

**Town of Mead  
Minutes of the Regular Meeting  
Board of Trustees  
February 28, 2011  
7:00 p.m.**

The Board of Trustees for the Town of Mead met for a regular meeting on February 28, 2011. The meeting began at 7:00 p.m.

**REGULAR MEETING**

**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, 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 on February 14, 2011, the bills list dated February 23, 2011, and the sales tax report as of the 4<sup>th</sup> Quarter of Fiscal Year 2010.

Motion was made by Trustee Heard, seconded by Trustee Knapp, to approve the minutes of the regular meeting held on February 14, 2011. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to approve the bills list dated February 23, 2011. The motion passed with a 6-0 vote with Mayor Macomber abstaining.

Board members reviewed the Sales Tax Report for the fourth quarter of Fiscal Year 2010, noting that there was some improvement in the fourth quarter over the other quarters in 2010, but the overall sales tax was down 25.1% from 2009.

Motion was made by Trustee Knapp, seconded by Trustee Kraemer, to approve the 4<sup>th</sup> Quarter/FY 2010 Sales Tax report. The motion passed unanimously.

### **Audience Participation**

There were no items presented from the audience.

Mayor Macomber adjourned the regular meeting and convened a meeting of the Mead Liquor Authority at 7:05 p.m.

### **Mead Liquor Authority**

#### **Liquor License Renewal – Brick House Barbeque**

Glen Rademacher was present representing the Brick House BBQ, Inc. He explained that the renewal form was received late and sent directly to the State. It was returned, and there was a delay in getting it to the Town.

Motion was made by Trustee Kraemer, seconded by Trustee Acker to approve the liquor license renewal for the Brick House BBQ, Inc. The motion passed unanimously.

#### **Liquor License Renewal – Mead Liquors**

Keith Bolin was present representing Mead Liquors of Colorado, Inc.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to approve the liquor license renewal for Mead Liquors of Colorado, Inc. effective May 12, 2011. The motion passed unanimously.

Mayor Macomber adjourned the meeting of the Mead Liquor Authority and reconvened the regular meeting at 7:10 p.m.

### **Old Business**

#### **Sewer Service to Properties East of I-25 - East I-25 Business Park Sewer Line**

Mr. Samson presented information regarding the options for extending sewer service to properties east of I-25. He noted that a meeting was held with Mr. Dean and Mr. Wright and staff is suggesting that it works best to let the people who want sewer form the district and bring the request to the Town. In order to get out of the East I-25 Sanitation District, these property owners will need to annex to the Town of Mead.

Trustee Kraemer felt the Town should be involved in getting this done. In the meeting with the property owners from the area, they felt that they should have been included when the Town helped the Sekich Business Park put in a sewer line. He suggested it is in the Town's best

interest to help get this line built. If the Town has a sewer line in this area, we have something to offer businesses who are interested in locating in Mead.

Trustee Acker objected to residents of Mead who will not use the sewer East I-25 line being required to help pay for the line. He asked what will happen if property owners in the area to be served by the line do not want to annex to the Town. Mr. Samson explained that in order to use the sewer line that will be available, annexation will be required. There are a group of business owners that are ready to put up money to get this process started. He noted that the majority of these businesses are in the East I-25 Sanitation District, and the only way they can get out of the district is to annex to Mead. The annexation agreement will include a reimbursement agreement that will allow the property owners to get reimbursed if anyone else connects to the line, so annexation is a benefit.

Board members discussed methods of funding this project and were not in favor of going into debt to get this done.

Mr. Dean explained that a meeting is scheduled for Friday, March 4, 2011 to discuss this project with the principals in the area. He explained that their understanding and intent is to form the district and pay for the line themselves. The initial meeting will be with the principals and then a meeting will be set up with all the property owners in the area to try to get this project going. He noted that if the Town is involved in the funding of the project, an election will be required. He will provide further information about the meeting with the principals at the next meeting.

#### SVSD Proposed IGA

Mr. Wright reviewed the IGA that was sent to the Town by the SVSD.

Board members felt the proposed IGA needs significant changes before being signed. Mr. Dean will collect comments from the Board and include them in a revised agreement.

Trustee Kraemer suggested he would like to see the properties in the Sekich Business Park served by the Town of Mead sewer service. He noted they are asking for sewer service from the Town as incentive to get them to annex to the Town, and some of the businesses are generating sales tax revenue that the Town is not seeing. He asked to see the math showing how much revenue could be generated against the cost to assist these businesses to connect to the sewer.

Mr. Dean will meet with the businesses this week and put together numbers for the next Board meeting.

#### GOCO Grant Resolution

Board members considered Resolution 3-R-2011, supporting the agreement between the Town and GOCO for a Master Parks, Open Space and Trails Plan for the Town.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to approve Resolution 3-R-2011, a resolution of the Town of Mead, Colorado supporting the agreement between the Town

of Mead and the State Board of the Great Outdoors Colorado Trust Fund. The motion passed unanimously.

### Red Barn Update

Trustee Zelinkoff recused herself from the discussion and left the chambers.

Mr. Dean reported that Bruce Fickel, Special Counsel for abatement of the Red Barn, has been working with the owners and the bank to secure their subordination to the Town for demolishing the red barn.

Mr. Fickel provided the Board with information regarding the liens against the property. The original bank loan from Colorado East Bank and Trust in 2008 was for \$240,000. There were two additional liens for \$100,000 each which were also done in 2008.

Prior to going forward with the removal of the building, the Town needs to be in first position for repayment if the property sells. Mr. Frei and Mr. Newcomb have subrogated the two liens for \$100,000, and Mr. Fickel is in discussion with the bank regarding whether they are willing to subrogate the original loan on the property. He agreed to provide further information in Executive Session.

Mr. Dean noted staff has secured five bids for the demolition and removal of the barn and the trees adjacent to the building. The low bidder for the project was Alpine Demolition. If Mr. Fickel is successful in obtaining the subordination agreements from all parties and a deed of trust and promissory note from the owners, staff is recommending that the contract be awarded to Alpine Demolition.

Motion was made by Trustee Kraemer, seconded by Trustee Knapp, to accept the February 3, 2011 bid from Alpine Demolition and Recycling for an amount not to exceed \$19,743, subject to approval of special counsel. The motion passed with a 6-0 vote.

Trustee Zelinkoff returned to the chambers.

### New Business

#### Co-Op Application – Fees and Park

Mr. Stamey reported that staff met with Larry Carroll, representing the Co-Op and they have raised two questions for the Board to consider.

- 1) The combined application fees are \$4,650. The combined deposit associated with each application is \$25,500. Co-Op is asking the Board to consider that the initial application deposit be reduced to something less than \$25,500.
- 2) The proposed development results in the vacation and re-alignment of Fairbairn Avenue. The re-alignment leaves a parcel south of Fairbairn, adjacent to the residential

neighborhood to the south. Co-Op is proposing to dedicate this parcel to the Town, for park and open space. Co-Op has requested direction on whether the Town would accept this dedication, and, to what extent Co-Op would be required to build “park improvements.”

Mr. Stamey explained that the applicant is submitting six applications, which is the reason for the combined deposit of \$25,500. Staff is recommending that the Board reduce their deposit to \$15,000, and that they be required to replenish the deposit when it is reduced to \$2,500.

Mr. Stamey explained that the Town requires eight percent (8%) of the development be set aside as open space. They do not want to build a park, and are asking if they can do something less than building recreational facilities. Staff is recommending that the Town accept this parcel and require the applicant to install finish grade, irrigation, initial ground cover, and construct a sidewalk, from Third Street to Second Street, with the location to be determined during the review process.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to approve the staff recommendation regarding a reduction of deposit and for acceptance of the park with the conditions defined. The motion passed unanimously.

Motion was made by Trustee Knapp, seconded by Trustee Brodhead, to take a break. The Board adjourned at 8:15 p.m. and reconvened at 8:25 p.m.

#### Barbed Wire Fence – 4005 N. Valley Drive

Mr. Dean reported that the Town recently processed a fence permit for 4005 N. Valley Drive. The contractor, Palmer Construction, proposed to install barbed wire on top of the fence. The *Mead Municipal Code* prohibits barbed wire, unless approved by the Board of Trustees.

This property is located in the Sekich Business Park, and there are other fences in the same area with barbed wire for security. Staff is recommending that the Board approve their request to continue with barbed wire at this location.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to allow barbed wire on top of the fence at the property located at 4005 N. Valley Drive. The motion passed unanimously.

#### **Reports and Comments**

##### Dan J. Dean, Town Manager

Board members reviewed Mr. Dean’s activity report as of February 28, 2011.

Trustee Knapp attended a meeting in Firestone where a representative from Encana did a presentation regarding oil and gas production and drilling. She asked that the Board invite the

Encana representative to do a presentation for the residents of Mead. Mr. Dean will contact Encana and set up a meeting.

### Town Website

Mr. Dean reported that Deputy Town Clerk Sandi Sugden has been working on a new website for the Town. Board members commended Ms. Sugden for finding a way to save money on the Town website.

### Richard Samson, Town Attorney

Board members reviewed Mr. Samson's status report as of February 28, 2011.

### Medical Marijuana – Options under the Colorado Department of Revenue Licensing Process

Mr. Samson explained that the Board has the following options to deal with the licensing of medical marijuana distribution, manufacturing and grow operations:

- 1) The Town may exercise a "local option" to "prohibit" any or all medical marijuana operations, including the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturer within the municipality.
- 2) The Town may repeal its existing medical marijuana regulations (business license and zoning regulations) and operate under the state licensing regulations.
- 3) The Town may allow the current moratorium to expire and issue licenses based on the existing ordinances, which will need to be updated to be more compatible with the proposed Department of Revenue regulations and legislation adopted in 2010 and 2011.

Motion was made by Trustee Kraemer, seconded by Trustee Knapp, to allow medical marijuana dispensaries in the Town of Mead.

Trustee Acker suggested that the idea of legalizing marijuana and turning it into a tax source is a good one. At the CML legislative workshop, this was discussed and the legislature is refining requirements getting very tight on how these facilities are managed, with a new enforcement division that will be monitoring this process. He asked that this be tabled until the State completes this process.

Mayor Macomber explained his reasons for not allowing this substance in the Town and pointed out that the applicants that have applied in Mead are not qualified to provide medical treatment.

Trustee Heard explained the reasons that the City of Longmont is considering prohibiting medical marijuana. At the present time, there are nine dispensaries, and in the past year, they made \$76,000 in revenue from those facilities. They are considering removing these facilities

because of the issues that have occurred and the enforcement that has been required. There has been an increase in arrests for teenagers in Longmont since this was legalized.

Trustee Kraemer called the question.

Board members voted with Mayor Macomber and Trustees Heard, Brodhead and Zelinkoff voted NO. Trustees Kraemer, Knapp and Acker voted YES. The motion failed.

Motion was made by Trustee Kraemer, seconded by Trustee Acker, to have the Town Attorney develop an ordinance requiring primary caregivers to be licensed to do business in the Town. The motion passed unanimously.

Mr. Samson asked if the Board would like him to prepare the ordinances to repeal the existing ordinances and prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers within the municipality. The Board asked Mr. Samson to prepare the documents to accomplish this.

Blacksmith Shop Update – Mr. Samson reported on the progress with the blacksmith shop. The owner of the blacksmith shop has contacted two individuals to do the demolition on the front of the building and arranged for a company to do siding on the remainder of the building. She is in Arizona with her brother who is having surgery, so it is anticipated that work on the building will begin around the end of March or beginning of April.

Mr. Samson noted she is asking that the Board waive the fees for permits for the demolition. Mr. Dean confirmed that the intent is to waive the fee for the demolition permit, but there will be permit fees for any improvements to the building.

#### Steve Stamey, Town Planner

Board members reviewed Mr. Stamey's activity report for the February 28 board meeting.

#### County Referral – AmUSR-1102

Mr. Stamey reported on Weld County Referral AmUSR-1102 to allow a proposed gravel mining operation for a property within the Town of Mead Comprehensive Plan. He noted in his comments to the County he asked that referrals be sent to the Town for review and comment prior to commencement of concrete/asphalt recycling or the establishment of an asphalt plant.

#### Trent Marshall, Town Engineer

Board members reviewed Mr. Marshall's staff report as of February 28, 2011.

Mr. Marshall reported that a meeting was held with United Power to determine pole locations for the Third Street renovation. He also noted that Loris has completed the revised trail plans which will be sent to CDOT for approval.

Dan Dennison, Public Works Director

Mr. Dennison noted that the Town has two trucks that need to be replaced and he asked for permission to look for a replacement for one of the trucks at the Richie Brothers auction which is scheduled for March 15<sup>th</sup> and to bid up to \$18,000 for one replacement truck.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to authorize Dan Dennison to bid up to \$18,000 on a truck at the Richie Brothers auction on March 15, 2011. The motion carried with a 7-0 vote.

**Mayor Macomber**

Mayor Macomber thanked Trustees Brodhead, Heard and Zelinkoff and Ted Bendelow for participating in the Unity in the Community at Longmont. The event was well attended and the Town of Mead's table was well received.

Mayor Macomber announced that Governor Hickenlooper has asked the Weld County Commissioners to hold an economic development meeting. The meeting will be held at the Southwest Weld Complex on Wednesday, March 16, 2011. He encouraged anyone who is interested to attend.

Mayor Macomber noted that staff provided a copy of the agreement with the Longmont Humane Society. This document is up for renewal and Board members were encouraged to pass their comments on to Mr. Dean to be used in negotiations.

**Town Trustees**

Trustee Knapp announced that the Mead Area Chamber of Commerce will be holding their annual dinner on Thursday, March 24 at the Red Rooster. Further information will be provided at the next meeting.

Trustee Acker reported on the CML Policy Committee meeting. He will be distributing information for the next meeting. He expressed concern that a group of people are trying to change the way citizens can initiate amendments to the Colorado Constitution. He suggested it is not a good idea to make government less responsive to the citizens.

**Executive Session**

Motion was made by Trustee Zelinkoff, seconded by Trustee Acker, to adjourn to an Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding dangerous buildings. The motion passed unanimously.

The Board adjourned to an Executive Session at 9:10 and reconvened at 9:23 p.m.

**Reports and/or Action from Executive Session**

No reports and/or actions were available following the Executive Session.

**Adjournment**

Motion was made by Trustee Kraemer, seconded by Trustee Acker, to adjourn.

With no further business before the Board of Trustees, the meeting adjourned at 9:25 p.m.

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Charlene Reed, CMC, Town Clerk

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Richard R. Macomber, Mayor