drift cleared and another would blow shut. They worked Wednesday night into the wee hours of the morning. They worked Christmas Eve Day. They worked Saturday. And they worked Sunday. For most of the time they were working the wind was blowing. It wasn’t until Sunday the skies turned blue and the wind quit blowing.

By Sunday, many of the town’s residents were frustrated. Several had gotten stuck trying to get around town. They grumbled about the conditions of the roads in town. On Sunday, newly elected (but not yet sworn in) Trustee Wilbur Schooler volunteered to help clear the roads. Some of you will remember that last year Wilbur was employed by the town as part-time maintenance man. Sid accepted Wilbur’s offer and the front end loader and the grader hit the streets. Sid, with Amy riding shotgun, continued to bust through and clear the drifts. Wilbur plowed. By Sunday night the street’s in town were in pretty good shape.

Sid said people all over town were grumbling at him because of the roads. We can grumble all we want. We sat in our nice warm houses while the Town Maintenance people were out, in what amounted to blizzard conditions, for 3 days trying to keep up with the drifts…a near impossible task when the wind blows at 40 to 50 mph sustained.

Chief Clement said in conditions like we experienced Christmas weekend people should stay home and off the roads unless it’s an emergency. Venturing out and getting stuck just compounds the problem.

The positive side to this storm was people came out of their homes to help others who were stuck. And, another positive, Wilbur and Sid were able to put their differences aside and work together for the good of the town. Kudos to Wilbur and Sid for acting like grown ups, working together for a common goal, and getting the roads in town passable in time for Monday’s commute.

More of this collaborative effort is needed to move the town forward, which is what everyone is saying they want. Fingers pointing, he said / she said, and continually fanning the flames is not - will not - get the job done.

Puppy Blog by Sir Andrew & Sir Charles

Well, here we are, 16 weeks old. We’ve gained a pound and are really growing. We’re all adjusting to the puppy chaos…and boy, do we like to cause chaos! The other kids that were here before us don’t like it when we jump on them and won’t share their food.

We’re fighting over who gets to write our blog…Mommy said not to fight we’d each get a turn, so we Indian wrestled to see who got to write first. Andrew won, but only cause he’s bigger. He’s also the one with the dumb floppy ear.

OUCH! He bit me…MOM… OK, Mom said I gotta let Andrew write now.

Charles is a big cry baby…he’s into everything and tries to blame me. One time he even got Mommy’s bra and tried to strangle me with it. Daddy rescued me though.

I learned a new trick, I can jump up on the ottoman and then onto the chair. Charles just stands on the floor bouncing up and down trying to bite my feet. I even started jumping off the couch before Charles. He’s a big chicken.

MOM, Charles is biting me again. MOM, he won’t let me write my blog.

Charles steals all my toys too. Then I gotta go take them away from him and he cheats. MOM, tell Charles to leave me alone.

Mommy calls us her bad boys…actually when we’re bad she says we’re Daddy’s puppies.

Well, gotta run. It must be time to get into something.
Letter to the Editor

This will be a test to see if the Nunnion is really trying to be an honest and objective newsletter or if, as I suspect, it is only a propaganda machine for what Sue sees as right.

Will you please report the truth about what happened this week. The meeting that was posted for Dec. 18 was not cancelled due to public safety concerns, as Jenny’s note alleges. It was cancelled due to a call from Keith Olson, of the district attorneys office, informing Mayor elect Bagby and Trustee Johnson that they were illegally trying to seize office before the election had become certified. Logic and state law tells us that any election has a time frame in which others can contest it and ask for a recount. Remember the Franken senatorial race in Minnesota from 2008? Franken didn’t take office until March or April of 2009, due to recounts and court cases. How can the new board expect to take office 48 hours after an election? These actions call into question the ethics of our new board and their motivations for seeking office. Not all the board members or even the town clerk, the keeper of records, was invited to the “administration of oath” or the “special meeting”. Where is the transparency or peace bringing that they all promised? Nunn municipal law states that a special meeting agenda (packet) has to be delivered to EVERY trustee’s house. Bobby Crosby was not notified of the previously mentioned meeting.

Sue & Deanna

Conversation With Keith Olson, DA Investigator

On January 11, 2010, Sgt Keith Olson of the Weld County District Attorney’s Office denied both comments being attributed to him. Sgt Olson stated he was responding to questions asked by individuals in town.

First, Sgt Olson never told Mayor-Elect Bagby or Trustee Johnson they were illegally trying to seize office as Don Alexander claims in his Letter to the Editor. Nor did Sgt Olson “strongly suggest” they cancel the meeting due to safety concerns.

Sgt Olson did tell the individuals he felt the “Special Meeting” the newly elected Board called for December 18th was unnecessary. Sgt Olson went on to say that if the meeting was unnecessary and Bagby had concerns for his and others safety then Bagby should use his own judgment whether or not to hold the meeting.

Sgt Olson also confirmed there is an open investigation into misconduct by Nunn Town Officials. What that misconduct may have been Sgt Olson did not disclose.

Editor’s Note: At the January 18, 2009 Special Meeting the Town Clerk stated the Town’s Auditor, Brian Crosier, would not be submitting an engagement letter nor would he complete the 2008 audit due to a conversation he (Crosier) had with the District Attorney’s office. When asked if Crosier had a contract with the town for the 2008 audit the Town Clerk replied yes, but there were conditions in that contract and those conditions have not been met.

Letter to the Editor

As everyone knows, we had a water main break on Thurs. Jan 14th that left the town without water for quite some time. I would like to publicly thank our town staff for their hard work in very difficult conditions & decision making during this time. I had went over to town hall for the board meeting & while in the office, observed citizens, town staff, & Mayor protest Tom Bender really pulling together to rectify the situation.

Our town staff has been much maligned recently, & I suppose will be in the future, but I was very proud to see how they handled this unexpected crisis. Unfortunately I later observed some board members & citizens very upset that the board meeting had to be postponed, resulting in 1 particular board member peeling out of the parking lot at a high rate of speed in what seemed to be a childish tantrum about being denied her “show”. I would encourage the citizens of Nunn to remember times like these during the April elections & again thank Tori, Sid, Amy, Tom Bender, Kevin, James, & our police officers. This board, this town, will never move forward with selfish, short-sighted leadership & I sincerely hope & pray that this will change in the future.

Jack Smith

Water Main Break Prompts Letter to the Editor by former trustee.

“...observed citizens, town staff, & Mayor protest Tom Bender really pulling together to rectify the situation....”
Letter to the Editor

Date: January 12, 2010
From: Joe & Lynda Bagby

After careful consideration, Joe has decided to resign as Mayor of the Town of Nunn effective January 7, 2010. Due to the lack of respect for the position and lack of complete Transfer of Power, Joe is unable to fulfill his duties as Mayor.

This was not a decision taken lightly, nor is it the way Joe imagined his term as Mayor would turn out. We apologize for the confusion we may have caused by not speaking out sooner, but we had quite a bit of reflection to do before we took such a bold step. We have great respect for the Election process and no one could be more frustrated than us that such a hard fought Election would be wiped out so quickly. We are also sorry to those who sincerely believed in Joe and his abilities to focus on building Nunn into something to be proud of. This dream lies with each citizen and their personal responsibility to build this town up, not tear it down citizen by citizen.

Joe is not resigning because of the stress of the duties of Mayor; he did not even make it to having one Regular Board Meeting. There are many factors leading to this decision. If it was a simple as taking care of Town Business, Joe was cooperative to the limit the Town Hall allowed him, asked for patience and peace from all and was preparing for the Meeting 01/07/10 where things could be openly discussed. Joe was careful to do things legally and had been getting personal legal advice on how to proceed, considering the atmosphere and the delay of Transferring Power, and was following legal advice. Town Citizens would seem cooperative to his face and then continued their prearranged intimidation and delays when he was not around them, some asking for Joe to be ousted because he wasn’t working fast enough, some working to prevent him from moving forward at all.

Another factor in Joe resigning is due to intimidation and retaliation that has threatened our home, our safety and his duties as Mayor. He is unable to make impartial, independent decisions after being manipulated and intimidated instead of being respected and welcomed. He has yet to receive his Certificate of Office with the Town Seal on it. Joe, as Mayor, was not respected and Joe, as Husband, had to take a stand against the threats and actual criminal damage done to his home and family. The Election had not been over a week when our home was hit with about 100 paintballs, by cowards who won’t come into the light. We had a ‘suspicious person’ on our property very early one morning and we have had several emails directing the way the Election should have turned out, all within the same week. Joe had not been officially sworn in yet.

Attached with this letter are the emails we received around the same time as the paintball attack. These people do not have our email address by our permission and yes, this kind of stuff is not right and against the law. Unfortunately, some people do not believe in the law.

Editors Note: This publication has chosen not to publish the attached letters. See explanation on back page.

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Board News...

Don Sandoval from DOLA attended the January 7, 2010 Regular Board Meeting to discuss the possibility of yet another extension for the Land Use Code Grant. After a lengthy discussion which involved reciting the time line (Grant Application on 7/31/07, Grant Awarded in 11/07, and the Grant Signed in 2/08, along with multiple extensions) Sandoval agreed to yet another extension to September, 2010 provided the Board provide a plan of how they intend to meet the deadline. Sandoval also stated the town did not have to adopt the Land Use Code but, in that case, the balance of the grant would not be paid to the town.

It was agreed that Amy would help in the office 16 hours a week (half time in the office and half time in maintenance) until a part-time office person can be hired. The job will be posted in the paper for 30 days.

Posting places for public notices was approved. There is no change - public notices will continue to be posted at Town Hall, Nunn Telephone, Post Office, and the Café.

A Special Meeting was held on January 18, 2010 with several important items on the Agenda. The first of those items was the resignation of Mayor Joe Bagby with Tom Bender being appointed Mayor and Jenny Johnson appointed Mayor Pro Tem. There has been much talk whether the town operates under a weak or strong mayor system. Bender said to operate under a strong mayor system it must go on the ballot. No decision whether that will be done was made.

The Board then convened to an Executive Session. When they came out, the Board approved Sid to obtain bids for repairing the tank east of town. There is a leak at the base which is where the health concerns come from.

Also voted on but not approved was the purchase of the State Building. McMechan stated the money was in the budget for this purchase. Several members of the Board felt while the building would be an asset,
A Note From the Editors…

After much consideration on the merits of publishing the widely talked about letters the Bagbys received (one from the Silent Majority and one signed by a private citizen), we have decided nothing would be gained from reprinting two hateful and possibly libelous letters.

From the very beginning we have stated we would not publish personal attacks and, in our opinion, both these letters fall into that category. We know that several people in town have copies of these letters and they are available on Jim Woodward’s website: www.townofnunn.net for anyone who wishes to read them.

It is our belief that publishing these letters will only continue to fuel the flames raging in our town. It is our belief that personal attacks on individuals character serve no purpose and we choose not to be a party to such attacks.

Sue and Deanna

Board News (Con’t From Page 5)

with the budget shortfall it would be unwise to purchase the building because the money would have to come from savings.

McMechan stated she has received 3 applications for the part-time office position and a few bids for the Town Attorney.

The Board voted, 4 to 2 (Bender and Crosby the dissenting votes) to terminate Town Attorney Scantland’s contract immediately and hire Bell, Gould, & Scott PA in the interim at a rate of $140/hour with no travel time charge. This firm is one of the firms who will submit a bid for the Town Attorney position.

Another vacant contract is the Town Auditor. McMechan stated Brian Crosier will not be submitting a Letter of Engagement due to the ongoing investigation into misconduct of Town Officials by the Weld County DA’s office. This contract will be advertised for bids. Crosier has already been paid approximately $2,000 for work on the 2008 Audit which he will not complete but, due to the Town failing to meet certain requirements in the contract with Crosier, there is no recourse the Town can take.

The Trustee position left vacant when Bagby resigned and Bender was appointed Mayor will be posted with a deadline of February 3 to submit your letter of interest.

The next election will be held April 6, 2010. All seats will be up for election. The fee schedule for 2010 was introduced. The Board was asked to consider whether they wanted to forego pay as the Boards in the past have.

A water main break that left the entire town without water for more than 8 hours was finally repaired by an outside contractor. The Town Man said the outside contractor was necessary because the Town did not have a backhoe large enough for the job.