

Town of Mead
Minutes of the Regular Meeting
Board of Trustees
September 26, 2011

The regular meeting of the Town of Mead Board of Trustees was called to order by Mayor Richard W. Macomber.

Call to Order - Roll Call

Members Present:

Mayor Richard W. Macomber
Trustee Robert J. Acker
Trustee Debra Brodhead
Trustee Scott Clanton
Trustee Kim Heard
Trustee Richard E. Kraemer
Trustee Liz Knapp

Absent: Trustee Brodhead

Also present were: Town Manager Dan Dean, Town Attorney Richard Samson, Public Works Director Dan Dennison, Town Engineer Trent Marshall, Town Planner Steve Stamey and Deputy Town Clerk Sandi F. Sugden.

Pledge of Allegiance to the Flag:

The assembly pledged allegiance to the flag.

Additions to/Deletions from Agenda:

There were no additions to or deletions from the agenda.

Consent Agenda:

- a. Request Approval of the Minutes of the September 12, 2011 Meeting

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to approve the minutes of the September 12, 2011 meeting with one correction. The motion passed unanimously.

- b. Request Approval of the October 2011 Bill List

Mayor Macomber asked Dan Dean about the CTL Thompson expenses. Mr. Dean explained that they were incurred for soil samples and had not been paid.

Trustee Heard asked about the Community Days expenses on the bills list and stated that she would like to see a breakdown of expenses.

Trustee Knapp stated that she too would like to see a break down showing both the income and expenses.

Mr. Dean clarified that he had spent money for a breakfast meeting with Upstate and wanted to make sure that it was seen as a business expense. Mr. Dean said that he and Ms. Rademacher had discussed it and she said that it should be listed as a business expense and not as a per diem.

The board had no problem with this being a business expense and not a per diem.

Trustee Heard asked about the cost to Colorado Machinery for \$2908.50

Mr. Dennison stated that the expense was for grader repairs, the estimate as well as the shipping.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to approve the bills list for September 2011. Mayor Macomber abstained, Little Thompson. Motion passed 6-0.

Audience Participation:

Bill Meier representing United Powers presented the Town with a refund check of \$1475.00.

Trustee Kraemer asked Mr. Meier if United Power still has some of the Town's poles in storage, because he felt they would be better served being placed around town.

Mr. Meier said that the Town has 250 poles which also include the ones that are in storage.

Trustee Kraemer asked if Mr. Stamey if he and Mr. Dennison would be able to help pick where the lamps should go around town.

Reports:

- a. Code Enforcement Report

Mr. Dean shared with the Board that Dean Land; Code Enforcement Officer had surgery on Monday and would be out of the office with an undetermined time.

Old Business:

- a. High Point at Mead Impact Fee Use Discussion

Bonnier Gilmore, High Point at Mead, 1437 Larimer Street Denver, Colorado.

Mr. Dean stated that he had asked Mr. Gilmore to come back before the board to discuss the concerns in the plans.

Trustee Acker said that on the report from Mr. Dean #6 stated "The width or the open space must be substantially wider than 10 ft."

Mr. Dean said that the staff would like to see 35 ft. instead of 10 ft. By adding the extra footage it would make it easier to access for maintenance and landscaping.

Trustee Kraemer asked how long it will take to annex into Mead.

Mr. Gilmore said regarding the annexation there are still two things to take place, 1) Annexation Finalized, 2) PUD and then the zoning of the property.

Mr. Samson said that once the annexation is finalized they will be waiting for the Mylars, and then it will be signed and recorded.

Mr. Dean commented that the annexation is contingent upon staff getting a few issues resolved.

Mr. Gilmore said that the Town of Mead is the place where they want to be.

The Board thanked Mr. Gilmore for coming to the meeting.

New Business:

a. ORDINANCE 697

AN ORDINANCE OF THE TOWN OF MEAD, COLORAD, AMENDING ARTICLE III, SECTION 3-3-40 OF THE MEAD MUNICIPAL CODE TO PROVIDE FOR THE APPOINTMENT OF TWO CITIZEN ALTERNATE MEMBER TO THEPARKS AND RECREATION COMMITTEE.

Trustee Acker asked for the definition of "family member."

Mr. Dean said that it would be defined as a husband, wife or immediate family, if the regular member is not present.

Mayor Macomber asked Rick Samson to research further.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to approve ORDINANCE 697 AN ORDINANCE OF THE TOWN OF MEAD, COLORAD, AS AMENDED ARTICLE III, SECTION 3-3-40 OF THE MEAD MUNICIPAL CODE TO

PROVIDE FOR THE APPOINTMENT OF TWO CITIZEN ALTERNATE MEMBER TO THE PARKS AND RECREATION COMMITTEE. The motion passed unanimously.

b. Metro Denver EDC Code of Ethics

Mr. Dean said that Linda Martin recently attended a Metro Denver Economic Development Corporation meeting, stating that there would be no financial cost to join the EDC. However they do require any community wishing to join their organization they have to adopt their code of ethics, they specifically want a community to review and discuss the code.

1. The region will be marketed as a whole, not by individual communities,
2. Member communities will maintain the strictest confidentiality regarding prospects.
3. Members will not "poach" from other members and other communities, and
4. As a member we will not denigrate other communities.

Trustee Kraemer said he would like to table the discussion of the EDC until Ms. Martin can be present to discuss the benefits at the October 31st meeting.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to table until the October 31st meeting. The motion passed unanimously.

Reports and Comments:

a. Dan J. Dean, Town Manager

Mr. Dean brought it to the board's attention that the Town Clerk, Charlene Reed was not able to attend the Board meeting on September 12th and 26th. Mrs. Reed has submitted a letter requesting a leave of absence for six (6) months. It is a family health issue where she is needed by her family in Texas, our personnel policy states that this needs to be brought before the Board to get finalized and our policy allows for up to six (6) months.

Trustee Acker asked if Mrs. Reed would be receiving pay and benefits while she is on leave.

Mr. Dean stated that she does not receive either pay or benefits from the Town while on leave of absence.

Motion was made by Trustee Knapp, seconded by Trustee Kraemer, to accept Mrs. Reed's leave of absence for a period of up to six (6) months. The motion passed unanimously.

Mr. Dean said that he would like to request Deputy Town Clerk, Sandi F. Sugden to be appointed as the Acting Town Clerk as well as have authorization for her to be a signer on the Towns bank accounts.

Mayor Macomber said that he would like to appoint Ms. Sugden as Acting Town Clerk with signature authority.

Motion was made by Trustee Acker, seconded by Trustee Knapp, to appoint Ms. Sugden as Acting Town Clerk and be authorized to be a signer on the bank accounts. The motion passed unanimously.

Trustee Clanton asked if Ms. Sugden would receive the same pay grade while she is the Acting Town Clerk.

Trustee Kraemer asked if the salary will be brought back before the board.

Mr. Dean said that he was going to discuss it with Ms. Sugden tomorrow about how to deal with salary as well as other employment issues and that he will have a recommendation at the next board meeting.

Trustee Kraemer asked who would take over all of Ms. Sugden's responsibilities.

Mr. Dean said that he would like to hire someone to cover 15 to 20 hours a week where needed.

Motion was made by Mayor Macomber, seconded by Trustee Knapp, to appoint Ms. Sugden to be the Acting Town Clerk and added as a signer on the bank accounts and to hire someone for 15 to 20 hours a week. The motion passed unanimously.

Mr. Dean said that he had met with Bob Stemwedel and Kent Nelson regarding the Anadarko Oil and Gas Well proposal which includes Ames Park. The latest offer received from Anadarko by the Town was 17.5% royalty plus \$900 per acre signing bonus. I recommend that we allow Bob to reach the best deal that he can and we will follow along.

Mayor Macomber asked if they will be drilling in Ames Park. Mr. Dean said that they would not be drilling in Ames Park.

Mayor Macomber said that he would be checking with other sources to get further information on drilling underground.

Trustee Clanton asked for clarification on the energy audit and what they were looking at.

Mr. Dean said that he and Mr. Dennison met with Deb Overby and her associate from Honeywell to discuss energy conservation measures that the Town could undertake to save on energy costs. The way the program works, there is money available from the state that we can take out a loan to make energy improvements to save the town money, the state would do it and then we would pay them back from the savings from the retrofit. Honeywell would conduct an energy audit to determine what improvements can be made. Mr. Dean said he feels that the savings would be so small at Town Hall and the Wastewater Treatment plant is too new and is state of the art.

Trustee Kraemer asked what Larry Huddlesons time schedule looks like.

Mr. Dean said that Mr. Huddleson has re-submitted and that Mr. Stamey, Mr. West and himself are reviewing it and discussing because there are still a few details but nothing major.

Mr. Stamey said that there are just a few areas of correction and that he could turn it around and bring it back before the Board at the November 7th meeting.

Trustee Kraemer said that Mr. Huddleson has come before the Board in the past but has not actually submitted an application for annexation.

Mr. Dean said that he has already given a check and after he and Mr. Stamey review it, it will be brought back before the Board for a finding of substantial completion and once that is done then it is referred to the Planning Commission and they will review it and make recommendations back to the Board for approval.

Trustee Knapp said she thinks that this should go to Mr. Stamey and or Mr. Marshall to do the review and check the property description.

Mayor Macomber stated that Mr. Stamey and Mr. Marshall are already doing that.

Mr. Dean said that he and Mr. Samson need to check the legal descriptions.

Trustee Knapp asked since Mr. Marshall is an engineer and knows the property descriptions he should be taking care of this. She stated that she doesn't think that the developers should get a \$15,000.00 bill from Samson's law firm to have those property descriptions those are the ones that our engineers need to be looking at. And Mr. Samson should be doing all the legal agreements, but not property descriptions.

Mr. Samson said that he agreed that no one should get a \$15,000.00 bill from his firm unless there is a huge issue. The documentations come into his office and they are set aside for the legal description and Mr. Marshall's office should be doing that not our office. We will make sure that the petition and all the attachments are sufficient. Mr. Dean and I have discussed this issue already and it has been addressed.

Mr. Dean noted that we don't want to hold anything up; we want to expedite this as expeditiously as we can. Mr. Huddleson could get the annexation approved and the zoning but he hasn't proposed or suggested the plat and does not feel this is the time. It could be now or it could be years from and then it could go as quickly as 60 to 75 days.

Trustee Knapp stated that all the builders are leaving the state and that there are very few builders left and the small builders can't get loans to build.

Trustee Kraemer asked if they could invite Mr. Huddleson and see if he would be willing to participate in the Welker Avenue water line and then that would be an indication that he is interested to move forward sooner than later.

Mayor Macomber said that would be a fair question to ask Mr. Huddleson.

There were no more questions for Mr. Dean from the Board.

Mayor Macomber, Ordinance 698 Annexing the Lagoons.

Mr. Samson said that the board already adopted this ordinance in July but it was never recorded. When Mr. Marshall and his crew were doing some surveying they came up with a more definite legal description of the Lagoon area. Since it's never been recorded and is totally and fully owned Town property it will not go before the Planning Commission. There will not have to be a hearing. We will have to repeal this ordinance that you adopted in July and adopt this ordinance and then it will be published.

Motion was made by Trustee Acker, seconded by Trustee Knapp to adopt ORDINANCE NO. 698 AN ORDINANCE ANNEXING A PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TEN (10) IN TOWNSHIP THREE (3) NORTH, OF RANGE 68 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO, TO BE KNOWN AS THE LAGOON ANNEXATION TO THE TOWN OF MEAD, COLORADO, AND APPROVING THE LAND USE THEREOF.

The motion passed unanimously.

Trustee Kraemer asked since we don't have a plan for the Lagoons would it be possible to give to the Parks & Rec Committee and ask them what they think we should do with it.

Mayor Macomber said this is something that could be looked at.

b. Richard Samson, Town Attorney

Mr. Samson stated that he did not have any updates at this point, but would he would answer any further questions that the Board might have on his report.

Mayor Macomber asked about Vale View and if there was a report from Mr. Scherocman's yet.

Mr. Samson said that he has written Mr. Scherocman a letter but that he has not given a report. So he doesn't have anything that he can report to the Board yet.

Trustee Kraemer asked to have in the packet for the next meeting proof that there is \$500,000.00 in the bank and a copy of the agreement and escrow agreement to see if there is a trigger point.

Mr. Samson said that there is an agreement with them as well as an escrow agreement and the trigger point date is July 1, 2012 and if they haven't done it by then, then we get to do it.

c. Steve Stamey, Town Planner

Mr. Stamey said that he and Dan had met with Synergy to discuss the pre-application for a production site which is on the north side of 38, west of 25 next to Margil Farms.

Trustee Acker asked about item number 3, “review and prepare summary Memorandum, for State of Colorado expansion to existing mining operation.”

Mr. Stamey stated this is going to be for a conveyor system.

d. Trent Marshall, Town Engineer

Mayor Macomber asked why he didn't see 3rd Street and 66 on the capital budget.

Mr. Marshall said he is still waiting to hear back from CDOT, and that it should have not been on the budget and will be updated.

Trustee Kraemer asked about the Hansen property research and if it was completed and does Mr. Dean need to talk to Richie Brothers and let them know that they will need to move their fence, and then have Mr. Samson prepare proper documents for the annexation.

Mayor Macomber suggested that Mr. Dean and Mr. Marshall both go talk to Richie Brothers.

Mr. Samson said that Mr. Marshall had given him the papers at the meeting tonight and he will look at them because CDOT actually owns the property. Then a letter will be sent to Mr. Dean and Mr. Marshall as far as the easement issue and they can take it with them to Richie Brothers and CDOT will also receive a copy of the letter and CDOT will have to enforce this with Richie Brothers, not the Town.

Mr. Marshall said that CDOT owns the easement and the right of way, but the paper work says it's for ditch use. The fence is two feet from the ditch and that the owner said he can't get his tractor in there to mow.

Mayor Macomber if it's a CDOT easement then they are responsible for the ditch.

Mr. Marshall stated that Mr. Hansen is responsible for the ditch.

Mr. Samson said that he would send an informational letter saying that he has reviewed it and that there is an encroachment on CDOT's easement and there is a land owner that is complaining and we need to see what Richie Brothers will do to resolve this issue.

e. Dan Dennison, Public Works Director

Mr. Dennison said that he would have bids for the renovation to the small room but had to postpone until next meeting.

Mr. Dennison said that they had to spend \$3500 to use a grader for an emergency and can rent a Volvo for \$2100.00 a month.

Trustee Acker asked if it is a used grader.

Mr. Dennison said that it was not, he also told Trustee Acker that he checked with Weld County as he requested regarding them grading for the town and they said that the town would be secondary on the list, not primary.

Mr. Dennison stated that this would be a lease for \$2100.00 on a month by month base.

Motion was made by Trustee Knapp, seconded by Trustee Kraemer; to rent a Volvo grader on a month by month base for \$2100.00. The motion passed unanimously, on a roll call vote.

Trustee Kraemer asked Mr. Dennison if he would have something for the budget on a new building on October 19th.

f. J. B. Wright, Wastewater Engineer
i. Welker Water Line Alignment Update

Jim Wright of JB Wright & Associates stated that the water line that runs down Welker that will tie into a 24inch main that Little Thompson has on the east side of I-25 and will tie into an 8inch line that is on the intersection of Welker and 3rd Street.

Jim Hibbard of Little Thompson told the Board that most of the time CDOT pays for this to be done.

Mr. Wright continued to explain the different options for the town.

There are basically three options:

- Option 1 - locate the water line within the existing Welker Avenue right -of-way. This right-of-way varies from 60 ft. to 90 ft. in width. The water line would need to be located on the south side of the roadway in the road shoulder. A new fiber optic line was recently installed in the north borrow ditch. Easements would only be required from Rocky Mountain Assets where the water line parallels the east property line.
- Option 2 - locating the waterline on the north side of Welker, approximately 60 ft. north of the section line (center of Welker) in utility easements from the Rocky Mountain Assets, Town of Mead and CJK Ranch. A 25 ft. utility easement

presently exists in the Welker Farms Subdivision and additional easement work would not be required for this parcel. The western section of the water line along the north side of the bank property could remain within the Welker Avenue right-of-way or additional easement could be obtained from the Bank of Downs Kansas.

- Option 3 – locating the waterline ten feet south of the Public Service easement. This alignment would only require obtaining easements from Rocky Mountain Assets (Westridge Annexation) and possibly the State Bank of Downs, Kansas. The band easement could be eliminated by moving the gas line crossing ease, outside the bank property.

The difference in length required for each route is not significant. Option 3 has the least pipe length required and is only 21 ft. longer than option 1. Option 2 located on the north side of Welker has the greatest length and 155 ft. greater than option 3. In a meeting between the Town staff and the LTWD staff, it was determined that Option 2, locating this water line on the north side of Welker, is the best alternative at the time. As stated earlier, there will need to be refinements to this alignment as other existing utilities are discovered, the CDOT interstate improvements are finalized and when the State Bank of Downs has the opportunity to respond to easement request. All other property owners including CJK Ranch, Welker Farms, and Westridge Ranch support the Option 2 alignment and are willing to provide the necessary easements when needed.

Mr. Wright said if there is any damage done to the crops then the Town would be responsible to pay for damage that is done in order to access. There are also some federal laws attached to that as to how far you have to be away have a 50ft wide easement across that was done in 1997 but have not been able to find it yet.

Mr. Wright said in closing it is his intent to have the topographic survey work completed after the crops are harvested from the south side of Welker. It is expected that this will occur by mid-October.

Mr. Wright asked if the Town would be willing to let a line be put in the Town Park.

Mayor Macomber and Trustee Kraemer both agreed to go through the Towns Park because it wouldn't cost the Town since the Town already owns the property.

Mayor Macomber asked how much the project would cost the Town.

Mr. Wright said if it was done today it would run about \$400,000.00 to \$500,000.00. It will depend on the size of the lots; they will have to pay for a water line.

Trustee Knapp asked Mr. Hibbard about the recapture time.

Mr. Hibbard stated that it could be extended, if needed.

Trustee Kraemer asked if Little Thompson was going to contribute \$15,000.00 in the reimbursement agreement.

Mr. Hibbard said that he would be willing to take the Boards request to the Little Thompson Board.

Mayor Macomber stated that if the town ties into this line it will help increase the value of the resident's properties.

Trustee Acker asked if the line that went to Boulder Scientific has enough pressure for the fire line.

Mr. Hibbard assured Trustee Acker that there would be plenty of pressure.

Mayor Macomber:

Mayor Macomber thanked Trustee Heard and Trustee Knapp for helping that the Sugar Beet Festival.

Town Trustees:

There was no discussion from the Trustees

Adjournment:

Motion was made by Trustee Acker, seconded by Trustee Heard, to adjourn the meeting at 9:01 p.m. The motion passed unanimously.

Richard W. Macomber, Mayor

Attest:

Sandi F. Sugden, CMC, Acting Town Clerk

Approved by the Board of Trustees with corrections at their regular meeting of October 10, 2011.