

**Town of Pierce
Regular Meeting
March 11, 2024
7:00 P.M.**

The Board of Trustees of the Town of Pierce, County of Weld, State of Colorado, met in regular session at Pierce Town Hall 144 Main Street, Pierce Colorado at the hour of 7:00 P.M., March 11, 2024.

Mayor Cathy Ortiz called the meeting to order at 7:00 P.M. Based on the roll call, the following Trustees comprising a quorum attended:

Mayor Cathy Ortiz

Trustees	Others Present:
Steve Guest	Kristina Duran, Town Clerk
Donna O' Connor	Heather Rospierski, Deputy Town Clerk II
Kenny Dill	Brad Curtis, Town Engineer
Todd Blehm	James Godbold, Town Attorney
Geoffery Broughton	Ryan Shippy Code Enforcement
Doug Herrick- Absent	

1. Approval of Minutes: Motion made by Trustee Dill to approve minutes from February 12th, 2024. Second by Broughton. All “AYES”, motion passed.

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

3. Public Comment: Connie Schwindt would like to respond to the statement made last meeting by recalled Mayor Lukela asking the current Mayor to stop making gestures at her friends. Connie has been hearing things and checking into things herself. There have been rumors going around about the Mayor causing trouble in bars. Not true. Connie went and asked. There are people following the Mayor that’s how they got pictures. Connie’s recommendation to Cathy is to file stalking charges. These people are following you around, that is stalking. How else would they have gotten the pictures? She also has concerns that the Board wants to abolish the Planning Commission. This has never been a problem before. When the recalled Mayor appointed a new Planning Commission no one had a problem. When the prior planning board sat no one had a problem. No one went and said the Board needs to take this over. There has not been a problem until the current Mayor appointed a new Planning Commission. It is the Mayor’s right to replace the Planning Commission just like any past Mayor had that right. They do not have to replace the Planning Commission but it’s the Mayor's choice if they want to. It is wrong that this current Board has an agenda with our current Mayor. Julie Lukela had a question directed at James Godbold, Town Attorney. She asked where in the state statute does it say that the public isn't allowed to know who is running for the election. Julie said Nunn had it plastered all over their web pages since like February, they hosted meet and greets, she called the town hall, and it was

like a big cloth of darkness. Town hall staff told her she had to fill out a form to get the information. James said first he cannot give legal advice. Town Clerk Duran said 10 days before the election we have to have that information posted. James said unless the Board wants to direct him to look that up, he does not know that answer off the top of his head. James said different towns have different policies as to how they release that information. Julie was curious because she couldn't find it. Julie also said she thought in public comment it was supposed to be about things that were not on the agenda. James said typically that is the practice.

4. New Business License 1022 Enterprise- 1022 3rd Street Darlene Rice: The application states the property is zoned residential, but the Town has it zoned agricultural. Since the property is zoned agricultural the Town code does not allow what they are trying to do, which is storage for boats, rvs, and vehicles. Town Attorney Godbold said they would have to go through a Use by Special Review Process for this which is a \$600.00 non-refundable fee. According to the Town code, this would not be allowed even by Use by Special Review in agriculture. James Godbold also said we do not do pre-approvals. The resident said "OK, thank you". Nothing was passed due to it not fitting what is allowed in agricultural zoning.

5. Maverick Disposal- Chris VanWhy: Trustee Broughton said he believes this is a case-by-case because of the moratorium we have in place. Town staff said yes that is correct. Town Engineer Brad Curtis wrote a memo to the Board. Recommendations are based on the preliminary data and request, it is the opinion that less than 50,000 gallons of water used per year will not significantly impact the Town's system, nor its ability to continue to serve existing customers. The proposed development will still be required to go through the applicable Town process and conform to the applicable standards, codes, and fees. Northern Engineering recommends conditional approval of the request to allow up to 50,000 gallons of water use per year for Maverick Disposal's proposed development. Motion made by Trustee Broughton to approve the request based on the recommendations. Second by O'Connor. All "AYES", motion passed.

6. Hazard Mitigation Plan Intent to Participate- Denise Bradshaw: Engineer Curtis explained Hazzard Mitigation Plan helps with grants. The county does regular updates. He recommended to have feedback and comments. The last time the Town did it was back in 2020. No obligation. Motion made by Trustee Broughton to allow Town Attorney Godbold to move forward to fill out the information. Second by Dill. All "AYES", motion passed.

7. Baseball Field Usage/ Home Base Concerns- Patrick Dutton: Patrick Dutton was present. He is the HRA coordinator and would like permission to use the baseball field this summer. He has 8 teams that practice, and if possible, wants the Town to avoid dragging over the bases. The home plate and other bases were ruined last year. Town Clerk Duran said our drag is broken. He asked if he could get a key to the gate to get equipment in to maintain the baseball field. Clerk Duran said she would have Public Works Director Mike Lester reach out about that. Motion made by Trustee Broughton to allow him to use the field. Second by Dill. All "AYES", motion passed.

8. Senior Center Project- Engineer Curtis: A memo was provided to the Board by Brad Curtis. He is working with Trustee Dill in regards to the Senior Center Improvements. Which

was a CDBG Grant. Colorado Development Block Grant, which was put together last year with Weld County. There was a request a few meetings ago to have Northern Engineering come in and assist, so they grabbed the necessary information that had been done by staff and others. The Town has an online bidding system now, it's called BID Net. A bid was posted on February 13th, 2024, and they were able to see that over 42 contractors had downloaded the information. As a recap a partial list of improvements are remodeled of 2 restrooms, one needs to be ADA-compliant. That is a requirement, also the replacement of windows, moving unit heater that is above the kitchen, insulation of baseboard heat, replacement of dishwasher and sinks, placement of lighting fixtures, new carpet, painting and other miscellaneous things. There was a pre-bid meeting on February 21st, and they did have 8 contractors at that meeting. The Bid meeting was held on March 5th and there were no bids received. They normally reached out to the contractors that show up for the pre-bid meeting and there were a lot of concerns. One is the possibility of asbestos. If testing had been done there probably would have been more contractors that would have bid but that is the problem they are running into at this time. Trustee Dill is working on getting the asbestos testing done. Subject to the test saying everything is clear and good, they have noted that there are too many things on the bid schedule to try and fit into funding amounts. A few contractors have asked to shorten the list to be more realistic. It is Northern Engineering's recommendation to re-bid the project, to put together a more simplified bid schedule, and an extension for the completion of the project that will need to be granted by the CDBG.

9. Planning Commission- Trustee Herrick: Trustee Herrick was absent, but Trustee Dill would like to speak about this. Trustee Dill said since most planning meetings only last 15 minutes we should just add them to the Board Meeting, it's not going to cost the Town any more money if it's added to the Board meeting, it would make it simpler. Mayor Ortiz suggested we just wait until after the April election to see what the new Board would like to do. This would also have to be changed in the Town's Code. This will be added back to the agenda after the election.

10. Reschedule Work Session: Tabled until after the April election.

11. Code of Conduct- Carryover Item from February- Attorney Godbold: Tabled until after the April election. Attorney James Godbold said that ideally, the way he set this up is every time a new Board is sworn in, they will adopt the code of conduct. Trustee Broughton said we are so close to the election that they should just wait. Trustee Blehm said if we are going to table everything until after the election, let's call the meeting to adjourn and let's go home. Trustee O'Connor said we make decisions up here such as the camera in the offices. O'Connor said the Trustees all voted yes for them and then the town staff said no the trustees are spying. O'Connor said that is what Town Clerk Duran said. Clerk Duran said that is not what I said. Duran said you were not listening to what was said. Duran asked are you putting cameras in Public Works? O'Connor responded hell no. Duran said you are treating us differently than the guys. Duran said you know what that is, it's discrimination. Duran said you know what I did. I filed a complaint. Duran said she has had enough of the shit for the last 2 years. She has done nothing wrong. At this point Town Attorney James Godbold walks out of the meeting, he stated when you both can learn to act appropriately, he will come back in and help navigate this.

12. Cross Training- Trustee O'Connor: Trustee O'Connor said that Travis is interested in water and he and Erik should be able to learn what Mike does. Town Clerk Duran said Erik and

Travis are both interested. In Mike's report, he is asking for permission to buy them both books to study. Trustee Blehm said there is an online program that they can use and share a password to both have access. O'Connor also asked how Shantel is doing. Town Clerk Duran said she is doing well. Motion made by Trustee O'Connor to allow Travis and Erik to pay for the online program for training. Second by Dill. All "AYES", motion passed.

13. Calls to Lawyer and Engineer- Trustee O'Connor: Trustee O'Connor asked town staff how much they call the Town Attorney or Engineer. Town Clerk Duran said it depends on what we have going on. She does not think it is a lot. Town Attorney Godbold said he receives fewer calls from Town Hall Staff in Pierce than he does from other towns. Town Attorney Godbold also said he receives more contact from the Trustees in Pierce than staff, and it is a charge each time. Clerk Duran said we have other resources we try to use before we contact the Town Attorney or Engineer. The staff knows that the Attorney and Engineer cost money, so the staff tries to use other resources first if possible. A few examples of those are CML, Clerks List, iicm Colorado State Statutes, and Google.

14. Calls to other Towns Regarding Procedures and Codes- Trustee O'Connor: Sometimes we do call other towns to find out what their process or procedure is, but we also have a lot of other resources we use. A few examples are CML, Clerk's List, IIMC, Colorado State Statutes, and Google.

15. Storage Rooms- Trustee O'Connor: Trustee O'Connor said in talking with Trustee Guest and Tina that the Town hall has rooms and garages that are full of stuff. O'Connor said maybe we need to trash the junk or have a garage sale. Town Clerk Duran thinks if we sell it we have to go through some specific process, listing, and having people bid on it. In Duran's opinion, she thinks that most of what we have back there is trash. We do have a date for the spring clean-up setup, if the Board approves the clean-up, we can utilize that to get rid of a bunch of things. Trustee Blehm said maybe the town can set up an e-waste pick-up on the same day as the spring clean-up. Town staff will investigate this.

16. Ballot Box- Trustee Dill: Trustee Dill asked if there is a sticker that goes not the ballot box first. Town Clerk Duran said yes, we will be putting a sticker on the ballot box tomorrow. The ballots just went to the Post office today. We put a sticker on the ballot box and Heather, Tina, and Shantel will sign it. It stays on there, and the ballot box stays locked until the Election Judges come in on the day of the Election break the seal and get the key. Trustee Dill asked when the staff would be doing this. Town Clerk Duran said tomorrow, he asked if he could be there for that and Duran said yes, he can also sign onto it as well if he would like. Duran said there had been concerns about the ballot box. We can not have it in the lobby because it is not secure. Someone can just walk off with it. That is why we have it sitting on the desk. We can have it to where it is more visible to the window. Duran is upset because somewhere somehow someone has been going around saying there has been election fraud. Which has never happened in the 14 years Duran has been with the town. It is disturbing that people are being told so many untruths about what is going on here.

17. Code Enforcement- Trustee Dill: Trustee Dill had some questions for Ryan Shippy. Dill said last time they talked the Board didn't want Ryan here on Sundays, and Ryan has been here both Saturdays and Sundays. Ryan said he is here on Saturdays and Sundays because that is when he is available. It wasn't discussed that they didn't want him here on Saturdays and Sundays, it was said you didn't want him here because you thought he was doing online stuff. Like the newsletter in last month's meeting, the Board was all informed he no longer does the newsletter, that is Heather's job. Ryan said people are home on the weekends and prior Boards have requested that he change up his schedule and come during the week and the weekends. Trustee Dill asked how many Boards ago it was that. Ryan said 2 Boards ago. Trustee Dill asked Ryan to explain what he is doing on Saturdays. Dill has people calling him asking what is going on at the Town Hall, with 2 or 3 cop cars sitting here. Ryan said he is working for the Town. Trustee Dill said with 2-3 cop cars here. Ryan said they come to visit occasionally and come to visit during the week as well. They do have the code to the building and use the restroom. Trustee Dill asked the Board what their thoughts were about working on a Sunday. Trustee O'Connor said she would work on a Sunday if she had to but to her Sundays are not a workday. Ryan said there are plenty of people who work on Sundays. Nothing was voted on about Ryan's schedule. Trustee Blehm said Ryan coming in on the weekends is also a benefit for the Town. He can see who is working on their weeds. Julie Lukela asked if when the cops are sitting up here is that against the allotted time? Ryan said he doesn't know when they put their time in. Trustee Dill mentioned a low-cost vet clinic for the Town. He has a vet who would be interested. Would it be too late to do this? Ryan said no he doesn't think it would be too late. Trustee Blehm also asked if the Town could do the vet clinic if Ryan doesn't think it would be too late. Ryan is going to reach out about getting the Vet up here for the clinic.

18. Old Business: Information was provided to the Board about when the Board cut-off date is for Board packets. This was approved by the Board at the Jan 9th, 2023, meeting, to give the Board extra time to review the information in the Board packet. Trustee O'Connor said that every time a new Board comes on this information needs to be shared with them.

19. Staff Reports

(A) **Mayor Report:** The police contract went up to \$24,637.50 a month and we only received a total of 5 citations for February. Ryan Shippy said this is because the Ault P.D. is working on switching over to E-Tickets. They are running out of the carbon copy of citations. Ryan also said that a DOT inspection day is coming. Mayor Ortiz's opinion is the Town goes back to 4 hours a day instead of 6.

(B) **Public Works:** Report Provided

(C) **Planning Commission:** There was a meeting last month. A new Planning chairman was appointed, and 2 new Planning chairmen were appointed. An 8x10 Patio cover was approved, they assigned an address to Dollar General's parcel and a 30x40 garage was dismissed from the agenda.

(D) **Town Attorney:** None.

(E) **Town Engineer:**

1. **Monthly Water Report:** Report provided.

(F) **Town Clerk:**

1. **Request to Pay Bills:** Motion made by Trustee Broughton to pay bills. Second by Guest. All “AYES”, motion passed.
2. **Comment Box:** None.
3. **Update on Caselle Software/ Training Schedule:** Town Clerk Duran had an update on the Caselle training and schedule. She reached out to see if we can do one of the training classes online and one in person. One can be online, but one must be in person. The cost for them to come to us is \$8,925.00. We will have to close for two weeks. One week in May which will be May 13-17 and one week in June which will be June 10-14. This would be a lot easier than sending us all to Utah for two weeks for training and everyone will be able to be cross-trained. Caselle recommends the closing to have full attention for this training. Duran said we could still check emails, return phone calls, and do deposits and anything else that might need to be done every day after our training to make sure the town still is running. Motion made by Trustee O’Connor to approve the shutdown for those 2 weeks. Second by Broughton. 1 Naye by Trustee Dill, motion passed.
4. **Increase in Cost for Portable Restrooms:** Information provided to the Board. Portable Restrooms are going up \$20.00 each so \$60.00 a month.
5. **Update on New Owners of Xtreme Disposal:** The staff has recently been told that Bunting Disposal bought out Xtreme Disposal. From what the staff understands nothing will change. Everything will remain the same. If anything changes, we will notify the residents as soon as we hear anything.
6. **Spring Clean Up/ Available Date Saturday, June 1st 2024:** Deputy Town Clerk Rospierski reached out about a Spring Clean Up day. They have availability on Saturday, June 1st. The cost will be \$800.00 for curbside, and they will also bring in 3-4 dumpsters for bigger items. which is what our contract states. Motion made by Trustee Dill to approve the Spring Clean-up. Second by Trustee Guest. All “AYES”, motion passed.
7. **Town Clerk Duran has 1 more thing to add that was not on the agenda.** Staff received a call today regarding soliciting. The complainant has a No Soliciting Sign and has people keep coming back. She said this is not the first time this has happened. We also received a letter that is going around town that is being delivered to residents, and it reads: We are a group of concerned citizens for the town of Pierce, we would like to get your thoughts on a few things if you have a few minutes. We have an election coming up on April 2nd. You may or may not have heard about concerns or issues regarding the town. We first would like to encourage you to come

to a board meeting if you have not been to one recently to form your own first-hand opinion about our town's happenings. Meetings are on the second Monday of every month at 7 P.M. at the town hall on Main Street. Have you had any interaction with town hall whether in person or over the phone? If so, how would you rate your experience? Have you ever read the newsletter put out by the town? Do you find it useful? What would you like to see or not to see? What are your top concerns for the town?

Due to the many concerns pertaining to voter fraud, on the town ballot, there will be a question asking if we should have Weld County oversee our Election. Given some concerns, witnessed by citizens of our town, we are encouraging people to choose to move our elections to Weld County to ensure a more secure process. An added benefit will be that it will save the town money as it will only cost \$1.25 per voter.

Some concerns we have are our infrastructure, and budget reform as we have not had any long-term goals or plans for the future, accountability in our office staff, no transparency for what money is being spent. Also, growth and revenue should be a concern for everyone which leads us to our next concern.

We have not had an updated comp plan since 1976. A comp plan is a plan for the town's growth direction and future. A blueprint for our future to put it in simple terms.

We would also like to make you aware of our town clerk's salary, which is \$77,700. If you google average salary for a town clerk in Colorado is \$45,793. Ault Clerk makes about the same as our Town Clerk. The town of Fredrick was just hiring a town clerk starting pay \$99,000-\$112,000. If you divide this by population Fredrick pays \$6.66 per resident, Ault pays \$35.00 per resident and Pierce pays \$70.00 per resident.

We also want to make you aware that our town code book is not being adhered to a recent example is the firing of the town planning board.

It also reads Kenny Dill who is advocating for code reform.

Steve Guest is advocating for infrastructure and has huge concerns for the integrity of town hall.

Donna O'Connor who is advocating for accountability.

Doug Herrick, at the request of office staff and a concerned citizen, advocated for cameras in the town hall and is also advocating for budget reform.

Julie Lukela is running to continue her fight for transparency, accountability, and budget reform.

Town Clerk Duran said this is very upsetting. There has never been any election fraud. The cost for coordinating Elections with the County states it's only \$1.25 per ballot

not sure where they got that information from. We have to pay to have the ballot translated from English to Spanish. The cost will not only be \$1.25 You can call Weld County Election Department if you want the true cost. The concern that we don't have an updated Comp Plan is true, it has been a discussion from the Planning Commission and Board for a while now. The town does have the money to do this. Town Clerk Duran's concerns are that she continues to be the topic of discussion. Duran said that if anyone has any questions you can always come in and ask. Duran doesn't know why her salary keeps on being an issue, and if anyone wanted to come in and ask her what she made she would be more than happy to tell them. It continued to be an issue that she got a 6% raise and a cost of living in the same year. Transparency was mentioned again and again by the previous mayor, but it was never mentioned that someone close to the previous mayor got a 35% raise and a cost of living in the same year. She got a 6% raise after being here for 14 years. If you want transparency and accountability, then you should probably come and ask the people who are being honest. These letters that are being delivered are not 100% truthful, she would hope that residents would do research. Look at the minutes, come to Board meetings, and research on what is the truth and what is not. For the Town Staff, it does not matter who is on the Board, or who sits in the seats, the rules are the same. Duran is so tired of being talked about and lied about and that is why she filed a complaint against the Town.

13. Department Reports

(A). **Water/Sewer – Trustee Todd Blehm:** None.

(B). **Streets & Drainage – Trustee Doug Herrick:** Absent.

(C). **Utilities & Energy - Trustee Geoffery Broughton:** None.

(D). **Building - Trustee Steve Guest:** The mini splits are on the fritz. They do not work if the temperature outside is below 30 Degrees, and when the power goes out, they must be reset. The town has received a bid for \$20,590.00. from one company, but Trustee Guest would like to get a few more bids.

(E). **Parks & Recreation: Trustee Kenny Dill:** None.

(F). **Growth & Revenue Trustee Donna O' Connor:** None.

15. Board Communications: None.

Adjournment: 8:49 P.M.

Heather Rospierski Deputy Town Clerk II