

**TOWN OF KERSEY  
BOARD OF TRUSTEES REGULAR MEETING  
APRIL 9, 2019 – MINUTES**

The Kersey Board of Trustees met in a regular meeting on Tuesday, April 9, 2019, at the Kersey Town Hall. Mayor Gary Lagrimanta at approximately 7:00 p.m. called the meeting to order. Trustees present were: Nathan Roth, Clayton Luce, Michael Theorine, Allen Salsler, Stan Sameshima, and Bob Kellerhuis.

Audience present were: Richard Hopp, Rachel Prelog, Justin Lewallen, Vernon Cecil, Caleb Sulzen, Rob Godin, and Chad Judge.

Town Staff present were: Christian Morgan, Town Manager, Rick Zier, Town Attorney, Julie Piper, Town Clerk/Treasurer, James Neill, Recreation Director, David Gottschalk, Chief of Police, Mark Herrick, Operations Manager Water, Wastewater, and Facilities, and Haley Curtis, Deputy Town Clerk.

**Pledge of Allegiance**

**Oath of Office**

Julie Piper administers the Oath of Office to Maria Maldonado, Community Service Officer

**Additions to the Agenda**

**Consent Agenda**

1. Approval of the consent agenda to include approval of the minutes of the March 12, 2019 regular meeting minutes, approval of bills paid, and approval of bills to be paid. Motion made by Trustee Theorine and seconded by Trustee Roth to approve the consent agenda. Motion carried with a 7-0 vote.

**Public Invited to be Heard**

**Proclamation** – Mayor Lagrimanta reads the Arbor Day Proclamation to proclaim April 26<sup>th</sup> as Arbor Day. A celebration will be held at Memorial Park at 10:00 a.m.

**New Business:**

1. Wagon Wheel Liquor License Renewal  
Justin Lewallen is present and has had no issues. Chief Gottschalk agrees.  
Motion made by Trustee Kellerhuis and seconded by Trustee Roth to approve the liquor license renewal for Wagon Wheel Liquor Store. Motion carried with a 7-0 vote.
2. Promotional Items Discussion  
Haley Curtis gives a presentation on swag and suggests branding for the town, something that will stick in someone's head to visit Kersey, live in Kersey, and play in Kersey. She also will bring ideas and samples to the work session of pens, lapel pins, fly swatters, etc., to have things to hand out at CML Conference and Kersey Days. The board agrees on a budget of \$5000.
3. Approval of Resolution 2019-0002 Opposing Enactment of Senate Bill 19-181, Regarding New Regulation of Oil and Gas Development  
Christian states this was discussed at the last work session. The local school district and High Plains Library district have both opposed this bill. This bill is making its way through the legislature and would drastically change the statutory landscape for oil and gas development in Colorado. Christian states he is unsure of the effect it would have on revenue but feels it would be considerable. He states this resolution is more symbolic than anything.  
Motion made by Trustee Luce and seconded by Trustee Roth to approve Resolution 2019-0002 Opposing Enactment of Senate Bill 19-181, Regarding New Regulations of Oil and Gas Development. Motion carried with a 7-0 vote.  
Mayor Lagrimanta states he feels this bill would be tough on small towns as local control at the municipal level would be difficult as most small towns do not have the staff to do the regulatory and inspection work. He attended the CML meeting regarding this as they are in favor and voiced his

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disappointment and what it would do to small towns. CML states they felt if they opposed the bill they would be locked out of discussions and couldn't be available to make amendments for the side of small towns. He also notes that the Weld County Commissioners are working hard to protect Weld County.

4. Tallgrass Cheyenne Connector Pipeline, LLC Request to Consider a Pipeline Through the Cecil Farm Annexation

Barb Brunk states staff received a request from Cheyenne Connector Pipeline to consider allowing them apply to install a pipeline through the Cecil Farm Annexation. The property is zoned commercial and the code is silent on pipelines, therefore a request for Conditional Use has been requested. This would impact the utilities, roads, access, setbacks and significant impact on future land use. The pipeline does have the power of eminent domain but having the Conditional Use in place would make them have to meet the criteria and put certain conditions on the project. Vernon Cecil states this is a 50 foot wide strip of land down the middle of the property with a 36" high pressure line. Christian Morgan states the town can go in front of the Weld County Commissioners and mention how Kersey is handling this. Trustee Theorine inquires if the fire department knows about this and Barb Brunk states they are part of the referral process. Barb further reviews the attached staff report and maps. She states this will come before the Planning Commission and Board of Trustees once the applicant submits necessary information.

Motion made by Trustee Roth and seconded by Trustee Luce to allow the Tall Grass Cheyenne Connector to apply for Conditional Use in a commercial zone. Motion carried with a 7-0 vote.

5. Approval of Intergovernmental Agreement Regarding Land Uses, Growth Boundaries, and Future Annexations between Kersey, Evans, and Greeley

Barb Brunk reviews her staff report regarding the IGA between Kersey, Evans, and Greeley which came about after Kersey annexed the Weld County Parkway. Over the past year, staff from Kersey, Evans, and Greeley have been working together in a cooperative effort to define future land use and preserve the river corridor in the area where the planning areas and in some instances the areas overlap. She presents a map indicating the planning areas. She reviews the IGA which shows three different types of annexations, allowed and disallowed uses, required notices for development, and other legal notification. Paragraph five will be deleted and paragraph 11 will have this sentence replace the last sentence at the end, "Solo venue for any action brought to enforce or interpret this Agreement shall be the state courts of Weld County, Colorado and no such action shall be removed to any other court or jurisdiction". Barb Brunk states the Planning Commission reviewed the IGA and attachments and recommended approval. Rachel Prelog, Greeley's Planner, is present and states their planning commission reviewed and recommended approval as well. Their board should approve on April 16<sup>th</sup>. They all feel this is the first step in building a relationship.

Motion made by Trustee Theorine and seconded by Trustee Roth to approve Resolution 2019-0003 Supporting an IGA between the Town of Kersey, City of Evans, and City of Greeley for Purposes of Creating a Joint Planning Area Defined by Agreement for the Purpose of Establishing Cooperative South Platte River Corridor Planning, and eliminating Paragraph 5 and make amendments to Paragraph 11 as stated prior. Motion carried with a 7-0 vote.

6. Approval of Resolution 2019-0004 Clarifying the Adopted 2019 Fee Schedule for Cash In Lieu Water Purchases

Christian Morgan states it is difficult to put a cost in the fee schedule for one unit CBT as market value changes all the time and this resolution will make it the sole discretion of the board to accept current price.

Motion made by Trustee Roth and seconded by Trustee Kellerhuis to approve Resolution 2019-0004 clarifying the Town's 2019 Cash in Lieu fees. Motion carried with a 7-0 vote.

7. Approval of Ordinance 2019-0002 Repealing Ordinance 203-O05 and Amendments Thereto, and Adopting by Reference the International Building Code, 2018 Edition, the International Residential Code, 2018 Edition, the International Fuel Gas Code, 2018 Edition, the International Plumbing Code, 2018 Edition, the International Mechanical Code, 2018 Edition, the International Existing Building Code, 2018 Edition, the International Property Maintenance Code, 2018 Edition, the International Swimming Pool and Spa Code, 2018 Edition, and the International Energy Conservation Code, 2012 Edition, Promulgated the Internal Code Council.

Christian states this ordinance is to adopt the 2018 International Building Code which are the building standards for which contractors and inspectors follow. The fire code will not be updated and will remain at 2012. Caleb Sulzen of SafeBuilt gives a presentation on the updates and comments on the most notable amendments being that sprinklers are required in townhouses of 3-4 or more, basements require escape windows, CO2 monitoring, etc.

Motion made by Trustee Roth and seconded by Trustee Luce to approve Ordinance 2019-0002 Adopting the 2018 International Building Code and to remove 10.30.1 #4, and keep 1, 2, 3, and 5. Motion carried with a 7-0 vote.

Caleb goes on to review the 2018 building permit report that shows 86 residential permits were pulled and 57 commercial, which is about the same at 2017.

8. Project Update – Christian Morgan
  - a. Community Center/Senior Center – He presents the different vaulted ceiling options and is continuing with the weekly meetings with Hall Irwin. Construction to begin in July.
  - b. Town Center – Hall Irwin was awarded the contract, which will be signed soon. General concepts of the design should be available in the near future.
  - c. Centennial Trail – The meeting with the railroad and public utilities commission will be held May 14<sup>th</sup>.
  - d. Centennial Park Improvement – The group met today and will have weekly meetings with James as the project manager, Josh as the construction manager, Barb Brunk as the design manager, and Haley as the grant administrator. Construction will begin mid-May with hopeful completion prior to Kersey Days.
  - e. Safe Routes to School – The grant was not successful for this project. We can apply again in two years.

### Staff Reports

1. RH Water & Wastewater – Richard Hopp states the plant was in compliance last month. The annual report that was due in May has been submitted. WET test is due in May as well. Quarterly water tests have been completed. The first six months of lead and copper water testing will be done in the next month or so. Otherwise, plant doing great.
2. Operations Manager, Wastewater, Water, and Facilities – Mark Herrick states Josh was unable to be here tonight but wanted to report he has been street sweeping the last two days. He is working on the GOCO grant and is excited for the changes at Centennial Park. On the water side, the water tower was inspected today and a report will be sent. He installed three new water meters in Berryman Farm. Ten new curb stops were located. Valves have been cleaned and exercised. Will be working with the fire department to work the hydrants as well. On the sewer side, he is starting the manhole inspections. He is working with another town to borrow a camera to view the sewer lines. Trustee Kellerhuis congratulates him on passing with Class C Operator's test.
3. Recreation Director – James reviews his report. Online registration is going good. Volleyball is almost over. Soccer is starting. Summer events are being planned and softball and baseball will be starting soon. The Kersey Days logo this year will be "Take Pride in the Red, White, and Blue" with vets from the area as the grand marshal. He has extended the job opening to April 19<sup>th</sup> as he has not had much response. He is working on an electrical quote for the addition to Centennial Park and three concrete companies. Josh has ordered the playground structure. Plan to start demo May 1<sup>st</sup> and PDC will be here for their work day on May 16<sup>th</sup>. The Weld Youth Rugby group would like to use Centennial Park to promote the sport for 7-12 YO. Trustee Roth said he has heard from a few people about the recreation job and they aren't applying due to the CDL requirement. Further discussion regarding the position becoming full-time in the future. Trustee Kellerhuis inquires about the meal for Kersey Days and James states it will be the Chamber of Commerce again.
4. Tree Board – Allen Salser states the Tree Board will be helping with the Chamber's After Hours event at the museum on Thursday at 5:30 p.m. Last Tuesday they worked at Memorial Park trimming trees and cleaning up and worked at the east and west wedge today doing the same. There were several kids from the high school National Honor Society helping as well. The Arbor Day Celebration will be held April 26<sup>th</sup>. Christian notes that he added the Tree Board's agenda and minutes to the packet as well.
5. Chamber of Commerce – Clayton Luce states the Business After Hours will be held Thursday as Allen noted. They are trying to find people to help with the circus this summer. This will be held in the field behind KB Oil Tools this year. Barb Brunk puts a plug in for the new coffee shop in town, Kersey Gathering Grounds!!! They are a great local business to have in town.

6. Chief of Police – Chief Gottschalk reviews his report and the stats. It was brought to his attention that the report in the NW Herald sometimes has some confidential information so the reporting to them will be different. Corporal Thienes is undergoing accident training and he will be attending body camera training in Arizona. Other officers are attending smaller trainings. Trustee Kellerhuis asks if a grant has been found to purchase a speed trailer. Chief states CDOT says this will be opening soon and he is searching for a used unit as well. Christian Morgan notes that the chief and the police department received a perfect score on the CIRSA audit.
7. Town Manager – Christian Morgan reviews the sales tax summary report. He notes he will be attending a meeting at the North Front Range Water Quality to establish the 208 boundaries for sewer on Friday to get Kersey back on track. He had an onsite visit with Hall Irwin and showed them the issues in Berryman Farm subdivision and hopes we will see those improvements made in the near future. He notes the PTO/sick time report will be removed from the board packet. He states the Greeley Tribune has a report called Explore Weld County and he would like to add Kersey if the board agrees and will use money from the economic development budget. He states the mayor did a great job representing Kersey at the CML meeting regarding senate bill 181. He would like to get on the CML executive board and needs a letter of support from the board. He notes time off next week.
8. Town Attorney – No report.

### **Board of Trustee Communications**

Trustee Kellerhuis inquires about the construction on the corner and why no yellow tape or fence was put up around the site. Christian states Mark has asked the construction company to do so. Trustee Kellerhuis wants to know why no other employees that are out and about noticed this and that someone should step up and report it just like street light outages and potholes and such. Trustee Roth states he has had a couple complaints himself about potholes on 9<sup>th</sup> Street and some of the surrounding roads. Christian states Josh has been doing an assessment of the streets and recently fixed the one on First Street. Mayor Lagrimanta inquires about the other flashing stop sign. Christian states the bracket has been made, however, the street sweeper arrived and Josh has been busy with that.

Motion made by Trustee Theorine and seconded by Trustee Roth to authorize the Town Attorney to prepare any required resolutions, agreements, ordinances, policies, letters, and memorandum to reflect action taken by the Town Board at this meeting and at any previous meetings, and authorizing the Mayor and Town Clerk to sign all such resolutions, agreements, ordinances, policies, letters, and memorandums. Motion carried with a 7-0 vote.

### **Adjournment**

By unanimous vote, Mayor Lagrimanta adjourned the meeting at approximately 10:25 p.m.

Respectfully submitted,

Julie Piper, Town Clerk