

**Town of Pierce
Regular Meeting
May 8th, 2023
7:00 P.M.**

The Board of Trustees of the Town of Pierce, County of Weld, State of Colorado, met in regular session in the Pierce Town Hall, 144 Main, Pierce Colorado at the hour of 7:00 PM, May 8th, 2023.

Mayor Julie Lukela called the meeting to order at 7:00 PM. Based on the roll call, the following Trustees comprising a quorum attended:

Mayor Julie Lukela

Trustees	Others Present:
Connie Schwindt	Heather Rospierski Deputy Town Clerk II
Todd Blehm	Buddy Vierow, Town Engineer
M. Sue Spurgeon-Paris	James Godbold, Town Attorney
Carol Wirkus-Absent	Kristina Duran, Town Clerk
Geoffery Broughton-Absent	
Mary Heberlee	

1. Approval of Minutes : Motion made by Trustee Heberlee to approve minutes from April 10, 2023. Second by Schwindt. Four “AYES”, two “NAYE” by Blehm and Paris. Motion passed.

2. Approval of Agenda: Motion made by Trustee Heberlee to approve agenda. Second by Blehm. All “AYES”, motion passed.

3. Public Invited to be Heard: Doug Herrick was present at the last Board meeting and would like to know what the accountability is if a Board member violates the sunshine law. Attorney Godbold stated there isn't anything in the statute with internal procedures on punishments for alleged violations. Herrick provided recall paperwork for the four Board members that he believes violated the sunshine law. Clerk Duran also let everyone know that the Planning Commission may have also violated the sunshine law by having a quorum of three members discussing planning items at Grubbyz. The discussion was overheard by a police officer and was reported to Town staff. Richard Wuehler took part in the CPR class and said it went good. Kenny Dill said it is appalling that everyone appears to be violating the sunshine law. He stated that the hate and disagreements have lasted for months, and there is no talk on how to make the Town better and thrive. He said when the rules are broken, it is totally unacceptable. He believes all Board members allegedly involved in violating the sunshine law should excuse themselves from the Board. Attorney Godbold said that the reprimands for censure for violating sunshine law can be written into the code of conduct for Trustees. Marie Hargreaves asked Attorney Godbold if members of the public can circulate the petition for recall.

4. Accept Carol Wirkus's Resignation: Trustee Wirkus's resignation was read by Clerk Duran. It referenced her reason for resigning, the hostile work environment created for employees, and

the hate of those who support the Mayor being on display at every meeting. She apologized to Clerk Duran and Deputy Clerk II Rospierski.

5. Communication Issues Highland Mobile Park- Colton Haas: He was not present. Clerk Duran explained that Colton wants the Code Enforcement Officer and Police Department to notify him before going into the park for any reason. Duran thought maybe the issue was resolved by the PD speaking to the owner of the mobile park, Scott Busker.

6. Planting of a Tree- Dixie Hanson: A letter was sent to Dixie in April of 2021 by the Mayor at the time, Nansi Crom. stating that the Town would be planting trees in memory of Board members who pass away. Dixie would like the tree planted in memory of Bill Hanson to be planted at the Phillips Park, close to the house. She would also like to purchase a bench to put by the tree. Sandy Bredbenner thinks that a cottonwood would be the best. Motion made by Trustee Heberlee to allow the bench to be put in the park. Second by Paris. All “AYES”, motion passed.

7. Review of How to Handle Office Decisions & Emergency Procedures- Richard Wuehler: Richard would like to know if there is a process in place for emergency procedures like office closures, and who is authorized to close the office, so that we don't end up in the same predicament as before. Mayor Lukela asked Clerk Duran why Richard was asking this instead of her. Duran let her know that Richard was the one who requested to be on the agenda for a few issues, she wasn't the one asking these questions. Lukela said there is a process in place for closures. Clerk Duran stated there is no written policy or procedure for this. The Mayor would be able to be in the office.

8. Office Staff Hiring Results- Richard Wuehler- Richard would like to know the results of hiring more office staff. It was explained that we were not able to go through the Weld County program as they didn't have anyone available to meet qualifications. Town Accountant Chad Chavies initially said we could not have anyone from a temp agency take money. He sent an email last week that if they are bonded and insured that it would be ok to have a temp agency fill the position, Clerk Duran will reach out to a temp agency to see if they have anyone available.

9. Code of Conduct for Board Members- When Will This Be Provided- Richard Wuehler: Richard would like to know when this will be proved. Attorney Godbold is working on this and there are new issues constantly needing to be addressed. This should be available in a few months.

10. Discuss Town Interest in Purchasing Parcel 055326211004- Mark Sonderby: This property is located in the flood way/ flood plain. Motion made by Trustee Paris to decline interest in this property. Second by Heberlee. All “AYES”, motion passed.

11. Resolution 2023-02 for Pierce Days Committee Bank Account: Clerk Duran let the Trustees know that by opening this bank account for the Pierce Days Committee that everything Pierce Days would need to go through Town Hall like money coming in, checks going out. Reconciling this would also be the staff responsibility. Most Trustees didn't get this out of previous conversations. Motion made by Paris to decline to move forward with Resolution 2023-02. Second by Schwindt. All “AYES”, motion passed.

12. Conservation Easement Encroachment and Maintenance Update: The lease obligates farming to industry standards. Motion made by Trustee Paris to have Attorney Godbold draft a letter to Keith Day to give him time to remedy the issues. Second by Schwindt. All “AYES”, motion passed. Motion made by Trustee Heberlee that assuming the issues are not corrected, staff will post in normal posting locations that the Town is accepting bids to be due on the Friday before the Board meeting which is 6/13/2023. Second by Paris. All “AYES”, motion passed.

13. Old Business: Texts between Clerk Duran and Mayor Lukela were read regarding closing of Town Hall.

14. Staff Report:

(A). Mayor Report:

1. Senior Center Grant: Mayor Lukela stated the Senior Center was awarded \$120,000 to refurbish the Senior Center. Donna and Kenny were also awarded a commercial dishwasher. Clerk Duran wanted to make sure everyone understands that this is a grant that was written on behalf of the Town of Pierce and reporting falls on staff to do. Some of the Trustees and employees did not think the grant was on behalf of the Town. Grants written in the name of the Town of Pierce must be approved by the Board of Trustees.

2. Pierce Days Committee: None additional.

(B) Public Works: Report provided.

(C) Planning Commission: Rob not here. Planning had a meeting for two Weld County Referrals.

(D). Town Attorney: Signed water use agreement for the HOA was ready.

(E) Town Engineer:

1. Water Report: Report provided

2. Update on Main Street: A geotechnical survey, survey and engineering needs to be done, which would exclude the sidewalk design. Northern Engineering will also prepare bid packets and manage construction of the project.

(F) Town Clerk:

1. Request to Pay Bills: Motion made by Trustee Paris to pay bills. Second by Heberlee. All “AYES”, motion passed.

2. Consider Giving Heather a Bonus/ Raise: This was carried over from last meeting since there was no quorum. Motion made by Trustee Blehm to not give a raise or bonus. No second. Motion fails.

3. Spring Clean Up (Saturday, May 20, 2023): Just a reminder that spring cleanup is May 20, 2023.

4. Reminder of Work Session in Regards to the Comp Plan on May 23, 2023: Mayor Lukela stated this is the responsibility of the Planning Commission.

16. Department Reports:

(A). Water/Sewer - Trustee Blehm: Trustee Blehm asked Engineer Vierow a question about sewer lines.

(B). Streets & Drainage - Trustee Wirkus: Not present.

(C). Utilities & Energy - Trustee Heberlee:

1. First Aid/ CPR Classes: First class went good, next class will be May 20th, from 8:00-12:30.

2. TDS Concerns: TDS went down at Town Hall and staff kept getting told by TDS that it wasn't a TDS issue and to call a electrician. An electrician was called and stated it was a TDS issue. TDS came back and fixed the phones but the fax still doesn't work.

(D). Buildings – Trustee Schwindt:

1. Bid on Refinishing the Floors in the Board Room: The floors on the office side are a trip hazard and Schwindt would like staff to get a bid to fix.

(E). Parks - Trustee Broughton: Not present.

(F). Growth & Revenue - Trustee Spurgeon-Paris: None.

17. Board Communications: Trustee Heberlee wanted to know if the Senior Center required matching funds. Lukela stated there was no matching required.

Adjournment: 9:17 P.M.

Kristina Duran
Town Clerk
Town of Pierce