

**Town of Pierce
Regular Meeting
May 11, 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, May 11, 2020.

Mayor Nansi Crom called the meeting to order at 7:04 PM. Based on roll call, the following Trustees comprising a quorum attended:

Mayor Nansi Crom

Trustees

Connie Schwindt
Jody Ruppel
M. Sue Spurgeon-Paris
Carol Wirkus – Electronic Attendance
Pat Anderson - Absent

Others Present:

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

1. **Approval of Minutes:** Motion made by Trustee Ruppel to approve the minutes from March 17, 2020-Covid-19 Closure Response Plan and April 27, 2020 Board Meeting. Second by Schwindt. All “AYES”, motion passed.
2. **Approval of Agenda:** Motion made by Schwindt to approve agenda. Second by Ruppel. All “AYES”, motion passed.
3. **Public Invited to be Heard:** None
4. **Oath of Trustee – Carol Wirkus:** Wirkus read the oath for Board of Trustees. She will sign the oath later.
5. **Water Supply & Storage Water Lease:** Mayor Crom abstained from voting as she does business with one of the respondents. Deputy Clerk Harold reviewed the two proposals. Since neither proposal was significantly better, Trustee Ruppel made a motion to determine the successful bidder by draw. Second by Schwindt. All “AYES”, motion passed. Town Attorney Lia Szasz noted the lease required some minor revisions. Based on the draw, Justus Pettit is the successful Water Supply & Storage Water lessee.
6. **Coordinated Planning Agreement between Town of Pierce and Weld County:** Deputy Town Clerk Harold reported that Attorney Szasz and the Planning Commission previously reviewed the agreement and Szasz’ changes are included in the Trustees’ copy. Motion made by Paris to approve the agreement with the attorney’s changes. Second by Schwindt. All “AYES”, motion passed. Deputy Clerk Harold noted Weld County would finalize changes to the agreement prior to signature by the Mayor.

7. **Intergovernmental Agreement for Conduct of Community Development Block Grant Program in Weld County:** Mayor Crom reviewed the agreement that would allow municipalities within Weld County to be included in Weld County’s designation as an Urban County and be eligible for a portion of Community Development Block Grants funds. Motion by Trustee Schwindt to approve and authorize the Mayor to sign the agreement. Second by Paris. All “AYES”, motion passed.

8. **Reenactment of Previously Repealed Marijuana Ordinances:** Clerk Duran said the ordinances restricting marijuana business were repealed last fall, pending the April election. Both marijuana ballot questions resulted in a majority vote of No. Attorney Szasz noted that the Board is not obligated to reinstate the ordinances. She added the Board could review any future proposed businesses on a case-by-case basis or reenact the ordinances at any time. Motion by Trustee Schwindt not to reenact the previously repealed marijuana ordinances. Second by Paris. Following roll call vote, four (4) “AYES”, Crom “NAYE,” motion passed.

9. **Old Business:**
 - 1) **Maverick Disposal:** Deputy Clerk Harold reported the Town had received the access permit for WCR 88 for Maverick Disposal’s property. This was the final requirement for the proposed business license. Town Engineer Mike Ketterling reviewed the requirements for Industrial zoned properties. Ruppel questioned the requirement for fencing. Deputy Clerk Harold noted that the submitted site plan indicates fencing. Ketterling also questioned the cleaning of dumpsters. Planning Commissioner Rick Crom said there was no on-site cleaning proposed. Motion by Trustee Wirkus to approve Maverick Disposal’s business license. Second by Ruppel. Following roll call vote, all “AYES”, motion passed. Attorney Szasz clarified that the Board may revoke the license if the business is not compliant with requirements.

 - 2) **Ramirez Letter Regarding Business License & Lot Development Requirements:** Deputy Clerk Harold reviewed the documents submitted by Mr. & Mrs. Ramirez. Mrs. Marie Ramirez represented her husband, who is a recent cancer survivor, at the meeting. She explained the history of the business and ownership of the properties since 2017. Concerning the containers/trailers on the property, Ramirez requested that Board waive the special use permit fee of \$600. Ruppel questioned the roof over top the containers, which Ramirez explained was to keep workers out of the rain. Motion by Paris to waive the \$600 special use permit fee. Second by Schwindt. Three (3) “AYES”, Crom, Ruppel “NAYE,” motion passed. Ketterling reviewed the requirements for an Industrial zoned property, and noted that a proposed retention pond on the property was not necessary, as the water would remain on the property. Ketterling said a drainage study would not be required for the property. Ramirez noted she is attempting to get letters from adjacent property owners concerning storm water and the application for access permits for CR88 from Weld County is pending approval. Ramirez also requested that the Town assign an address for the property. She noted that future development might include a building on the lot to the east. Mayor Crom tabled approval of the business license until next month\, pending receipt of all required documentation and further clarification on business hours of operation and number of employees.

10. Staff Reports:

(A). **Mayor:**

- 1) **Letter of Interest for Board of Trustees:** Mayor Crom reviewed the three letters of interest for the open Board position from Bill Hansen, Richard “Doc” Wirkus and Donna O’Conner. Trustees Schwindt and Paris voiced opposition to Doc Wirkus consideration, as he is the husband of sitting Trustee, Carol Wirkus. Trustee Wirkus said there is nothing in the Town Code preventing her husband from being a trustee. Mayor Crom tabled the appointment until all trustees were available to vote.

- (B). **Public Works:** Trustee Anderson was absent. Mayor Crom reviewed the report, which noted the HOA non-potable water became available on April 13 and watering began in the Town Parks, with the exception of the park near the highway, which is need of repair. Also noted, public works completed some asphalt patching on streets. Motion by Trustee Schwindt to authorize the purchase of a new ripper for the infiltration beds. Second by Paris. All “AYES”, motion passed.

- 1) **Open Position Public Works Technician II:** Recently hired employee Linn Miller resigned. Clerk Duran said during the exit interview, Miller indicated the job was more physical than anticipated and that better applicants may respond if the position was full-time. Duran said that Trustee Anderson concurred. Duran to post as a full-time position with full benefits, at \$15.00 per hour.

- (C). **Planning Commission:** Planning Chairman Rick Crom reported that commissioners discussed recent issues at the Highland Mobile Home Park and that current Town Code does not address separation distances between trailers. He also noted that planning was investigating the status of the partially condemned property at 608 W. Main Street (owned by Fern Leaf).

- (D). **Town Attorney:** Attorney Szasz said there is still some activity regarding the Nunn Exclusion settlement agreement. She said is also finalizing the Waste Management and Conservation Acres contracts.

- (E). **Town Engineer:** Ketterling reported he is working with the State to rectify the tank vent issue. He also said the results of the infiltration bed rotations are varied and that they would begin working with the State again to develop plans for a new infiltration bed.

(F). **Town Clerk:**

- 1) **Request to Pay Bills:** Motion made by Trustee Paris to pay bills. Second by Schwindt. All “AYES”, motion passed.
- 2) **Schedule Employee Reviews Martha Harold & Seth Hnizdil:** Clerk Duran reported that Martha Harold, anniversary date 5/13/2019, and Seth Hnizdil, anniversary date 5/25/2020, are due for reviews. Duran scheduled a tentative date of Wednesday June 3, 2020 beginning at 5:30 pm. She said Mike Lester would be present to conduct Hnizdil’s review.
- 3) **Upstate Colorado Donation:** Clerk Duran confirmed that last month’s request for a donation is legitimate and the amount requested represents usage of the agency’s resources. Motion by Trustee Ruppel to donate \$540.00 to Upstate Colorado Economic Development. Second by Schwindt. All “AYES”, motion passed.

- 4) **Late Charges/ Shutoffs:** Clerk Duran noted that Mayor Crom’s comment that Atmos and Xcel have continued suspension of late fees and shutoffs and asked the Board’s position on continuing the same for Town utilities. Board directed Duran to issue door tags to overdue residents with a revised letter requesting payment arrangements be made with the Town.
- 5) **Help with Financials:** Clerk Duran reported that Pat Larson has been helping her with bank reconciliations and other financial issues; however, Attorney Szasz has indicated that Larson does not meet the criteria for a consultant. Duran requested that Board consider hiring Larson for a part-time position noting there is no shortage of work. Szasz noted that the loss of both former Town Attorney Don Huff and Larson in roughly the same period was detrimental to the Town. Duran said she would revisit the issue at the June meeting.

11. Department Reports:

- (A). **Water/Sewer-Trustee Anderson:** Absent
- (B). **Streets- Trustee Wirkus:** Wirkus indicated she had not met with Mike Lester, but there seems to be a lot of work to be done on the Streets
- (C). **Drainage (open):** No Report.
- (D). **Building-Trustee M. Spurgeon-Paris:** Nothing to report at this time.
- (E). **Parks-Trustee Ruppel:** Ruppel reported that installation of the ball field new irrigation system would begin next month.
- (F). **Police- Trustee Schwindt:** Schwindt reviewed two months’ reports and that she had an initial meeting with Chief Rich Strang. She noted that while the number of calls is steady, she has an issue with no summons issued, as well as other suspicious activities in town. Schwindt said she would be speaking with Strang again.

12. Board Communications: Following the recent election, Duran noted that a Mayor pro tem and Planning Chair need appointing. Attorney Szasz and Duran to determine if additional appointments are required.

13. Executive Session: Subdivision Improvements Agreements RPJ Energy: Motion by Trustee Paris to move into Executive Session. Second by Schwindt. All “AYES”, motion passed. Board executive session open at 9:51 pm and concluded at 10:55 PM.

Open Meeting resumed at 10:56 PM. Mayor Crom reported no formal action was required following executive session.

Adjournment: 10:57 PM

Martha J. Harold
Deputy Town Clerk
Town of Pierce