

**Town of Mead  
Minutes of the Regular Meeting  
Board of Trustees  
August 8, 2011  
7:00 p.m.**

The Board of Trustees for the Town of Mead met for a regular meeting on August 8, 2011. The meeting began at 7:00 p.m.

**Members Present:**

Mayor Richard W. Macomber  
Trustee Debra Brodhead  
Trustee Scott Clanton  
Trustee Richard E. Kraemer  
Trustee Kim Heard

**Members Absent**

Trustee Robert J. Acker  
Trustee Liz Knapp

**Staff Present**

Town Manager Dan Dean, Town Attorney Rick Samson, Town Planner Steve Stamey, Town Engineer Trent Marshall, Walter Garcia, Public Works Department and Town Clerk Charlene Reed.

**Pledge of Allegiance to the Flag**

The assembly pledged allegiance to the flag.

**Consent Agenda:**

The consent agenda consisted of the minutes of the regular meeting held July 25, 2011, the bills list dated August 2, 2011, the bill supplement dated August 8, 2011, and the aged receivables as of August 4, 2011.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the minutes of the regular meeting held July 25, 2011. The motion passed with Trustees Brodhead abstaining.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the bills list dated August 2, 2011 and the bills supplement dated August 8, 2011. The motion passed with a 5-0 vote.

Board members reviewed the aged receivables as of August 4, 2011.

## **Audience Participation**

There were no items presented from the audience.

## **Committee Appointments, Resignations and Interviews**

### **Interview – Downtown Revitalization Committee**

Board members interviewed Brooke Babcock to fill an opening on the Downtown Revitalization Committee.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to appoint Brooke Babcock to the Downtown Revitalization Committee. The motion passed unanimously.

### **Interview – Planning Commission**

Board members interviewed Herman Schranz to fill an opening as an alternate on the Planning Commission.

Motion was made by Trustee Kraemer, seconded by Trustee Clanton, to appoint Herman Schranz as an alternate to the Planning Commission. The motion passed unanimously.

## **New Business**

### **Request to Serve Alcohol at the Park – Renee Gould**

Board members considered a request from Renee Gould to serve beer in Town Park in the BBQ Pit/Volleyball area for her husband's birthday party on Friday, August 19, 2011.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve the request to allow beer consumption in Town Park as requested by Renee Gould for a party to be held from 5:00 p.m. to 9:00 p.m. on Friday, August 19. The motion passed unanimously.

## **Reports**

### **Mountain View Fire Protection District Report – July, 2011**

Battalion Chief Roger Rademacher reviewed the Mountain View Fire District monthly incident report for July 2011 with the Board of Trustees.

### **Cynthia Thayer, Colorado Division of Local Government, Department of Local Affairs Local Government Budgeting Assistance**

Don Sandoval, Colorado Department of Local Affairs North Central Regional Manager and Cynthia Thayer, Colorado Department of Local Affairs Local Government Budgeting Department were present.

Ms. Thayer explained that the “5.5%” Annual Levy Law predates TABOR and requires that levies be lowered to prevent levying more revenue than a 5.5% increase from the prior year, and an additional amount for new construction, annexations/inclusions and other new property.

Ms. Thayer explained that if an increase in “oil and gas production” is experienced, it is possible to treat this as “new property” under this limit by initiating an application process through the Division of Local Government, which, if successful, will allow an increase in the “5.5%” limit. The Town of Mead applied two years ago and collected an additional \$92,000 in revenue. Another option is to take a request to the voters to be allowed to freeze the mill levy and collect available revenues under that limit.

Mr. Dean noted that the mill levy is already capped as a result of TABOR, but the purpose of an election would be to ask the voters to freeze the mill levy at the current rate of 11.522, and to remove the 5.5% revenue limitation.

Mayor Macomber suggested that the Town proceed with a letter for this budget cycle, asking to treat the oil and gas production as “new property” to capture the revenues available from all the wells that are being drilled in Mead.

Trustee Kraemer suggested that the Board include a request to remove the limit on the ballot at the regular election in April. If the voters approve this request, the mill levy will remain at 11.522, but this will allow the Town to capture oil and gas revenues as they become available.

Board members asked Ms. Thayer to provide sample ballot language for consideration.

#### Code Enforcement Monthly Activity Report – July 2011

Board members reviewed the July 2011 Code Enforcement report.

#### **Old Business**

##### Public Hearing – Liberty Ranch

##### Vacation and Right-of-Way and Easements – Liberty Ranch Filing No. 2

Mr. Stamey explained that this is a public hearing to consider two applications, the vacation of right-of-way and easements for Liberty Ranch Filing No. 2, and approval of the revised final plat for Liberty Ranch Filing No. 2, 1<sup>st</sup> Amendment.

Mr. Stamey reviewed the staff report for the Vacation of Right-of-Way and Easements, explaining the changes in access and other changes that will result.

Blake Carlson of LR Investments addressed the Board, agreeing to all changes requested by staff. He noted there is one plat note that needs to be addressed. On page 2 of 7, there is an under drain note that should be removed.

Trustee Kraemer asked about the roads that will be used for the oil and gas access. Mr. Carlson explained there are two temporary roads in place that can be used until the development goes forward or the Town begins work on the park. At that time, the temporary roads will be removed, and all oil and gas traffic will come off the road on the south side of the property.

Mayor Macomber opened the floor for public comment.

Gary Allen, representing Long's Peak Water District noted there was no easement shown for the supply line for the pond, but that has been resolved. He noted once the park goes in, Longs Peak will need access to the water lines and asked that the Town work with Longs Peak to allow access to all water valves.

Mayor Macomber closed the floor for public comment.

Trustee Kraemer asked about the neighborhood response to this request. Mayor Macomber noted many residents attended the hearing before the Planning Commission and the overall response was positive.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 15-R-2011, a resolution of the Town of Mead, Colorado, regarding the review of the request to vacate portions of Cavalry Drive, Bridle Drive, Ranch Drive, Stable Lane, Stirrup Lane, Range Circle, Branding Iron Way and Chaparral Street of the Liberty Ranch Filing No. 2, in conjunction with replatting the subdivision. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Ordinance 692, an ordinance of the Town of Mead, Colorado, vacating portion of Cavalry Drive, Bridle Drive, Ranch Drive, Stable Lane, Stirrup Lane, Range Circle, Branding Iron Way and Chaparral Street of the Liberty Ranch Filing No. 2, in conjunction with replatting the subdivision. The motion passed unanimously.

#### Final Plat – Liberty Ranch Filing No. 2, 1<sup>st</sup> Amendment

Mr. Stamey reviewed the staff report, noting that the Planning Commission made recommendations for revisions to the plat at their public hearing. The applicant has agreed to make the revisions requested. Another condition was to finalize the MOAPI, and that is being done. Mr. Stamey noted their intent is to vacate 126 lots and deed 32.969 acres from those lots to the town for public purposes. He noted the application has been reviewed and conforms with the Town's requirements for final plats.

Mayor Macomber opened the floor.

Beverly Trippon of 13661 Wrangler Way noted the residents of the neighborhood have been involved in this process and approve of this change.

Mayor Macomber closed the floor.

Board members noted that in addition to the 32.696 acres, the Town will receive \$305,800 from the escrow set aside for Phases 2 and 3 of the Liberty Ranch Park. Trustee Kraemer recommended that the funds be dedicated for use in the Liberty Ranch parks. Mayor Macomber noted the Parks and Recreation Committee is considering additional amenities to be added to the park area in Liberty Ranch.

Mr. Dean noted in early discussions, the funds were going to be used in parks generally to benefit the residents of the community. There was some discussion about putting a ball field at the Mead Ponds, using those funds. He suggested the Board consider dedicating the money to parks improvements, and if the Board wants to use the funds for Liberty Ranch, it can be designated for that purpose. Trustee Heard noted there was significant design for parks adjacent to Liberty Ranch. Trustee Kraemer felt the funds should be used in Liberty Ranch, since that is where it was originally intended to be used.

Mr. Dean noted he met with Brad Goetz regarding park improvements. He asked to bring Mr. Goetz back and get started on this project. Trustee Kraemer asked that staff prepare a resolution dedicating the \$305,800 to the Liberty Ranch Park.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to approve Resolution 16-R-2011, a resolution regarding the review of the final plat of Liberty Ranch Filing No. 2, 1<sup>st</sup> Amendment, adopting certain findings of fact and conclusions favorable to the final plats, as amended to remove the note regarding underdraining. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Ordinance 693, an ordinance of the Town of Mead, Colorado, approving the final plat of Liberty Ranch Filing No. 2, 1<sup>st</sup> Amendment, as amended. The motion passed unanimously.

#### Synergy Wells Clarification

Mr. Dean presented information regarding the relocation of the north Margil Farms well site (Production Site 1) from the north property line. The Site Plan illustrates setback lines of 75', 150', 200' and 350'. These setback lines were shown, to illustrate requirements in the Mead Land Use Code, which requires setbacks for new development from existing wells.

During the meeting, the Board commented that the Production Site 1 facilities should be moved, and that the setback lines should not encroach across the north property line, onto the Berthoud side of the property boundary. He explained there was some confusion regarding what the setbacks should be. These are not high density wells, and the standard setback for non-high density wells is 200'. Berthoud Planner Tim Katers confirmed that Berthoud could live with a 200' setback.

Staff is asking that the Board clarify the Production Site 1 setback line from the north property line.

Trustee Kraemer asked staff to contact Mr. Katers and get a letter confirming that the Town of Berthoud will accept the 200' setback.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to amend the setback on Margil Farms Production Site 1 to 200' pending receipt of a letter confirming that the Town of Berthoud will accept the 200' setback. The motion passed unanimously.

### **New Business (Continued)**

#### **Ramey Environmental Compliance, Inc. Contract Increase**

Board members considered a request from Jim Wright to increase the monthly operations contract fee for Ramey Environmental Compliance by three percent, which would result in a monthly increase by \$82.50 for a total monthly fee of \$2832.50.

Mr. Wright confirmed that this increase was included in the 2011 Budget. He noted the proposal from Ramey Environmental is asking for an annual 3% CPI increase in the contract beginning with the 2012 budget cycle.

Board members agreed to the increase for 2011, but were not willing to consider an automatic annual increase.

Motion was made by Trustee Kraemer, seconded by Trustee Clanton, to approve an increase in the monthly fee being paid to Ramey Environmental Compliance, Inc, by the amount of \$82.50 per month. The motion passed unanimously.

#### **Oil & Gas Rig Movements over Town Streets**

Mr. Samson noted that the Board requested that his office prepare an ordinance to impose overweight vehicle permits, primarily in an effort to recover the cost of repairing Town streets that may be damaged by heavy vehicle loads or oil and gas drilling rigs. He explained that two ordinances have been prepared, one for moving oil and gas drilling rigs over Town streets to the drill sites and the second for all overweight or oversized vehicles using Town streets, including oil and gas workover rigs, fracking trucks and support vehicles.

Mr. Samson noted the amount that is paid for an overweight permit is minimal compared to the damage that is done to the road. He explained there is also a statutory provision that gives the Town a method to collect for any damage done to the roads.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to approve Ordinance 694, an ordinance of the Town of Mead, Colorado, permitting oil and gas rig movement over Town streets. The motion passed unanimously.

#### **Refunding Development Impact Fees Paid**

Mr. Samson noted that the Board requested that his office prepare an ordinance regarding the refunding of development impact fees paid. This ordinance was prepared with an emergency clause, but that clause will need to be removed since there are only five trustees present to vote.

Motion was made by Trustee Heard, seconded by Trustee Brodhead, to approve Ordinance No. 695, an ordinance of the Town of Mead, Colorado, amending Section 4-6-10 of the Mead Municipal Code with regard to the refunding of Development Impact Fees paid.

Trustee Kraemer objected to this change for three reasons; 1) he considers this a breach of trust. A prior Board promised that certain things would be done within certain time limits, and now this Board is saying we are not going to do what we said we would do. 2) He questioned the legality of making this change, suggesting that the Board is inviting litigation from the new residents that have moved in since 2003. He questioned the legal advice the Town has received and suggested it would be appropriate to get a second opinion regarding the legality of not refunding the funds, and 3) he did not think it is necessary to make this change. He pointed out that this Board should have the talent, skill and wisdom to spend the funds that must be spent. The amount that must be spent this year is \$162,000, and the majority of the money is for the Town Hall and the Recreation Center. He suggested if the time limits are removed, there is no assurance that any of these projects will ever happen.

Mayor Macomber noted the Town is going forward with hiring architects to design the Town Hall/Recreation Center, and the only fund that would need to be refunded is the Police fund, which has approximately \$30,000.

Board members voted and Mayor Macomber and Trustees Brodhead, Clanton and Heard voted yes. Trustee Kraemer voted no. The motion carried.

### **Reports and Comments**

Dan J. Dean, Town Manager

Board members reviewed Mr. Dean's activity report.

#### Economic Development Incentive Proposal

Mr. Dean reported that he has been working with Economic Development Specialist Linda Martin and there is a potential lead to be considered by the Board. He asked the Board to meet on Wednesday, August 10, to review the proposal. Cabella's has abandoned the site they selected in Wheat Ridge and they are looking for a site along I-25 and are looking for incentives.

Mayor Macomber noted Cabella's is looking for a site on I-25, between Denver and Fort Collins. He suggested with two exits off the interstate, this is an opportunity for the Town of Mead to try to work with a major retailer.

#### Mulligan Lakes Estates HOA Replat

Mr. Dean explained that the Mulligan Lakes Estates HOA needs an administrative replat. Staff is asking that the Board waive the consultant fees for the replat.

Motion was made by Trustee Heard, seconded by Trustee Clanton, to waive the billback fees for the Mulligan Lake Estates HOA Replat. The motion passed with Trustee Kraemer abstaining.

### Open Space, Parks, & Trails Master Plan

Mr. Dean distributed copies of the draft open space, parks and trails master plan. He asked the Board to review the plan and respond with comments before August 12. The consultant wants to publish their final report on August 16, for consideration by the Board at a study session on August 22.

### Trash and Recycling Quotes

Board members considered a proposal prepared by Treasurer Rademacher and Code Enforcement Officer Land regarding trash and recycling services for the Town.

Motion was made by Trustee Heard, seconded by Trustee Brodhead, to select Waste Management to provide trash and recycling services for the next twelve months. The motion passed unanimously.

### Richard Samson, Town Attorney

Board members reviewed Mr. Samson's status report.

### Steve Stamey, Town Planner

Board members reviewed Mr. Stamey's activity report.

### Synergy Resources (new project)

Mr. Stamey reported on a meeting with Synergy Resources to discuss eleven oil/gas wells west of I-25, on the north and south sides of CR 38. He noted that the wells located on the South side of CR 38 will not be in the Town of Mead and will be processed through Weld County.

### Trent Marshall, Town Engineer

Mr. Marshall reported that CDOT is reviewing the plans for the intersection at Highway 66 and Third Street.

Mr. Marshall reported he received a draft IGA from Weld County for repairs to CR 28. That report will be forwarded to Mr. Samson's office for review and will be presented to the Board at a future meeting.

Mr. Marshall will be contacting CDOT to discuss entry features at the two Mead exits off I-25. Mayor Macomber noted CDOT is in the process of planning this area, and he suggested it is important that the Mead exits are defined.

### Walter Garcia, Public Works Department

Board members had no question for Mr. Garcia.

## **Mayor Macomber**

Mayor Macomber reminded the Trustees of the elected officials meeting scheduled for Friday, August 12.

Mayor Macomber noted not all dogs in the community are licensed and he suggested that the Board might want to consider a longer term license for the future.

Mayor Macomber reported while he was in Town Hall, there was a deluge of rain in twenty minutes. He noted he watched the water flow into the new storm drainage system under Third Street and there was no problem with standing water.

## **Town Trustees**

Trustee Brodhead reported that she went on the annual horseback ride to Red Deer Lake, but the riders were unable to make it to the site because one of the horses threw a shoe.

## **Adjournment**

Motion was made by Trustee Heard, seconded by Trustee Brodhead, to adjourn. The motion passed unanimously.

With no further business before the Board, the meeting adjourned at 8:50 p.m.

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Charlene Reed, CMC, Town Clerk

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Richard W. Macomber, Mayor