

**Town of Pierce
Regular Meeting
October 8th, 2018
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 Town Hall Chambers 144 Main Avenue, Pierce Colorado at the hour of 7:00 P.M., October 8th, 2018.

The meeting was called to order by Mayor Nansi Crom. Roll call was taken and the following Trustees comprising a quorum were in attendance.

Mayor Nansi Crom

Trustees:

Holly Bernhardt
Jody Ruppel
Toodie Hoover
Jon Bernhardt
Pat Anderson
M. Sue Spurgeon-Paris

Others Present:

Heather Rospierski, Admin. Assistant
Pat Larson, Town Clerk
Don Hoff, Town Attorney
Kristina Duran, Deputy Town Clerk
Lia Szasz, Town Attorney
Mike Ketterling, Town Engineer
Todd Hodges, Town Planner

Approval of Minutes: Motion made by Trustee Spurgeon-Paris to approve minutes from September 24th, 2018. Second by Hoover. All “AYES”, motion passed.

Approval of Agenda: Motion made by Trustee Hoover to approve the agenda. Second by Holly Bernhardt. All “AYES”, motion passed.

Town Attorney to Give the Board of Trustees an Opportunity to Disclose any *Ex Parte* Communications Concerning any of the REP Processing, LLC Land Use Applications: Lia Szasz asked each Board Member if they believed they had engaged in any ex parte communication and if so, did they feel it would impact their ability to make a decision on the Rimrock project. No Board members felt any previous conversations would affect their decision on what is being presented tonight.

Consider a Possible Motion Presented by a Member of the Board of Trustees to Rescind the Board’s Decision of August 27th, 2018 Denying the Proposed Amendment to the Comprehensive Plan: Motion made by Trustee Hoover to rescind the Board’s decision of August 27th, 2018 denying the proposed amendment to the comprehensive plan. Second by Ruppel. Roll Call. All “AYES”, motion passed.

Consider REP Processing, LLC’s Application to Amend the Town of Pierce Comprehensive Plan by Amending the Land Use Map (Public Hearing Previously Conducted 8/27/18): The southern portion is proposed to be left zoned agriculture instead of I1 as previously planned.

Consider the Annexation Agreement Between the Town of Pierce and REP Processing, LLC, and NWC Development, LLC (No Public Hearing for this Agenda Item): The property is planned to be zoned I3 and agriculture. The development will have a septic system for sewer, water will be provided by NWCWD.

Motion made by Trustee Spurgeon-Paris to wait until after the entire presentation is made to make any decisions. Second by Holly Bernhardt. All “AYES”, motion passed.

Review Resolution Approving Annexation Procedures for REP Annexation Number 1, Number 2 and Number 3. (No Public Hearing for this Agenda Item):

Open Public Hearing on REP Annexation Number 1, Number 2 and Number 3: Town Planner Todd Hodges made a very brief report on staff findings. Attorney for Rimrock Bill Garcia made a brief presentation. Public comment:

Janice Henry-resident of Pierce: Doesn't believe the Town Board should listen to comments or concerns from residents outside of Pierce. She also believes that every Board member who votes no on any part of this annexation process should have to explain the reasons for voting no.

Dick Kinnison-resident of Pierce for 82 years: County road 90 won't fall to pieces if the Town annexes. It is in pretty good shape. The Board needs to pass this, the Town needs money.

John Cordova: Needs to be approved.

Craig Cleveland: CR 90 bridges are in excellent shape. The Town can also enter into an IGA with Weld County.

Rob Ring-Superintendent for Weld RE-9 Schools: They were first approached last winter by Rimrock, they don't see any reason to oppose this project, they don't have any safety concerns.

Todd Blehm: has 37 letters from in town residents in support of the annexation.

Connie Schwindt: has 33 letters from in town residents in support of the annexation.

Sandie Bredbenner: has 31 letters from in town residents in support of the annexation.

Bill Hargreaves: has 69 letters from in town residents in support of the annexation.

Larry Schwindt: has 33 letters from in town residents in support of the annexation.

Rhanda Blehm-has lived in Pierce for 30 years: has 27 letters from in town residents in support of the annexation.

Robin Ristler-resident of Greeley: Does not want the annexation approved, knows it will change the Town but not for the good.

Resident at 1001 4th: approve annexation.

Roy Hawkins-resident for 63 years: Oil and Gas contributes to all these small Towns, in support of the annexation.

Close Public Hearing on REP Annexation Number 1, Number 2 and Number 3.

Open Public Hearing on Application for a Minor Subdivision for the Property Annexed and Described as the REP Annexation in Section 21, Township 8 North, Range 66 West of the 6th P.M., Weld County,

Colorado: Access for this facility will be off CR 29. Anne Johnson with Tetratex gave a brief presentation on the minor subdivision. Craig Whitnack with Rimrock spoke briefly about this.

Public comment: Jay Smith works in the oil and gas field and is in support of this project.

Craig Cleveland: has 40 letters of support.

Mario Herrera-lives ¾ mile from the proposed site: not in support of the annexation.

Connie Schwindt: Thinks the Board should take a look at the speed limits by the school.

Cory Case: in support of the annexation.

Close Public Hearing on Application for a Minor Subdivision for the Property Annexed and Described as the REP Annexation in Section 21, Township 8 North, Range 66 West of the 6th P.M., Weld County,
Colorado.

Open Public Hearing on Amending Chapter 16, Zoning, Article 6, Industrial Districts, of the Pierce Municipal Code by the Addition of Division 4, I-3, Heavy Industrial District, and Establishing Special Uses and Definitions for Such District: Town Planner Todd Hodges gave staff report. Bill Garcia spoke briefly about the purpose of I3 zoning.

Close Public Hearing on Amending Chapter 16, Zoning, Article 6, Industrial Districts, of the Pierce Municipal Code by the Addition of Division 4, I-3, Heavy Industrial District, and Establishing Special Uses and Definitions for Such District.

Open Public Hearing on Request by REP Processing, LLC to Establish Zoning for the Subject Property. Proposed Zoning is Set Forth on the Proposed Zoning Map for the REP Annexation: Town Planner Todd Hodges gave staff report. Anne Johnson with Tetrattech gave a brief explanation of the proposed zoning,

Close Public Hearing on Request by REP Processing, LLC to Establish Zoning for the Subject Property. Proposed Zoning is Set Forth on the Proposed Zoning Map for the REP Annexation.

Open Public Hearing on Application for Use by Special Review Authorizing Construction of an Oil and Gas Facility, a Cryogenic Gas Processing Plant, and an Electric Switch Station East of Weld County Road 29 and Approximately One-half Mile North of Weld County Road 90 in the Northwest Quarter of Section 21, Township 8 North, Range 66 West, 6th P.M., to Provide Power to the Cryogenic Gas Processing Plant for Processing Natural Gas Products to be Located in the Northwest Quarter, Section 21, T8N, R66W, 6th P.M. Town Planner Todd Hodges gave staff report. Anne Johnson with Tetrattech and Craig Whitnack with Rimrock spoke about the use by special review.

Close Public Hearing on Application for Use by Special Review Authorizing Construction of an Oil and Gas Facility, a Cryogenic Gas Processing Plant, and an Electric Switch Station East of Weld County Road 29 and Approximately One-half Mile North of Weld County Road 90 in the Northwest Quarter of Section 21, Township 8 North, Range 66 West, 6th P.M., to Provide Power to the Cryogenic Gas Processing Plant for Processing Natural Gas Products to be Located in the Northwest Quarter, Section 21, T8N, R66W, 6th P.M.

Consider:

- (a) **Ordinance Amending the Comprehensive Plan by Amendment of the Land Use Map;** (2018-3) Motion made by Trustee Ruppel to adopt Ordinance 2018-3 to amend the Town Comprehensive Plan by amendment of the land use map. Second by Hoover. Roll Call. All “AYES”, motion passed.
- (b) **Resolution Approving the Annexation Agreement Between the Town of Pierce and REP Processing, LLC, and NWC Development, LLC;** Motion made by Trustee Hoover to adopt Resolution 2018-10 to approve the annexation agreement between the Town of Pierce and REP Processing, LLC and NWC Development, LLC. Second by Ruppel. Roll Call. Five “AYES”, Two “NAYE” by Jon Bernhardt and Holly Bernhardt. Motion passed.
- (c) **Resolution Approving Annexation Procedures for Annexation Number 1, Number 2 and Number 3;** (2018-7) Motion made by Trustee Hoover to adopt Resolution 2018-7 to approve annexation procedures for annexation number 1, number 2, and number 3. Second by Ruppel. Roll Call. Five “AYES”, Two “NAYE” by Jon Bernhardt and Holly Bernhardt. Motion passed.

- (d) **Ordinance Annexing REP Annexation Number 1, Number 2 and Number 3;**(2018-4) Motion made by Trustee Hoover to adopt Ordinance 2018-4 to approve annexing REP annexation number 1, number 2, and number 3. Second by Ruppel. Roll Call. Four “AYES”, Three “NAYE” by Jon Bernhardt, Holly Bernhardt and Spurgeon-Paris. Motion passed.
- (e) **Resolution Approving a Minor Subdivision for Property Described as the REP Annexation in Section 21, Township 8 North, Range 66 West, 6th P.M., Weld County, Colorado;**(2018-8) Motion made by Trustee Hoover to adopt Resolution 2018-8 to approve minor subdivision for property described as the REP annexation in Section 21, Township 8 North, Range 66 West of the 6th P.M., Weld County, Colorado. Second by Ruppel. Roll Call. Five “AYES”, Two “NAYE” by Jon Bernhardt and Holly Bernhardt. Motion passed.
- (f) **Ordinance Amending Chapter 16, Zoning, Article 6, Industrial Districts, of the Town of Pierce by the Addition of a Division 4, I-3, Heavy Industrial District and Establishing Special Uses and Definitions of Such District;**(2018-5) Motion made by Trustee Hoover to adopt Ordinance 2018-5 to amend Chapter 16, Zoning, Article 6, Industrial Districts, of the Town of Pierce by the addition of a Division 4, I-3, Heavy Industrial District and establishing special uses and definitions of such district. Second by Ruppel. Roll Call. Five “AYES”, Two “NAYE” by Jon Bernhardt and Holly Bernhardt. Motion passed.
- (g) **Ordinance Establishing Zoning for the REP Annexation in Section 21, Township 8 North, Range 66 West, 6th P.M., Weld County, Colorado, as Set Forth in the Proposed Annexation Map; and;** (2018-6) Motion made by Trustee Hoover to adopt Ordinance 2018-6 to establish zoning for the REP annexation in Section 21, Township 8 North, Range 66 West, 6th P.M., Weld County, Colorado as set forth in the proposed annexation map. Second by Ruppel. Roll Call. Five “AYES”, Two “NAYE” by Jon Bernhardt and Holly Bernhardt. Motion passed.
- (h) **Resolution Approving a Use by Special Review Authorizing Construction of an Oil and Gas Facility, a Cryogenic Gas Processing Plant, and an Electric Switch Station on the Annexed Property.** (2018-9) Motion made by Trustee Hoover to adopt Resolution 2018-9 approving a use by special review authorizing construction of an oil and gas facility, a cryogenic gas processing plant, and an electric switch station on the annexed property. Second by Ruppel. Roll Call. Five “AYES”, Two “NAYE” by Jon Bernhardt and Holly Bernhardt. Motion passed.

Motion made by Trustee Holly Bernhardt to require the applicant to engage in conversation with the Nunn Fire Protection District to involve sharing tax base with the Ault-Pierce Fire Protection District and provide evidence of that conversation to the Town of Pierce. Second by Spurgeon-Paris. Roll Call. Six “AYES”, One “NAYE” by Jon Bernhardt. Motion passed.

Board Communications: Trustee Anderson would like to thank the Town Hall Staff for all the hard work.

Adjournment: 11:33 P.M.

Kristina Duran
Deputy Town Clerk
Town of Pierce