

**Town of Pierce
Regular Meeting
February 10th, 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 P.M., February 10th, 2020.

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

Mayor Nansi Crom

Trustees:

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

Others Present:

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

1. **Approval of Minutes:** Motion made by Trustee Ruppel to approve the minutes from January 13th, 2020 with correction to Mayor's report. Second by Anderson. All "AYES", motion passed.
2. **Approval of Agenda:** Corrected agenda with accurate numbering provided. Motion made by Ruppel to approve agenda. Second by Wirkus. All "AYES", motion passed.
3. **Public Invited to be Heard:** Property owner, Ralph Sauter, 233 Main Ave., questioned the enforcement of codes related to junk cars. He said a property on 3rd Street, across from the church had two junk trucks and a resident there was selling parts off the truck. He also said the two trailers on 2nd Street had a number of pickups in the yard and one was sticking outside the fence. Town Attorney, Lia, Szasz, clarified that the "plain view doctrine" is being utilized to enforce the code. Code Enforcement Officer, Ryan Shippy to follow up.
4. **Business License Application for Shouse Electronic Security Company- Kiley Shouse:** Business owner, Kiley Shouse explained his business is selling and installing cameras and entrance control systems. He clarified he is not soliciting, only advertising. He also owns and operates a personal security business as well. Motion by Trustee Paris to approve the business license for Shouse Electronic Security Company. Second by Ruppel. All "AYES", motion passed.
5. **Consideration of Fees 601 W Main Ave- George Magdelano:** Property owner George Magdelano, 601 W. Main Ave., requested that the \$600 Special Use Permit fee be waived. Magdelano is building a new house and would like to use the existing house as a storage building and shop for his motorcycles. Trustee Anderson said the Board has been inconsistent in waiving this fee. Town Clerk Duran said the \$600 fee is excessive for some of the special use requests. Planning Chairman Rick Crom said that an accessory building could not be located in front yard. Deputy Clerk Harold clarified that the fee had to be paid before the Special Use application could go to the Planning Commission for consideration. Motion by Paris to waive the Special Use Permit fee. Second by Dill. Roll Call vote: Paris, Dill, Wirkus - "AYES". Anderson,

Rupple, Crom - "NAYES". Motion failed. Attorney Szasz noted the Board could partially waive the fee. Motion by Anderson to reduce the fee by 70% to \$180. Roll Call vote: Paris, Dill, Wirkus Anderson, Rupple - "AYES". Crom - "NAYE". Motion passed.

6. **Consideration of Fees 613 1st St- RPJ Energy:** Business owner Ray Propes and office manager, Anne Larson, requested the waiver of the \$600 Special Use Permit fee for development of outside covered and uncovered storage for the existing business. Town Clerk Duran noted that the property is zoned C2 which allows storage by special use. Trustee Anderson recommended that fees be researched and adjusted accordingly. Anderson also asked about the anticipated revenue of the project. Propes said that after the first couple of years the anticipated revenue would be approximately \$20,000 per month. Mayor asked about additional employees. Propes said two additional employees would be hired. Mike Ketterling noted that the fire department may want to add an auxiliary access point and the development plans should include provisions for storm water detention as they are creating additional impervious areas. Ketterling also noted the Town needs to look at an agreement in regard to 2nd Street which is already platted for future development and who is responsible for completing the street. Mayor said staff will investigate 2nd Street and easement issues related to the property. Motion by Rupple to waive 50% of the Special Use Permit fee, noting the time requirements for Town staff to process paperwork. Second by Wirkus. Roll Call vote: Paris, Rupple, Wirkus - "AYES". Anderson, Dill, Crom - "NAYES". Motion failed. Resident Geoff Broughton asked if request could be tabled until fee structure be reviewed and revised. Harold noted that plans could not move forward until fee issues resolved. Motion by Wirkus not to waive current Special Use Permit fee; second by Rupple. Roll Call vote: Rupple, Wirkus, Anderson, Crom- "AYES". Paris, Dill-"NAYES"; Motion passed.
7. **Senior Capstone Project for CSU Landscape Architect Program- Walter Sly:** Town resident and non-traditional student at CSU, Walter Sly, told the Board he was interested in working with the Town for his Senior CapStone Project for Landscape Architecture. He said their seemed to be unfinished recreational projects in the Town, including the open space and walking trails in the new development where he lives. He asked for input from the Board and wants to meet with Board Members to discuss as his project his due mid-May. He said he could also work on a Master Plan for the Town. Mayor Crom suggested he could work on the recreational section of the Comprehensive Plan, which has not been updated since 1976, or something for Priddy Park at the entrance of town. Planning Chairman Rick Crom noted that the HOA owns the trails and open space, but said the doing something with the Conservation Trust Fund land might also be an option. Sly will work with Staff to contact interested Board members.
8. **Ault Pierce Fire Protection District Fire Code- Adam Ferrell:** Captain Adam Ferrell and Chief Mark White said that the Ault Pierce Fire Protection District has adopted the 2018 Fire Code. Adam Ferrell said the Fire Dept. was considering holding a joint meeting between Ault &Pierce to discuss implementation of the code and suggested the Town may want to designate a Board member, staff or others to represent Pierce. He will contact the Town if he is able to arrange these meetings.
9. **Consider Business Proposal for 1304 1st St- Maverick Disposal:** Patty DePlazas, office manager for Maverick Disposal, explained Maverick intends to use the property for a parking area for vehicles, and staging area for containers when not in use. She said there will be no employees on site except to start and end the day, and for maintenance tasks. Town Clerk Tina Duran informed the Board that this is allowable under the current zoning. Town Engineer Mike Ketterling said that they need to submit a site plan, a drainage plan and contact Weld County about obtaining an access permit for CR 88. He also suggested Maverick consider installing a berm on the east side of the lot. Kettering suggested Maverick reach out to Schroeder Tire and inform Schroeder that excess storm water may adversely affect their property. Mayor Crom told the Board that the address of 1304 1st may not be the correct address or that the address may

not actually be assigned yet. Motion made by Trustee Anderson to table this to the March meeting. Second by Ruppel. All "AYES", motion passed.

10. Updated Service Agreement with Safebuilt- Russ Weber: SafeBuilt Account Manager Russ Weber highlighted the new service agreement with the most significant changes being in the fee schedule and single stop fees. He noted that the new fee schedule will result in additional revenue for the town. Attorney Szasz said she had not reviewed the new agreement and said that the new fee schedule would require a public hearing. She also said an ordinance would be required to adopt the new agreement. Motion by Paris to table until the March meeting. Second by Dill. All "AYES", motion passed.

11. Old Business:

1) **Draft Waste Management Contract:** Attorney Szasz noted that Waste Management (WM) is looking for an effective date of March for the new agreement and that they would like to send out promotional materials to the residents and deliver the new containers even if they do not have a signed contract. She said she did not receive the draft agreement until the end of January. Szasz asked for Board comments. Clerk Duran wanted to clarify that the Board only agreed to move forward to develop a proposed contract with WM. Mayor Crom confirmed and noted that the Board had only received the draft contract last Friday and will need time to review. Mayor proposed reviewing page by page. Jeremy Bradley, District Manager for Northern Colorado Waste Management, introduced himself and noted Ellie was unable to attend because of the weather. He wants to insure there is no lapse in service. Duran said there is no existing contract with WM. Bradley noted WM agreed to honor Northern Colorado Disposal contract for one year, which expires in March. WM wants to send out promotional materials at the end of the week. Deputy Clerk Harold said the fees in the materials reflect the fees between the Town and WM, not necessarily the fees to the residents. Mayor proceeded with page-by-page review. Issues noted include container size, contract term, exclusivity clauses, one-year termination notice, recyclable service participation requirements, Town of Pierce trash and dumpster services, public outreach spending, annual rate adjustments, increase notice period, recycling rates and materials, Spring and Fall cleanup and cart maintenance. Mayor Crom asked if WM would consider extending service for 60 to 90 days to give the Board and Town Attorney time to continue contract negotiations. Bradley addressed some of the noted concerns. Bradley was unable to commit to a contract extension at the time of the meeting, but does not want the Town to be without service and noted the investment WM has already made in packets and containers. He wants to continue contract negotiations and not allow a lapse in service to the residents. Attorney Szasz noted that WM made expenditures without any input from the town. Szasz is concerned about the time it may take to renegotiate key terms of the contract. Szasz will request contract extension for 90 days and delay mailing of packets and delivery of containers until negotiations are complete.

2) **Town Ordinances:**

- a. **Ordinance 2020-2- Amending Burning:** Trustee Anderson requested that weeds and leaves be deleted from allowable materials to burn in second paragraph of 10-10-20; Trustee Ruppel requested trees be removed as well. Motion by Ruppel to adopt the Ordinance with requested changes. Second by Wirkus. Roll Call vote. All "AYES", motion passed.
- b. **Ordinance 2020-4- Amending Rubbish:** Motion by Anderson to adopt the Ordinance. Second by Wirkus. Roll Call vote. All "AYES", motion passed.

12. Staff Reports:

- (A). **Mayor:** Mayor Crom and Town Clerk Duran attended the Water Supply and Storage Stockholders meeting on January 24th. The Town owns a half share of WSS water, which is more valuable than Big T water. Mayor noted that Fort Collins holds a lottery to rent its available water shares and that perhaps the town could consider renting the water share for additional revenue. Crom also reported that she, Duran and Ketterling met with Double J concerning the shortage of water turned over to the Town compared to its usage. Double J asked for additional time to formulate a plan to make up the deficit.
- (B). **Public Works:** Trustee Anderson referenced the January Public Works report noting staff removed the ice in front of town hall and public works garage and pushed the snow packs further back off the streets. He added that the water meter for the North side of the Clayton Homes duplex on 4th street needs moved and the Town and Clayton Homes will share the cost.
- (C). **Planning Commission:** Planning Chairman Rick Crom reported the Commission met on January 28th to consider a proposal by Jake Bohl to enclose a portion of his front porch, but the porch does not meet the 25' setback. Bohl is requesting a variance. Deputy Clerk Harold reported that based on a recently adopted Ordinance, the Variance Board is now the Town Board. It is no longer comprised of appointed residents. Also, there are specific notification procedures that must be followed. Commission also assigned the address of 1001 1st Street for Geib property. The Commission also clarified that Deputy Clerk Harold should follow up on not completed building permits for 2019. A recorded exemption was also approved for Weld County.
- (D). **Town Attorney:** Attorney Szasz reported that Ault/Pierce and Nunn Fire Districts have reached a tentative settlement for a 50/50 split of tax revenue from Rimrock going to the fire districts for two years. After that, all revenue will go to Ault/Pierce Fire District. Although not finalized, Szasz believes the March hearings will be cancelled. In another matter, Szasz reported that the current compensation policy or over time are equally legal options for the Town if it chose to make a change.
- (E). **Town Engineer:** Town Engineer Mike Ketterling reported he had to update the highway users tax funding report detailing numbers of Pierce roads, which indicated some discrepancy in the Town's ownership of County Road 90 from 85 to 4th Street. He noted that the different rotation schedule for infiltration ponds continues to work well.

13. Town Clerk:

- 1) **Request to Pay Bills:** Motion made by Trustee Paris to pay bills. Second by Dill. All "AYES", motion passed.
- 2) **Schedule Employee Review for Ryan Shippy:** Clerk Duran reported that Shippy's anniversary hire date is March 6th. Board will meet at 6:00 pm, March 2nd for Shippy review.

14. Department Reports:

- (A). **Water/Sewer-Trustee Anderson:** Anderson met with Ketterling and his associate and Town Clerk to review budget and budget preparations.
- (B). **Streets- Trustee Dill:** Dill stated that streets are passable.
- (C). **Drainage-Trustee Hoover:** Absent.
- (D). **Building-Trustee Ruppel:** Ruppel reported that purchasing new chairs for the Board room is not feasible as the cost was not budgeted for this year. He did not believe used chairs was a good option.

- (E). **Parks-Trustee M. Spurgeon-Paris:** The parks are full of snow and mud. Trustee Paris will work with Mike on the sprinkler system.
- (F). **Police- Trustee Wirkus:** Wirkus reported officers logged 101 hours, issued four summons and responded to 86 calls. Code Enforcement Officer Shippy did not issue any warnings.

15. **Board Communications:** Mayor Crom reported she had received Toodie Hoover's formal letter of resignation from the Board of Trustees. She noted that there are four Board seats open for the election, with only three applicants. She noted for Board consideration that Colorado State Statutes allows for a reduction in number of Trustees, given that historically, the Town has had difficulty filling Board seats. Duran said other Towns have Mayors that only vote when there is a tie vote.

Adjournment: 11:34 P.M.

Martha J. Harold
Deputy Town Clerk
Town of Pierce