

**TOWN OF KERSEY  
BOARD OF TRUSTEES REGULAR MEETING  
(VIRTUAL MEETING DUE TO COVID-19 REGULATIONS)  
JUNE 9, 2020 – MINUTES**

The Kersey Board of Trustees participated in a virtual regular meeting due to COVID-19 on Tuesday, June 9, 2020, via Webex hosted by Town Manager, Christian Morgan. Mayor Gary Lagrimanta at approximately 6:10 p.m. called the meeting to order. Trustees present: Mike Theorine, Stan Sameshima, Nathan Roth, Clay Luce, and Michelle Vannest. Trustee Allen Salser was absent.

Audience present: Nicholas Bates with Vector Disease Control, Jon McElwain with Hall-Irwin, Dori DeJong, Platte River Fort, and Brandon Valenciano 3<sup>rd</sup> Street Court,

Town Staff present: Christian Morgan, Town Manager, Rick Zier, Town Attorney, David Gottschalk, Chief of Police, Barb Brunk, Town Planner, Haley Curtis, Deputy Town Clerk, and James Neill, Recreation Director.

**Pledge of Allegiance**

**Additions to the Agenda**

Christian Morgan stated that Trustee Salser is not here tonight due to a personal issue, and has requested to be excused.

Christian went on to say, the swearing in of the new Police Officer has been postponed to allow his family to be present, though he (Robert Chamberlain) is currently working under the direction of the Chief.

Christian invited Chief Gottschalk to speak for a moment about current topics concerning police. Chief Gottschalk State SB20-217 passed in the Senate on the second reading today. Chief Gottschalk states that the Kersey Police Department has already been operating under most all of those conditions for the past four (4) years. We have and use body cams. Choke holds and carotid vascular restraint hold, are prohibited and have never been allowed. Chief Gottschalk states that he does not remember all of the other conditions, without looking at them. However, he would like to let the Board know other than reporting to the Attorney General, which we have ability to do, Kersey Police Department is already practicing these conditions. Chief Gottschalk states that the information that will need to be reported to the Attorney General is already available in statistical format, and he sees very little impact on the department. Chief Gottschalk will continue to monitor this. Chief Gottschalk went on to say that there has not been any outward hostility toward the Police Department, in fact we have had nothing but positive praise. Mayor Lagrimanta thanks Chief Gottschalk and his staff for all of their hard work.

**Consent Agenda**

1. Approval of the consent agenda to include approval of the minutes of the May 12, 2020 regular meeting, approval of bills paid, and approval of bills to be paid. Motion made by Trustee Theorine and seconded by Trustee Vannest to approve the consent agenda. Motion carried with 6-0 vote.

**Public Invited to be Heard**

No public comment.

**New Business:**

1. Approval of Liquor License Renewal for Platte River Fort  
Dori DeJong is in attendance, and states that they are trying to open within the next couple of weeks, so they need their liquor license renewed. Mayor Lagrimanta inquired about any issues reported by the Chief. Chief Gottschalk states that Platte River Fort is very proactive, he has nothing negative to report. Motion made by Trustee Luce and seconded by Trustee Theorine to approve the Platte River Fort Liquor License. Motion carried with a 6-0 vote.

2. Amendment to Site Plan Agreement- Western Truck Body Shop

Christian Morgan states it is important to note that this is a quasi-judicial matter, the Board is not going to be able to take a vote on this tonight. Christian went on to say, information can be taken tonight but, upon the recommendation of Rick Zier if a resolution is needed it should be forwarded to a special meeting on June 23<sup>rd</sup>. Christian recommends that since this virtual meeting is of no fault of the applicant any fees for a special meeting be waived, if that is the direction the Board needs to go. Christian asked Rick Zier for confirmation. Rick confirmed that this is not a quasi-judicial format and it has not been properly noticed, but it can be thoroughly discussed tonight. Jay Kernen with Western Truck & Equipment agreed that they would like to discuss this item tonight, and move forward to a special meeting, if needed. Barb Brunk states this applicant came through the full process in 2018 with conditional approval, with specific conditions concerning raw water. They wanted to put up the shell, and have the building ready for a tenant finish when a user came along. The applicant provided a water demand analysis, which estimates how much water is needed inside and outside the building to serve the use of the building. The conditions of approval were that they would transfer one (1) unit of CBT to the Town to put up the shell and the foundation, and then they would provide the rest of the water at the time they came to get a building permit for the tenant finish. We also put a provision that if the analysis for the tenant said a different amount of water is needed, they would give a different amount of water. The attention was always that if the demand were less, they would give less water and if the demand were more, they would give more water. The applicant is concerned about the clarity of this provision as it is written. They have updated the plans, and have gone through Safebuilt, trying to get started. The applicant has come to the Town asking to clarify the written provision about if less water is needed, they will bring less water and tie that water to the certificate of Occupancy (CO), not the building permit. The applicant could then get the building started, and the Town can hold the Certificate of Occupancy until that water is provided. Mayor Lagrimanta inquires don't we have an ordinance that one (1) unit of water must be supplied even for residential, because our water is supplied by Central Weld County Water District? Barb states we have a contract with Central Weld County Water District that states we must bring enough water to serve the use. The theory is that the Town doesn't want to be in the hole, we want to make sure the applicant brings enough to serve their use; sometimes it is more than one (1) share. The Town does not take partial shares, so if the demand shows they need one and a half (1.5) shares of CBT, we would require (2) shares. The applicants study showed that they need five (5) shares total. In order to accommodate their desire to get the shell up and maybe attract a tenant, the Board allowed them the opportunity to give one (1) share with the shell and give the rest with the rest of the building permit. Mayor Lagrimanta inquires, if the tenant mixes chemicals using the water from inside the building and uses one million (1M) gallons a year, they would be required to bring that much? Barb Brunk confirms, yes that is true, and if their analysis says they need two (2) shares but they end up using three (3) shares there are provisions in the code for us to go back to them and ask for more shares. Barb states this happened with the Hotel, we had to ask for more water. Mayor Lagrimanta asks what the timeframe between when the building is filled and the next analysis for asking for more water is? Barb says we would ask for a demand analysis before they start, and then give it a year. Christian confirmed that consistently going over for a period of a year then more shares are needed. Mayor Lagrimanta inquires if the applicant is charged for overages curing construction? Christian explains that Kersey has a tiered usage rate, and they would definitely pay for their usage; the raw water behind it is based on historical data. Jay Kernen states the study shows office use will use less than one share of CBT water, unless it needs to be used for irrigation or larger use, that's where the non-potable water comes into play. Craig Sparrow already transferred one share to the Town for the fire pond, and he desires to have that unit transferred to development of unit 2. The fire pond would then be supplied by that non potable water source. Mayor Lagrimanta inquires, where the raw water would come from? Andy Jones water attorney for Western Truck and Equipment, states the non-potable water would be supplied by wells augmented by the Central Weld County Water Conservancy District. The applicant has 2 water applications pending, but near completion. Andy states there have been some delays due to COVID. Andy states he has been working with Christian and Rick Zier on an agreement about how those non-potable sources will credit toward the shares needed, but that is not a discussion for tonight. Christian confirmed that an agreement is in the works. Christian recommends the fire pond stay there, he believes that a more detailed study would need to be performed, and the transfer of the share used for the pond could be happen later. Andy Jones states the non-potable water source would have to be up and running before the unit currently supplied for the fire pond would be

transferred. This aquifer is very reliable. The applicant is aware that the well needs to be installed, and functional for the fire pond. Jay Kernen states Mr. (Craig) Sparrow is adamant that this unit be transferred, and if all else fails water could be hauled to the pond. Jay goes on to state that Mr. (Craig) Sparrow will walk away and build in Weld County if this is not approved. Christian states the building permit is tied to one unit. Jay Kernen states that the applicant (Mr. Craig Sparrow) would like to transfer this unit, and hold the certificate of occupancy until the remaining units are provided. Christian states Platte Valley Fire District should be present for the hearing. Mayor Lagrimanta states he knows of many farmers in the area having trouble with their wells, and public safety concerns him. Andy Jones states the applicant is concerned about cost versus use. Mayor Lagrimanta inquires if CBT water would be a backup? Jay Kernen inquires how much redundancy is needed? Water could be hauled, in addition to the wells. Jay Kernen again states that Craig (Mr. Sparrow) will walk away and the lots will sit there, if this isn't approved, he has already put a quarter of a million dollars into this. Christian states the pond is owned by the association, not Western Truck and Equipment. Bill with WETCO, confirmed the pond is owned by the association. Andy Jones states it is intended for the association to own it. This created two (2) types of redundancies; water supply and maintenance. Mayor Lagrimanta states he wants to make sure that businesses have adequate protection, if the well fails do those businesses have a backup. Mayor Lagrimanta goes on to say that no decision is being made tonight, we are just gathering information. Andy Jones states the applicant doesn't want to keep that unit on the pond forever. Christian states the applicant owns lots four (4) through seven (7), so it can be transferred at some point. It was agreed that tonight is just gathering information for Mr. Sparrow and the Town moving forward with the water agreement. Trustee Theorine states he would want to talk to the Fire Department before making a decision. Mayor Pro-Tem Roth states his agreement with Trustee Theorine, he doesn't want to come across as unwilling to work with the applicant, but he would need more information. Trustee Vannest expressed her agreement with Trustee Theorine and Mayor Pro-Tem Roth. Andy Jones states the request on the agenda tonight is to clarify that if less units are needed, less will be provided, and that those units are provided before the certificate of occupancy is issued as opposed to the building permit; the pond is not the issue right now. Rick Zier states that Andy's statements have been clear. We are speaking about the site plan amendment. Barb Brunk reaffirms the requirement that one (1) unit is due at the time the building permit is issued, that is not changing, the rest would be due at the time of certificate of occupancy. Christian states this project can get moving with one unit; although the applicant wants to use the fire pond unit, it may have to come from a different source. Andy would like to see the Board consider what was on the agenda, and have a special meeting to approve that. If Mr. (Craig) Sparrow would like to move forward, he has a path to do that with this agreement. Trustee Theorine states he would feel better about making a decision if we can talk about it in a couple of weeks at the work group. Christian states this would have to be a special meeting because work sessions are not for record. We would need to have proper notice. Christian goes on to say he feels that we made good progress tonight, and would like to bring this back in two weeks for a special meeting. Mayor Lagrimanta states he agrees. Rick Zier requests a vote for a special meeting. Christian states he would like to waive the fees because it is no fault of the applicant that we have to push this forward to a special meeting, to have the meeting in person to meet the quasi-judicial requirements. Motion made by Trustee Theorine and seconded by Trustee Luce for a special meeting to be held on Tuesday June 23<sup>rd</sup> at 6:00pm and to be followed by the work session. Motion carried with a 6-0 vote.

3. 332 3<sup>rd</sup> Street Boundary Line Adjustment

Barb Brunk states last summer we established a boundary line adjustment process. The Town Manager can approve the application, and the Mayor signs the approval. Barb states she put together a complete application for the Town, as to follow our own rules. All documentation is included in your packet. We are taking lots 16, 17, 18, and 19 and making them into two lots 16A and 17A, so there will be less confusion later. Christian states property line will extend three (3) feet beyond the building on the south side, will include the 'front yard' on the west side, will include the parking lot on the north side, all of the sheds and out buildings on the east side will remain Town property. We will need to establish an access agreement for the well that currently provides irrigation to the park, because the automated clock is inside the current Town Hall building. We will need to have these diagrams and supporting information recorded, so that there is a physical lot to sell to the Library. Christian states the Board has already approved the sale by resolution, this is just information. Barb Brunk states there is a detailed description of where the lot lines are and how we decided where they are, included in the packet. Mayor Lagrimanta inquires about the sewer lines. Christian states the sewer lines dead end at the man hole by the shop. Christian went on to point

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out the man hole and shop in the aerial photos in the packet. Christian states that in the future we might have to address in the future with the alley angle. Currently the homeowner to the North have a forty-five-degree (45-degree) angle in their fence for that purpose. Nathan inquires if we can address this with the homeowner. Christian states yes, we probably can, there are a number of things we can do.

## Old Business

1. Project Updates
  - a. Town Center – Christian states the sidewalk areas were dug, and are now full of water. The project is moving along.
  - b. Centennial Trail – Christian states a resident has approached the Town about storm water. Christian agrees we need to address the storm water in that area. It is still on the table to acquire the land we need. We are still making progress with Union Pacific. The agreement with Latham Ditch is good.
  - c. Other – Mayor Lagrimanta inquires the status of paving. Christian states we are on the schedule for the end of July. Josh Roseberry is working to see if we can have it done sooner.

## Staff Communication

1. Chamber of Commerce – Trustee Luce states the Chamber has not met due to COVID, they decided to postpone another month. They are hoping to have a meeting within the next three (3) weeks.
2. Tree Board – Trustee Salser was absent. Christian states more than 20 trees were planted with the help of a lot of volunteers. The wind last night knocked over four (4) trees in Centennial Park. Christian displayed a spreadsheet with volunteer hours, not including our Tree Board and staff. There will be an Arbor Day event June 19, 2020 at 9:30am at Memorial Park, it will be smaller and a little different than what we normally do. James Neill states some of the trees by the pavilions at Centennial Park had to be moved because of utility and/or sprinkler lines underneath.
3. Town Manager – Christian Morgan states the administrative assistant job has been posted and we are getting some very qualified applicants, including some from another municipality. The job post will be open for another week, or so.

Christian states that Vector Disease Control will not be spraying for mosquitos tonight, because it is too cold, so they will spray another day later this week. They started spraying last week, and it will normally be on Tuesday evenings. They set a mosquito trap here in Kersey, and had twenty-two (22) mosquitos in the trap.

We opened the playgrounds Friday May 29th; we are the second in the area to do so. We consulted our insurance and established a cleaning program and put up play at your own risk signs. The kids are very happy.

The graduation parade had 58 entries; the Police Department, James Neill, Christian Morgan and the Fire Department assisted. Christian thinks it went off spectacularly, everyone was well behaved. This was not ideal for the graduates, but we did our part to make it special for them, Dr. McClain wrote a thank you note. Christian thanks the staff and Board.

Weld County will be receiving twenty-seven million dollars (\$27M) in Cares Act Funds. Christian states he has been involved with a group to allocate those funds; some information will come out this week. These funds are for expenses directly related to COVID; from the very onset of this Haley and Julie created a tracking system. We believe all of those are eligible to seek reimbursement for. Chief pursued some Department of Justice (DOJ) funds. We purchased new iPads for all of you, should we have to continue doing virtual meetings.

The school district is providing access cards for the new Town Hall and/or Community that will double as a Town of Kersey ID. Christian will be creating a policy requiring stall to wear them and have them visible at all times while working. Board of Trustees will also be issued one, as well. James Neill is facilitating this. This will be a tremendous tool, by using the school districts IT department we have saved a tremendous amount of money.

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Current as of today; Christian displayed a chart with sales tax numbers. We have been waiting to get these sales tax numbers. The numbers reported in June are reporting for April. April 2020 is just two percent (2%) lower than April 2019, and higher than April 2018. Christian was concerned about the sales tax numbers during the Stay at Home order. Christian states he agrees with Julie, who stated that it seemed like people were trying to support local. Property tax assessed value increased five hundred percent (500%) in 5 years. We are scheduled to receive eight hundred forty nine thousand, nine hundred sixty dollars (\$849,960), nearly five hundred thousand dollars (\$500k) more than last year; we are ninety-seven thousand (\$97k) short of what we budgeted, but we still have five (5) reporting months left to go this year. Christian anticipates that 2021 will look about the same, 2022 may not be so cheery. Christian states, we just have to keep moving forward.

4. Town Attorney – Rick Zier confirms that the June 23<sup>rd</sup> meeting will be in person. Christian states that as of now, yes it will be in person. Rick states it has to be quasi-judicial, it's time to open up.

## **Board of Trustee Communications**

Trustee Theorine inquires when Barb's last day is. Christian states, it was last week and clarifies that it was Barb Alvarado that resigned. Barb Brunk says, you are stuck with me.

Mayor Lagrimanta thanks Trustee Sameshima for joining us tonight, as his mother recently passed.

## **Adjournment**

Mayor Lagrimanta adjourned the meeting at approximately 7:58 p.m.

Respectfully submitted,

Haley Curtis  
Deputy Town Clerk