

**Town of Mead
Minutes of the Regular Meeting
Board of Trustees
June 13, 2011
7:00 p.m.**

The Board of Trustees for the Town of Mead met for a regular meeting on June 13, 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

Members Absent:

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 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 May 31, 2011, the bills list dated June 6, 2011, the bills supplement dated June 9, 2011, and the aged receivables as of June 1, 2011.

Motion was made by Trustee Heard, seconded by Trustee Knapp, to approve the minutes of the regular meeting on May 31, 2011. The motion passed unanimously.

Motion was made by Trustee Heard, seconded by Trustee Knapp, to approve the bills list dated June 6, 2011, the bills supplement dated June 9, 2011 and the aged receivables. The motion passed with a 5-0 vote.

Trustee Kraemer arrived at 7:05 p.m.

Audience Participation

There were no items presented from the audience.

Reports/Presentations

Mountain View Fire Protection District

Chief Mark Lawley was present and reviewed the May 2011 incident list with the Board, noting that calls were down for the month of May.

Chief Lawley noted the Fire District is going through a national accreditation process, so each of the Board members should be receiving a call to evaluate the district. He asked the Board members to provide input when they receive the call.

Mayor Macomber noted the Fire Department is holding a car seat check this Saturday, June 18, 2011 at the Mead Fire Station.

Weld County Sheriff's Office

Board members reviewed the Mead Area Crime Report Summary and Mead High School Crime Report Summary for May 2011.

Old Business

Haley Annexation Agreement

Board members reviewed the Annexation Agreement for the Haley Annexation No. 1 and 2. Mr. Samson explained that everything has been approved except the annexation agreement, which needs the Board's approval.

Motion was made by Trustee Acker, second by Trustee Brodhead, to approve the Haley Annexation No. 1 and 2 Annexation Agreement. The motion passed unanimously.

Third Street Crosswalks

Mr. Dean presented a photograph showing the texture of the sidewalk surface recommended for the sidewalks on Third Street.

Board members questioned whether the white striping is the same material as the walkway. Mr. Dean explained that white paint was used to paint the stripe in the photo.

Trustee Acker did not like the appearance of the overlay and asked Mr. Marshall to get the cost of pavers to compare to the cost of the overlay. Mr. Marshall was also asked to determine if the white trim can be done with the same materials as the overlay, rather than using white paint.

Third Street Change Order Request

Board members reviewed the proposed Third Street Change Order Request from Ridgeline Consultants, Inc. and the additional options presented prior to the meeting.

Jim Blankenship of Ridgeline Consultants was present to discuss the options. He explained that soil borings were done in the construction area in 2010 to determine moisture and soil content. When the borings were done, the water content was anticipated to be as high as it should be due to the rain that had occurred in the spring. The soil this year is more saturated, and something needs to be done for moisture control. He explained that fly ash helps protect the long term viability of the roadway system.

Mr. Marshall was asked to provide his input on the use of fly ash. Mr. Marshall noted it is used to absorb water and helps with the stability of the road.

Mr. Blankenship noted the fly ash would be blended with the dirt under the road base. It is commonly 9-15 inches deep and compacted with the dirt to create a stronger sub-grade.

Mayor Macomber noted this is similar to what is being considered for Vale View. He noted option A is putting fly ash along the length of the project, option B is using asphalt and option C would be a combination of the two. Option C is the least expensive and would require the least amount of additional time.

Board members felt that this issue should have been identified when the project was bid. Mr. Blankenship explained that the rains that have occurred since the beginning of the project contributed to the saturation in the area.

Mayor Macomber noted no cost estimates were presented for Option B or C. Mr. Blankenship noted they do not have cost estimates for the options and are in the process of gathering additional data. Mayor Macomber noted the Board needs cost estimates before going forward with the decision process.

Mayor Macomber asked Mr. Blankenship if this is something the contractor should have known in advance. Mr. Blankenship noted the conditions have changed since the original testing was done in 2010. The contractor bid the project based on the information they were given and based on the tests that were done at that time. Because of the change in conditions, it is important that this be addressed to maintain the integrity of the roadway.

Trustee Kraemer suggested the Board bring in the engineer that worked with the roads in Vale View to consult on this. Mr. Samson noted he would be willing to consult but the Town has JR Engineering on staff and JR could consult. Mr. Samson noted the Town has had the same issues with roads in Vale View and the High School.

Board members discussed whether there needs to be an additional engineer overseeing this project. It was noted that the Town hired Ridgeline to oversee the project.

Mr. Blankenship noted there is always the expectation that there could be changes in the job as issues are identified, and that is what has happened due to the testing and the conditions that were discovered when the soils were uncovered.

Board members asked Mr. Blankenship to bring back cost estimates on Option B and C for further discussion at the next meeting.

3rd Street – Phase I, Request for Payment #2

Mayor Macomber noted that Hirschfeld Backhoe and Pipeline, Inc. submitted a request for payment for work done through May 31, 2011.

Motion was made by Trustee Kraemer, seconded by Trustee Knapp, to pay \$120,676.50 to Hirschfeld Backhoe and Pipeline, Inc. for work done on the 3rd Street Project, Phase I through May 31, 2011. The motion passed with a 6-0 vote.

New Business

Public Hearing - Oil & Gas Special Use Permit – Frederiksen 1A-28H

Mr. Stamey provided a summary of the Frederiksen 1A-28H well, which will be located on the Liberty Ranch property.

Trustee Acker noted the plan calls for a chain link fence. He asked if it is possible to require the applicant to use a more attractive aluminum fencing. Mr. Stamey explained that the Town's land use code allows chain link fencing and he suggested if the Board would prefer different fencing, the land use code should be changed.

Mr. Samson noted the land use code allows the Board to apply the requirement for a different fencing as a special condition of the approval.

Jennifer Lind of Encana Oil and Gas, Inc. addressed the Board. She summarized the plan for the Board.

Mayor Macomber asked if they are drilling beyond the Liberty Ranch property. She explained that they have a lease on the north half of the section and can drill under the area. She offered to utilize the fencing that is similar to what is being used in Erie. She explained that they are not required to put landscaping and explained that landscaping can provide hazards to the drilling operation.

Trustee Acker asked what Encana uses for fracking. Ms. Lind noted Encana discloses what is used in their frack fluids. She provided a handout that shows the content of the fluids, which is over 90% sand and water.

Mayor Macomber opened the floor for public comment.

Gary Allen of Longs Peak Water District addressed the Board. He explained that Longs Peak has a fire hydrant near this area, and they do not allow the oil companies to use the hydrant to supply water to their drilling operations.

Blake Carlson of LR Investments thanked Encana for their help in adjusting their drilling sites to help him with his commercial area. They have been very accommodating and helpful in this process.

Jerome Kulm of 13522 WCR 7 asked why additional drilling is being allowed on this property. Mayor Macomber explained that this property was approved with additional wells, to be drilled in the future. The existing wells were encroaching on the park and recreation activities and they have moved to the southeast corner to allow for future commercial along Highway 66. Mayor Macomber encouraged Mr. Kulm to express his concerns to Encana.

There were no further comments from the floor.

Motion was made by Trustee Acker, seconded by Trustee Brodhead, to approve Resolution 8-R-2011, a resolution of the Town of Mead, Colorado, granting a special use permit for the Frederiksen 1A-28H well, located in the SENE, Section 28, R3N, R68 West of the 6th PM as modified to require aluminum fencing. The motion passed unanimously.

Zeek Partnership – Pre-Annexation Agreement Proposal

Mayor Macomber noted the Board is considering a pre-annexation agreement proposal from Zeek Partnership, LLLP. In this agreement, the applicant is asking for six sewer taps and that the Town provide sewer service to this property. Mayor Macomber noted this service is not available at this time. Mr. Dean explained that Mr. Williamson is aware that the sewer service is not available at this time, but when it becomes available, they understand they will be required to pay for this service. He noted that the Town has offered to prepare the annexation documents.

Mayor Macomber noted in return, the applicant is offering the sewer line that he has constructed in the business park, which will need to be scoped to make sure it is usable.

Mr. Samson recommended that further work be done on the pre-annexation agreement and the Board authorized further negotiations.

Board members asked Mr. Wright the value of the sewer lines, and he indicated that the approximate value would be \$150,000. He agreed that the lines need to be scoped to determine that they are in usable condition.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to scope the sewer lines on this property for an amount not to exceed \$2,000. The motion passed with a 6-0 vote.

Liberty Ranch Park – Blake Carlson

Blake Carlson of LR Investments, LLC addressed the Board regarding the Liberty Ranch Park. Mr. Carlson noted when this was initially presented to the Board, he was not clear regarding what was being requested. Mr. Carlson explained that when he acquired Liberty Ranch from Pulte Homes, part of the agreement was for them to put \$611,000 in escrow to insure that Phases 2-3 of the park were completed. Shortly after that was done, Mr. Carlson had a conversation with Mr. Dean explaining that they would like to do something different.

Mr. Carlson explained that they are asking to do no further improvements to the park, but in exchange they are offering to donate 32 acres to the Town free and clear. The Town could determine whether the 32 acres is to be used for open space or as park land. He explained that

they are asking the Town to split the escrow, with the Town keeping half of the escrow monies and the remainder of the escrow returned to LR Investments, LLC.

Mr. Carlson noted he is vacating 126 lots on the property, and that land has value. He explained that if the Board does not want to accept the donation and split the escrow, he will go ahead and build Phases 2-3 of the park. He apologized for any misunderstanding regarding his intentions.

Mr. Carlson noted Phase I of the park is adequate for the current development and he explained that this has been presented to and blessed by the homeowners association. The residents are in favor of the change.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to accept the 32 acres into the Town and return \$305,000 from the escrow account to Mr. Carlson, pending approval of the modification of land usage for Liberty Ranch which will be presented at a later meeting. The motion passed unanimously.

Welker Avenue Water Line Design

Board members reviewed proposals from JR Engineering, JB Wright and Associates and Ridgeline Consultants, Inc. to complete the design of a water line from east of I-25 to 1st Street on Welker Avenue.

Trustee Kraemer recommended that the Board accept the bid for JB Wright and Associates. He explained that Mr. Wright has a history of successful pipeline projects for the Town, with these projects coming in on time and on budget. His bid includes meetings with the property owners that will be paying for this project and he is willing to invest the time to work with these developers to get their buy in to the project before starting the design. He also proposed to request that these property owners donate the easements for this project. Trustee Kraemer noted his presentation was professional and was more extensive than the bid from JR Engineering.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to accept the proposal from JB Wright and Associates for an amount not to exceed \$12,600 for the reasons mentioned previously.

Trustee Acker objected to taking the funding for this design from the recreation center funds. He pointed out that water for the recreation center does not have to come from this line; there are other water lines in the area that can be used for water for that property. He suggested this line will benefit all of the properties located along Welker and not just the recreation center property.

Board members instructed Mr. Dean to see if the money is available in the General Fund. Mr. Dean asked that the Board go forward with the motion pending the identification of a source of funds from the General Fund.

Trustee Kraemer modified his motion to state that no funds will be taken from the Recreation Center Impact Fund and to approve pending the identification of funds from the General Fund to pay for the design of this line. Trustee Brodhead seconded the motion.

Board members voted on the motion and the amendment and the motion passed unanimously.

Reports and Comments

Dan J. Dean, Town Manager

Board members reviewed Mr. Dean's activity report.

Board members expressed concern that the mail delivery for the rural routes is being moved to Longmont. Mr. Dean was asked to contact the Post Master and see what the plan is for the Mead Post Office.

Richard Samson, Town Attorney

Board members reviewed Mr. Samson's status report.

Mead Western Meadows – Park Lighting and Riprap Cost Recovery

Mr. Samson reported that the Town can do the additional park lighting and the riprap and bill the developer the cost of the project.

Board members suggested staff work with the developer to get this resolved. Mr. Dennison reported he has been discussing these issues with the developer and they are making progress in resolving these problems.

Steve Stamey, Town Planner

Board members reviewed Mr. Stamey's activity report.

Mr. Stamey reported on his conversation with Paul Hansen regarding potential annexation. Mr. Hansen was adamant that he is not interested in becoming a part of the Town. He feels he was negatively impacted when the Ritchie Brothers property annexed to the Town.

Mayor Macomber noted he recalls the issue at the time being related to the ditch on the property. Board members suggested Mr. Marshall contact Mr. Hansen to determine if his problem is with the Town or with the ditch company.

Mr. Stamey noted he has been working with Weatherford on North Valley Drive. They are new to Mead and provide services to oil companies in the field. They have opened with 25-30 employees on site and anticipate growing to 75 employees. Mr. Stamey noted they will be holding a grand opening open house on Thursday, June 16 from 10:00 a.m. to 2:00 p.m. Mr. Dean and Trustee Acker volunteered to attend.

Trent Marshall, Town Engineer

Board members reviewed Mr. Marshall's staff report.

Third Street/SH 66 Intersection

Mr. Marshall distributed exhibits regarding the Third Street/SH 66 Intersection for the Board to consider. Board members agreed to take the information home to review prior to the next meeting.

Mr. Marshall noted the Downtown plans are not complete, but will be included in the packet for the next meeting.

Mr. Marshall noted Vale View is asking the Board to allow them to maintain the road as it is, rather than replacing the road. The Board instructed Mr. Marshall to advise the developers at Vale View that they must replace the road.

Dan Dennison, Public Works Director

Water Share

Mr. Dennison presented a request to purchase one share of lateral ditch water. He explained that this would provide water for the ponds and parks now and in the future. Payment for the share would come out of Parks.

Motion was made by Trustee Acker, seconded by Trustee Heard, to purchase the available share of lateral ditch water at a price not to exceed \$14,000 with funding to come from the Parks Impact Fee. The motion passed with a 6-0 vote.

Mayor Macomber

Mayor Macomber reported that the Mead Fishing Derby was held on Saturday, June 4, and there were approximately 300 people attending. The ponds were full of fish and everyone had a good time.

Mayor Macomber reported that Penni Zelinkoff resigned effective immediately. The Board has several options. The Board can hold a special election, can appoint based on the candidates who ran during the election fifteen months ago, or can advertise and ask for applications to finish the term. The appointee will serve until the next election, when the position will be filled from the candidates running.

Board members agreed to advertise in the Mead Messenger to accept applicants until July 11. Interviews will be held the week of July 18, with an appointment to be made at the meeting on July 25.

Board members agreed to tentatively hold interviews on July 19 at 6:00 p.m.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to accept the resignation from Trustee Penni Zelinkoff, effective June 13, 2011. The motion passed unanimously.

Town Trustees

Trustee Acker reported that it was announced at the CML Policy Committee that the legislature set the maximum amount of retainage that may be withheld through a construction contract at 5%, down from 10% for the first half of a project and 5% for the remainder.

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 9:40 p.m.

Charlene Reed, CMC, Town Clerk

Richard W. Macomber, Mayor