

**Town of Pierce
Regular Meeting
February 11th, 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., February 11th, 2019.

The meeting was called to order at 7:01 P.M. 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
Jon Bernhardt
Carol Wirkus

Others Present:

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

1. Approval of Minutes: Motion made by Trustee Ruppel to approve minutes from the January 14th, 2019 Regular meeting, January 21st, 2019 Special Meeting and February 4th, 2019 Special Meeting, with a correction to the February 4th minutes that Trustee Spurgeon-Paris arrived late. Second by Bernhardt. All “AYES”, motion passed.

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

3.Public Invited to be Heard: Jud Gaylord was late but here to ask for payment arrangements on his Town Bill. The bill is just under \$500.00 currently. Mayor Crom reminded Mr. Gaylord that he has been under a payment plan for the last year. Motion made by Trustee Paris to approve payment arrangements of the current monthly bills plus \$50.00 on top of that for the next 10 months (December2019). If payments are kept up monthly no penalty will be applied. If they are not paid this will come back to the Board and be reviewed again with disconnection of services likely. Second by Anderson. Five “AYES”, one “NAYE” by Ruppel. Motion passed.

4.Police Report- Trustee Carol Wirkus: Police and Code report provided. Trustee Wirkus commented that since the report had arrived just that afternoon and she had not had a chance to review it, she requested that Board members contact her with questions as she would be meeting with Police Chief Strang on Wednesday. Trustee Anderson would like to see more neighborhood patrolling.

Public Hearing

Open Public Hearing: 7:07 P.M.

Notice is further given that the Board of Trustees of the Town of Pierce will conduct a public hearing on the 11th day of February, 2019, at 7:00 p.m. at the Pierce Town Hall located at 144 Main Avenue, Pierce, Colorado 80650. The Board of Trustees will consider a change to Article 18 of Chapter 16 of the Pierce Municipal Code by changing the requirements for accessory uses and temporary facilities and storage facilities. Interested parties may make written comments to the Board of Trustees or appear at the hearing: Planning Commission Chairman Rick Crom went over the changes to the proposed ordinance that the Planning Commission would like to recommend to the Board of Trustees. Planning does recommend for the Board to adopt Ordinance 2019-1 with the changes. Town Attorney Don Hoff discussed imposing fees or a deposit for a permit for dumpsters/roll offs. Trustee Anderson questioned whether the Town looks at the location before any dumpster to see if damage occurred, or how the damage would be assessed. Mayor Crom says taking before and after photos of the location before dumpster placement could be included in the permitting process. Trustee Anderson asked if item 11 (Utility sink and toilet) should reference other ordinances regarding plumbing. Attorney Hoff says it must meet the building code regarding Uniform Plumbing Code, but he does not think it is necessary to include reference to other ordinances. Cory Case would like to remind the Board that roll off dumpsters do not come with covers. Planning Commissioner Rick Crom said some cities do require covers. Attorney Hoff said he does not expect the Board to make a decision tonight, they can make the decision later.

Close Public Hearing: 7:33 P.M.

5. The Board of Trustees will consider a change to Article 18 of Chapter 16 of the Pierce Municipal Code by changing the requirements for accessory uses and temporary facilities and storage facilities: Motion made by Trustee Paris to table until next meeting until some of the items can be reviewed more closely by the Board of Trustees. Second by Bernhardt. Three “AYES”, three “NAYE” by Ruppel, Anderson, and Crom. Motion fails.

More discussion took place regarding the use of like materials for accessory buildings. Resident Larry Schwindt commented about not allowing metal buildings. Resident Rob Dyer asked to consider masonite siding in regards to cost. Resident Cory Case doesn't understand why sheds must be the same color, as long as it is properly maintained.

Motion made by Trustee Anderson to table until March 11th, 2019 meeting. Second by Paris. Four “AYES”, two “NAYE” by Ruppel and Crom. Motion passed.

6. Schedule Recall Election: A completed petition for recall was received by Town staff for Trustee Bernhardt's position. It needs to be scheduled for 60-90 days and must be on a Tuesday. Motion made by Trustee Paris to schedule the recall election for May 7th, 2019 by mail ballot. Second by Wirkus. All “AYES”, motion passed. Town staff will need to be at Town Hall until 7:00 P. M. on election day. Motion made by Trustee Paris to designate Deputy Town Clerk Kristina Duran as the election official.

7. Consider Business Proposal for Chalk Bluff Supply Company at 211 Main Ave- Logan Markheim: Logan Markheim would like to open a retail business at 211 Main Ave in Pierce with country & farm items, FR, boots, spurs, etc. He thinks the hours would be Tuesday- Saturday, 8:00 A.M.- 5:00 P.M. Motion made by Trustee Ruppel to approve the business at 211 Main Ave. Second by Wirkus. All “AYES”, motion passed.

8. Consider Business Proposal for Modular & Manufactured Homes Dealership- 612 1st St- Brian & Sasha Bannister: The Bannisters' would like to locate a modular and manufactured homes dealership at 612 1st St. To start out there would be 4 homes plus the office on the lot. There would be road base where the homes sit and they would be anchored down with straps. Town Engineer Mike Ketterling said because this is a flood area that more detailed plans would need to be submitted for review. The developer would have to take care of

retention requirements, include grade survey, excess runoff, access, etc. Once those plans are received by Town staff, they will be forwarded to Planning Commission chairman Rick Crom, and Town Engineer Mike Ketterling.

9. Consider Business Proposal for Coffee Shop- 402 1st St- Brian & Sasha Bannister: The Bannisters' would like to locate a coffee shop & eatery at 402 1st St. They would like dual access for a drive thru. The hours would be 5:00 A.M. to 7:00 P.M., seven days a week. Town Engineer Mike Ketterling said because this lot is so close to Highway 85 that a formal site plan would need to be submitted for review. Mayor Crom suggested communication with CDOT as well. Once those plans are received by Town Hall staff, they will be forwarded to Planning Commission chairman Rick Crom and Town Engineer Mike Ketterling.

10. Consider Alternatives for Storage Container Options at 209 Cave Ave- Mike Schemm & Adam Zadra: These types of storage containers are clearly not allowed according to the Town code. The property owner and renter both feel there are several other storage containers similar to these so they should all be addressed before making a decision on theirs. The HRA storage container located at the ballpark was questioned. Motion made by Trustee Wirkus to table this item to the March Board Meeting so Code Enforcement Officer Ryan Shippy can get more information on other code violations in town.

11. Consider Options for a Shed That Was Put in at 331 E Main Ave: The structures were constructed without a permit. If a permit would have been applied for, it would have been denied due to the fact that this property is located in a floodway. Town Engineer Mike Ketterling said the Town really needs to be careful with floodplain regulations because flood insurance could be removed from residents in the floodway/floodplain. The Town must follow federal regulations. Town Attorney Don Hoff would like Code Enforcement Officer Ryan Shippy to issue a summons to court.

12. Consider Changing Court Schedule to Hold Court Every Other Month Instead of Every Month: It was suggested by the Municipal Court Attorney Amy Penfold and Judge Michael Stewart to hold court every other month after May due to the small number of cases. Motion made by Trustee Anderson to hold court every other month after May. Second by Paris. All "AYES", motion passed.

13. Consider Renewal of Franchise with Xcel Energy: The only concerns that Town Attorney Don Hoff has with the franchise agreement is the 20-year renewal period and that Xcel would like a 2-year notice before street repairs are made. Town Attorney Don Hoff explained the 3% franchise fee can be up to 5%. Trustee Paris would like to see a 10-year renewal on this. Town Attorney Mike Ketterling also thinks that there should be something in the contract that makes them be responsible for doing utility relocates within a 6-month time frame. Don Hoff will continue to work with Xcel on this agreement.

14. Consider Adopting Resolution 2019-3- Approval of Change of Banking Signatures: Due to the departure of the Town Clerk Pat Larson, banking signatures need to be updated. Mayor Crom suggested the addition of Deputy Town Clerk Kristina Duran. Motion made by Paris to adopt Resolution 2019-3 naming Kristina Duran as the third signatory. Second by Bernhardt. All "AYES", motion passed.

15. Staff Report:

(A). Mayor: Mayor Crom deferred to Town Engineer Mike Ketterling regarding a proposed CDOT wash bay.

(B). Public Works: Written report provided. Trustee Bernhardt stated that the replacement tires needed for the equipment need to be the same tread depth as what is on there. The Board was under the impression that Alvin Shippis is the person who has been helping clean out the infiltration beds at the WWTP, not Cliff Simpson as mentioned in the report. The cost estimate to move the meter pit at VanWhy's came in; Trustee Bernhardt said

the Town should only pay for about foot or so of copper line towards this request. Trustee Anderson will clarify exactly what the expenses are for.

(C). Planning Commission: Planning held a Public Hearing, a work session and a special meeting to discuss in more detail Ordinance 2019-1 regarding accessory buildings and temporary facilities. They also approved a building permit application for the electrical building on the Rimrock site. Planning Commission Chairman Rick Crom has noticed that several codes are wrong or conflict with each other in the codification. Those sections are 18-2-10, 16-18-100, 18-18-90, 16-18-80. The Board of Trustees will review these sections and discuss them at the March Board Meeting.

(D). Town Attorney: Town staff needs to have recall nomination petitions available.

(E). Town Engineer: The infiltration beds were designed in 1984 and are not now evaporating at a fast enough rate. For EPA purposes it is better to be proactive about things at the WWTP and Town Engineer Mike Ketterling would strongly suggest that the Town spend \$2000-\$3000 on an infiltration bed test. CDOT is also planning on constructing a wash bay. Town Engineer Mike Ketterling has already reviewed the plans. They will need to get approval from the Town for another water tap of that's what they decide to do. Motion made by Trustee Paris to have the infiltration test done. Second by Anderson. All "AYES", motion passed.

(F). Town Clerk: Motion made by Trustee Paris to pay outstanding bills. Second by Anderson. All "AYES", motion passed.

16. Old Business: Mayor Crom, Trustee Anderson, Town Clerk Pat Larson and Town Engineer Mike Ketterling met with NWCWD to discuss PIF fees and to get clarification. The increase in NWCWD fees will need to be passed on to our customers. NWCWD offered to prepare modeling reports if the Town should request those to address proposed growth needs.

17. Committee Reports:

(A). Water/Sewer-Trustee Anderson: None.

(B). Streets-Trustee Jon Bernhardt: None.

(C). Drainage-Trustee Hoover: Absent.

(D). Building-Trustee Ruppel: The register in the bathroom was painted. The back bathroom sink in the rear portion of Town Hall does not drain; the bathroom sink and toilet will be capped off and the restroom closed.

(E). Parks-Trustee M. Spurgeon-Paris: None.

18. Board Communications: None.

Adjournment: 10:24 P.M.

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Kristina Duran
Deputy Town Clerk
Town of Pierce