

**Town of Pierce
Regular Meeting
December 9th, 2019
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 P.M., December 9th, 2019.

The meeting was called to order by Mayor Nansi Crom. Roll call was taken and the following Trustees comprising a quorum were in attendance.

Mayor Nansi Crom

Trustees:

M. Sue Spurgeon-Paris
Pat Anderson
Jody Ruppel
Toodie Hoover- Absent
Carol Wirkus
Kenny Dill

Others Present:

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

Approval of Minutes:

Motion made by Trustee Ruppel to approve the minutes from November 11th, 2019 regular board meeting. Second by Wirkus. All "AYES", motion passed.

Approval of Agenda: Motion made by Trustee Anderson to approve agenda. Second by Ruppel. All "AYES", motion passed.

Public Invited to be Heard: Albert Theroux, 323 Main requested an extension to pay his utility bill. Motion made by Trustee Paris to allow Mr. Theroux until December 17th to pay his utility bill. Second by Ruppel All "AYES", motion passed.

Ditch Access Issue- Charles Tucker- House Representative Lori Seine: Charles Tucker, current lessee farming the Town's Conservation Trust Land, reviewed all the improvements he has made to the property since 2010, as well as recent changes to the adjacent properties that have impeded his access to the ditch. Adjacent property owners Doc Wirkus and Cody Gaab both indicated that Mr. Tucker had not approached them directly regarding access to the ditch. House Representative Lori Seine provided a handout on House Bill 19-1082 concerning the rights of a water rights easement holder. Seine also briefly reviewed Town's liability regarding the ditch if flooding occurred as well as new laws regarding encroachment to ditches. Mayor Crom and Town Attorney Szasz questioned Mr. Tucker's request for the Town's involvement and expressed concerns related to cost to pursue the issue legally. Acting on the advice of the Town Attorney, the Board recommended the matter be resolved between Mr. Tucker and adjoining property owners. The Mayor offered the Town Hall be used as a meeting place and said the Town would pay the filing fees for any formalized agreement.

Proposed Rates for Trash Service- Waste Management- Ellie Reynolds: Ellie Reynolds provided a proposal for 2020 services. She also reviewed some of the challenges Waste Management and the Town faced when WM acquired Northern Colorado Disposal in March 2019 and what it has done to resolve those issues. She also noted that the Town has not had a rate increase since 2010. The current agreement expires

in March 2020. Reynolds highlighted the key pricing in WM proposal, specifically the containerized program in which residents would receive a 96-gallon container at no cost to the residents and an optional recycling program in which the cost would be based on the number of residents signing up for recycling. They would receive a separate container for recyclables and be charged for the service. Mayor Crom questioned the feasibility of incorporating the fee into the overall rate based on the number of residents opting for trash service. Reynolds recommended waiting 6 months to see how many residents opted in for recycling. Upon approval of a new contract, WM would prepare a Welcome Packet for new residents to explain the services. Trustee Anderson questioned if alleys would still be utilized with the container pickup. WM said that would continue to pick up in the alleys and would send a separate truck. Jeremy Bradley, also with Waste Management, indicated that WM also offers smaller 64 gallon containers and optional “back door service” for elderly residents. He clarified that the 96-gallon containers have handles and wheels that make them relatively easy to move. Clerk Duran noted that an additional 10% administrative fee would be added to WM proposed rate(s). Resident Geoff Broughton said that the proposed rates would be a large increase over current rates when combined with recycling and administrative fee. Motion by Trustee Wirkus for the Town Attorney to work with Waste Management to develop a proposed contract for solid waste and recycling collection. Second by Anderson. Four “AYES”, Ruppel and Crom “NAYES”, motion passed.

Adopt Budget Resolutions: Town Clerk Duran said the following resolutions are required to finalize the 2020 budget. Duran noted that the budget proposed expenditures are higher than what is actually being spent and that Town Engineer Mike Ketterling and his colleagues at Northern Engineering are analyzing previous budgets and expenditures. Ketterling noted that based on his analysis of budget versus actual, the proposed water expenditures are two to three times higher than revenue with no justification for the expenses as the actuals show the money has not been spent over the past five years. Initial indicators show that current water rates may be acceptable even with the 10% increase. He noted that budget expenditures in the last five years have nearly doubled, but actual expenditures have remained within \$20,000 over the same period. He said budget needs to better align with actual spending. Trustee Paris and Clerk Duran noted that some of the previous budgeted expenditures were related to buying additional water and for the expansion of the mobile home park. Ketterling recommended budget should include three months of operating expenses in contingency. Ketterling requested further meetings be held to review. Mayor Crom requested a working session.

Public Hearing for the 2020 Budget: Mayor Crom opened the Public Hearing for the budget noting the budget had been reviewed by Town CPA Chad Chavies and is ready for adoption. Resident Geoff Broughton said that it was hard to comment on the budget without seeing it. Mayor Crom closed the hearing.

Attorney Szasz noted that three individual resolutions require approval.

Motion made by Trustee Ruppel to approve Resolution 2019-8 to Adopt the 2020 Budget. Second by Wirkus. All “AYES”, motion passed.

Motion made by Trustee Ruppel to approve Resolution 2019-8 to Appropriate Sums of Money. Second by Wirkus. All “AYES”, motion passed.

Motion made by Trustee Ruppel to approve Resolution 2019-7 to Set Mill Levies for the Budget Year 2020. Second by Wirkus. All “AYES”, motion passed.

ADT Security Camera Proposal: Trustee Ruppel reported the proposal from ADT for a new security camera system is approximately \$7,600. He also provided three cost estimates for the “Ring” system. Code enforcement officer Ryan Shippy indicated that the combination of battery and hard-wired cameras would

work best. Ruppel said the Ring estimates did not include the cost of an electrician if required. Resident Geoff Broughton said that the recordings from the Ring system were not permissible in court. The Mayor noted that no further action was required by the Board as Ruppel was previously authorized to purchase a suitable system.

Jail Services Agreement- Weld County Jail: Attorney Szasz said she compared the two versions of the documents and only found that the “Town of Pierce” was inserted where previously blank and there was no material changes to the document. Motion by Paris for the Mayor to sign the Agreement for Municipal Jail Services between Weld County and Town of Pierce. Second by Anderson. All “AYES”, motion passed.

Agreement with Great Western Oil & Gas: Motion by Ruppel to sign the Division Order for interest in Great Western Operating Company well T7M DE33-173HC that is now producing. Second by Anderson. All “AYES”, motion passed.

Fee Schedule Update: Town Engineer Mike Ketterling reported that he had completed an initial review of current water costs and budget, but needs additional information before proposing any changes to existing water rates. He recommended scheduling a working session to review proposed expenditures and insure the budget includes adequate contingency operating expenses. Mayor Crom tabled this item.

Old Business:

- 1. Enforcement of Town Ordinances:** Attorney Szasz requested this be tabled until January meeting. Code Enforcement Office Ryan Shippy reviewed the current warning time periods, averaging 10 day to two weeks.

Staff Report:

(A). Mayor: Mayor Crom reported she misunderstood the requirements to roll-over the maturing CDs to ColoTrust as Clerk Duran is currently not authorized. Crom added that fees would be incurred to cash the CDs out, but with ColoTrust’s current interest yields, the fees could be recouped in approximately six weeks. Trustee Anderson moved to pay the penalties and transfer the CD funds to ColoTrust. Second by Ruppel. All “AYES”, motion passed. Mayor Crom also requested that Attorney Szasz draft a resolution giving Clerk Duran authorization on all accounts. Mayor Crom reported she attended the 2019 Planning Refresher Workshop presented by APA Colorado, DOLA, and Colorado Municipal League and hosted by the City of Greeley on December 7th.

(B). Public Works: Written report provided. Trustee Anderson summarized the report noting that Mike Lester received two bids for the ball park’s new sprinkler system. Northern Engineering has directed that the infiltration beds be rotated on a different schedule. Lester reported that on November 15th water on the north-side of town was turned off to repair a water leak at 3rd and Shafer. He also noted that spare equipment was ordered with remaining 2019 budget funds. Lester’s report noted the significant snow fall on November 25th and 30th, but that Weld County plowed the Town’s portion of CR90. Anderson noted that the Town should consider paying the County to do it, as the Town does not have the proper equipment to maintain it since it was annexed during the Rimrock project. Anderson reported the Lester requested that the Board consider having the ditches cleaned again to ensure proper drainage.

(C). Planning Commission: Planning Chairman Rick Crom reported there was no Planning meeting in November. R. Crom noted that he and Commission member, Mary Heberlee, also attended the 2019 Planning Refresher Workshop. R. Crom reported he was signing recently submitted Weld County Exemptions as no Planning meeting was scheduled for December. None of the exemptions are in town limits.

(D). Town Attorney: No report.

(E). Town Engineer: Town Engineer Mike Ketterling said he covered his report during the budget discussions. Mayor Crom questioned if the DOLA Energy and Mineral Impact Assistance Fund (EIAF) grant applications will be submitted in April for the fourth infiltration pond.. Ketterling and Duran confirmed it is. Crom requested the grant writer be contacted to prepare. Ketterling questioned if Double J had been contacted about their water. Mayor Crom said the town needs to enforce the requirement for Double J to purchase water to meet their needs. Attorney Szasz and Duran to research documentation required to enforce the requirement to permanently purchase water and not just lease.

(F). Town Clerk:

1. **Request to Pay Bills:** Motion made by Trustee Paris to pay bills. Second by Ruppel. All “AYES”, motion passed.
2. **Report on Insurance Renewal with Crossroads:** Clerk Duran reported that the Workman’s Compensation Insurance policy renewed and that the rates should be going down as a recent claim has expired. She also noted that Mike and Ryan reviewed and updated the equipment list for the other renewed policies.
3. **Report on Women’s Conference:** Duran reported she attended the Women’s Conference in Fort Collins on Dec. 4th. She attended several short workshops on a variety of subjects.
4. **Clayton Homes:** Deputy Clerk Harold reviewed the memo in which Clayton Homes requested to delay assignment of water until approval of building permits. Board agreed the current process should be followed. Staff to communicate to Clayton Homes their request was denied.

Committee Reports:

(A). Water/Sewer-Trustee Anderson: No additional comments to the Public Works report. Anderson reported that he agreed that Public Works delay meter readings as a result of the weather. However, he noted if the delay resulted in additional charges for those going over the minimum, bills should be adjusted. Duran and Harold said they are already making provisions. Harold noted that based on readings read to date, there would be a small number of residents affected. Anderson noted the Town is still waiting on State approval for the new infiltration ponds. Mayor Crom noted she has additional information to include during her report.

(B). Streets-Trustee Ken Dill: Dill reported the streets are muddy and need drying time. Dill commended public works for job they did with the snow. Mayor Crom noted that the goal is to have the streets cleared for emergency vehicle access.

(C). Drainage-Trustee Hoover: Absent.

(D). Building-Trustee Ruppel: No additional report.

(E). Parks-Trustee M. Spurgeon-Paris:

Sprinklers at baseball field: Paris acknowledged receipt of the two quotes with a significant difference in price between the two. She said she would like the system installed as soon as possible, pending the required asphalt repair. Clerk Duran noted that there are also grants available to assist with the sprinkler project. Paris reviewed the specific needs for the new system. Trustee Ruppel recommended that the proposed equipment be upgraded and that the Town should specify what it wants. Paris noted that repair of the asphalt is not included in the bids as that would be the Town’s responsibility. Trustee Paris made motion to accept quote from Affordable Sprinkling & Landscape Inc. with upgraded equipment at a price not to exceed \$28,000, Second by Anderson. Five “AYES”, Ruppel “NAYE”. Motion passed.

(F). Police-Trustee Wirkus: Police and Code reports provided. Code Enforcement issued 13 warnings mostly for weeds, garbage and inoperable vehicles. The police logged 126 hours and issued two summons. Mayor Crom reported that the speed trailer on 1st Street has been successful in slowing traffic. Business owner Gene Schroeder noted that mostly silage trucks were using 1st Street to access his business instead of making the turn directly off US 85.

Board Communications:

Adjournment: 10:40 PM

Martha J. Harold
Deputy Town Clerk
Town of Pierce