

**Town of Pierce  
Regular Meeting  
August 9<sup>th</sup> 2021  
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 Ault/Pierce Fire Department, 601 2<sup>nd</sup> St, Pierce Colorado at the hour of 7:00 PM, August 9<sup>th</sup>, 2021.

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              | Others Present:                     |
| Connie Schwindt       | Kristina Duran, Town Clerk          |
| Jody Ruppel           | Heather Rospierski, Deputy Clerk II |
| M. Sue Spurgeon-Paris | Brad Curtis, Town Engineer          |
| Carol Wirkus          | Lia Szasz, Town Attorney            |
| Doc Wirkus            | James Godbold, Town Attorney        |
| Pat Anderson          |                                     |
|                       |                                     |

**1. Approval of Minutes from July 6<sup>th</sup>, 2021 Special Meeting and Board Minutes from July 12<sup>th</sup>, 2021:** Motion made by Trustee Ruppel to approve minutes with changes to July 12<sup>th</sup> minutes #7, #9 F3 and #5, Second by Trustee Wirkus. “All AYES”, motion passed.

**2. Approval of Agenda:** Motion made by Trustee Ruppel to approve agenda. Second by Wirkus. “ALL AYES”, motion passed.

**3. Public Invited to be Heard:** Tyrel Luthy feels like he is being singled out. He received a warning letter from Code Enforcement letting him know he was in violation for parking his semi at his residence. Tyrel said he has been parking his truck in his back yard for over 3 years, not on the streets. He wants to know why this is coming up now after 3 years. Town of Pierce code Section 8-2-110 Restriction on Local Streets states it is unlawful to drive any truck or other commercial vehicle having a total empty weight in excess of 10,000 pounds on any public street within town limits, unless the roadway is specifically designated and posted as a truck route. After further discussion, Town Attorney Lia Szasz did confirm that the warning letter is legal and within Town Ordinances. Trustee Spurgeon-Paris stated the south end of town is very restrictive and pavement is not the best. The code was written that way to protect the streets. Rick Crom Planning Commission Chairman said he believes back in the early 80’s is when the original ordinance was entered; there was a lot of refrigerated trucks parked in town. He believes it was primarily due to the smell and noise, not the weight. Shirley Hansen lives right behind Tyrel and said he is only home a short amount of time, why would there be a problem when he is not home much and he doesn’t drive much on our streets. Ralph Sauter said Tyrel is not the only one being singled out, he received a warning about a motor home. Chris VanWhy

said there are a lot of F550, service trucks, those trucks alone are pushing 13,000 lbs. He thinks the Town needs to look at the ordinance and revise it. A F550, or service truck will possibly be over 10,000 pounds. Trustee Ruppel and Wirkus agree the ordinance needs to be reviewed. It will be added to September 13<sup>th</sup> Board Meeting for further discussion. Mayor Crom asked Mr. Luthy how long he was given to resolve this warning. Mr. Luthy said the warning letter says 10 days. According to the Town ordinance, it does state he can't bring his truck home until the ordinance is revised. Mayor Crom told Mr. Luthy to not take this as a pass on a warning. The Board still wants to see him take steps to correct the warning issued.

Tyrel Luthy want to discuss HOA Non-Pot system. It will be added to the September board agenda to give more time for discussion.

Tyrel Luthy has questions about notices for weeds in the common area of the HOA. They have a master plan on what they intend to do. Code Enforcement Ryan Shippy issued them a warning letter due to weeds being over 12 in high. Mayor Crom asked if they can provide proof of what kind of grasses are in the common area, and when they were planted. This will be added to September board agenda to allow more time for discussion.

Rene Cobb, HOA president has questions about receiving warnings about tall weeds that are over 12 in high. They are trying to get the native grass to grow. Weeds are mixed in with the native grass. Mayor Crom asked if they can provide what kind of grass and the dates they were planted. Ralph Sauter suggested reaching out to NCRS grasses, to get ideas on what to do with the grasses. This will be added to September's Board Meeting, for further discussion.

Shirley Hanson asked why the non-potable was not working on Monday. Town Clerk Duran said we got a call about the system having low pressure. Public Works Director Mike Lester, Town Clerk Duran, and Deputy Town Clerk Larson talked about how they can check the non-pot system as we have received several calls about low pressure. Since no one is supposed to water between the hours of 10 a.m.-6 p.m. they decided to shut down the well to see if the pump would continue to run. Once shut off the pump quit running. It was determined the Town does not have an issue from the pump to the vault for the non-pot which would be the Town's responsibility. Once the pump was turned back on two people were watering outside watering restrictions. A concern is the subdivision is not following water restrictions. Trustee Ruppel said he doesn't understand why there would have pressure issues as he believes they have used 5.8 million gallons less than last year. Jones is down by 1 million and Highland Mobile Park is down by 600,000. There either has to be an issue to its not reading correct. Mayor Crom asked Cobb if any testing has been done on the HOA's end Cobb said Trustee Ruppel would know more as she has just taken over as President of the HOA. Cobb will email over Town Clerk Duran water usage for the Town to check.

Sara VanWhy asked how to report someone for shooting of firecracker. Police Chief Nissan said they need an address to investigate concerns and to call police department during business hours, as after calls would go to dispatch.

Ralph Sauter asked if it is illegal to cross a double yellow line with J-turn or U-turn. Officer McGehee stated you can make a U-turn if it is safe to do so, unless there is a sign posted.

**4. Safety Precautions for Children- Sara Van Why:** Sara VanWhy is very concerned about children's safety in town, especially with school about to start. People are blowing past stop signs. There is a 15 MPH sign posted by the park but she feels like it is not being enforced. She wants people to slow down. Sara said this is happening all over Town and all hours of the day. Rene Cobb said she would like the Town to look into the speed limit signs, 25 MPH is too fast for a neighborhood. They asked for the speed trailer to be moved into Town. Trustee Schwint stated we only have 4 hours of police coverage a day so that residents are aware. Sara said they have called in about this concern. Chief Nissan said he has no record of any calls being placed about this concern. Chief Nissan said if the Town adjusts the speed limit, the police department will enforce it. Mayor Crom said the town residents don't need to be afraid to come forward with concerns, nothing can be done unless it is reported. Trustee Wirkus is going to look into the speed limit signs that are posted.

**5. DOLA Funds- WCR 90:** Town Engineer Brad Curtis said you everyone is aware WCR 90 was annexed into the Town a few years ago with Rimrock. There were various agreements in place, along with an IGA with the County and a development agreement with Rimrock. DOLA grant funding has been significantly reduced from what it was in the past. There was 30-40 million available every year from the State for this type of project. Now with the pandemic and slowdowns there is less the 6 million per cycle. They have also gone from 3 cycles down to 2. After speaking with a representative Brad is recommending the Town apply for the April 2022 grant cycle. This cycle would open February 1<sup>st</sup> and close March 4<sup>th</sup>. He anticipates the interview process would take place in April and final awards would be issued in May. That should give adequate time to get project out to bid. This project for WCR 90 exceeds \$200,000 so it will have to go through a competitive bidding process. This is not done administratively. DOLA will fund up to \$600,000 or 50%, whichever is greater.

**6. Adopt Resolution 2021-03 Weld Hazard Mitigation Plan;** The updated Weld County Multi-Jurisdictional Hazard Mitigation Plan was recently submitted to FEMA by the Weld County Office of Emergency Management. If the Board were to adopt Resolution 2021-03, our portion of the plan would need to be updated every 5 years. This would greatly assist in applying for a DOLA grant. September 13<sup>th</sup> at 10 a.m. is the next quarterly Hazard Mitigation Planning meeting. Mayor Crom said all Board members are welcome to join. Motion made by Trustee Spurgeon-Paris to Adopt Resolution 2021-03. Second by Trustee Anderson. Roll call was taken. All "AYES". Motion passed.

#### **7. Old Business:**

1. **Double J Water:** Town Attorney Szasz said things are moving slowly. She thought she would have had an agreement or draft for the Board this evening but she does not. Lia let the Board know she will be taking a leave of absence for 6 months to deal with some health issues. James Godbold will be filling in for her for the time being. Lia let the Board know she spoke with Town Clerk Duran about providing the recording of the meeting when Sara Irby was present. She will listen to the recording and schedule a phone conference with Irby. The Board asked if Double J is in negotiations to sell. Irby did not respond.

2. **Public Works Comp Time:** This was an agenda item at July's Board Meeting. The Board asked for more information from Town Clerk Duran. That information was provided. Town Clerk Duran let the Board know that Public Works Director Mike Lester is the one who accrues most of the comp time. After discussion, Trustee Anderson made the motion to amend the personal policy to insert the table provide by Town Clerk Duran about comp hours for Public Works. Second by Schwindt. Five "AYES", One "NAYE" by Trustee Ruppel. Motion passed.
3. **Dogs in Ballfield:** Signs are posted to pick up after dogs, and the ballfield is not overly filled with dog waste. There is a little bit of improvement. Will keep an eye on this for the next few months.

## **8. Staff Report:**

(A) **Mayor Report:** At last month's Board meeting, Mayor Crom mentioned possibly considering developing a HWY 85 garage sale with neighboring towns. Mayor Crom was in contact with Dee Simpson who is Chair of the Ault Business association about that idea, as they host the annual Ault Garage Sale. Dee Simpson would like the opportunity to meet with the remainder of the Ault Business Association Board about this. In the past this was offered to the Town of Eaton but in doing so the Ault Business Association asked for a donation of \$100 or \$150, to help support the amount for advertising. Dee Simpson did say when the Town of Ault has their yearly garage sale it is advertised in the Greeley Tribune, Weld Herald, and Windsor Beacon. The advertising was quite expensive and at that time Eaton declined to make that contribution.

As Mayor Crom had mentioned previously the next quarterly meeting with Weld County Hazard Mitigation Planning representative is September 13<sup>th</sup> at 10 a.m. This is open to all Board members if they wish to sit in on it.

(B) **Public Works:** Report was provided, still working with Atmos. Parks projects are complete. HMA is not available. Checked Non-Pot system issues with pressure concerns. Some patching was done on 3<sup>rd</sup> and waiting on estimates for Main.

(C) **Planning Commission:** There was a meeting in July. Two items were on the agenda, a breezeway at 103 5<sup>th</sup> Street and a 12x24 Shed at 1403 5<sup>th</sup> Street. Both were approved.

(D) **Town Attorney:** None

(E) **Town Engineer:** None

(F) **Town Clerk**

1. **Request to Pay Bills:** Trustee Spurgeon-Paris made the motion to pay the bills. Second by Schwint. All "AYES". Motion passed.

2. **Water Report:** Deputy Clerk Pat Larson provided report. Trustee Ruppel received his report as requested. Deputy Clerk Pat Larson will be asked to attend the Board meeting quarterly.
3. **Time Off Approval Personnel Policy:** Motion made by Trustee Spurgeon-Paris to change time off approval to direct supervisor and extended time off to department head. Second by Wirkus "All AYES". Motion passed.
4. **Update on 1020 3<sup>rd</sup> Street:** Memo was provided to the Board about 1020 3<sup>rd</sup> Street. This address was brought to Deputy Town Clerk II Heather Rospieski attention with a concern that they turned their garage into a living area without a building permit. After further investigation, it was determined they did receive a building permit but did not complete all the steps of inspection. Heather has been in contact with Safe built and the owner of the property and she was able to get permission to access the property to look at what work has been done. This will be happening around the end of next week.

### **Department Reports**

(A). **Water/Sewer - Trustee Anderson:** Talked with Mike Lester Public Works Supervisor about starting to looking at the Budget for 2022. Would like to start this in early September and would like Town Clerk Duran present.

(B). **Streets & Drainage - Trustee Carol Wirkus:** Asked Town Engineer Brad Curtis if he spoke with someone from the county to patch the hole on CR 90 and 85. Brad has not been in contact, but can. Updates on CR88- Brad needs photos from Trustee Wirkus and photos from Mike Lester Public Works Director and information to proceed with this.

(C). **Utilities & Energy - Trustee Doc Wirkus:** Working on communication to resolve emails being kicked back. Mayor Crom was asked again by the Senior Center about internet service. Trustee Doc Wirkus said with current agreement, it allows for 5 data access points. He will get with the Senior Center about access point, and information on the kiosks for the remote library.

(D). **Building - Trustee M. Spurgeon-Paris:** Trustee Spurgeon-Paris asked the Board if they had seen the front page on the North Weld Herald. She was on the front page, but not all the truth was in there. They pick and choose from the Board Minutes so it reflects what they want to post. Town Hall update -waiting for them to finish the east side then will find a cleaning company to come in and clean so the girls can move back in. Waiting for the company to finish the Board room side

(E). **Parks - Trustee Ruppel:** Stumps have been ground in Jones Park. Irrigation has been finished on both parks. Few holes need to be filled in. Seed was donated. Sod is set to be delivered Tuesday, August 10<sup>th</sup>. Jones park needs to remain closed. Trustee Ruppel is waiting for the storage building for the Ballfield and the fence. Fall pruning is scheduled he believes. Mike Lester stated that he believes since he has been around the parks have not been fertilized. He wants to outsource chemicals to help the parks.

(F). **Police - Trustee Schwindt:** Report provided. Trustee Schwindt thanked the Chief of Police for being present. In July they logged 145 hours with 8 summons. Schwindt asked the Chief why there was no police presence in the Town on the 4<sup>th</sup> of July. Trustee Schwindt said

this Town was exploding with fireworks. Chief said that there was a police presence in Town but they need to remember we only have a contract for 4 hours a day - 2 hours during the day and 2 at night. If a call was made and the person calling in did not want to give any information or could not say who was lighting them off they would not respond. They had a lot of calls but responded to 3. Chief said in 2022 we could plan better for the 4<sup>th</sup> of July to have more coverage. Mayor Crom thanked Chief for assigning Officer Dakota Germer as contact for the Town, and attending the Board meeting. Code Enforcement provided a report but Schwindt is concerned that a lot of cases are closed when she still sees a lot of violations. Town Clerk Duran said if she sees violations call Town Hall with the address so it can be addressed. Schwindt would like to see more tickets rather than warnings, especially for repeat offenders.

**9. Board Communications:** Anonymous complaint letter was provided to the Board on a concern about the Offspring Church Revival event. Music was very loud. Board will be looking into Noise Ordinance items mentioned in the letter. Mayor Crom stated she had spoken with the person who had written the letter and would like to consider the concerns mentioned to help clarify the requirements for special events permits. Trustee Anderson reminded the Board we are getting close to fall. He asked if we will be doing another cleanup for the residents. Clerks will look into pricing.

**Adjournment:** 9:53 P.M.

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Kristina Duran  
Town Clerk  
Town of Pierce