

**Town of Pierce
Regular Meeting
April 10th, 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, April 10th, 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	Brad Curtis, Town Engineer
M. Sue Spurgeon-Paris	James Godbold, Town Attorney
Carol Wirkus	
Geoffery Broughton	
Mary Heberlee	

1. Approval of Minutes March 13th, 2023: Motion made by Trustee Paris to approve the minutes from March 13th, 2023. Second by Broughton. All “AYES”, motion passed.

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

3. Public Invited to be Heard: Tanner Kelly has a lot of concerns about the road conditions on West Main Ave. He said that it has not been serviced since June 22nd of 2022. There are a lot of potholes. Lukela said it is in the budget for this year. The Town has money put away money for West Main but ran into a few hiccups and are trying to get them worked out due to the ADA requirements. Dusty Helzer said when Rimrock came in, Craig Cleveland said the roads would be fixed. Lukela said this is the first year the Town has received money from Rimrock, but CR 90 had to come first due to the contract. Lukela said the roads are a high priority. Helzer wants to know what the time frame of West Main being started is. Lukela said as soon as we have a better idea of the ADA requirements. Currently the Town does not know the exact date. Donna O Conner said ADA is harsh now, but it is helpful to have wider sidewalks for people in town that have walkers or wheelchairs to get around. George Magdelano said the potholes outside of his driveway are like small grand canyons. Mike puts band aids on them, and he would like them fixed correctly.

4. Pierce Days Committee- Holly Bernhardt: Holly supplied an event walkthrough. A resolution needs to be adopted to open a bank account for Pierce Days.

5. Maverick Disposal (Possible Water Tap for Business): Chris VanWhy approached the Board in March about being considered for a new water tap, due to NWCWD the Towns moratorium. At that time, the Board did not have any water numbers. Brad Curtis, Town Engineer said North Weld County Water District still has the moratorium in place for new water taps, but they can submit plans for a pre-application process, and we can go from there.

6. Review of Poultry Permit Request for 235 W. Shafer Ave (Received Objection Letter): Objection letter was read, and resident was on the phone due to not being able to make the meeting. Some of the concerns where one of the two dogs on the property is vicious. Both dogs are nuisance barkers when left outside, and dog feces in not routinely removed and produce noticeable odors during warmer months. The resident said she has been working on redoing the fence on one side of her property to help with the dog and said she was out picking up feces over the weekend. She let it get away from her over the winter months. After a Board discussion, motion was made by Trustee Schwindt to approve the poultry permit with conditions she finishes the fence and keeps up with picking up the feces. Second by Paris. One “NAYE” by Wirkus, motion passed.

7. New Business License 15779 CR 88 Horse Training- Zachary Maytum: Motion made by Trustee Paris to approve the new Business License. Second by Schwindt. All “AYES”, motion passed.

8. New Business License 15779 CR 88 Horse Training- Chiara Poscente: Motion made by Trustee Paris to approve the new business license. Second by Schwindt. All “AYES”, motion passed.

9. Baseball Coordinator for Highland- Patrick Duit: Patrick is the HRA Coordinator for Highland, and he has the opportunity to donate 30 tons of topsoil from J2 contracting to be used for the baseball field. He is also asking for permission to utilize the field for practices throughout the summer. Mayor Lukela talked to Mike Lester, Public Works director about them donating soil and he is ok with it as long as they stay off of the new sod and sprinklers that were installed. Motion made by Trustee Schwindt to approve the donation of topsoil. Second by Broughton. All “AYES”, motion passed. Motion was made by Trustee Schwindt to approve them using the baseball field during the summer months for practices. Second by Heberlee. All “AYES”, motion passed.

10. Possible New Business (Request for Water Tap) Kris Pickett: Kris was present and asked if the Board would allow a water tap for a new point of sale business, due to the moratorium. Brad Curtis said this property was grandfathered in with the moratorium. They just need to submit information for the pre-application process, there is also a tap to this property.

11. Comprehensive Plan Discussion: The Board chose to set a work session for May 22nd, 2023, at 6:00 P.M. for future discussion.

12. Conservation Easement Encroachment and Maintenance: There have been concerns about this property not being taken care of and possibly violations of the lease agreement. Dallas, a neighboring farmer has concerns about this property. Fire issue being one as nothing has been done in sometime, and the coffin wells. His understanding is that water is being taken off the

property. With coffin wells, the water must stay on the property. Motion made by Trustee Wirkus to inspect the property and look for violations. Second by Schwindt. All “AYES”, motion passed.

13. Adopting a Resolution or Ordinance for Emergency Situations- Connie Schwindt:

Trustee Schwindt asked for this to be added to the agenda. We had a situation come up due to Town Clerk Duran being out for surgery. Heather needed to leave early on Tuesday, April 4th and had to take off all day Friday, April 7th. This was pre-planned. Tina was supposed to be back in the office by then but ended up having to have emergency surgery. Trustee Schwindt said we need to have a procedure in place if something like this were to come up again. This turned into a very heated discussion, with raising of voices. An email was sent out regarding the Trustee's decision outside of a regular meeting to close the office. Trustee Schwindt emailed back and that was put out for all the Trustee's to read. The sunshine law was broken. Mayor Lukela wants to know why no one can take a moment to have a conversation with her. When Heather talked to Mayor Lukela about the 4th and 7th, she said close early on the 4th, but because we keep having to close the office early, that maybe herself or one of the guys can sit in the office if someone were to make the trip down, to keep the office open for at least ½ the day. Mayor Lukela said she would talk to Mike and Tina to see what they think about coverage for Friday. Mayor Lukela said she made no decisions and did not overstep administrative duties. She told Heather that her health comes first. The arguing continues between Mayor Lukela and Trustee Schwindt. Trustee Wirkus walked out of the meeting. James Godbold, Town Attorney jumped in and said it would have been a simple solution if anyone had reached out beforehand. Heather was asked what was said and she explained she did go to Mayor Lukela to let her know about the 2 days in question and she was told to close early the 1 day but if at all possible, to keep the office open on Friday. During this Mayor Lukela raised her voice at Heather and would not let her speak. Trustee Blehm asked James about the violation of the Sunshine law and who that goes against. It goes against the Town. Mayor Lukela said while we are talking about asking Board members to resign, why don't we talk about the re-call process. Mayor Lukela saw the bill from the Attorney, and it states information was requested about the re-call process. This information was provided to the staff to pass on to anyone who requests it. Attorney Godbold did say that Mayor Lukela can sit in the office and take names and numbers to pass on to staff members, also Ryan as a Town employee can take payments from residents without getting kick back from the residents. James said in an emergency situation, a discussion cannot be made outside of a regular meeting or a special meeting, that is a violation of the Sunshine Act. Trustee Broughton said in January it was discussed to bring in help, which was not done. Trustee Heberlee said the office needs more staff. We need 3 people in the office. Requirements increase each year. People in town think we only need 2 office staff and that is not true. Trustee Schwindt said the staff should come first and right now they are not. Doug Herrick commented that nothing gets accomplished on this Board. It is constant fighting and bickering. Discussion came up about posting the open position. Holly Bernhardt said no one reached out to her temp agency. Mayor Lukela said she was misled, she said Tina told her the temp agency didn't have anyone at the moment and Tina never gave Lukela updated job descriptions. How can we hire someone without updated descriptions? Schwindt said it does not matter if we have updated job descriptions.

14. Old Business: Richard Wuhler asked about the conduct policy for Board members. Attorney James Godbold said it is a work in process. Richard told Mayor Lukela that she yelled at Heather and would not let her respond. Lukela said she did not yell at Heather.

15. Staff Report:

(A). Mayor Report: None. She said no one wants to hear what she has to say.

(B) Public Works: Report provided.

(C) Planning Commission: No Meeting in March.

(D). Town Attorney: SB23-213 represents the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professionals planning staff, and the people of Colorado. The bill dramatically expands state authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interest and unelected third parties. SB23-213 does not recognize the local governments are best suited to address the needs of their communities, and it flies in the face of local government efforts to solve the affordable housing crisis. His recommendation is to adopt a Resolution opposing the bill.

(E) Town Engineer:

1. **Water Report:** Report provided

(F) Town Clerk:

1. Request to Pay Bills: Motion made by Trustee Paris to pay the bills. Second by Schwindt. All "AYES", motion passed.

2. Consider giving Heather a Bonus: Town Clerk wrote out an email to Board regarding the bonus stating that Heather has been in the office consistently and handling things that are not on her job description so things can continue to function. Town Clerk Duran definitely thinks since she is doing work above what is expected, a bonus is reasonable. Mayor Lukela comments that Mike and Travis worked a whole year short staffed, so are we going to give bonuses every time we are short staffed? Trustee Paris asked Heather when her review is, and Heather said it is in December. Mayor Lukela said in Heather's last review, Tina said she still has things to work on. Heather said she is doing the job of pretty much 3 people by herself and has been doing the job of 2 people for the last few months and will be doing it for another 6-12 weeks until Tina comes back full time. Heather said that should be worth something. Deputy Town Clerk walks out of meeting. She has had enough of Mayor Lukela not caring about the staff, and how she is being treated. Motion made by Heberlee to give Heather a bonus. Second by Schwindt. Trustee Blehm said hell no and walked out of the meeting. Trustee Broughton also walks out of the meeting. There was no quorum to move forward.

3. Post Open Office Position (Temporary Authorize Ryan Shippy to help in the office):

Trustee Broughton said in January it was discussed to bring in help. Nothing was done. Trustee Heberlee said the office needs more staff than 2 people. We need 3 office staff. Requirements increase each year. No one followed through with Hollys's idea of going through the temp agency through her work. The lady through the temp agency told Holly that the Town was uncertain. Mayor Lukela said she reached out to her, and Duran said she spoke with the lady, and they did not have anyone. Holly said they spoke with Mayor Lukela and she said we didn't need anyone at this time. Mayor Lukela said she spoke to Town Clerk Duran on multiple occasions and Duran said we are all caught up and things are fine. Mayor Lukela can only go with what Duran told her. Mayor Lukela let Tina take the lead since it is her administration staff. Trustee Schwindt said we still need someone in the office as soon as we can.

4. Spring Clean Up (Saturday May 20th, 2023): Information provided for the Board.

5. Update on Tina: Trustee Schwindt said Tina is having a very difficult time right now. With having to have 2 backs surgeries in the last month. She is just not in a good spot at the moment not just physically but mentally. She is trying to get back as soon as she can.

6. Update on Closure of Office for Tuesday April 4th and Friday April 7th: Talked about earlier in the night.

16. Department Reports:

(A). **Water/Sewer - Trustee Blehm:** Walked out of the meeting.

(B). **Streets & Drainage - Trustee Wirkus:** Walked out of meeting earlier in the night.

(C). **Utilities & Energy - Trustee Heberlee:** First Aid Class, 15 People signed up April 29th and May 20th. 10 People per class. The fire department and Sargent Germer came up with the funding to cover the cost for the Town Residents.

(D). **Buildings – Trustee Schwindt:** The bathroom was painted in the boardroom, floors are bad. Heather tripped already. The big part is where the laminate flooring is, it's lifting and moving. There are spots where they can trip, for safety reasons staff will get estimates.

(E). **Parks - Trustee Broughton:** Walked out of meeting earlier in the night.

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

17. Board Communications: None.

Adjournment: 9:27 P.M.

Heather Rospierski
Deputy Town Clerk II
Town of Pierce