

**Town of Pierce
Regular Meeting
July 13th, 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, July 13th, 2020.

Mayor Nansi Crom called the meeting to order at 7:03 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
Doc Wirkus (*Appointed*)

Others Present:

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

1. **Approval of Minutes:** Motion made by Trustee Ruppel to approve the minutes from June 8th, 2020 Board Meeting. Second by C. Wirkus. All “AYES”, motion passed.
2. **Approval of Agenda:** Motion made by Ruppel to approve the agenda. Second by Schwindt. All “AYES”, motion passed.
3. **Public Invited to be Heard:** Ralph Sauter, 233 W. Main Street, complained about a burned-out pickup truck on the corner of 3rd and Park and possible misinformation that Code Enforcement Officer Ryan Shippy gave the owner of the pickup. Sauter also complained about an unlicensed boat parked the wrong way on the corner of 3rd and Jones, as well as several other campers parked all over town along the street. Attorney Szasz clarified that the owner has 90 days to remove the pickup. She also noted that Sauter’s understanding of the term “adjacent” in the Town Code has a broader meaning than his interpretation. Mayor Crom recommended that Sauter meet with Clerk Duran and Officer Shippy to further discuss his complaints.

Donna O’Conner, 204 W. Shafer, stated she was present at the meeting in support of her neighbor, Alan Mathiason. She said that the barking dogs did not belong to Mathiason and that she did not have a problem with him having chicken and ducks. She noted that Pierce is a small town, but growing and those residents need to find a way to be neighborly and stop fighting.
4. **Oath of Office Doc Wirkus:** D. Wirkus read and signed the Oath of Office.
5. **Combination of Departments/Addition of Departments:** Mayor Crom reviewed her recommendation to combine the Streets and Drainage departments into one, with Trustee Carol Wirkus as the department head and, create a new Utilities and Energy department with New Trustee Doc Wirkus as the department head. Trustee Paris asked if the Mayor considered all Trustees for the new department head, noting she had

previous experience in oil and gas. Mayor stated that the recommendation requires a resolution. Attorney Szasz noted that the proposed resolution requires a minor correction to the date. Trustee Ruppel moved to approve Resolution No. 2020-5 with the noted correction. Second by C. Wirkus. Following a roll call vote, Paris and Schwindt “Naye”, four “Ayes”, motion passed.

6. **Chicken Permit 430 3rd St- Alan Mathiason:** Town Clerk Duran noted that this is the first time staff has received an objection to a Poultry Permit application and that Attorney Szasz recommended the application be returned to the Board. Resident Alan Mathiason reviewed his application and answered the Board’s questions. Resident, Ralph Sauter, detailed his complaints, however trustees D. Wirkus and Schwindt noted many of his complaints were not listed in his objection letter and did not have a direct effect on the poultry permit application. Mayor Crom cautioned Mathiason that the permit requirements be followed including maintaining the surroundings and if not, the permit could be revoked. Motion by Paris to approve the Poultry Permit for 430 3rd Street. Second by Schwindt. All “AYES”, motion passed.
7. **Business License Application 608 1st St- Gisell Poganski:** Resident Gisell Poganski is seeking a business license for her online-only women’s clothing store, Bebecita’s Boutique. Planning Chairman Rick Crom said he is concerned about UPS and FedEx trucks disrupting traffic flow on 1st Street. Clerk Duran reminded the Board that online business does still contributes tax revenue to the Town. Motion by Paris to approve the business license for Bebecita’s Boutique. Second by Schwindt. All “AYES”. Motion passed.
8. **Lot Development Fees/Drainage Fees Dispute – Eric Hansen, 326 5th St:** Resident Eric Hansen is disputing the total drainage fees of \$10,690 assessed on the development of his 5-acre property. Hansen, in a letter to the Board, said there is nothing in the Town Code related to drainage fees and asked what the fees are used for, as water from Main Street drains on to his property. He also noted that his property is not in a subdivision where fees are typically used for curb and gutter. Following discussions amongst the Board, Town Engineer Mike Ketterling, his colleague Brad Curtis, Clerk Duran, Planning Chairman Rick Crom and Attorney Szasz, it was essentially decided to cap the fees based on 2.5 acres. Motion by Paris to adjust the drainage fees for 326 5th Street to \$5,245, Second by D. Wirkus. Following a roll call vote, Ruppel and Crom, “NAYES”, five “AYES”, motion passed.
9. **Lot Line Adjustment and Fee Consideration – George Magdelano:** George Magdelano, 601 W. Main Ave, is requesting approval of a lot line adjustment to reflect his impending purchase of 8800 square feet from adjoining property owner, Eric Hansen. The adjustment is to widen the driveway and confirm required setback distance for construction of his new home. Last October, Mr. Magdelano was originally advised that the lot line adjustment had to follow the Special Use Permit process of public hearings, etc. with the related fee of \$600. However, Town Attorney Lia Szasz recently clarified that based on the resolution detailing the process, it does not require a public hearing. Mr. Magdelano is requesting a reduction in the \$600 fee. Motion by Paris to approve the lot line adjustment, Second by Schwindt. Following a roll call vote, all “AYES”, motion passed. Motion by Schwindt to reduce the fee to \$450. Second by Paris. Following a roll call vote, Ruppel and Crom, “NAYES”, five “AYES”, motion passed.
10. **RPJ Energy 613 1st St- Anne Larson:** Ann Larson from RPJ Energy introduced Tony Evans, PE of Encompass LLC who is working with RPJ on their proposed storage development. Evans is requesting that the RPJ property be re-zoned to I2 (Industrial 2), as it better describes the existing and proposed use of the property. Evans also said that RPJ is interested in purchasing a portion of the adjacent property to the west, which would make approximately 3-4 acres available to purchase by the Town. Evans also requested that the Town vacate the right of way for Second Street development. Trustee Paris said the Town has never vacated a right of way. The Board discussed the implications of zoning a property adjacent to a residential area with Town Engineer Ketterling, his associate Brad Curtis and Attorney Szasz. Concerns focused on I2

zoning would allow for “heavy uses” with related noise and traffic if the property were sold in the future. Planning Chairman R. Crom recommends that the developed portion of the property for RPJ Energy remain C2 and that the proposed section of the property for the storage facility be zoned I1. Evans requested that the reasoning for that zoning be documented. He indicated he would prepare the required documentation for the split zoning recommendation. Mayor Crom said RPJ could move forward with the zoning and special use requests as discussed with the Town's Engineer and Attorney.

- 11. Ordinance Enforcement:** Trustee C. Wirkus requested clarification on the Code Enforcement report. She said there are a lot of warnings, but limited follow-ups and no information related to resolution of the issues. Clerk Duran indicated the software used for reporting has limited fields. Trustee Schwindt asked when do the warnings stop, and when citations are issued. Trustee Anderson also questioned what seems to be perpetual warnings and no information on follow-up or outcomes. Mayor Crom suggested a report similar to the police report that includes more information. Duran noted that Code Enforcement officer Ryan Shippy also does other duties at Town Hall, particularly with Public Works being shorthanded. Duran will ask Shippy to revise his report to include more specific information on warnings and resolution of code issues.
- 12. Late fees/ Disconnects (Reinstate/ Hold):** Clerk Duran asked the Board their position on late fees and disconnections for utilities, both of which were suspended at the onset of the COVID19 pandemic. Motion by Ruppel to re-instate the late fee and disconnect policies for Town utilities commencing August 1st. Second by Wirkus. All “AYES”, motion passed.

13. Old Business: None

14. Staff Reports:

(A). Mayor:

- 1) COVID 19 Response Plan Revision:** Mayor Crom reviewed the revisions of the COVID 19 Response plans following the testing of all Town employees and Town Hall closure June 24, 25, and 26th. All staff eventually tested negative. She noted the revisions include tighter restrictions within the office and asking Ault Police Officers to avoid or limit visits. Mayor Crom said they are also investigating whether employees should self-quarantine following visits to high-risk areas.
- 2) Weld County COVID Collaborative Agreement:** Mayor Crom reported on an agreement with Weld County that would provide about \$56,000 to the Town of Pierce for costs associated with the COVID pandemic. She noted half would go to the Town and half is available to Pierce businesses. Clerk Duran received clarification on the amount, which is around \$23,000.
- 3) Crisis Action Guide:** Mayor Crom reported she is working with Clerk Duran on updating the Weld County Hazard Mitigation Plan through a series of virtual meetings with Weld County. The Town should also consider updating its Crisis Action Guide dated 2016.
- 4) Weld County Youth Conservation Corps:** Mayor Crom publicly thanked former trustee Holly Bernhardt for her efforts in coordinating the Weld County Youth Conservation Corps to help clean up the downed branches in Jones Park.
- 5) ASCENT broadband:** Mayor Crom noted a new internet service provider is working with Nunn and Ault. She said she would like to have the company make a presentation to the Board. Deputy Clerk Harold noted that a franchise agreement would be required for

the company to provide services within the Town and cautioned that FCC regulations may prohibit the trading of equipment placement for internet service.

- 6) **Upstate Colorado Economic Development:** In light of the two business properties for sale in Town, Mayor Crom would like to invite a representative from Upstate Colorado to give a presentation on the services it offers to assist new businesses locating in Weld County.

- (B). **Public Works:** Trustee Anderson reviewed Public Works Director Mike Lester's June report that noted on-going cleanup of Jones Park, request for quotes for trimming and removal of trees, quotes for sprinkler communication issues between pump house and the ballfield, and the distribution of lead and copper water samples. Attached to Lester's report were above-mentioned quotes.
 - 1) **Public Works New Employee:** Mayor Crom reported that the new public works employee, Lee Strang, started work today, 7.13.2020.

- (C). **Planning Commission:** Planning Chairman Rick Crom reported that there was no planning meeting at the end of June.

- (D). **Town Attorney:** Attorney Szasz reported she is still finalizing the Waste Management contract concerning the outcome of when the Town falls below the negotiated number of accounts. Szasz noted she has still not heard from Keith Day's attorney regarding the Conservation Acres contract. Clerk Duran said the property is not being maintained and looks very bad. Deputy Clerk Harold to reach out to Mr. Day requesting his attorney to contact Attorney Szasz.

- (E). **Town Engineer:** Mike Ketterling reported that the infiltration ponds are now working well again. He noted that Public Works purchased a new ripper to help with the maintenance of the ponds. Ketterling said he continues to work with Clerk Duran on the Double J water allocation issue.

- (F). **Town Clerk:**
 - 1) **Request to Pay Bills:** Motion made by Trustee Paris to pay bills. Second by C. Wirkus. All "AYES", motion passed.
 - 2) **Air Conditioning Expenditures:** Clerk Duran reported that the cost to repair the air conditioner in the back room is \$662, which is to replace the condensate pump. The cost to service the remaining units, which have not been serviced since installation, is \$940. The Board authorized the expenditures.

15. Department Reports:

- (A). **Water/Sewer-Trustee Anderson:** Anderson reported Lester is getting quotes to replace a heater at the wastewater treatment plant. He noted he plans to meet with Clerk Duran, Mike Ketterling and Brad Curtis in August to realign the budget.

- (B). **Streets- Trustee Wirkus:** C. Wirkus is requesting approximately \$2,000 is replace 46 street signs, as well as missing stop signs. Brad Curtis said to confirm the state regulations on reflectivity, etc. when ordering the signs. The Board approved the expenditure following a review of the budget.

- (C). **Drainage (Trustee Wirkus):** C. Wirkus noted she met with Mike Ketterling and Brad Curtis to discuss drainage issues. Mayor Crom noted that a resident requested that gutters be cleaned at intersection of 3rd and Main.

- (D). **Building-Trustee M. Spurgeon-Paris:** Paris reported that there are issues with the fencing and gates at the East yard. She said fencing has not been addressed recently. Trustee Anderson noted that the fencing around the water tanks was relatively inexpensive.
- (E). **Parks-Trustee Ruppel:** Ruppel reported that he spent 10-15 hours of his own time working on various park issues. He said there are issues with ballfield irrigation communications as well as the valves that are 45-50 years old. Ruppel reviewed two of the quotes from Davey Tree Trimming, provided by Lester, to allow Jones Park to reopen. They are the \$900 quote to remove the “window maker” hanging branches and the \$5420 quote to remove specific trees in Jones and Phillips parks. He also reviewed quotes for long-term pruning of trees.
- (F). **Police- Trustee Schwindt:** Schwindt noted the seven summons included in the police report. She also asked for additional information concerning some of the calls. Schwindt indicated a need for increased police presence. Clerk Duran noted that increased hours would require contract negotiations. C. Wirkus asked if Schwindt had considered a neighborhood watch program for the areas of concern.

16. Board Communications:

- 1) **Annual Well Water Usage:** Trustee Ruppel said the Clerk Duran is giving him a monthly report on well water usage. Based on the augmentation plant, the town is allowed to use a total of 90 acre/feet per year. Ruppel asked about exceeding the 90 a.f. allotment. He also asked about the non-potable water for Highland Mobile Home Park and Walkabout Acres, what if the wells run out of water. Trustee Paris said water could be purchased, but Duran clarified that this is well water. Duran questioned the Town’s liability regarding the non-potable systems. Town Engineer Ketterling stated the augmentation plan caps the amount of water that can be pulled from the wells, but that this is an issue that needs to be investigated.
- 2) **CMCA Clerk’s Institute:** Deputy Clerk Harold reported the cost of CMCA Clerk’s Institute is \$400, but she secured a \$300 scholarship to attend.

Adjournment: 10:45 p.m.

Martha J. Harold
Deputy Town Clerk
Town of Pierce