

**Town of Mead  
Minutes of the Regular Meeting  
Board of Trustees  
October 31, 2011  
7:00 p.m.**

The Board of Trustees for the Town of Mead met for a regular meeting on October 31, 2011. The meeting began at 7:00 p.m.

**Members Present:**

Mayor Richard W. Macomber  
Trustee Robert J. Acker  
Trustee Scott Clanton  
Trustee Richard E. Kraemer  
Trustee Kim Heard

**Staff Present:**

Town Manager Dan Dean, Town Attorney Rick Samson, Town Planner Steve Stamey, Town Engineer Trent Marshall, Public Works Director Dan Dennison and Administrative Assistant Janet Torres.

**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 October 10, 2011, the minutes of the budget meeting held on October 19, 2011, the minutes of the special meeting held on October 24, 2011, the bills list dated October 26, 2011, the financial report for September 30, 2011, and the quarterly permit report.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the minutes of the regular meeting held on October 10, 2011. The motion passed unanimously.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the minutes of the budget meeting held on October 19, 2011. The motion passed unanimously.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the minutes of the special meeting held on October 24, 2011. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve the bills list dated October 26, 2011. The motion passed with a 4-0 vote, Mayor Macomber abstaining.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to approve the September 30, 2011 Financial Statement. The motion passed unanimously.

Approved as amended

Board members reviewed the quarterly building report as of September 30, 2011.

### Audience Participation

There were no items presented from the audience.

### Ordinance 699

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING CHAPTER 8, ARTICLE VI OF THE *MEAD MUNICIPAL CODE* AS IT RELATES TO THE USE OF SIDEWALKS AND PEDESTRIAN TRAIL BY MOTORIZED VEHICLES AND LOW POWERED SCOOTERS, AND PROVIDING PENALTY.**

A motion was made by Trustee Acker, seconded by Trustee Kraemer to table the discussion pertaining to Ordinance 699 until the November 14, 2011 meeting. The motion passed unanimously.

### New Business

#### USR 1683

Steve Stamey reviewed with the board the Weld County Referral USR-1683 Highland Ditch Company. He explained that the referral would change the proposed use to include:

- Expansion of NCU-481 fishing and hunting club from 37 members to 70 members
- Expansion of water related recreation to include: boating, scuba diving, skiing, hiking, sailing, kayaking, canoeing, and occasional camping for clean-up days and work weekends
- Future addition of boat ramp, dock and beach area on southwest side of the reservoir, and a fire/bbq pit near the club house

Mr. Stamey went on to share the following comments with the board on this issue:

1. The application material has not clearly defined the access road.
2. The application material has not addressed the impacts of the proposed uses, such as: noise mitigation (speedboats and 70 users in a residential setting); mitigation of exposure of water resource to fuel; dust control.
3. The application does not identify the parking requirements, and does not provide a parking area for user's vehicles, boats and trailers. The application indicates "parking will be provided in an adjacent field." Is there an agreement to use this field for parking?
4. The application does not identify hiking area.

Mr. Stamey gave the following recommendations:

1. Provide a detailed Site Plan showing:
  - a. Proposed access road from WCR 7 to reservoir use area.
  - b. Proposed parking area for vehicles, boat, and trailers.
2. The access road shall be paved.
3. The parking area shall be paved. Provide an agreement for use of the parking area.
4. Provide an improved hiking trail.
5. Provide a hiking trail connection to WCR 7.

6. Relocate the proposed boat dock, boat ramp, and parking area to the south east, or east side of the reservoir, farther from the existing residential uses. The east side of the reservoir is designated as future Regional Commercial and Commercial Mixed Use land use, and the boat dock, boat ramp and parking use areas would be more compatible with the proposed commercial development.
7. With the proximity of existing and future residential uses, and proposed future commercial development, the compatibility of hunting activities should be addressed in more detail; and, it should be determined if hunting should be discontinued at a specific time, as the surrounding area becomes developed.

Ray Derr of the Highland Ditch Company addressed the board about this proposal. A brief history of the lake was given as well as information regarding a prior law suit involving the lake. Mr. Derr explained that because of the law suit the Highland Ditch Company and the Mulligan Fish and Gun Club have entered into an agreement where the Mulligan Fish and Gun Club will have the opportunity to lease all rights for a period of 30 years. In addition he reminded the board that the ditch company owns the rights for everything but hunting and fishing. He went on to say that this expansion provides an opportunity the neighbors around the lake to have access to the lake by joining the Fish and Gun club. Mike Marshall, of 127 Hunters Cove Road Mead, CO, explained to the board that the residents that live around the lake would be offered the opportunity to join the club for a fee of \$750 per year with no initiation fee. Mr. Marshall went on to explain that the reason that the residents joining is necessary to the club so that they can afford to pay for the lease from the ditch company. Mr. Marshall went on to state that the Fish and Gun Club have no intentions of allowing water skiing on the lake and would appreciate the town submitting that they support that in the recommendation to Weld County.

Todd Hodges, 1269 North Cleveland, Loveland, CO, Land Use Planner, for the Highland Ditch Company addressed the board about the access to the lake, and changes that are looking to be made. Mr. Hodges informed the board that the hiking trail is only for members it is not for public use and therefore they will not be upgrading or connecting the trail to County Road 7. He went on to explain that the dock can't be moved to the location that the town had suggested because of inadequate space. Furthermore, he commented on hunting regulations and that they have no intentions at this time to consider annexing to the Town.

A motion was made by Trustee Kraemer, seconded by Trustee Acker to give a favorable referral to Weld County pertaining to USR-1683 with the following comments:

- a. Provide a detail on the Site Plan, showing the access road; and, parking area and layout.
- b. Water skiing not be approved as a use.
- c. Camping be restricted to an area behind the clubhouse.

Motion passed with a 4-0 vote with Trustee Heard abstaining.

#### Personal Car Use Policy

The board reviewed the memo provided by Mr. Dean regarding the use of employee's vehicles for the purpose of conducting Town of Mead Business. After discussion the board made the following recommendations for a supplemental amendment to the employee manual:

1. There will be a cap on the amount of the reimbursable deductible not to exceed \$1000.

Approved as amended

2. The employee will have up to 16 hours of work time to find a replacement vehicle in the event their vehicle was totaled.
3. The Town of Mead will only cover the cost of a rental car for three weeks if it is not covered by the employee's insurance.

The changes were ratified by consensus of the board.

### Reports and Comments

a. Dan J. Dean, Town Manager

i. Sheriff's Contract Renewal

The board reviewed the report from Dan Dean pertaining to the contract rate of \$51.00 per hour with the Weld County Sheriff's office. Mr. Dean commented that the contract for 2012 was going to remain the same as 2011. The \$79,540, which is the same as the 2011 amount does not include the fees for the school resource officer. That is a separate contract in the amount of approximately \$35,000.

A motion was made by Trustee Kraemer, seconded by Trustee Acker to authorize the Mayor to sign Schedule D in the amount of \$79, 540. Motion passed unanimously.

ii. WWTP Digester Biosolids Removal

The board reviewed the report from Jim Wright, of JB Wright and Associates, pertaining to the Waste Water Treatment Plant biosolids removal.

b. Linda Martin

i. Metro Denver Ethics Code

Linda Martin, Economic Development Specialist, gave an overview of the Ethics Code provided by the Denver Metro Chamber and what it means to the Town of Mead. The mayor asked Dan Dean to bring this topic back on the November 14, 2011 meeting agenda.

ii. Home Occupation Discussion

Linda Martin talked to the board about the 70+ home based businesses that are currently in operation within Town of Mead City Limits. She explained that there are two categories of home occupation businesses: minor or "soft" and major home occupations. Minor home occupations have minimal impact to the neighborhood. Dan Dean commented that there are two distinct issues with the home based businesses: business licenses and land use processes. Ms. Martin suggested that for the "soft" home based businesses the business license be filled out but the land use process be waived because of the minimal impact on their neighborhood. Mr. Dean added that these business types would be grandfathered under the land use code but educated that if their business changed they would need to go through the process. He went on to add that they are aware of some business that fall into the major home occupation category and are having a serious impact on the neighborhood. Ms. Martin suggested that those businesses with the major impact be encouraged to move out of the neighborhood. Trustee Heard inquired to see if this was based at all on the type of neighborhood/size of the lots or if it would be applied to everyone. Ms.

Martin replied that depending on the business model and what exactly is being done would be what determined if they needed to go through the major home occupation use process. This would mean that the business would have to ask their neighbors. Mayor Macomber agreed that it was important to address these issues and to bring those nonconforming businesses into compliance. Ms. Martin also commented that this could provide an opportunity for the town to step in and help them see what their relocation options could be. Trustee Clanton emphasized the importance of letting those businesses know that we want them to stay in Mead. Ms. Martin agreed, and said that is the key to how to handle this situation.

A motion was made by Trustee Kraemer, seconded by Trustee Heard to accept Linda Martin's proposal to grandfather in the minor home occupation businesses while educating them on the rules and regulations necessary to operate a business in the town and to require future businesses to abide by the land use code. Motion passed unanimously.

c. Richard Samson, Town Attorney

The board reviewed the report prepared by Richard Samson for the October 31, 2011 meeting. After concerns brought up by members of board pertaining to oil and gas issues Mayor Macomber requested that attorney Samson sit down with Trustee Kraemer to establish a list of concerns and bring back a narrowed-down answer to the next board meeting.

d. Steve Stamey, Town Planner

The board reviewed the report prepared by Steve Stamey for the October 31, 2011 meeting. Mr. Stamey discussed with the board about some potential concerns regarding the Encana Liberty Ranch well site and changes that they may like to make to the site. Attorney Samson encouraged the board and Mr. Stamey to get more clarification before allowing the changes. Mayor Macomber requested that Mr. Stamey invite Encana come to the November 14, 2011 meeting.

e. Trent Marshall, Town Engineer

The board reviewed the report prepared by Trent Marshall for the October 31, 2011 meeting. Mr. Dean inquired to when work would begin on the trail. Mr. Marshall informed the board and Mr. Dean that CDOT had approved everything; he had just sent out the notice of award and was working on the lining up the pre construction meetings, and the project should be starting soon.

Trustee Kraemer inquired about the Hansen property and the issue with the water and fence situation. Mr. Marshall explained that Ritchie Bros has been maintaining the ditch and has agreed to let Mr. Hansen on the property to access the ditch but they are not interested in moving the fence at this time. Trustee Kraemer further inquired as to whether or not the Town is actively pursuing Mr. Hansen about annexing to the town. Mr. Dean explained that he would like to first get the ditch situation taken care of, and then work on the annexation of the land.

f. Dan Dennison, Public Works Director

Approved as amended

The Mayor extended his gratitude to Mr. Dennison and the public works department for the timely response to the recent snow storm and tree limb situation.

### Mayor Macomber

Mayor Macomber inquired with the other board members, Mr. Samson and Mr. Dean about any ordinances that the town might have against having squatters in our town parks. Trustee Heard commented that this was a discussion at a past Parks and Recreation meeting and it was established that the parks have a closing time which eliminates this problem.

Mayor Macomber also informed the board of a meeting that he and Mr. Dean had with Mark Lawley, of Mt. View Fire Protection District regarding the fire departments interest in expanding the existing town hall location to meet their needs. Mayor Macomber went on to explain that the fire department would only like to expand a small portion of the building on the south side for their use. Mr. Dean and the Mayor expressed their concerns with encroaching into the park. Mr. Lawley went on to explain that MVPD has contracted an architect to look at the possibilities of expanding the building vertically.

### Town Trustees

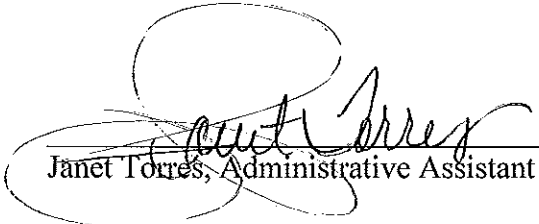
#### a. Richard Kraemer-Fire Station Locations

Trustee Kraemer thanked the Mayor and Mr. Dean for taking the time to meet with the fire department on this matter. He went onto express his concern that the town be open to the option of expanding into the park based on some of the need of the community for this building. He also expressed to the board that he will continue to push for expansion of the current town hall location to meet the needs of the community. Mr. Dean also informed the board that a major renovation of this type will require the entire building to become compliant with the current building codes.

### Adjournment

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

With no further business before the Board of Trustees, the meeting adjourned at 9:00 p.m.

  
Janet Torres, Administrative Assistant

  
Kim Heard, Mayor Pro-Tem