

**Town of Mead  
Minutes of the Regular Meeting  
Board of Trustees  
February 1, 2011  
7:00 p.m.**

The Board of Trustees for the Town of Mead met for a regular meeting on February 1, 2011. The meeting began at 7:00 p.m.

**Members Present**

Mayor Richard W. Macomber  
Trustee Robert J. Acker  
Trustee Debra Brodhead  
Trustee Richard E. Kraemer  
Trustee Kim Heard  
Trustee Liz Knapp  
Trustee Penni Zelinkoff

**Staff Present**

Town Manager Dan Dean, Attorney Cyril Videgar representing Town Attorney Rick Samson, Town Planner Steve Stamey, Town Engineer Trent Marshall, Public Works Director Dan Dennison, Wastewater Engineer Jim Wright and Town Clerk Charlene Reed.

**Pledge of Allegiance to the Flag**

The assembly pledged allegiance to the flag.

**Consent Agenda**

Board members considered the consent agenda consisting of the minutes of the regular meeting held on January 10, 2011, the minutes of the study session held on January 18, 2011, the bill list dated January 24, 2011, the supplemental bills list dated January 31, 2011, and the aged receivables as of December 31, 2010.

Motion was made by Trustee Heard, seconded by Trustee Acker, to approve the minutes of the regular meeting held on January 10, 2011. The motion passed with one abstention by Trustee Zelinkoff.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the minutes of the study session held on January 18, 2011. The motion passed with abstentions by Trustee Acker, Brodhead and Knapp.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to approve the bills listed dated January 24, 2011 and the supplemental bills list dated January 31, 2011.

Board members questioned the charges for Go Daddy and the Longmont Humane Society. Mayor Macomber asked whether the Tri State Fireworks, Inc. payment was a duplicate. Because the Go Daddy charges are on the credit card, staff was instructed to go ahead and mail the payment. Mr. Dean will get information regarding the bill. Staff was instructed to hold the Humane Society bill and provide copies to the Board. Staff was instructed to hold the Tri-State Fireworks payment until it was determined whether it is a duplicate.

The motion passed with a 4-3 vote.

Board members reviewed the Aged Receivables as of December 31, 2010. Staff was instructed to write off the charges for Casey Brooks.

### **Audience Participation**

There were no items presented from the audience.

### **Reports/Presentations**

#### **Burch Family Farm and Rademacher and Sekich Business Parks Sewer Line Engineering Scope of Services**

Mr. Wright presented information regarding the scope of services for the design of approximately 7,700 feet of 12, 10 and 8-inch sewer line to provide sanitary sewer service to these properties.

Mr. Wright noted that researching funding options and meeting with property owners to discuss potential funding for the line has not been included in this scope of work. He explained that he is willing to assist the Town in obtaining funding or setting up a Sewer Improvement District (SID) at no cost to the Town. He noted he did this for the Sekich Business Park and he has already started looking at possible funding sources for this project.

Mr. Wright explained that one way for the Town to claim territory is to make infrastructure improvements. Putting the sewer line in the Rademacher property would tie this area to the Town, even prior to annexation of the property.

Mr. Wright noted there may be grant funds for projects of this type available in the future. He recommended that the Town go forward with the planning of the project, so that if funds become available, the Town will have a “shovel ready” project for consideration.

Board members asked the projected cost for the project. Mr. Wright estimated a total cost of \$750,000, with an annual debt service payment of \$63,200.

Board members asked who will be paying for the design. Mr. Dean explained that if a district is formed, that cost can be a part of the funding for the district. In the interim, and until a district is formed, the Town will be paying to get the design done.

Mr. Dean noted he has had discussions with Bud Ferdon, Ken Williamson and Mark Stonehocker and all three are interested in participating in a district. In order to go forward with the formation of a district, the Town will need the design to get the cost of the project. The cost for Mr. Wright to design the project would be \$36,300.

Board members asked Mr. Videgar about the process to form a district. Mr. Videgar explained the process.

Trustee Kraemer suggested this is a valuable area for the Town and he was in favor of going forward with the design.

Trustee Acker was concerned about spending money for the design without first forming the district and getting the property owners on board. He was concerned that the Town would be stuck with the bill for the design.

Trustee Kraemer noted the residents in the area are going to have to have sewer service which will require a sewer line. He felt this is a reasonable risk and Mayor Macomber agreed.

Mayor Macomber asked for clarification of the legal situation in memo form. He suggested Mr. Dean, Mr. Wright and Mr. Samson or Mr. Videgar meet to put together a plan to go forward with this project.

Ted Bendelow of 3759 Vale View Lane encouraged the Board to go forward with this line. He suggested it is vital for the Town to invest in its future.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to table the Burch Family Farm and Rademacher and Sekich Business Parks Sewer Line Engineering Scope of Services until the next meeting on February 14, 2011. The motion passed unanimously.

#### SAFEbuilt Building Department Update for the period of January 1, 2010 – December 31, 2010

Board members reviewed the building department update provide by SAFEbuilt Inc.

### **Old Business**

#### Banking Report

Ryan Sword addressed the Board regarding the Commercial Bank Code Public Deposit Protection Act. He explained that in order for a bank to accept public deposits, a bank must go through a process outlined by the State of Colorado Division of Banking. The bank must be an approved institution to receive public deposits.

Mr. Sword explained that the Town's deposits are protected by FDIC insurance for up to \$250,000 for savings and \$250,000 for on demand deposits. For funds in excess of the amount protected by FDIC, the bank is required to pledge assets in the amount of 102% of the funds. He explained that Colorado East Bank and Trust determines the amount to be pledged based on the

high average and pledges in excess of the 102% required, providing a cushion to provide additional protection.

Mr. Sword explained that in the event of a bank failure, FDIC would cover the first \$500,000 if the Town has both a savings and a demand account. Any funds in excess of the \$500,000 would be reimbursed using the assets that were pledged. The State of Colorado does a market value analysis monthly to make sure that the bonds pledged are sound and adequate. He noted that the assets have to be pledged with the State and kept by a third party escrow company.

Mr. Sword explained that the State audits on an annual basis to be sure that the banks are pledging correctly and that the banks are financially sound enough to be a public depository.

Board members asked Mr. Sword to provide information regarding the third party escrow company being used to hold the bank's assets, and thanked Mr. Sword for providing the information.

Plan Review Services for Fairbairn Avenue and Main Street Improvements Pre-Design Services for Enhancements - Proposal for Enhancement Services – Ridgeline Consultants, Inc.

Troy Campbell of Ridgeline Consultants, Inc. and Jim Blankenship of JLB Engineering Consultants presented a proposal for Plan Review Services for the Fairbairn Avenue and Main Street Improvements project requested by the Board at the December 13, 2010 meeting.

Mayor Macomber noted the Board was asking for a review of the construction documents. Mr. Dean noted staff understood that the Board was asking Mr. Campbell to provide a proposal to review the construction documents and to look at the enhancements. Mr. Blankenship was involved in the design of the enhancements for the Town of Lyons, which is why he was asked to review the proposed enhancements.

Board members asked for clarification of what is achieved by the four phases proposed. Mr. Campbell noted Phase I and Phase II are a review of the Construction Plans prepared by JR Engineering and to provide potential enhancement options and order of magnitude cost estimates for those enhancements. Phases III and IV are pre-construction work. Mr. Blankenship noted phases I and II would take approximately two months.

Board members noted the current plans were done several years ago by J. R. Engineering. Mr. Marshall noted the plans have been updated.

Board members noted they would like to have a second set of eyes on the plans, but objected to spending \$50,000. Mr. Campbell confirmed that the intent is not to re-engineer. Mr. Blankenship explained that Phase I-II are to look at the plans and provide a report giving the Board information on what needs to be done to prepare to enhance the area.

The Board considered whether to go with Phase III. The purpose of that phase is to put together a budget for the full project. Phase III is developing a plan to get people on board and in place to actually do the enhancements. Mr. Campbell noted if you do Phase III, then you are looking at design elements to proceed into Phase IV.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to hire JLB Engineering Consultants and Ridgeline Consultants, Inc. to complete Phase I and Phase II of the pre-design services for enhancements for the Fairbairn Avenue and Main Street Improvements. The motion passed unanimously.

### Red Barn Status

Attorney Bruce Fickel explained that G. A. Escobar Associates, Inc. inspected the Red Barn and found it to be unsafe. They further found that “it needs to be shored and braced immediately” and that “No person should be allowed to enter the structure.” He noted that once it is determined that there is an unsafe structure in the Town, the Town shall take affirmative action.

Mr. Fickel explained that he contacted Joel Newcomb to get a quote for demolishing the building. He obtained a quote from Gerrard Excavating, Inc. in the amount of \$32,282 to demolish and dispose of the building. Mr. Newcomb is in agreement that the building needs to be demolished and that the property is worth more without the structure.

Mr. Fickel outlined three options for funding the demolition. The first and preferred option is to get the lender to advance the money for the demolition and add it to the owner’s loan. That requires a borrower that can support the additional loan and a building with enough value to support the additional encumbrance. In this instance, neither is true.

The second option to get the building removed is to get the bank and all other leinholders to subordinate to the Town and the Town to advance the money for the demolition. The bank is getting a report that will tell us if that is possible. The Town would authorize the funds and would be in first position to be reimbursed if the property sells.

If it is not possible to get the Town in first position, the other option is for the Town to form a special assessment district which includes this property and any other property that may need to be demolished so that the Town can assess the fees back to the property owners. Typically this statute, 31-25-503, is used to build something, rather than to demolish a building. However, there is language in the statute that says if the action improves the value of the property and the owner agrees, then the Board can take this action.

Mr. Fickel explained that the first option may be possible and he will be negotiating with the Bank and the other lenders on the property. If that is unsuccessful, the cost to form the special assessment district should be minimal, approximately less than \$1,000.

Board members discussed the need to solicit bids if the Town is involved in removing the building. Mr. Fickel noted Mr. Newcomb is comfortable with Gerrard Excavating, but if a district is formed, bidding is required by the statute.

Motion was made by Trustee Knapp, seconded by Trustee Acker, to authorize Attorney Fickel to negotiate with the leinholders to subordinate and get the Town in first position. If that is not possible, Mr. Fickel is authorized to go forward with the formation of a special assessment district to fund the removal of the building. The motion passed unanimously.

Board members asked Mr. Dean to go ahead and get two additional bids for the removal of the building.

Mr. Dean provided an update on the blacksmith shop. Mr. Samson has corresponded, and they are trying to sell the property. The property owners have made a commitment to dismantle the front portion of the building.

Mr. Dean noted they owner has not allowed access to the building for an inspection. Board members asked if there is a time frame for the removal of the front of the building. Mr. Dean suggested that further action needs to be taken if the owner has not removed the front of the building in the next sixty days.

Board members noted Mr. Fickel has made good progress with the red barn and suggested he pursue the same course of action with the blacksmith shop.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to authorize Attorney Bruce Fickel to contact the owners of the blacksmith shop and go forward with the removal of the building. The motion passed with Trustee Heard voting no.

#### Boundary Agreement between the Towns of Mead and Platteville

Board members identified a minor correction in the agreement and authorized Mr. Dean to make the correction prior to having the documents signed.

Motion was made by Trustee Zelinkoff, seconded by Trustee Knapp, to approve the boundary agreement between the Towns of Mead and Platteville, as amended. The motion passed unanimously.

Board members asked the status of the IGA with Weld County. Mayor Macomber reported that he is still in discussion with Weld County regarding changes requested to the IGA.

#### **New Business**

#### Refer Zoning Map Amendment Consideration to Planning Commission – Highway 66, south of North Valley Drive

Mr. Stamey explained that the Town has received a request from a property owner on North Valley Drive regarding sale of a commercial condominium unit, to provide space for a proposed new business use. The proposed new business is non-retail, and produces optical products, and does not conform to the current zoning of HC-Highway Commercial.

Mr. Stamey explained that the property in question is a three unit condo and the businesses being proposed does not meet the criteria for HC zoning. When this discussion began, Mr. Stamey inventoried the businesses in the area and the existing businesses are not a good fit for the HC Zoning. He explained he is recommending that this area be rezoned to General Commercial, which would allow the new business, and would be a better fit for the businesses already in the area.

Mr. Stamey recommended that the Board send this recommendation to the Planning Commission to make the zoning change.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to refer a request to the Planning Commission to consider a modification of the zoning in the area between the north side of South Valley Drive and the south side of North Valley Drive in the Sekich Business Park from Highway Commercial to General Commercial. The motion passed unanimously.

#### Mead Area Chamber of Commerce Bicycle Race

Mr. Bendelow addressed the Board requesting support for the Mead Roubaix Bike Race which is scheduled for April 10, 2011. He explained this is an activity to draw people to the community. He described the plans for the event, and noted the Chamber of Commerce plans to use this as a fundraiser through beer sales. The Chamber will be coming back to apply for a special events liquor license.

Mr. Bendelow explained that they are asking for the Town's support. They are asking to use Town Park and a number of streets including Main Street, Third Street and Welker. They are also asking that the Public Works Department grade some of the gravel roads prior to the event.

Mr. Bendelow noted the Chamber will be contacting the Weld County Sheriff's Department and the Mountain View Fire Department to provide support for the event.

Mr. Dean noted one issue that will cause inconvenience to the residents is the number of vehicles that will be in Mead and need parking. The plan is to utilize the area by the lagoons as overflow parking to alleviate this problem.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to allow the Chamber of Commerce permission to use Town Park from 7:00 a.m. to 4:00 p.m. on April 10, 2011 for the Mead Roubaix Bike Race. The motion passed with Trustee Knapp recusing herself from voting.

#### St. Vrain Sanitation District Letter of Support

Mr. Dean noted that the Town received a request from the St. Vrain Sanitation District for a letter of support to the North Front Range Water Quality Planning Association. They have proposed to add areas to their District that are east of WCR 17 and north of Highway 66. Jim Wright has reviewed their proposal and has no objection to the revision. Staff is recommending that the Town write a letter stating that we have no objection to the proposed changes.

Board members discussed the request and did not feel the Town should support this request. St. Vrain Sanitation District has not been willing to negotiate with the Town in the past. It was noted that the Town objected to allowing them to move into this area in previous negotiations.

Board members suggested this is a coordinated effort with the Town of Firestone to move into this area, which is adjacent to the Town of Mead's Urban Growth Area. Mr. Dean was asked if he has talked with the Town Manager at Firestone regarding the Urban Growth Areas of the two

towns. Mr. Dean agreed to contact the Town Manager at Firestone and attempt to set up a meeting.

### Energy and Mineral Extraction Funds – Colorado Employee Residency Report

Mayor Macomber noted he was in favor of this until the letter from Bruce Barker was received, asking the Town to contribute to the cost of the project. He suggested that the item be tabled to allow Board members time to review and to allow time for a discussion with Mr. Barker.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to table the discussion of the Energy and Mineral Extraction Funds Colorado Employee Residency Report to the next meeting on February 14, 2011. The motion passed unanimously.

### Reports and Comments

#### Dan J. Dean, Town Manager

Board members reviewed Mr. Dean's activity report from January 31, 2011.

Mayor Macomber asked where Mr. Stemwedel and Encana Oil plan to put oil wells on the Welker Farms property. Mr. Dean noted the location of the wells is being negotiated between the property owner and Encana. They have identified a target location on the northeast corner at the bottom of the hill as a potential location.

Trustee Kraemer attended a class in Economic Development for Elected Officials. He encouraged the Board to get going on the hiring of an Economic Development Director for the Town of Mead.

Board members asked Mr. Dean to prepare a job description appropriate for an Economic Development Director for the Town of Mead and place an ad for the position. Mayor Macomber and Trustees Kraemer and Knapp volunteered to review the resumes when received.

Mr. Dean noted that Mr. Bendelow has been working the Don Marostica as a potential person to do economic development for the Town. Trustee Kraemer noted Mr. Marostica wants to provide this service to multiple towns in the area, and he suggested the Town of Mead needs one person to concentrate on economic development for the Town.

Board members questioned the proposal from Larry Buckendorf. Mr. Buckendorf is offering to give the Town \$5,700 to accept Founders Park if the Town will fix the lights and repair an open storm drain. Mr. Dean explained that he spoke with Brad Goetz and the lights he is recommended cost \$1,500. Trustee Heard commented that those lights are the lights that were included in the park plan. Mr. Dean noted staff is working out the details for this change before bringing it to the Board.

Colorado Water Resources and Power Development Authority  
Water Pollution Control Revolving Fund (WPCRF) Loan Payment

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to authorize payment of the Colorado Water Resources and Power Development Authority Water Pollution Control Revolving Fund (WPCRF) Loan Payment in the amount of \$107,419.32. The motion passed with a 7-0 vote.

Bank Accounts

Board members were not in favor of moving money to the proposed accounts. After the presentation by Mr. Sword, the Board decided not to move money at this time.

Richard Samson, Town Attorney

Board members reviewed Mr. Samson's status report as of January 31, 2011. Mr. Videgar was present to answer questions.

Board members asked how much the issue with the Westridge Annexation cost the Town and asked that Mr. Samson provide a summary of the costs at the next meeting. They also asked for a memo regarding what the Town can do to prevent a situation of this type from occurring again.

Steve Stamey, Town Planner

Board members reviewed Mr. Stamey's activity report as of January 31, 2011.

Board members asked about the communication with a commercial realtor regarding meat packing/kill zone land use for the property at 14052 Valley Drive. Mr. Stamey explained that he advised the realtor that was not a permitted use on that property.

Board members asked what action has been taken on Lots 51 and 52 from Mr. Stamey's presentation. Mr. Dean noted he contacted the property owner's representatives and conveyed the proposal to prepare their annexation maps. They were going to discuss this with the property owner and respond. Mr. Dean will be following up.

Trustee Kraemer suggested the Board authorize Mr. Stamey to continue working on the annexation project. Mr. Dean noted Mr. Stamey is working on the lots in Sekich Business Park, and the lots in the I-25 Business Park are on hold until a decision is made regarding the sewer line.

Trustee Kraemer asked Mr. Stamey to provide the Board with a proposal regarding where the project can go next.

Trent Marshall, Town Engineer

Mr. Marshall apologized to the Board for not providing a report for the packet.

He reported that he got a proposal from CTL Thompson for \$6,700 to do water testing at Westridge and Mulligan Lake Estates. CTL Thompson is proposing that three test wells be drilled between the two properties for testing and the lake itself be tested.

Trustee Kraemer suggested several locations for the test wells and volunteered to discuss this with the Mulligan Lake Estates Homeowners Association to determine where the wells can be drilled.

#### Dan Dennison, Public Works Director

Board members reviewed Mr. Dennison's report.

#### Hiring Public Works Employee

Mr. Dennison asked the Board for authorization to hire a full time entry level employee and he asked to hire one of the two seasonal employees from last year to fill the position. He explained that this is replacing a permanent position. This position was in the budget for 2011, and one advantage is that the Town is not paying for training for a seasonal employee. Mr. Dennison noted the employee he is asking to hire worked out very well while he was employed by the Town.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to allow the Public Works Director to hire a full time entry level employee and to hire the former seasonal employee at a rate within the salary range. The motion passed unanimously.

#### Sign Proposal

Mr. Dean presented a proposal from Longmont Signs. He noted a meeting was held with the Roadmaster for the railroad and he gave verbal permission for the Town to locate a sign in the triangle at the entrance to Main Street. Board members asked for confirmation in writing before proceeding with the sign.

Mr. Dean noted Janet Torres is working toward her degree and is requesting her tuition reimbursement before her grade is received. Ms. Reed noted she understood that Ms. Torres is asking the Board to authorize the check to be issued so that when she receives her grade, she can submit it and the check will be ready. Board members authorized Mr. Dean to issue the reimbursement when the passing grade is received.

#### **Mayor Macomber**

#### Unity in the Community - 2011

Mayor Macomber noted the Longmont Area Chamber of Commerce will be holding this year's "Unity in the Community" on Thursday, February 24, 2011 from 5:30 p.m. to 7:30 p.m. at the Plaza Hotel and Conference Center in Longmont. The Town of Mead has signed up and has invited the Mead Area Chamber of Commerce to share the Town's table. Mayor Macomber encouraged other Board members to participate.

## Your Town – Request for Proposals 2011

Mayor Macomber noted *Your Town: The Citizens' Institute on Rural Design* offers funding for non-profits, community organizations, and local governments to tackle regional planning issues through a multi-day workshop. They are asking for proposals to participate. Board members agreed this is a good opportunity and asked Mr. Dean and Mr. Stamey to prepare a proposal for the Town.

Mayor Macomber reminded the Board that the meeting will be held at 6:00 p.m. on Monday, February 14, to allow Mr. Huddleson to bring his visioning before the Board.

### **Town Trustees**

Trustee Acker presented information regarding recommendations to the CML Board from the CML Policy Committee.

Trustee Acker noted the 2011 CML Legislative Workshop is scheduled for Wednesday, February 23, 2011 from 7:30 a.m. to 4:00 p.m. The cost of the workshop is \$95.00 per person. Trustees Acker and Brodhead and Mr. Dean asked to attend and the Board agreed.

### **2011 CML Conference**

Ms. Reed provided information regarding the 89<sup>th</sup> CML Annual Conference for Board members to consider. The conference will be held June 21-24 in Vail, Colorado. CML has already contracted for lodging, and she encouraged Board members to let her know if they plan to attend so reservations can be made. Trustees Brodhead and Knapp plan to attend.

### **Adjournment**

Motion was made by Trustee Acker, seconded by Trustee Knapp, to adjourn. The motion passed unanimously.

With no further business before the Board, the meeting adjourned at 10:30 p.m.

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Charlene Reed, CMC, Town Clerk

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Richard W. Macomber, Mayor