

**Town of Mead
Minutes of the Regular Meeting
Board of Trustees
May 9, 2011
7:00 p.m.**

The Board of Trustees for the Town of Mead met for a regular meeting on May 9, 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, Town Attorney Rick Samson, 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.

Proclamation – Municipal Clerks Week

Mayor Macomber read a proclamation declaring May 1-7, 2011 as Municipal Clerks Week.

Motion was made by Trustee Zekinkoff, seconded by Trustee Kraemer, to proclaim May 1-7, 2011 as Municipal Clerks Week. The motion passed unanimously.

Consent Agenda:

Board members considered the consent agenda consisting of the minutes of the regular meeting on April 25, 2011, the bills list dated May 4, 2011, the bills supplement dated May 6, 2011, the bill from Sealco Asphalt, Inc. for \$22,448.00 and the aged receivables as of May 4, 2011.

Motion by Trustee Heard, seconded by Trustee Zelinkoff, to approve the minutes of the regular meeting held on April 25, 2011. The motion passed unanimously.

Trustee Acker arrived at 7:03 p.m.

Mayor Macomber asked staff to provide a summary of Town expenses for the Chamber of Commerce Bike Race. Trustee Knapp noted that the Chamber reimbursed the Town for the insurance premium paid to CIRSA.

Members voted and the motion carried with a 5-0 vote with Mayor Macomber and Trustee Brodhead abstaining.

Board members reviewed the aged receivables. It was noted that the Town received a payment and deposit from Carlson Land Development.

Audience Participation

Mayor Macomber introduced Longmont Councilwoman Katie Witt, who presented information about the St. Vrain State Park Get-Together which is being held to foster better working relationships among the elected officials of the surrounding cities and towns. The event will be held on Friday, May 20, 2011, from 6:00 p.m. to 8:00 p.m. at the St. Vrain State Park. The Town of Firestone is providing the food for the event, but anyone planning to attend is asked to bring a side dish or dessert to share.

Committee Appointments, Resignations and Interviews

Board members received an Open Space Committee resignation from Linda Martin. Ms. Martin now works for the Town and is no longer eligible to serve on a volunteer committee.

Motion was made by Trustee Kraemer, seconded by Trustee Knapp, to accept Linda Martin's resignation from the Open Space Committee. The motion passed unanimously.

Reports/Presentations

Mountain View Fire Protection District

Chief Mark Lawley reviewed the Mead Monthly Incident Report for April 1-30, 2011 with the Board of Trustees.

Financial Statement (Audit) – December 31, 2010

Paul Holscher of Johnson, Holscher & Company, P.C. reviewed the Town of Mead's Audit as of December 31, 2010.

Motion was made by Trustee Kraemer, seconded by Trustee Knapp, to accept the Financial Statement (Audit) – as of December 31, 2010. The motion passed unanimously.

Code Enforcement Monthly Activity Report

Board members reviewed the Code Enforcement Monthly Activity report for April 2011.

Weld County Sheriff's Office Crime Report Summaries

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

Old Business

Public Hearing – United Power Franchise Agreement

Mayor Macomber opened the public hearing to consider the United Power Franchise Agreement.

Troy Whitmore of United Power addressed the Board providing a response to the prior discussion of the proposed franchise agreement. He explained the purpose of the exclusive franchise, provided information regarding the plans for undergrounding along Welker Avenue, provided information regarding the presentation on solar options and rebates that is planned for Mead on May 26 from 6:30 to 8:00 p.m. at the Mead Town Hall, and announced that there is a new payment kiosk at the Colorado East Bank and Trust.

Trustee Kraemer thanked Mr. Whitmore for the efforts that were made to eliminate some of his concerns, but noted he is still opposed to the agreement.

Mayor Macomber opened the floor for comments from the audience and there were none.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to approve Ordinance 689, and ordinance of the Town of Mead, Weld County, Colorado, granting an electric franchise to United Power, Inc. of Colorado, and approving the franchise agreement. The motion carried with Trustee Kraemer voting no.

New Business

WWTP Digester Biosolids Removal

Mr. Wright presented a request for authorization to remove biosolids from the aerobic digester. He explained that the cost of removing the biosolids and disposing of the solids will be in the range of \$15,000 under the Town's agreement with Parker Ag.

Motion was made by Trustee Kraemer, seconded by Trustee Knapp, to authorize Parker Ag to remove the biosolids from the aerobic digester at a cost of approximately \$15,000. The motion passed with a 7-0 vote.

Annexation Agreement – Robert & Janice Rademacher Living Trust Property

Board members considered the annexation agreement for Robert and Janice Rademacher for their property which is part of the I-25/Highway 66 Enclave Annexation.

Motion was made by Trustee Acker, seconded by Trustee Heard, to approve the annexation agreement for the Robert & Janice Rademacher Living Trust property as part of the I-

25/Highway 66 Enclave Annexation with the change to page 2, paragraph A to include the word unoccupied before “family RV vehicles.” The motion passed unanimously.

License Application Fees for the Licensing of the Sale of Alcoholic Beverages

Board members considered an ordinance to maximize the amount that can be collected for liquor licenses. Mr. Samson noted the maximum amount is set by the State Liquor Authority, and the Town has not updated fees in several years.

Motion was made by Trustee Heard, seconded by Trustee Acker, to approve Ordinance 690, an ordinance of the Town of Mead, Colorado amending Section 6-3-120(a) of the *Mead Municipal Code* with regard to license application fees for the licensing of the sale of alcoholic beverages. The motion passed unanimously.

Third Street Construction – Field Change #1

Troy Campbell of Ridgeline Consultants, Inc. addressed the Board regarding a change request for the Third Street Project. He explained that the changes are to portions of the storm drain system and are part of the erosion control measures for the project. With these changes, the total increase to the contract price is \$9,009.55.

Motion was made by Trustee Kraemer, seconded by Trustee Zelinkoff, to authorize Field Change #1, increasing the contract price for the Third Street project by \$9,009.55. The motion passed with a 7-0 vote.

Lagoon Decommissioning

Trustee Zelinkoff recused herself and left the Chambers due to a relationship with one of the bidders.

Mr. Wright provided bids for the lagoon decommissioning at the request of the Board. At the previous meeting, the Board asked that staff get additional bids on the project. Four bids were received, from DeFalco Construction Company for \$79,411.48, Gopher Excavation, Inc. for \$39,599.00, Schmidt Earth Builders, Inc. for \$47,250.00 and from Woodsmith Construction for \$38,485.00. Mr. Wright explained that low bid from Woodsmith Construction was conditional, with the condition that the fuel cost prices will be held for 30 days, and due to timing issues of Gophers work, state inspections and rising fuel costs, additional fuel costs may apply. Mr. Wright explained that the bid package stated that the Town does not have to accept a low bid with conditions.

Board members discussed the bids and noted if fuel costs increase, there is the potential for the low bid to be more than the second low bid, which was from Gopher Excavation. It was noted that Gopher Excavation has already started the project, and there will be time lost to transition to a different contractor.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to accept the bid from Gopher Excavation, Inc. for \$39,599.00, because it is not a conditional bid and experience

information provided shows that Gopher Excavation has more experience in performing this type of work. The motion passed with a 6-1 vote with Trustee Brodhead voting no.

Trustee Zelinkoff returned to the Chambers.

Reports and Comments

Dan J. Dean, Town Manager

The Board reviewed Mr. Dean's activity report.

Health Savings Account (HSA)

Mr. Dean reported that staff received clarification from FlexMagic Consulting that a Medicare enrolled employee is not eligible to contribute to an HSA account and are recommending that any Medicare enrolled employees on staff with the Town receive a contribution toward any amount the employee pays for insurance, equivalent to the contribution being made to non-Medicare enrolled employees.

Motion was made by Trustee Kraemer, seconded by Trustee Brodhead, to approve the recommendation from staff that any Medicare enrolled employees receive a contribution toward any amount the employees pays for insurance, equivalent to the contribution being made to non-Medicare enrolled employees. The motion passed unanimously.

Humane Society Contract

Mr. Dean reported that copies of the proposed Longmont Humane Society contract were distributed to the Board for review. He received a verbal recommendation to add a requirement that the Humane Society view and collect information from driver's licenses to verify residencies before accepting an animal and charging the Town.

Board members asked Mr. Dean to distribute the revised proposed agreement for review.

Richard Samson, Town Attorney

Board members reviewed Mr. Samson's status report as of May 9, 2011.

Highway 66/Third Street Developer Assistance

Mr. Samson noted at the last meeting, there was a question regarding whether the adjacent developers could be required to help with the cost of the interim safety improvements to the Highway 66 – Third Street intersection. He noted it is possible to require adjacent developers to help with the improvements, when they develop. If the Town goes ahead and makes the improvements, then the cost can be built into the subdivision agreement when the property develops, and the cost can be recouped at that time.

Opinion on Use of Recreation & Municipal Facility Impact Fees

Mr. Samson responded to a question regarding whether impact fees can be used for the construction of the Welker Avenue waterline. He noted that one of the purposes of this line is to service the 5-acre parcel from the Westridge development which is the proposed location for a Recreation Center/Town Hall, as well as benefitting adjacent “to be developed” property. Because of the excess capacity in the waterline, it is reasonable for the Town to recover a proportional share of the cost from the adjacent property that will use the new line. Recovery could be at the issuance of building permits, as was done with the North Creek/Anthony Howland agreement.

Mr. Samson explained that only 68% of the cost of the waterline can come from impact funds, as that is the ratio set by the January 2001 System Development Fee study.

Board members discussed whether this is an appropriate use of the Recreation Center funds. Mayor Macomber noted this debate will occur at a future meeting.

Trent Marshall, Town Engineer

Board members reviewed Mr. Marshall’s staff report.

Board members noted Mr. Marshall is updating the Main Street plans to include the cross-sections from DSW and suggested there is a need to finalize the plans so that a cost for the project can be determined.

Dan Dennison, Public Works Director

Mr. Dennison reported on the clean-up day, where the Town had 18 dumpsters and over 800 vehicles.

Mr. Dennison asked whether the Town has restrictions in place for overweight vehicles. He expressed concern that the oil and gas company vehicles coming into the Town will damage the roads. Mr. Samson explained the Town has regulations and will provide the information at the next meeting.

Mayor Macomber

Mayor Macomber noted a meeting was held with Trustee Kraemer, Mr. Dean and Linda Martin, the Town’s new Economic Development Specialist regarding the people who have a stake in the development of Welker Avenue. Ms. Martin was asked to identify the people that need to be involved, so meetings can be held regarding their utility needs for the future. This will be beneficial when the Town is negotiating franchise agreements in the future.

Mayor Macomber asked Board members to notify him if they plan to attend the St. Vrain State Park Get-Together on Friday, May 20, 2011. This is an opportunity for elected officials to have discussions in a non-formal atmosphere.

Adjournment

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

With no further business before the Board, the meeting adjourned at 8:55 p.m.

Charlene Reed, CMC, Town Clerk

Richard W. Macomber, Mayor