

**Town of Pierce
Regular Meeting
March 9, 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 PM, March 9th, 2020.

Mayor Nansi Crom called the meeting to order at 7:11 PM. Based on roll call, the following Trustees comprising a quorum attended:

Mayor Nansi Crom

Trustees

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

Others Present:

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

1. **Approval of Minutes:** Motion made by Trustee Ruppel to approve the minutes from February 10th, 2020 and the March 2nd, 2020 work session. Second by Wirkus. All “AYES”, motion passed.
2. **Approval of Agenda:** Mayor Crom requested addition of (3) under item 9, Old Business, for Rental of Raw Water. Motion made by Ruppel to approve agenda with the addition. Second by Anderson. All “AYES”, motion passed.
3. **Public Invited to be Heard:** None
4. **Settlement Agreement with Nunn Fire Protection District:** Town Attorney Szasz reported she reviewed the agreement, which finalizes the exclusion of the Rimrock property from the Nunn Fire District and provides for the equal sharing of the allocated fire protection district property tax revenue by the Ault-Pierce and Nunn Fire Districts for two (2) tax years. After which, the Ault-Pierce Fire District will receive all of the allocated property tax revenue from Rimrock. Szasz said this does not affect any of the tax revenue due the Town. Resident Robert Wuehler asked how this agreement came about. Szasz explained the issue was the result of the Rimrock annexation. Motion by Trustee Anderson authorizing the Mayor to execute the Intergovernmental Agreement for Boundary Realignment. Second by Ruppel. Following roll call vote, All “AYES”, motion passed.
5. **Conservation Acres:** Mayor Crom reported that Charles Tucker submitted a letter to the Board saying he will not be farming or irrigating the Conservation Acres this year. She noted that Tucker recommended a local resident, but other parties are also interested in leasing the land. Szasz recommended that the Town formally terminate the agreement with Tucker rather than relying on just the letter. Duran asked the process for leasing the land going forward. Szasz recommended that any new lease agreement should specify anything related to easements is the responsibility of the tenant. The Mayor expressed the lease be revised and reviewed. Szasz recommended that those interested attend the April meeting to present their proposal. Trustee Ruppel asked about the improvements made to the pumps by Tucker. Trustee Paris

noted that the improvements cost approximately \$30,000. Mayor clarified the pumps belong to the Town. The Mayor opened the issue up for public comment. Richard Wirkus, 102 Priddy Street, said he and neighbor, Cody Gaab, are interested in leasing the property and highlighted his plans for farming and irrigating the property including planting hay and using flood irrigation. Mayor noted that another interested party also expressed interest in the same crop and irrigation method. Szasz asked if the other property owners ever met with Mr. Tucker. Wirkus said the only communication concerning that meeting was the letter the property owners received from the Town. Resident Wuehler asked about the property. Mayor Crom explained the history, how the lease came about, as well as the Town's responsibility to maintain the property. Trustee Dill said that there is not enough water from the wells to flood irrigate the approximately 35 acres. Trustees Dill and Paris believe there is additional farmable acreage if adequate water was available. Duran to investigate the exact number of acres. Trustee Ruppel made a motion for Attorney Szasz to prepare and send the termination letter to Mr. Tucker. Second by Wirkus. All "AYES", motion passed. The Board tabled the new lease agreement until the April meeting.

Trustee Paris stated that she was disappointed in the Board not providing additional support for Mr. Tucker. She said that had it not been for Mr. Tucker, the property would not be farmable and the cost to the Town to maintain would be extensive. Resident Bob Dill said that the Town made a mistake by not giving Tucker access to the property. He said Tucker had a legal right to access the ditch. Dill also said that the property could not be flood irrigated. Dill said the Town should appreciate what Mr. Tucker did and to recognize the worth of the coffin wells. Mayor Crom noted that Town appreciates what Mr. Tucker did, but the cost of defending the access rights were a financial matter. She said the Town is aware of the obligation to maintain the property.

6. **Fees for Online/ Electronic Bill Pay:** Deputy Town Clerk Harold reported that the electronic payment and billing system is configured, tested and ready for implementation. She noted the processing fees for each type of transaction is 3% of the total, plus \$0.35. The processing company collects these fees directly at the time of payment. Harold noted fees are not changeable. As an example, the typical utility bill of \$91.78 would incur fees of \$3.11. Trustee Anderson asked if the Town was accessing the fees. Duran clarified the fees are for processing the payment and not Town fees. Harold clarified the fees are percentage-based as the Town will be accepting other forms of payments as well. Harold clarified dog tags can not be paid for on line because of rabies documentation. Attorney Szasz said the Board does not have to act concerning these fees.
7. **MOU for Prequalified Building Departments for Public School Construction:** Town Clerk Duran reported Safebuilt explained that the MOU is a formality to continue allowing Safebuilt to act as Building Official and inspection authority for any school projects. Attorney Szasz questioned who should sign the agreement. Clerk Duran said Caleb Sulzen of Safebuilt said the Mayor should sign the MOU. Duran to verify who should sign the document. Szasz said there is nothing objectionable to the intent of the agreement. Paris believes that the Town has not signed this type of agreement in the past. Mayor said the lack of previous agreement may have been an oversight in the past. Motion by Trustee Wirkus authorizing the Mayor to sign the MOU pending verification of signature required. Second by Ruppel. All "AYES", motion passed.
8. **Professional Services Agreement and Fee Schedule- Safebuilt:** Deputy Clerk Harold reminded the Board that Russ Weber of Safebuilt presented and reviewed the agreement at the February meeting. Attorney Szasz said she reviewed and redlined the agreement and that Safebuilt agreed to all but one change, that was acceptable to her. She recommended the Board approve the agreement. Planning Chairman Rick Crom requested clarification on Safebuilt's inspection of setbacks and requirement for

surveyor's letter confirming setbacks. He asked if an ordinance was required to make a builder supply the surveyor's letter. He said previous agreements addressed this issue. Szasz said it would not be an issue for this agreement. Crom said he wanted the Board to be aware of the lack of this requirement for a builder. Deputy Clerk Harold said that the letter Crom is referencing is a required document by Safebuilt and that the plan review and/or inspection would not proceed without the letter. Crom said there is no ordinance requiring the letter. Harold noted that there are several similar requirements such as foundation certification, soil sample etc. that are also required by Safebuilt but not addressed in an ordinance. She recommended that a new ordinance address all the requirements. Szasz asked Harold to remind her about drafting the ordinance. Motion by Ruppel to approve Resolution 2020-4. Second by Wirkus. Following roll call vote, All "AYES", motion passed.

9. Old Business:

1) **Waste Management Contract:** Mayor Crom said following the work session that immediately proceeded this meeting, the Board reviewed and agreed changes with Waste Management and authorized Attorney Szasz to proceed with finalizing the contract. Ruppel confirmed that the new rate for trash service would be \$13.20. Clerk Duran noted that the fees were not raised in at least 10 years. Deputy Clerk Harold said Town of Kersey did not select WM and the fee is \$15.00 per month. She and Duran noted surrounding communities' fees are generally higher. Mayor Crom summarized that WM provides the 96-gallon containers, with smaller containers available by request. WM will maintain service in the alleys. Recycling will available on an opt in basis only if 130 residents sign up for the service, which will be an additional \$7.25 charge, billed by WM. Trustee Wirkus asked how many residents currently receive the service. Harold noted less than 40. Mayor Crom said recycling bins are available at the Weld County dump. Planning Commissioner Rick Crom asked if the exclusivity clauses were included in the contract. Mayor Crom confirmed they were not and that Szasz negotiated the removal of that clause as well as reducing the term from 5 years to 2 years, She said both of those issues were "show stoppers" for the Town. Motion by Trustee Anderson to authorize Szasz to make the agreed upon changes to the contract and authorize Mayor Crom to execute the finalized contract. Second by Wirkus. Following roll call vote, All "AYES", motion passed.

2) **Maverick Disposal:**

Deputy Clerk Harold reported the Town had received a letter from Gene Schroeder acknowledging the potential increased runoff by operations at property owned by Maverick Disposal. He also said he approved of Maverick's plans to gravel and fence the property. Harold also reported that Maverick is in the process of securing the access permit from Weld County for CR 88. The Mayor requested the Clerk send a letter to the property owner to the south of Maverick Disposal and the former Bill's Volume Sales that has several semi-trucks and trailers stored on it. Staff has observed someone working on trucks there as well. Duran noted there is no current business license on file with the Town and asked if that property would be subject to the same requirements as Maverick Disposal. The Board, Clerks and Attorney Szasz discussed the Board linking lot development requirements to a Business License application, as the Town Code does not indicate those requirements. Szasz said the Town may impose any requirements based on the health, safety and welfare of the residents. Resident R. Wirkus questioned why the Board was imposing requirements prior to grant the business license, instead of granting the license with stipulating the business must meet the requirements. Mayor Crom tabled approval of the business license until next month.

- 3) **Rental of Raw Water:** Mayor Crom reviewed her memo concerning rental of ½ share of Water Supply and Storage Company water. She noted it is common practice for municipalities to rent the water for agricultural use. The rental rate is typically based the assessment fee, which is \$1000.50 plus an additional \$1100 per share to cover. Town has potential to rent out for about \$2000 per season. Trustee Paris noted that the Town has previously rented the water. Mayor Crom noted there are at least two local residents interested in renting the water. The Town would contract directly with the renter. Deputy Clerk Harold recommended putting the water out to bid. Resident Bob Dill said that not just anyone could rent the water; they need to have carrying rights in a ditch. Mayor said renting the water would cover assessment fees and maintain the value of the water. Motion by Trustee Paris to rent the ½ share of WSSC water. Second by Dill. All “AYES”, motion passed.

10. Staff Reports:

(A). **Mayor:**

- 1) Mayor Crom reported on available COVID-19 protocol recommendations from Weld County Health Department she received via email and would like them printed and made available in the lobby. She noted the Weld-Pierce Fire District also communicated health requirements concerning COVID-19.
- 2) Mayor Crom reported she is scheduled to meet with Walt Sly on Wednesday, March 11th, to discuss his CSU Capstone Project. She said Sly’s ideas are preliminary, and clarified that the project may just be a vision, not a true project. She noted that Sly met previously with Trustee Ruppel and toured some locations in the Town.
- 3) Mayor Crom, Lester and Duran are interviewing applicants for the Public Works position on Tuesday, March 10th.

(B). **Public Works:** Trustee Anderson referenced the February Public Works report noting ELCO offered meter pit lids and remote reading accessories at no cost to the Town. The equipment would allow meter reading without lifting the lids. Public Works Director Mike Lester will investigate cost of the wand and software. Anderson also reported a pump failure at the wastewater treatment plant. An electrician corrected the problem. Public Works also completed a bor and meter pit installation at 901 1st Street. This was a budgeted project. Lester attended a recent conference that allowed him to earn all of his Training Units for one of his water certifications. Anderson said the Lester reported that the Town needs an alternate way to rip the RIBS (infiltration beds) by either purchasing equipment or finding a contractor to do the work. Anderson also said that Public Works is aware of the many potholes on Town Streets. He noted the Hot Mix Asphalt used to fill potholes will not be available until the second week of April.

(C). **Planning Commission:** Planning Chairman Rick Crom reported there was no Planning Commission meeting in February. Crom said he signed a Weld County Referral from the county Oil & Gas Commission notifying the Town of drilling activities north of the Rimrock property.

(D). **Town Attorney:** Nothing in addition to the settlement agreement.

(E). **Town Engineer:** Town Engineer Mike Ketterling absent; no report

11. Town Clerk:

- 1) **Request to Pay Bills:** Motion made by Trustee Paris to pay bills. Second by Ruppel. All “AYES”, motion passed.
- 2) **CML Annual Conference:** The Board approved Clerk Duran’s request to attend the annual conference of the Colorado Municipal League June 24-26th in Westminster. The cost of the conference is \$235 not including food and lodging expenses.
- 3) **Century Link Estimate for Phone Lines:** Clerk Duran reference email exchange between Heather Rospierski and Century Link regarding adding individual phone lines. Duran said the recent phone problems are the result of a switch issue in Greeley, not our phone system. Duran said Century Link a verbal quote for VOIP, but it was extremely expensive. She said the informal quote provided is only for individual phone voice mail. Harold said VOIP with a cable company may be less expensive. The Mayor and Duran agreed no action required at this time.
- 4) **Smart Document Shredding:** Clerk Duran reported Heather is starting to apply retention requirements to the boxes of documents in storage. Duran anticipates there will be an excessive amount of shredding required as a result. Duran said the Town used to burn documents in the past. Harold suggested Smart Document Management in Fort Collins has reasonable rates for shredding. The Board agreed to utilize service once 10 boxes has accumulated.
- 5) **Access for WCR 29 in Town of Nunn:** Clerk Duran received a letter from Encompass LLC and a phone call from Town Clerk in Nunn, who are requesting an Amendment to the Weld County Road 29 Access Control Plan. The Amendment requests that an access point becomes a residential street. Confirmed by Szasz, the Board directed Duran to approve the request.
- 6) **Upstate Colorado Economic Development donation:** Clerk Duran received a letter requesting a \$540 donation for the Update Colorado Economic Development fund. Trustee Spurgeon-Paris said the Town donated about 10 years, but the fee was significantly less. Mayor Crom noted that a recent email scam had been reported involving the organization and asked Duran to verify the authenticity of the request before paying it.
- 7) **Cleaning Company:** Clerk Duran reported Richard and Debbie Montez resigned as the cleaning company for Town following requests to clarify the weekly being completed. Mayor Crom asked Duran to reach out to the other cleaning companies that previously bid.

12. **Department Reports:**

- (A). **Water/Sewer-Trustee Anderson:** Nothing in addition to Public Works reports.
- (B). **Streets- Trustee Dill:** Dill stated that dirt streets have been bladed. He noted that the asphalt was coming apart on many streets and that gravel and dirt was used to fill a large hole on Cave and 1st streets.
- (C). **Drainage:** No Report.
- (D). **Building-Trustee Ruppel:** Ruppel reported that the outside cameras for the new Ring system still need installed and that he said some issues with the inside cords installation.
- (E). **Parks-Trustee M. Spurgeon-Paris:** Trustee Paris said she is still waiting on installation of the ball field new irrigation system. Ruppel reported that when touring the park on the East side, he noticed some problems with the culvert at the entrance that may affect ADA accessibility.
- (F). **Police- Trustee Wirkus:** Wirkus did not receive a police report. Duran noted that with Officer Shippy on light duty, Dakota Germer, who usually prepares the report, is working an expanded schedule.

13. **Board Communications:** The Board discussed a recent influx of lost dogs in the Town.

Adjournment: 9:25 PM

Martha J. Harold
Deputy Town Clerk
Town of Pierce