

**Town of Pierce
Regular Meeting
June 8th, 2020
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 PM, June 8th, 2020.

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

Mayor Nansi Crom

Trustees

Connie Schwindt
Jody Ruppel
M. Sue Spurgeon-Paris
Carol Wirkus
Pat Anderson

Others Present:

Kristina Duran, Town Clerk
Martha Harold, Deputy Town Clerk
Lia Szasz, Town Attorney
Rick Crom, Planning Chairman

1. **Approval of Minutes:** Motion made by Trustee Ruppel to approve the minutes from May 11th, 2020 Board Meeting and June 3rd, 2020 Work Session. Second by Schwindt. All “AYES”, motion passed.
2. **Approval of Agenda:** Motion made by Ruppel to approve the agenda. Second by Wirkus. All “AYES”, motion passed.
3. **Public Invited to be Heard:** Dusty Helzer, the property owner of 603 W. Main, reported that the pasture at 605 W. Main is over-grazed and the dust and dirt are blowing on to his property. He also said there are six horses there; over the number allowed by the Town. Mayor Crom acknowledged Helzer’s concerns, stated the agreement with the current property owners limits horses to four, and requested the Town Clerk to direct Code Enforcement to request removal of the excess horses and implementation of dust mitigation.
4. **Open Trustee Position:**
 - a. **Introduction of Applicants:** Donna O’Conner, Bill Hansen, and Doc Wirkus briefly highlighted their respective experience and intention to serve on the Board of Trustees.
 - b. **Appointment for Trustee Vacancy:** Trust Schwindt asked Trustee Wirkus to recuse herself from voting. Town Attorney Lia Szasz noted there is no rule prohibiting her from voting and no regulation regarding spouses serving on the Board. Szasz added that if the Board wanted that changed, an ordinance would be required. Following a secret ballot vote, Doc Wirkus received the majority votes and will be sworn in at the July meeting.
5. **Consider Business License Proposal at 540 W. Park Ave- Nicholas Muller:** Resident Nicholas Muller and business partner, Shawn Dwyer, highlighted the nature of their business name, Phogg-it Cards and Games. The primarily online business does offer curbside pickup, but the location offers adequate parking. Deputy Clerk Harold noted the providing of the map of the proposed business. Mayor Crom asked the hours of business and Muller noted normal business hours, typically ending at 5:00 PM. Motion by

Trustee Paris to approve the business license for Phogg-it Cards and Games. Second by Schwindt. All “AYES”, motion passed.

6. **Old Business:**

1. **Ramirez Letter Regarding Business License & Lot Development Requirements:** Deputy Clerk Harold reviewed the most recent documents submitted by Mr. & Mrs. Ramirez, including a site plan for each of the three lots, the Weld County Access Permit for two access points and letters from adjacent property owners. Mrs. Ramirez updated the Board on the recent work done at the properties at their attempts at securing funding for the intended fencing. Mayor Crom noted that even though the Board has waived the fee for the Special Use Permit for the containers on the lot, there is still a need for the special review. Attorney Szasz explained the process and required public hearings for Use by Special Review. Clerk Duran noted that the Board had previously waived both the fee and process by Benchmark Transmission. However, it was noted that Benchmark had still not painted their containers to match the building and requested staff to follow up. Following discussion, Mayor Crom directed staff to move forward with scheduling the Public Hearings for the Use by Special Review. Trustee Ruppel questioned if there would be any further requirements concerning drainage. Mayor Crom said if there is ownership change or further development, additional drainage may be required. Deputy Clerk Harold asked if there was anything preventing approval of the business license. Motion by Paris to approve the business license for Twin Peaks LLC. Second by Schwindt. All “AYES”, motion passed.

7. **Staff Reports:**

(A). **Mayor:**

1) **Appoint Mayor pro tem and Planning:** Mayor Crom reappointed Pat Anderson as Mayor pro tem and reappointed all sitting members of the Planning Commission and Chairman Rick Crom. Attorney Szasz said that the Board as a whole needed to make the appointments and that a motion is required. Trustee Schwindt moved to approve the appointments as noted by the Mayor. Second by Wirkus. All “AYES”, motion passed.

(B). **Public Works:** In addition to the provided report, Trustee Anderson reported that the windstorm on Saturday, June 6 did considerable damage to Jones Park and Public Works needs considerable time to complete the clean up. Clerk Duran noted that residents were calling asking to drop off their downed limbs and branches and that was not allowed. She asked Board members to advise residents that if asked. Mayor Crom reported she assessed the effects of the storm and that the northside of town and Main Street suffered the most damage. She noted that re-opening the burn pit at the wastewater treatment plant is not a viable option for residents. Trustee Schwindt asked if residents could use the wood from the park as firewood. Mayor Crom said that was not allowed because of liability issues as well as the number of loose limbs still in the trees that need removing. Attorney Szasz advised the Board that the Colorado Government Immunity Act generally provides the Town from liability claims, except in a situation like the park, if the Town failed to maintain that area. Szasz encouraged the Board to take action. Deputy Clerk Harold asked if the park could be closed, which would limit any liability. Mayor Crom asked Parks Department Head Ruppel his recommendation. Ruppel said the park should be closed. Duran noted staff will do postings and signage to inform the public of the closure.

1) **Public Works Applicants:** Mayor Crom noted the Town received that several applications for the open position in Public Works. Clerk Duran noted Public Work

Director Mike Lester has shortlisted three applicants to interview. Clerk Duran to coordinate with Lester to schedule interviews.

- (C). **Planning Commission:** Planning Chairman Rick Crom reported that commissioners approved building permit applications for a new storage shed for 1209 5th Street, a new carport and foundation for 240 Priddy and new storage shed for 808 5th Street. Commissioners also assigned addresses for Twin Peaks LLC, Martin Ramirez parcels on WCR 88. Chairman Crom noted he answered questions concerning the new Clayton Homes developments on East Main Street. He also queried the Board on a possible new ordinance limiting the length of time to initiate development following Planning Commission approval. Mayor Crom requested Mike Ketterling to research if other towns have time limits in place.
- (D). **Town Attorney:** Attorney Szasz reported she and Ketterling met with RPJ and its new engineering regarding rezoning with an expected positive outcome. She said she is still finalizing the Waste Management contract and noted that if the Town falls below the negotiated number of accounts, WM has the right to adjust rates. Clerk Duran noted that the ordinance concerning dumpsters should be reviewed and possibly amended in light of the new WM contract. Duran to coordinate with Code Enforcement to count the number of residential dumpsters in town. Concerning the Conservation Acres contract, Keith Day is still awaiting his attorney's review and is researching whether the fourth well on the property could be utilized. Deputy Clerk Harold noted that the well requires research on augmentation.
- (E). **Town Engineer:** Absent.
- (F). **Town Clerk:**
- 1) **Request to Pay Bills:** Motion made by Trustee Paris to pay bills. Second by Ruppel. All "AYES", motion passed.
 - 2) **Consider Martha Harold to Attend CMCA Online:** Deputy Clerk Harold noted that because of COVID-19, the Colorado Municipal Clerks' Institute is online this year. Tuition and details are still pending. Motion by Trustee Anderson to allow Martha Harold to attend the Clerk's Institute. Second by Schwindt. All "AYES", motion passed.
 - 3) **Consider Municode to Host Pierce Town Code Online:** Deputy Clerk Harold demonstrated what the Town Code would look like if managed by Municode in comparison to the Town's website currently. Additional recommended services allow ordinances, not yet codified, to be included with references to the amended code sections. Motion by Trustee Anderson to approve the annual cost for web hosting of the online code and the additional OrdBank and Ordlink service through Municode. Second by Wirkus. All "AYES", motion passed.
 - 4) **Schedule Employee Review Kristina Duran:** Clerk Duran noted her employment anniversary date is July 30th. Following discussion, the Board scheduled Duran's review for 6:00 pm, July 27, 2020. Duran also requested permission to attend accounting classes, which Town Accountant Chad Chavies would approve. Motion by Trustee Anderson to authorize Duran to identify and enroll in accounting classes that would qualify her for the duties and responsibilities of her position at a cost not to exceed \$1,000. Second by Schwindt. All "AYES", motion passed.

8. Department Reports:

- (A). **Water/Sewer-Trustee Anderson:** Anderson reported he plans to meet with Duran and Lester in August to begin budget discussions. He noted that Ketterling is again working with the State on approval for a new infiltration pond.
- (B). **Streets- Trustee Wirkus:** Wirkus indicated that there are issues with speeding on the east side of town and that additional and/or replacement stop signs and speed limit signs are required. Mayor Crom noted that warrants may be required for the signs and Wirkus should discuss with Chief Strang. Wirkus also reported she has a list of street name signs to be ordered. She noted that the Ault PD speed trailer had been set up.
- (C). **Drainage (open):** No Report.
- (D). **Building-Trustee M. Spurgeon-Paris:** Clerk Duran noted there is an issue with the air conditioning unit in the file room and that a service call was placed and all AC units will be inspected. Mayor Crom noted that the back door, to the previous living quarters, is not secure and needs replacing.
- (E). **Parks-Trustee Ruppel:** Ruppel reported that he is requesting a new design for the ball field irrigation system as the previously awarded contractor is unable to do the installation work. He noted that depending on the cost of the park cleanup, installation might be delayed until next year.
- (F). **Police- Trustee Schwindt:** Schwindt reported she has spoken with Chief Strang again concerning increased ATV activity on the streets as well as actual patrol time. She noted that since that conversation she has observed increased hours and citations.

9. **Board Communications:** Trustee Ruppel noted his concern with the recent pay increase authorized for Administration Assistant Heather Rospierski for additional cleaning responsibilities. Deputy Clerk Harold expressed disappointment in her recent pay increase in terms of her contributions to Town office operations. Mayor Crom said that processes and procedures related to reviews and pay increases need improvement.

Adjournment: 9.31 PM

Martha J. Harold
Deputy Town Clerk
Town of Pierce