

**TOWN OF KERSEY  
BOARD OF TRUSTEES REGULAR MEETING  
May 10, 2022 – MINUTES**

The Kersey Board of Trustees met in a regular meeting on Tuesday, May 10, 2022, at Kersey Town Hall, 446 First Street. Mayor Gary Lagrimanta at approximately 6:00 p.m. called the meeting to order. Trustees present were Nathan Roth and Mike Theorine. Trustee Michelle Vannest was absent. Newly appointed Trustees Karen Dusin, and Stan Sameshima were also present.

Town Staff present: Christian Morgan, Town Manager, Haley Curtis, Deputy Town Clerk, and Rick Zier, Town Attorney via WebEx.

**Pledge of Allegiance**

**Proclamations** - Mayor Lagrimanta reads Municipal Clerks Week Proclamation, Peace Officer Week Proclamation, and Public Works Week Proclamation.

**Oath of Office Officer Stoddard** – Haley Curtis administers the Oath of Office to newly hired Police Officer, Josiah Stoddard.

**Additions to the Agenda** – Christian Morgan states under old business, the IGA with the school has been updated and there is a hard copy on your desk. One additional resolution, 2022-0009 for purchase of the Union Pacific (UP) property, there is also a copy of that on your desk.

**Consent Agenda**

1. Approval of the consent agenda to include approval of the minutes of the April 12, 2022 regular meeting, 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 unanimous vote.

**Public Invited to be Heard** – None

**New Business**

1. Approval of Ordinance 2022-0002 Confirming and Adopting for Prospective Application After April 5, 2022 the Approval by the Town's Voters on that Date of Reduction of the Number of Trustees from Six to Four, and Clarifying the Terms of Particular Trustees Christian states at the last municipal election there was a question to reduce the size of the board from six trustees down to four trustees, plus the mayor. That was a successful question. Mr. Sameshima's term expired, however Mr. Luce moved out of the state and Mr. Salser indicated he was no longer able to serve on the board, that does not mean the terms end for those two seats. So, for the next two- and one-half years you will have six people on your board, including the mayor. At the end of that time, it will be reduced to four trustees and the mayor. We will be switching to a November election at that time. The vote has been passed by the people of Kersey, what you're doing tonight is entering that into the Kersey Municipal Code. Motion made by Trustee Theorine and seconded by Trustee Roth to approve Ordinance 2022-0002 Confirming and Adopting for Prospective Application After April 5, 2022 the Approval by the Town's Voters on that Date of Reduction of the Number of Trustees from Six to Four, and Clarifying the Terms of Particular Trustees. Motion carried with a 3-0 vote.
2. Appoint by Motion New Trustees and Oath of Office Christian states you all solicited to the public that these two seats were available, and per state statute you can appoint individuals to those seats for the duration of their term. You asked people whom were interested to submit a letter of interest, and conducted interviews of the interested parties and selected two people from that group to fill the seats. Motion made by Trustee Theorine and seconded by Trustee Roth to appoint by motion Stan Sameshima and Karen Dusin oath of office. Motion carried with a 3-0 vote.
  - a. Haley Curtis administers the Oath of Office to newly appointed Trustees Karen Dusin and Stan Sameshima.

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3. Approval of Ordinance 2022-0001 Confirming and Adopting (1) the Change of Regular Municipal Election Date for the Town of Kersey From the First Tuesday in April of Even-Numbered Years to the Tuesday Succeeding the First Monday in November in Each Even-Numbered Year and (2) the Coordination With Weld County Regarding Such Elections, and Extending Terms of Office of Certain Board of Trustees. Christian states at the last general election we had, the other question that passed was changing the Town of Kersey's voting from a local process to a coordinated effort with Weld County. What that means, is that Weld County will administer all of the voting processes for us, but it also moves us to a November schedule. From this day forward, if you have any question or trustee seats to be voted on, it will be voted on in November on a County ballot. This ordinance adds this to Kersey Municipal Code, per the authority of the voters. Motion made by Trustee Theorine and seconded by Trustee Roth to approve of Ordinance 2022-0001 Confirming and Adopting (1) the Change of Regular Municipal Election Date for the Town of Kersey From the First Tuesday in April of Even-Numbered Years to the Tuesday Succeeding the First Monday in November in Each Even-Numbered Year and (2) the Coordination With Weld County Regarding Such Elections, and Extending Terms of Office of Certain Board of Trustees. Motion carried with a 5-0 vote.
4. Approval of Resolution 2022-0006 of the Board of Trustees of the Town of Kersey, Colorado, Designating an Emergency Response Authority. Christian states per the State of Colorado, they require each municipality to have a designated emergency response authority person who is the person they call in the event of a hazardous material event or spill. Right now, by default, if you do not select one it is the local fire authority. Christian believes it is appropriate for us to designate our own Chief of Police to be that designated person. He has authority via his position and via the Board to speak on behalf of the Town when he is on scene. Motion made by Trustee Theorine and seconded by Trustee Roth to approve of Resolution 2022-0006 of the Board of Trustees of the Town of Kersey, Colorado, Designating an Emergency Response Authority being the Chief of Police, Tracy Moore. Motion carried with a 5-0 vote.
5. Approval of Resolution 2022-0007 Authorizing the Purchase of Vacant Land Known as Parcel 096320128001 in the Berryman Farm 3<sup>rd</sup> Minor Subdivision, and Utilizing Funds Available from the American Recovery Plan Act for the Purpose of Future Stormwater Detention. Christian states we talked about a piece of land that might become available to the Town. The same piece of land was identified as a good location for a storm water retention pond in our latest master plan study. This is a large pie shape piece of land behind the old Fire Department, now known as KB Tools, and connects to Centennial Park where we have facilities already. We will be applying for a grant that might cover up to \$323,000 (three hundred thirty-two thousand dollars), but this is also an acceptable use for American Recovery Plan Act (ARPA) funds that we have already received. The landowner (Hall Irwin) is going to get an appraisal, and any thing over \$323,000 would require a letter from Christian on behalf of the Town stating that anything over that amount is a donation to the Town of Kersey. They do have it listed for a higher price, but agreed to our offer of \$323,000. What you're voting on tonight is authorizing Christian to move forward with the closing and to use the ARPA funds for this purchase. Motion made by Trustee Roth and seconded by Trustee Theorine to approve Resolution 2022-0007 Authorizing the Purchase of Vacant Land Known as Parcel 096320128001 in the Berryman Farm 3<sup>rd</sup> Minor Subdivision, and Utilizing Funds Available from the American Recovery Plan Act for the Purpose of Future Stormwater Detention. Motion carried with a 5-0 vote.
6. Approval of Ordinance 2022-0003 Amending Sections 16-83, 16-85, and 16-405 of the Kersey Municipal Code Concerning Accessory Buildings or Structures and Storage/Utility Sheds. Christian says, we talked about this in previous meetings. In the Town of Kersey, we have in our code, the requirement to obtain a permit before building any building. This clarifies structures 120 square feet and under. It still requires a permit, it would be what we call a one stop permit. There will be a required fee, and allows us to ensure the set backs and other requirements are met, but does not call for an inspection of the structure. This is a clean up ordinance of one that we adopted several years ago. All structures still require a permit, this just clarifies for buildings under 120 square feet. Trustee Theorine inquires does this limit you to one structure per lot? Christian says it limits to having 30% gross backyard space occupied by 2 detached structures. You can have one detached garage and one shed. The garage attached to your home does not count. Trustee Sameshima says for residences with a large yard, he doesn't know why you cannot have 2 sheds. Mayor Lagrimanta says, there is a process for asking for a variance in cases like that. The Board of Trustees discuss a few residences where a variance might be needed. Rick says, if we find any other references to accessory structures in the code, which we may, we will deal with that at then. Motion made by Trustee Roth and seconded by Trustee Theorine to approve Ordinance 2022-0003 Amending Sections 16-83, 16-85, and 16-405 of the

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Kersey Municipal Code Concerning Accessory Buildings or Structures and Storage/Utility Sheds. Motion carried with a 5-0 vote.

7. Approval of Resolution 2022-0009 Affirming the Purchase of Certain Land and Real Property Owned by the Union Pacific Railroad. Christian states, we have been engaging in conversations with Union Pacific about purchasing the elevator next door. It has been a very long time coming. It is about 70,000 (seventy thousand) square feet of ground. It includes the structure you see and all the structures along Trumble Street. It would be 70 (seventy feet) on the north/south axis, from 1<sup>st</sup> Street to 4<sup>th</sup> Street (first street to fourth street); 1,000 (one thousand) feet on the East/West axis. We were under contract in 2020 for \$38,000 (thirty-eight thousand dollars), but some pretty significant issues came up during the due diligence phase. We let that contract lapse. We recently reengaged Union Pacific to get a contract for purchase. While the contract is not exactly perfect, the way we would have written it, Rick and Christian have worked tirelessly to get it to a palatable contract. This resolution authorizes Christian to submit the letter of intent, complete the purchase for \$55,000 (fifty-five thousand dollars), with a \$500 (five hundred dollars) contingency. This would require a 3-strand barbed wire fence along the property line, closing of the 3<sup>rd</sup> (third) street crossing and a maintenance agreement on the 9<sup>th</sup> (ninth) Street crossing. This is a very nontraditional way for Union Pacific to sell property, there are still numerous ways they could terminate the contract. Christian goes on to say, they are a willing seller and we are a willing buyer. Once we own it, we can discuss future use. Trustee Sameshima inquires, this is all North of the tracks. Christian confirms, yes, 30 (thirty) feet from the middle of the tracks is where the property line would start. Rick says, this is not a buttoned-down deal. He thinks this is a good price for what we are getting. Mayor Lagrimanta says he thinks we are at the point we either do or we don't. Being on good terms with our neighbors, and having a good working relationship with the Rail Road opens a lot of possibilities. Motion made by Trustee Theorine and seconded by Trustee Roth to approve Resolution 2022-0009 Affirming the Purchase of Certain Land and Real Property Owned by the Union Pacific Railroad. Motion carried with a 5-0 vote.
8. Town Manager working agreement and evaluation. Christian states, he works for the Board of Trustees as a contract agreement employee. The original contract in place until 2024 remains intact, this is an amendment to that contract. Motion made by Trustee Theorine and seconded by Trustee Roth to approve the Town Managers evaluation and working agreement. Motion carried with a 5-0 vote.

## Old Business

1. Approval of Resolution 2022-0008 Approving and Confirming and Intergovernmental Agreement Between the Town of Kersey and Platte Valley School District re-7, tabled 4/12/2022. Christian states this was tabled at the last meeting because we still needed some clarification, which has been worked out. There could still be a few minor changes. This is for impact fees for new homes being built. These fees are paid to the school for new students. There is a lengthy document in the packet. Exhibit A determines how they assess fees. The consultant they used to help with this, suggested a hire fee. Platte Valley School District chose not to do that. Christian expresses his support of that decision. Exhibit B shows the amounts for the cash in lieu. Our role (Town of Kersey) is to issue building permits and approve developments, we would give the permit holder or developer a form to take to the school and have it signed. This would be a part of the process to get a certificate of occupancy. Rick says, this forced both sides to take a look at the process, which had been neglected on both sides for years. Jeremy Burmeister, representing Platte Valley School District, agrees this was a much needed process. Mayor Lagrimanta inquires about land dedication. Burmeister says it would depend on what the development would bring as far as student capacity. The elementary school is the closest to capacity, of all the school buildings. Trustee Theorine inquires, Exhibit B talks about multi family homes, but that does not talk about land. Burmeister confirms, this only applies to residential buildings. The size of the structure is included in the IGA document. Christian inquires about the difference between single family home and a manufactured home. Burmeister says, the study that is included in the IGA, it shows that more children come from a manufactured (or modular) home than from a single family home. Theorine inquires if elementary is at capacity, which will be out of room first? Burmeister says probably the elementary school. The middle school was designed to be a 6-12 school so it has room. The "new high school" (which is almost 20 years old) also has plenty of room. It depends on if we get growth and what kind of growth we get. Younger families will have elementary school aged children, older people (like myself) might have kids that are a little older. Motion made by Trustee Roth, seconded by Trustee Roth to approve Resolution 2022-0008 Approving and Confirming and Intergovernmental Agreement Between the Town of Kersey and Platte Valley School District re-7. Motion carried with a 5-0 vote.

**Staff Communication**

- a. Christian says we need to appoint a representative for the Chamber and Tree Board, not as a voting member just as a liaison.
  - a. Chamber of Commerce– Mayor Lagrimanta suggests because everyone is so busy, we do a rotation for the Chamber meetings. Mayor Lagrimanta asks Christian to clarify what days they meet.
  - b. Tree Board – Trustee Dusin volunteers to be the liaison for the Tree Board as she is already involved with the Tree Board. Christian clarifies, she cannot vote on both boards. Trustee Dusin agrees. Aye, unanimous vote for Trustee Dusin to serve as the Tree Board Liaison.
- b. Town Manger – Christian states he met with the County last week about a new VIA mobility program. It's a van that take senior citizens to doctor appointments, grocery shopping, or to a granddaughter's birthday party. It's not a taxi service, it has to be arranged in advance. We would have to sponsor it, but Weld County would administrate it. He also spoke with the folks in Fort Lupton, this program has been very successful for them. He thinks it would cost around \$3,000 (three thousand dollars) a year, but he has very basic information at this point. Trustee Roth says, we just have to make sure people know. Christian says, it program would not start until next year, and Kaylee would be the most in touch. Christian provided the Board with updates on a pending legal issue. Christian reports that Josh got approval from Union Pacific today, for the 1<sup>st</sup> (first) Street crossing, on the second phase of the trail. He is about \$60,000 (sixty thousand dollars) under budget. CDOT says that if he can find a way that was not originally planned, but fits into this project to spend that money, to do that. We are working on a small "pocket park" at the head of the Centennial Trail, where the Welcome to Kersey sign used to be. Trustee Dusin says she has been asked if there will be a fence along the trail. Christian says, no. The Ditch Company did not want that, and neither did the Town. It is not swift water, so while a fall into the ditch would probably not feel great, you would not be carried away. Christian says we have partnered with Grandpa's Poop, to service Kohler Park, Centennial Park and Centennial Trail; to clean up after people who do not clean up after themselves. We have also contracted with a local weed sprayer, to spray all of the weeds in the streets. The bid came in at \$7,820 (seven thousand eight hundred twenty dollars), which is less than they had anticipated. Christian states, we do have to let the weeds get to a certain height before they can effectively be sprayed. Christian states, the Xcel switchover, is scheduled to happen in the end of May. They have done a considerable amount of work, but there is still work to be done. He will be meeting with a major home builder tomorrow to talk about their future building. He will bring a water use policy to the Board in June. There was some test drilling done in the Berryman Farm Subdivision, for non-potable water, it performed well. We will have a refresher on the policy at the next work session. Theorine inquires, have we received our share of water yet from the Western Truck building? Christian says we got a letter from the Fire Department saying that they were okay with that share being reassigned from the pond to the building. Christian states, it is the Fire Department's liability if they okay that, and there is not enough water for an emergency. Dollar general is actively transferring their share of water. Tomorrow we are reviewing the first round of applications for the Recreation Director position. Last he knew, we had up to 6 (six) applications that were very qualified and some that are not so qualified. James, Haley and Christian are reviewing them. Christian states, he will be talking to Hall Irwin about scraping that land in preparation for Kersey Days. We will scrape one or two times. We are checking just to be sure it is okay, as we do not own the land right now. The Board discussed ways to get rid of the goat heads. They discussed the idea of burning them, and the Fire Department using that controlled burn as training. Christian states we have one seasonal person we are hiring, and one weekend position candidate. Trustee Sameshima inquires how old they have to be? Christian says, old enough to legally work and preferably have a driver's license.
- c. Town Attorney – No report. You have don't a lot of very important things tonight.

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**Board of Trustee Communications**

Trustee Theorine – Have we heard from Sprint about the pole? Christian says not, however a radio station wants to locate here. They want space on the water tower, which is not something we can offer. Their target audience is low to middle class folks in rural communities.

Trustee Roth – Nothing. Thank you to the staff.

Trustee Sameshima – Nothing

Trustee Dusin – has had a couple of inquires about road repair. Mayor Lagrimanta says, it's a game of coordination and they are working on it. Christian says Kurt created a module on the website for people to report pot holes.

Trustee Roth inquires, can you have pets on the trail? Christian says, yes. We are putting up doggy pots with bags and trash cans. Pets do have to be on a leash, per Kersey Municipal Code.

Mayor Lagrimanta inquiries about notifications from the website. Christian says, you can sign up for a variety of notifications on the website. When things of interest are published you can get an email or text.

Mayor Lagrimanta cancels the executive session for this evening, we were able to work through it without an executive session.

Motion made by Trustee Theorine and seconded by Trustee Sameshima to authorize the Town Attorney to prepare any required resolutions, agreements, ordinances, policies, letters, and memoranda 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 memoranda. Motion carried with a unanimous vote.

**Adjournment**

Mayor Lagrimanta adjourned the meeting at approximately 7:38 p.m.

Respectfully submitted,

Haley Curtis  
Deputy Town Clerk