

**Town of Pierce
Regular Meeting
September 14th, 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, September 14th, 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
Doc Wirkus

Others Present:

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

1. **Approval of Minutes:** Motion made by Trustee Schwindt to approve the minutes from August 10th, 2020 Board Meeting. Second by Ruppel. All “AYES”, motion passed.
2. **Approval of Agenda:** Motion made by Trustee Ruppel to approve the agenda. Second by C. Wirkus. All “AYES”, motion passed.
3. **Public Invited to be Heard:** Jessica Joy Neeley addressed the board concerning a resolution that affirms Black Lives Matter as a terrorist group. She also spoke in support of legislation to protect children from pornography including graphic books used for sex education in schools. Pastor David Meek of Greeley asked the board to support the bibleinschools.net program that has helped bring a Bible curriculum into public high schools in 41 states. Jim Parker of 348 Franklin Street asked the board to reconsider the ordinance banning shipping containers. He said that the shipping containers are a good option to a standard building as they are waterproof and rodent-proof. Dusty Helzer, 603 W. Main Ave., complained about the seven horses on the property to the west and the excessive dirt and goat heads that blow into his yard. Mayor Crom said actions were being taken to address the horse issue. Mr. Helzer contends that the dirt piling on to his property is also an environmental issue. George Magdaleno, 601 W. Main Ave, also complained that the dirt is also affecting his yard. Patty Sava of Eaton also spoke in support of a Bibles in school programs geared toward younger children. Pastor Meek added that the Good News Club is program for elementary and middle school children.
4. **Presentation of the 2019 Audit- Chad Chavies:** The audit was presented. Chad Chavies noted that the Town is debt free. The audit wrap up was given directly to the Mayor and Trustees.
5. **Double J Water:** Clerk Duran reported that Double J representatives were unable to attend meeting, but provided an updated memo to the Board noting Double J’s intention to dedicate two shares of North Poudre Irrigation Company raw water. Duran noted the memo did not address a time or amount of

additional water that Double J will provide to meet the shortfall. She expressed concerns that the water Double J currently leases from the Town of Ault may not be available in the future. The board requested that Double J representatives attend the next Board meeting with a plan to provide the additional required water.

6. **2020 Model Traffic Code, Second Reading and Adopt Resolution 2020-5:** Motion by Trustee Anderson to adopt Resolution 2020-5 to adopt the 2020 Model Traffic Code with a minor correction to the first paragraph. Second by Ruppel. Following a roll call vote, all “AYES”. Motion passed.

Ault Interim Police Chief: Ault Police Chief Rich Strang announced his retirement effective September 16th and introduced Tom Nissen who will be serving as interim police chief. Nissen has an extensive background in law enforcement including work with the Lakewood Police Department and the Weld County Sheriff’s department. Board members congratulated Strang on his retirement and thanked him for his service to the Town.

7. **Trash and Dumpster Ordinance 2020-6:** Town Attorney Lia Szasz briefly reviewed a draft ordinance revising the trash and dumpster ordinance, but was unsure of the Board’s intent. Some Trustees expressed their support of the smaller sized dumpsters, like those provided by Maverick, as an option to Waste Management. Other Trustees said that only larger construction dumpsters be allowed for temporary use. Trustees expressed other concerns regarding the use of dumpsters including Waste Management’s poor service. Staff’s noted potential issues with enforcement and implementation of a ban on dumpsters. Attorney Szasz queried the board on their various concerns and suggested drafting options of ordinances to address the subject. Clerk Duran will contact other companies to see if they will provide service to Pierce and investigate how other Towns handle trash service to schools in residential zoning districts. Mayor Crom tabled action on Ordinance 2020-6 until the next meeting.

8. **Switch Quote- Timberlan:** Clerk Duran noted that the Town has been borrowing an IT switch from Timberlan. The Town needs to purchase a switch. Duran presented a quote from Timberlan for approval. Motion by Trustee Carol Wirkus to authorize purchasing the proposed switch pending review by Trustee Doc Wirkus. Second by Schwindt. All “AYES”, motion passed.

9. **TDS Internet Service Quotes:** Deputy Clerk Harold reviewed her memo to the Board proposing TDS for internet service as well as VOIP telephone service. She noted the impact to the budget would be minimal based on the savings for the cost of telephone service from Century Link, TDS franchise fees and current budget allocations. She added improved internet service, less computer down time and improved telephone options including conference calling, individual voice mail and less dropped calls will improve efficiency in Town Hall. Motion by Trustee Anderson to accept the quote and to switch internet and phone service to TDS. Second by Doc Wirkus. All “AYES”, motion passed.

10. **Amended Intergovernmental Agreement Community Development Block Grant Program in Weld County:** Clerk Duran noted that Don Sandoval highlighted the changes on the last pages of document in the Board packet. Attorney Szasz said she had no issues with the changes. Motion by Trustee Paris to adopt the amended Intergovernmental Agreement for Conduct of Community Development Block Grant Program in Weld County. Second by Ruppel. All “AYES”, motion passed.

11. **Conservation Acres Lease:** Attorney Szasz highlighted the changes to the Conservation Acres Lease that she has agreed with Keith Day’s attorney. She said Day requested that the Town have the electric service in its name and that he would pay the service costs. Szasz said the main change relates to “Easement Enforcement,” which added the sentences, “Town agrees to supply a letter to Tenant that it may use when

enforcing the easements supporting its enforcement position stating at a minimum that owner access road is not exclusive and owner access road may not be blocked or impede access of other parties. If any easements are of record, Town agrees to supply a copy of such easements prior to the signing of this agreement.” Szasz said that while she has no problem drafting the requested letter, she clarified that the Town would not provide any further assistance to enforce the easements. Trustee Carol Wirkus questioned the easements on record. Szasz explained that Colorado State Statutes concerning ditch easements supersedes any survey easements that may or may not be on record. Szasz clarified the Town’s only obligation is to provide the letter as noted in the lease. Duran noted maintenance of the ditch is lacking and expressed concerns about public works employees accessing the ditch. Szasz said if Mr. Day does not do the maintenance, the Town would perform it and Mr. Day would be charged. Motion by Trustee Paris to approve the revised lease. Second by Ruppel. All “AYES”, motion passed.

12. Old Business: None

13. Staff Reports:

(A). Mayor:

- 1) CARES Act Funding:** Mayor Crom stated that Clerk Duran is compiling a list of excess costs related to COVID-19, including technology updates, protective equipment and supplies. The first report will be submitted at the end of September.
- 2) 90 Day Evaluation:** New Public Works employee is due for 90-day evaluation.
- 3) Hazard Mitigation Plan:** Mayor Crom reported she and Clerk Duran continue to participate in on-line discussions with Weld County. The proposed plan is now open to public comment. Target date for completion is after January 1, 2021.
- 4) Highway 85 Coalition:** Mayor Crom reported she attended meeting in which CDOT reviewed its agreement with Union Pacific Railroad that highlighted land dedications and closure of crossings at CR78 north of Eaton and CR100 in Nunn, as well as relocation of crossing at O street north of Greeley.
- 5) Water and Sewer Budget Meeting:** Mayor Crom met with Clerk Duran, Deputy Clerk Harold, Public Work Director Mike Lester, Town Engineer Brad Curtis and Trustee Anderson for preliminary budget discussions.

(B). Public Works: Trustee Anderson read in Public Works Director Mike Lester’s August report that noted the installation of most of the new street signs and the receipt of two pallets of crack seal. Lester reported an ongoing issue with screw screen at pre-treatment and that estimated cost of parts is \$5000. Clerk Duran reported that the chicken wire fencing at the ballpark should be removed. The estimated cost would be \$1,400 for a man lift. Lester noted in his report that the Board should be considering the repaving CR90 as well as replacing the Town’s lawn mower and tractor. Lester recommended leasing. Anderson noted that Lester should be involved in budget meetings related to Public Works.

(C). Planning Commission: Planning Chairman Rick Crom reported the commission approved plans for George Magdaleno’s new home construction at 601 W. Main Ave. Chairman Crom also noted the two new mobile homes will be moved into Highland Mobile Home Park and that the partial rezoning of RPJ Energy lot will be considered at the September meeting. Chairman Crom noted that the property owner on W. Main Street is required to manage the dust on his property as per residential zoning regulations.

- (D). **Town Attorney:** Attorney Szasz reported she, Town Engineer Brad Curtis, Clerk Duran and Deputy Clerk Harold met with RPJ concerning rezoning and development plans for its RV and boat storage. Szasz said that she is still working on the stop sign ordinance, but that current surrounding Town Code does not address stop signs specifically. She recommended that the town adopt the uniform traffic control manual similar to other towns.
- (E). **Town Engineer:** Brad Curtis formally announced the retirement of Mike Ketterling from Northern Engineering and that he would be serving as the Town Engineer for Pierce. He said Ketterling has served as Pierce’s Town Engineer since 1984. Speaking to Attorney Szasz’ recommendation, Curtis said the MUTCD, the Manual on Uniform Traffic Control Devices, is the “gold standard” for traffic control. He noted that the manual addresses stop sign and street sign requirements. Mayor Crom officially welcomed Curtis to the Town
- (F). **Town Clerk:**
- 1) **Request to Pay Bills:** Motion made by Trustee Paris to pay the bills. Second by Anderson. All “AYES”, motion passed.
 - 2) **Schedule 90 day review Lee Strang (hired July 13, 2020):** Clerk Duran reported new public works employee Lee Strang is due for his 90-day review.
 - 3) **Schedule Review Mike Lester (hired October 19, 2015):** Clerk Duran reported that Public Works Director Mike Lester is due for his annual review. Both reviews are scheduled for Monday, October 5 beginning at 6:00 PM with Strang’s review
 - 4) **Department Head Budget Meetings (must schedule with staff September 28th-October 2nd):** Deputy Clerk Harold recommended that individual department heads schedule meetings with staff to discuss existing budget and expenditures in preparation for the 2021 budget preparations. She noted the new software gives reports to assist in planning. Department heads need to schedule their meetings with staff.

14. Department Reports:

- (A). **Water/Sewer-Trustee Anderson:** Anderson noted nothing additional to report. Anderson added that he would require help on capital projects for next year, including a working session to discuss.
- (B). **Streets & Drainage - Trustee Carol Wirkus:** C. Wirkus reported a stop sign was added at the intersection of county roads 90 and 29 and that the traffic pattern had changed.
- (C). **Utilities & Energy - Trustee Doc Wirkus:** Doc Wirkus reported Rimrock had cleaned up area adjacent to CR29. He also noted he did an informal study of internet usage and service within the Town. He suggested opening up discussions with Ascent to offer an additional internet option to the town.
- (D). **Building-Trustee M. Spurgeon-Paris:** Paris reported a leak in the roof in the back office near the records filing cabinet. The roofing company that did the most recent reroof was called and provided a temporary fix but will investigate any warranty provisions and further repairs.
- (E). **Parks-Trustee Ruppel:**
- 1) **Ballfield and Jones Park:** Ruppel reported that the irrigation designs were completed at a cost of \$400 each. He added the ash trees were taken down in Jones Park, but the stumps remain.
 - 2) **Other issues:** Ruppel recommended that a mower be purchased instead of leased. He also recommended removal of the netting and poles at the ballfield and requested the

board approve Lester's request for the man lift. Attorney Szasz noted a motion was not required for approval of the expenditure.

- (F). **Police- Trustee Schwindt:** Schwindt reported 116 hours were logged with one summons issued and 51 calls for service. She noted calls included an alleged burglary as well as a trespass complaint.

15. **Board Communications:** Clerk Duran cautioned the trustees about discussing Town business on social media and asked that any questions be directed to staff at Town Hall to eliminate misinformation problems. Mayor Crom asked if Trustees were satisfied with the current COVID protections offered during meetings or if additional measures were required. The Board said current measures are sufficient. Chairman Rick Crom reported that roosters are an issue on the north end of Town. Doc Wirkus indicated that some properties with rooster lie outside of Town limits.

Adjournment: 9:44 p.m.

Martha J. Harold
Deputy Town Clerk
Town of Pierce