

**Town of Pierce
Regular Meeting
July 8th, 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., July 8th, 2019.

The meeting was called to order at 7:00 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-Absent
Toodie Hoover-Absent
Carol Wirkus
Kenny Dill

Others Present:

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

1. Approval of Minutes: Trustee Anderson requested that future minutes cite or reference the actual text of the Public Works report and that the Sewer and Water Committee Report notes that issues were addressed during the Public Works report, rather than “nothing further.” Motion made by Trustee Anderson to approve minutes from June 10th, 2019. Second by Dill. All “AYES”, motion passed.

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

3. Public Invited to be Heard: Mayor Crom clarified that this time is designated for issues not on the agenda. Larry Van Why, 415 Shafer Street, requested the Board consider ways to address the speeding traffic exiting US85 on to 1st Street. He said excess traffic is using 1st Street to bypass Ault en route to Highway 14 and most do not obey the speed limit or stop signs, including the 4-way stop at Main Street. Mr. VanWhy does not feel the traffic in that area is patrolled effectively. Trustee Anderson suggested additional traffic markings may help to deter potential accidents. Mayor Crom indicated that the many years ago the school district recognized that intersection as dangerous and school busses are not allowed to use that as an access point. Trustee Wirkus said she would discuss the issue with Chief Strang. Mayor Crom requested that the town seek advisement from CDOT as both Nunn and Ault had eliminated similar situations with US85.

Geoffrey Broughton, 1305 5th Street, moved to Pierce in March. He said he may have not chosen Pierce if he knew the town was considering changing the ordinance regarding marijuana dispensaries. He appealed to the board that there were more important issues other than revenue. He felt a dispensary would be detrimental to property values.

Public comments were closed at 7:17.

4. Consider Appointment of Lia Szasz as Town Attorney: Mayor Crom provided background on Lia Szasz who has worked with recently-retired Town Attorney Don Hoff for about a year. She also just joined a new

firm, Coan, Payton & Payne, LLC, in Greeley. Her services are provided by agreement at an hourly rate of \$230. Motion made by Trustee Anderson to approve Lia Szasz as the Town Attorney. Second by Wirkus. Roll Call. All “AYES”, motion passed.

5. Consider Animal Permit Application for Ducks at 330 E Main Street- Jose Rodriguez: Property owner Rodriguez was not in attendance. Mayor Crom noted that information regarding the number of drakes and number of hens should be included on the application as the Town would have no way of knowing if the flock size grows. Mayor Crom also requested that the ordinance should change to be inclusive of all forms of poultry. Motion made by Trustee Anderson to proceed with the Rodriguez application the same as the current chicken permit process and to amend the ordinance to poultry for consideration at the August Board meeting. Second by Dill. Roll Call. All “AYES”, motion passed.

6. Consider Adopting Safebuilt IBC Changes- Caleb Sulzen: Mayor Crom reviewed the summarized changes. The Ordinance Number was confirmed. Motion made by Trustee Anderson to accept the changes and adopt Ordinance 2019-4. Second by Wirkus. Roll Call. All “AYES”, motion passed.

7. Presentation of the Audit- Chad Chavies: The audit was presented. Chad Chavies noted that the Town is debt free. The audit wrap up was given directly to the Mayor and Trustees. Trustee Anderson requested that the audit be made available on the web site.

8. Adopt Xcel Franchise Ordinance First Reading Continued: Lucas McConnell, Area Manager – Community & Local Government Affairs for Xcel Energy presented an overview of proposed Xcel Franchise Agreement, noting the 20-year terms is standard and that the purpose of the agreement is to grant permission to serve and Town and its residents as well as repair and renovate service to the Town. Recent initiatives by Xcel in Northern Colorado include upgrading the “Greater Greeley” 44KV system to 150KV which will provide redundancy in delivery and improve reliability. Part of the updated is a new substation in Ault. McConnell highlighted two programs available to the Town – LED Street Light Conversion and Underground Distribution Line Conversion. He will get the current status of both. Town Engineer Mike Ketterling asked McConnell to address the extensive delays the Public Works Department have experienced in the past in regard to service needs, specifically power poles moved. McConnell acknowledged the delays and noted part of his role is to help expedite those requests. The second reading of the Xcel Franchise Agreement and Ordinance adoption will be at the August 8th, 2019 Town Meeting.

9. Consider Next Steps or Special Election for Repealed Town Ordinance 10-7-120(a)(b): Mayor Crom clarified the discussion would be limited to the next steps and would not be considering the business application. Mayor Crom also asked trustees to disregard a packet insert that was provided by a business owner that was supportive of only one position. Mayor Crom summarized Attorney Szasz’s memo to the trustees noting that there is not enough time to do a special election, but it could be part of the November general election. Following board discussion, it was decided to hold two public meetings to gather input from the residents. The schedule and expected outcomes will be as follows:

Public Meeting, July 22, 6:30 PM at Highland Elementary School, dedicated to gathering input on the marijuana issue and how it should be addressed.

Regular Town Board Meeting, August 12, 7:00 PM at Town Hall. Meeting will include a summary of the input received at the public meeting

Public Meeting, August 26, 6:30 PM at Highland Elementary School. Draft of the proposed ordinances will be presented and open for public comment.

Regular Town Board Meeting, September 9, 7:00 PM at Town Hall. Board will consider whether to put the matter to vote as part of the General Election or to adopt amended ordinances.

10. Staff Reports:

(A). Mayor:

1. Rimrock Updates: The Mayor, some trustees and staff attended the Rimrock Open House and toured the facility. Mayor reported that partial commissioning of the plant will occur during the next two weeks and will include flaring. Staff should reassure residents this is normal and a notice should be included on the website. Mayor Crom also clarified that paving of the CR90 is not estimated to begin until 2022 dependent on the receipt of funds from Weld County, recognition of anticipated Tax Revenue and DOLA grant application and award cycle. Josh Cruzen, CEO of Rimrock, reported that the company has upgraded the walking track at the Ault School and will also begin improvements to the walking tracking at the Highland Elementary School this week.
2. Mayor indicated several residents are concerned with enforcement of existing Town Ordinances. The August Board Meeting will include a discussion with the Town's Code Enforcement Officer.
3. Mayor also noted that residents have requested photos of the Board Trustees and Town Staff be posted on the website and lobby of Town Hall.
4. Owner of the proposed Don Juan Restaurant reported to the Mayor he is currently working on the building and site plans.
5. Mayor also reported she has not received the traffic signal study results from US85 and CR90 and will be reaching out to CDOT to discuss.

(B). Public Works:

1. Trustee Anderson noted that Public Works Director Mike Lester reported that the water line that dead ends on West Park Avenue needs to be replaced, based on resident complaints and observed poor water flow. Estimated costs to install 100 feet of 8-inch main line and associated parts is approximately \$25,500. Town Engineer Mike Ketterling advised that a fire hydrant be installed as well to help ensure good water quality. He added that would be an additional \$7,000 cost. Anderson noted that he thought there was an extra hydrant available.
2. Trustee Anderson also reported that Larry VanWhy has agreed to split the cost with the Town for the concrete vault to protect his water meter on First Street.

(C). Planning Commission: Planning Chairman, Rick Crom, reported that the Commission conditionally approved two storage sheds. Both homeowners' original applications did not meet code-mandated setbacks, but they agreed to revise their plans. Crom also reported that a Park Street address was assigned to a parcel on Park and 5th based on the property owner's preliminary site plan.

(D). Town Attorney: Nothing additional to report.

(E). Town Engineer: Mike Ketterling reported that the third traffic study related to the Rimrock plant has been completed. The last study will be conducted after the plant is fully operational, sometime in September.

(F). Town Clerk:

1. Request to Pay Bills.

Motion made by Trustee Wirkus to pay bills. Second by Dill. All "AYES", motion passed.

2. Consider Purchase/ Lease of New Copier.

Deputy Clerk Martha Harold reviewed the three quotes and highlighted key advantages of new copier. She recommended leasing as this purchase was not included in current budget. Trustee Anderson moved to lease the copier with maintenance plan from Bratton's Office Equipment in Greeley. Second by Wirkus. All "AYES", motion passed.

3. Consider Food Truck Requirements/ Update Ordinance.

Deputy Clerk Harold reported that the application is nearly complete and Ordinances are being drafted.

10. Old Business: None.

11. Committee Reports:

(A). Water/Sewer-Trustee Anderson: Please see the Public Works report. Trustee Anderson also noted that he is planning an information and assessment tour of the waste water treatment plant in an effort to better understand the operation and assess future needs for next years' budget. Date and times will be forthcoming.

(B). Streets-Trustee Dill: Trustee Dill reported that several pot holes have been filled in on several of the dirt streets, as well as the pot holes west of the baseball field on Main. He recommended that the town consider a survey to determine appropriate grades. Mike Ketterling noted that there are already existing grades for the streets that were done prior to the water line improvements. He also recommended that drainage studies were more important than the grade surveys.

(C). Drainage-Trustee Hoover: Absent.

(D). Building-Trustee Ruppel: Absent.

(E). Parks-Trustee M. Spurgeon-Paris: Nothing new to report

(F). Police- Trustee Wirkus: Code enforcement report provided, however the Ault Police Department report was not available at the time of the meeting. Trustee Dill questioned the lack of enforcement of the fireworks ordinance over the 4th of July holiday. He noted excessive activity near the trailer court and questioned possible fire risk with the field across from the trailer court. Trustees questioned the applicability of the weed ordinance to that field that is zoned agricultural.

12. Board Communications: Trustee Dill reported that he has secured an AED for the Senior Center and recommended that Town Staff be trained and given a key to the center to utilize the AED if necessary. Dill also noted the AED was provided by Banner Health.

Adjournment: 10:39 P. M.

Martha Harold
Deputy Town Clerk
Town of Pierce