

**Town of Pierce
Regular Meeting
October 14, 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., October 14, 2019.

The meeting was called to order 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
Carol Wirkus
Kenny Dill

Others Present:

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

Approval of Minutes: Motion made by Trustee Ruppel to approve minutes from September 9, 2019 with correction requested by Mayor Crom. Second by Wirkus. All “AYES”, motion passed.

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

Public Invited to be Heard: None.

Request by Andrew Gutteresen for Consideration of Fees for Special Land Use Application for Livestock-

Lots on the North of 5th Street and West of Park Ave: Mayor Crom clarified the location is actually North of Park Ave and West of 5th Street. Travis Hampton, owner of the cattle, was present to speak on behalf of Andrew Gutteresen and requested that the Special Use Permit Fee of \$600.00 be waived. Mayor Crom questioned the actual number of animals currently on the property. Mr. Hampton noted that there are currently 10 head at this time and that additional head were added as Mr. Gutteresen was requested by the Town to keep the weeds down. Trustee Paris noted that cattle has been on that property for 20+ years and that the Lesh family should not have to pay fees. Mayor Crom commented she had never seen animals on the property and inquired who from the Town had directed Mr. Gutteresen to increase the number of animals. Crom also reviewed the Town Code sections related to animals and acreage. Mr. Hampton clarified that only cattle would be on the property until the pasture was depleted. Town Clerk Duran explained that staff had not moved forward with the original Animal Permit Application process until the issue was resolved. Motion made by Trustee Wirkus to waive the \$600.00 fee and move forward with the Animal Permit Application and fee of \$50.00. Second by Paris. Roll Call. All “AYES”, motion passed.

Request by Vickie & David Fogg for Consideration of Passing Along Pioneering Fees for Connection to Power Line at the Sewer Plant:

David Fogg explained that he was informed by Pike Engineering that he had to pay the Town \$20,000 to connect to the three-phase power line going to the Town’s Waste Water Plant, despite the availability of another line. Deputy Town Clerk Harold clarified the “pioneering fees” as well as Xcel’s position that it is their choice where to connect Mr. Fogg’s electric service. Fogg noted that

the he has not charged for using his driveway as part of the access road to the plant that is used by Town employees daily. Town Engineer Mike Ketterling clarified that an easement was granted for that road. Harold clarified that the Town's plant would still be using the majority of power in that line. Trustee Anderson moved that the Town does not pass on any of the pioneering fees to the Fogg's to connect to the three-phase line Second by Ruplee. Roll Call. All "AYES", motion passed.

Resolution for Investment of Town Funds with Colo Trust: Motion by Trustee Ruplee to adopt Resolution 2019-6 authorizing the Town of Pierce to participate in Colorado Local Government Liquid Trust. Second by Anderson. Roll Call. All "AYES", motion passed.

Dental & Vision Benefits for Town Employees: Mayor Crom calculated the anticipated cost of each of the proposed vision plans. Town Clerk Duran noted currently monthly cost for medical and gap insurance is approximately \$4,400 per month. She also noted that current medical coverage is through United Health. During public comment, Larry Schwindt, 3rd Street, Pierce, said that he pays for a Dental Rider to his Medicare policy and that is has almost zero benefit. Duran clarified that the monthly cost to the Town would be for employees only. Employees requesting coverage for spouse or children pay for those benefits. Motion made by Trustee Anderson to approve the United HealthCare SHO88 Employer Paid Group Vision plan with employees to pay a 20% share of the cost. Second by Ruplee. Five "AYES", one "NAY" by Paris. Motion passed. Mayor Crom also calculated the anticipated monthly cost of the two United HealthCare proposed dental plans. She noted that the proposed Humana plan included waiting periods for major services. Motion made by Trustee Anderson to approve the United HealthCare B8382/U85 Employer Sponsored Group Dental plan with employees to pay a 20% share of the cost. Second by Wirkus. Five "AYES", one "NAY" by Paris. Motion passed. Town Clerk Duran noted that these new benefits would begin January 1st, 2020.

Consider Proposed Ballot Questions for Marijuana Establishments: Town Attorney Lia Szasz, clarified that the timing of the ballot question could either be with the Town's regular election in April or by Special Election. Szasz also reviewed the three proposed options for the questions and the Trustees could combine to create a different option. She noted Option A provided the most discretion for the Town to structure ordinances following a Yes vote; Option B includes buffers zones that would need to be quantified; and Option C does not have buffers but limits the number of establishments. Mayor Crom requested clarification on how establishment were counted. Szasz explained by example that a dispensary selling both recreation and medical marijuana would be considered two establishments. Trustee Anderson reported on his research concerning buffer zones, noting that with a 1000 feet buffer from schools, would eliminate any properties on the North side of Main Street to 3rd Street, including the "cabin." Scott Brown, a principle in the proposed dispensary, questioned inclusion of the cabin in that buffer. Town Clerk Duran clarified for the purpose of any zoning, measurements are from property line to property line. Trustee Paris suggested that ballot question wait until the April election at no additional cost to the Town. Scott Brown asked how much it cost the town to do an election. Town Clerk Duran said the cost of the recall election was approximately \$4,000. Mayor Crom asked for comment from Planning Chairman Rick Crom, who noted that a retail establishment could be in a commercial or industrial zone. Anderson said he believed residents would be more at ease with a facility with buffer zones in place. Mayor Crom reported on her research specifically on similar small, rural, agricultural town. She said the Town of Ordway recently changed an ordinance to increase the number of establishments to three. The Town of Lyons used "boiler-plate" language in its ordinances to mirror the State's standard language. Resident Connie Schwindt noted many residents did not like the cabin as a possible location for the dispensary. Rick Crom questioned the buffers in regards to two parcels zoned residential adjacent to industrial and agricultural zoning. Motion made by Trustee Ruplee to use Option B as the ballot questions with buffers to be 1000 feet for schools, 500 feet for licensed daycare, 200 feet of residential zones, town park and town-owned real property and to include a limit of two establishments of each type. Second by Wirkus. Roll Call. Five "AYES", one "NAYE" by Dill. Motion passed.

Szasz also requested that the Board provide direction on the timing of the election. Motion by Trustee Dill to include ballot question regarding marijuana establishments be included with the April 7, 2020 general election. Second by Paris. Five “AYES”, one “NAYE” by Ruppel. Motion passed. Mayor Crom directed staff to notify the public of the decision.

Presentation of the Proposed Budget: Town Clerk Duran presented the proposed budget to the Board. Anderson expressed concerns that expenditures are more reactive than proactive. Anderson also recommended that Public Works Director Mike Lester move in to a more managerial role rather than continuing to repair equipment to keep it running. He also reported that Lester would like to replace the former part-time employee with a full-time employee. Duran noted that the budget would need to be amended. Szasz said that no motion was required at this time, just publication of the preliminary budget. Duran clarified that the budget could still be adjusted prior to adoption.

Old Business:

- 1. Security Cameras:** Three new proposed systems were presented to the Board. Motion made by Trustee Paris for Trustee Ruppel work with Town staff to select the appropriate system for the town. Second by Anderson. All “AYES”, motion passed. Mayor Crom requested that installation of the system be discussed.
- 2. Enforcement of Town Ordinances:** Mayor Crom reviewed the ordinance language from other towns as prepared by Code Enforcement Office Ryan Shippy for the four topics in question: inoperable vehicles, weeds, trash and burning. In regard to inoperable vehicles, Szasz clarified the “Plain View” doctrine in regard to the 4th Amendment. Trustee Anderson noted he would like concealment language added to the ordinance. Trustees Dill and Ruppel recommended that the warning period be 10 business days. Concerning trash, Shippy recommended adding car parts to the definition of trash or addressed in the code language. Mayor Crom questioned Shippy’s recommendation regarding striking paragraph 3 from the ordinance regarding burning. Town Clerk Duran noted that the Town does not designate a burn day and that the County issues burn permits. Shippy also recommended limiting the types of materials to be burned. In regards to weeds, Trustee Ruppel recommended addressing “native grass” as it often grows taller than 12 inches. Mayor Crom noted the Town of Severance ordinance includes definition and list of “noxious weeds.” Trustee Anderson suggested more distinct language be included in the ordinance. Trustees again recommended 10 business day warning period.

During public comments, Planning Chairman Rick Crom recommended that the ordinance concerning inoperable vehicles also limit the number of cars allowed on a property. R. Crom also noted that the trash ordinance address what can be used for containers and said that dumpsters were not allowed in residential areas unless being used for construction. He also suggested the Town request from the County a Town –wide burn day, but restrict burning at night. He also noted that there may be possible health effects of burning weeds.

Connie Schwindt, 3rd St, Pierce commented that car parts can often be see in “plain view.” Schwindt also questioned if the ban on dumpsters applied to property zoned agricultural.

Szasz asked if the Board wanted options for revising the specific ordinances or clarify the language based on the Trustees comments. Mayor Crom directed Szasz to revise the ordinances based on comments and Shippy’s recommendations.

- 3. Town Media/ Electronic Newsletter:** Deputy Clerk Harold noted that the printed copy of the newsletter was not representative of the electronic version and encouraged trustees to use the

link provided to view electronically. Trustee Anderson suggested that new local businesses be included in the newsletter if “newsworthy”. Harold clarified that since email addresses were not currently being collected, that a link be placed on the Town’s website to view the newsletter. Mayor Crom asked the printed versions of the newsletter be made available in the lobby of Town Hall. Harold also questioned if the Board would like staff to contact Facebook in regard to the name of the FB group, Town of Pierce Post, noting that the name is misrepresentative and many people believe the Town is associated with the group. Harold noted that there is a lot of misinformation posted. Szasz expressed concerns that we would be violating free speech by requesting that. Harold noted it would be simply a request to clarify that the group was not associated with the Town government. Resident C. Schwindt commented that the moderator of the group would probably change the name if the Town asked. Szasz recommended against that. Schwindt said she would ask to have the name change. Szasz clarified that any request was not at the direction of the Town.

Staff Report:

(A). Mayor: Mayor Crom reported that the HOA Board decided to change the non-potable water was shut off to October 8th. No ruptured waterlines were reported following the cold weather. The Mayor was unable to attend the regular meeting of CML on October 3rd. Crom also reminded Trustees they could still RSVP to attend the Town and County dinner. The Mayor reported on recent work on the oil well on the East side of town. She said Great Western has notified the town in advance and that well have been in existence since 1954. Crom also reported staff, trustees, her and Planning Chairman Rick Crom attended the annual SafeBuilt picnic in Windsor.

(B). Public Works: Written report provided. Trustee Anderson summarized the report noting that there was another sewer pump failure, the new meter vault was installed at 405 1st Street and that additional maintenance was completed on the north tank. Town Engineer Mike Ketterling noted that based on recently completed infiltration tests, the new pond to the north of the waste water treatment plant had high infiltration potential. Anderson said that the new sprinklers for the ball field would be addressed under the Parks report.

(C). Planning Commission: Trustee Ruppel reports on Planning Commission meeting as Planning Chair Rick Crom did not attend the September meeting. Ruppel reported address assignment of 1st street was tabled. Commissions approved a new detached garage at 309 3rd Street, a new pole barn at 1301 7th Street and a new manufactured home with permanent foundation at 326 5th Street.

(D). Town Attorney: No report. Mayor Crom requested an update on the Town’s petition for exclusion of the RimRock property from the Nunn Fire Protection District into the Ault-Pierce Fire Protections District. Szasz reported that the in the initial hearing, the court ruled in favor of the Town and Ault-Pierce Fire District. She said the main hearing is scheduled for March 9th-18th 2020 and will require someone from the Town to appear and testify. Mayor Crom indicated she would be willing and available. Szasz reported that the parties are involved in discovery and that Nunn is not open to any discussion on settlement.

(E). Town Engineer: Ketterling reported that he will be attending the North Weld Water District informational meeting on October 21st. He noted that based on required capital improvement needs, he believed water rates will be going up. Ketterling also reported that he has requested the next round of traffic studies for County Road 90 now that Rimrock is producing and school is in session.

(F). Town Clerk: Motion made by Trustee Paris to pay bills. Second by Ruppel. All “AYES”, motion passed.

Fee Schedule: Town Clerk Duran requested several additions be made to the fee schedule for fees that are being charged, but not formalized in the fee schedule. Mayor Crom reported she researched several

of the fees with other Towns and will forward her findings to Duran. Duran recommended the Board adopt the new fee schedule in November or December. Mayor Crom asked that the new fee schedule be published in the winter newsletter.

Committee Reports:

(A). Water/Sewer-Trustee Anderson: No additional comments to the Public Works report.

(B). Streets-Trustee Ken Dill: Additional road base is required on Park Avenue. Dill noted that because of the runoff from the school there is flooding in the alley and adjacent homes on the south side of the school (parallel with Park Ave.). Public Works will be cutting in a small ditch to divert the water. Trustee Anderson reported that he has observed reduced speeds on 1st Street as a result of the traffic trailer there.

(C). Drainage-Trustee Hoover: Absent.

(D). Building-Trustee Ruppel: Will be looking at the purchase of camera security system.

(E). Parks-Trustee M. Spurgeon-Paris:

Sprinklers at baseball field: Paris reported that she had not received the formal quotes for the sprinklers at the baseball field. She said that all the lines needed to be replaced and that a spigot should be set to manually water infield. Paris estimates cost to be \$15,000 which would also include sod and street cut and asphalt to repair. Trustee Ruppel recommended using a quick coupler instead of a spigot.

Employee Reviews: Paris noted that the 90-day reviews for Town Clerk Duran and Deputy Town Clerk Harold were not completed at the October 8th meeting. She noted that the 19 years she's been involved with the Board, Trustees always completed the reviews. Trustee Anderson recommended that an additional meeting be scheduled within the next 60 days. Paris noted that the employees had already waited for their reviews and should not have to wait any longer. She added that last year's budget provided for any required additional money. Mayor Crom noted that the budget is affected by the loss of the public works employee and additional benefits. She said the Board should not decide on an arbitrary amount for an increase and decided not to do so. The Mayor also noted any increase could be retroactive. Paris noted that pay increases have not been retroactive since Craig Cleveland was Mayor and that historically, pay raises were effective with the next payroll. She added that monetary adjustments have always been done at the time of reviews and the Board had not waited. She noted that there has always been money in the budget to cover adjustments. Mayor Crom suggested that a meeting date and time be scheduled. The Trustees agreed to meeting October 28th at 6:30 p.m. to complete Duran and Harold reviews.

(F). Police- Trustee Wirkus: Police and Code reports provided. Code Enforcement issued 35 warnings mostly for weeds, garbage and inoperable vehicles. The police log 113 hours and issued six summons. Wirkus reported she had requested that patrols be switch up. She also noted that an officer spent a long time Saturday morning conversing with another officer in the lot by the grain elevator on the east side of US 85.

Board Communications: Trustee Anderson noted that the issue of employee reviews should be addressed under Board Communications. Anderson further noted that employee objectives, milestones and performance measures be drafted early next year as portion of the review process. This would allow the Board to better evaluate employees. Mayor Crom noted that now Rimrock is operation and there appears to be landscaping in place, it may be an appropriate time to review the acquisition agreement and confirm Rimrock is fulfilling its' obligations of the agreement. Duran noted that Pat Lawson, Rimrock employee said they were watering the trees there. Trustees agreed Crom should schedule a meeting with Rimrock to review the agreement.

Adjournment: 10:03 PM

Martha J. Harold
Deputy Town Clerk
Town of Pierce