



TOWN OF KEENESBURG  
BOARD OF TRUSTEES REGULAR MEETING MINUTES  
MONDAY FEBRUARY 4, 2019 6:00 P.M.  
KEENESBURG TOWN MEETING HALL  
140 SOUTH MAIN STREET KEENESBURG, COLORADO 80643

**Call to Order**

The Board of Trustees of the Town of Keenesburg met in a regular session February 2, 2019 at the Keenesburg Town Hall located at 140 South Main Street, Keenesburg, Colorado 80643. Mayor Gfeller called the meeting to order at 6:00 p.m.

**Pledge of Allegiance**

**Roll Call**

**Members Present:** Mayor Kenneth Gfeller, Trustees Marc Johns, Wilbur Wafel, Juanda Hesse, Carl Fredrickson, Tim Smith and Robert Zebroski

**Others Present:** Debra Chumley, Town Manager; Toni Johnson, Town Clerk; Mark Gray, Public Works Director; Todd Hodges, Town Planner; Kent Bruxvoort, Town Engineer and Kathleen Kelly, Town Attorney

**Public Comment**

None

**Consent Agenda**

**A. Financial report and payment of bills**

**Approval of minutes January 22, 2019**

Motion was made by Trustee Zebroski seconded by Trustee Johns to approve the consent agenda items. Motion carried 7-0; Mayor Gfeller, Trustee Johns, Wafel, Hesse, Fredrickson, Smith and Zebroski voting yes.

**New Business**

**B. PUBLIC HEARING: Diamond K Subdivision change of zone, preliminary plan and final plan**

Mayor Gfeller opened the public hearing at 6:01 p.m. for the Diamond K Subdivision change of zone, preliminary plan and final plan. Notice was published in the Greeley Tribune December 29, 2018, property owners within 300 feet were mailed notice on January 9, 2019 and a sign was posted on the property on January 14, 2019. Chad Cox Western Engineering 127 South Denver Avenue Fort Lupton, Colorado 80621. Mr. Cox is the project representative. The site is a 10.3-acre parcel that has been proposed to be subdivided into 13 residential lots. Each lot is proposed as 6/10<sup>th</sup> of an acre. The location was previously approved for estate zoning, after the costs were tallied up the applicant felt it was in his best interest not to move forward with estate zoning but instead residential. Improvements to be done in the development include, widening of the

road, overlay of Cedar Street, waterline replacement and extension from town to CR 18, 2-3 new hydrants, new sewer line, storm and water detention pond at the south end. They are working with the fire district to determine the vacation of Pippin Lane to help determine how to address the cul-del-sac in the development. Trustee Wafel asked if the cul-de-sac will interfere with lot 13. Mr. Cox informed them there are different types of cul-de-sacs options that are being discussed. Lot 13 will likely be reduced by a tenth of an acre, but as mentioned will be addressed with town staff. Trustee Wafel inquired about the discussion that took place during the Planning Commission regarding the water line that crosses the property. Chad thanked Trustee Wafel for commenting on it, he informed the board that Mark Gray is working on identifying the water line, which is likely on the west side. He believes they will have a solution once the true location is discovered. After doing so he will work with town staff to address an acceptable solution, likely rerouting the line along a proposed lot line.

Todd provided a staff report on the application. The site consists of an undeveloped parcel 10.3 acres in size located south and adjacent to CR 18 and west of and adjacent to Cedar Street. The property is currently zoned Estate from a prior submittal and through this submittal is proposed to go back to the original R-1 Single Family Residential zoning. The original sketch plan proposed 10 estate lots, but this proposal has been resubmitted with the preliminary and final for 13 residential lots to be zoned R-1. Access to each lot would be from Cedar Street and the project would be served by both the town's water and sewer services. Based on findings staff recommended approval of the Diamond K Subdivision change of zone, preliminary plan and final plan with the conditions listed on the resolution. Kent informed the board there were a few issues, which were delineated in a letter provided to the applicant. He feels the issues are not significant enough to table the hearing and from an engineering stand point he supports a conditional approval of the application presented. There were no further questions for the applicant or staff. Mayor Gfeller opened the public comment portion of the hearing at 6:19 p.m. there was no public comment he then closed the hearing at 6:20 p.m. Mayor Gfeller closed the public hearing at 6:21 p.m. for the Diamond K Subdivision change of zone, preliminary and final plan; and turned the matter over to the Board of Trustees for consideration of approval.

**C. ORDINANCE 2019-01 rezoning certain property within the Town of Keenesburg known as the proposed Diamond K Subdivision**

Motion was made by Trustee Fredrickson seconded by Trustee Wafel to approve ORDINANCE 2019-01 rezoning certain property within the town of Keenesburg known as the proposed Diamond K Subdivision. Motion carried 7-0; roll call vote: Mayor Geller, Trustees Johns, Wafel, Hesse, Fredrickson, Smith and Zebroski voting yes.

**D. RESOLUTION 2019-03 approving a preliminary and final plat for the proposed Diamond K Subdivision**

Motion was made by Trustee Zebroski seconded by Trustee Fredrickson to approve RESOLUTION 2019-03 approving a preliminary and final plat for the proposed Diamond K Subdivision. Motion carried 7-0; roll call vote: Mayor Gfeller, Trustees Johns, Wafel, Hesse, Fredrickson, Smith and Zebroski voting yes.

**E. RESOLUTION 2019-05 approving a subdivision agreement for the Evan's Place filing 1 subdivision**

The agreement was reviewed by legal and LGI and the terms have been agreed on. Everyone was provided a hand out of exhibit b, which provided a detailed list of scheduled improvements; including off site improvements to the intersection of 398 and Market, turn lanes on 398 and the crosswalk on CR 59. Kent agrees with the engineer's opinion of costs. Staff asked for clarification on exhibit D pertaining to the legal description of public land dedication. It was not clear whether the board's desire was to gain ownership of the parks and trails or to decline. There were a couple of options available for the boards considerations. The parks and trails could be owned by the metro district and maintained by the HOA, the parks and trails be dedicated to the town and the HOA maintain them or the parks and trails be dedicated to the town and the town maintain them. Staff asked the board to clarify what their desire was. Trustee Fredrickson stated he would like the parks and trails to be dedicated to the town and the HOA maintain them, Mayor Gfeller and Trustees Hesse and Smith agreed. Trustee Wafel commented on trails in the development and asked about adding one to tract a, which is the buffer area between I-76 and the development. Debbie stated filing 1 was approved as is, which does not include a trail. She informed the board they are welcome to address this request during filing 2. Todd noted his concerns with the trail on the back end of the development which does not allow true connectivity throughout the development. Motion was made by Mayor Gfeller seconded by Trustee Fredrickson to approve RESOLUTION 2019-05 approving a subdivision agreement for the Evan's Place filing 1 subdivision, with a revision to exhibit d to reflect dedication of tracts b, c, and f. Also, tract d, if town staff determines it can be used for public park and or trail purposes. Motion carried 6-1; roll call vote: Mayor Gfeller, Trustees Wafel, Hesse, Fredrickson, Smith and Zebroski voting yes and Trustee Johns voting no.

**F. RESOLUTION 2019-04 in support of the creation of the Highway 52 coalition**

The resolution was discussed during the last meeting. It confirms and formalizes the board's interest in participating in the Highway 52 coalition. Motion was made by Mayor Gfeller seconded by Trustee Johns to approve RESOLUTION 2019-04 in support of the creation of the Highway 52 coalition. Motion carried 7-0; roll call vote: Mayor Gfeller, Trustees Wafel, Hesse, Fredrickson, Smith and Zebroski voting yes.

**G. Review and discuss Chapter 2 of the Keenesburg Municipal Code regarding administration and personnel duties, specifically Town Manager and Mayor**

Mayor Gfeller opened this item up for discussion in hopes to get an understanding of what oversight the board can have on the town employees and town functions. He understands why certain duties were previously stricken out on ordinance 2018-03 regarding Mayor duties and assigned to the Town Manager. He feels inadequate in terms of being informed on certain employment issues and would like the board to revisit these duties. Mayor Gfeller specifically inquired about the Town Clerk's position, questioning if the clerk were to leave he understands the position would be hired by the Town Manager. Kathleen informed the board the Town Clerk position is a direct appointment by the board under statue. In this scenario, if the clerk were to leave, the board would be responsible to appoint a replacement. Mayor Gfeller stated he was also concerned about the hiring of the Assistant Town Manager, because by default this position would roll over to the Town Manager position. With that being said, he feels like the board should have influence on hiring this position, future positions and firing. Mayor Gfeller said he received information from Trustee Johns, in terms of his employment as Public Works

Director with the town. Mayor Gfeller received feedback which lead him to believe policies weren't correct when he was employed and when he resigned his position. He would like to be a part of this process for future situations. Kathleen informed the board it is in their best interest from a liability stand point to not have direct involvement in personnel issues and to leave those decisions up to the Town Manager. The board's role is to approve the budget and appropriate the funds for each position. If the Board is not happy with the performance of the Town Manager, it is their responsibility to have that conversation with him/her to resolve the issue. Mayor Gfeller asked for clarification on section 2-2-20 (b)...." Mayor shall be the executive head of the town". He was confused because he cannot make actions unless the entire board is involved. He was under the impression he used the correct chain of command when he reached out to legal with certain questions, but stated he was turned away and told his questions could not be answered unless the Board was involved. Kathleen apologized and informed the Mayor she was unaware of such situation and would like to help rectify the situation. She understands in the past legal has asked for full board participation prior to answering or doing research on any topic, especially if it'll take a great amount of resources to complete the task. The town is billed by the hour and legal wants to make sure they are serving the entire board, not any one trustee or the mayor individually. She asked Mayor Gfeller for a more specific example of a situation where he wasn't able to get answers. He stated he asked legal for clarification on how changes can be made to the interaction between the Town Manger and Mayor, directly regarding employment issues. In which he received a response stating answers cannot be provided unless the entire board is involved. Kathleen again apologized and informed the Board of Trustees they are welcome to review Chapter 2 and make recommendations to amend the duties at any time. There were no further questions of comments on this item.

#### **H. Review and discuss Chapter 8, Article III of the Keenesburg Municipal Code regarding vehicle weight limits**

Key items to be discussed were weight limits in town and the truck route. The weight limit in town is 8,000 gross pounds and the truck route includes: Woodward Avenue, CR59, and CR398. Mark suggested changing weight limits in town to 10,000 gross pounds and removing Woodward from the truck route and allowing local deliveries only. Trustee Wafel was concerned with the suggested weight limit because most welding trucks are more than 10,000 gross pounds; and doesn't feel it's fair to put someone in that sort of predicament. He suggested 25,000 gross pounds. Trustee Fredrickson agreed. After brief discussion, staff was directed to bring a draft ordinance to the next meeting to amend the vehicle weight limit in town to 25,000 gross pounds and remove Woodward Avenue from the truck route and to allow local deliveries only on Woodward Avenue.

#### **I. Review and discuss section 8-2-70(a)(b)(c) of the Keenesburg Municipal Code regarding recreational vehicles**

Staff asked the board to consider amending this section of the code because it is not clear as to whether or not someone is allowed to live in their RV on private property. The current code only states such activities are prohibited on public right-of-way's. The code enforcement officer has received a hand full of complaints and is having difficulty enforcing the code as it stands. Staff requested the board provide feedback to help enforcement moving forward. The board unanimously agreed they don't want people living in RVs on private property. Kathleen pointed to section 8-2-70 (a); informing the board RVs are prohibited in residential zoning only and suggested the board consider expanding that to include all zone districts. The board agreed and

directed staff to bring a draft ordinance to the next meeting to amend the chapter to add language to prohibit such activities on private property and expand to all zone districts.

#### **J. Review and discuss current development process**

The board was provided sections from the code that showed procedures for sketch plan, preliminary plan, final plat, review of applications, staff review process, the annexation check list and process. Trustee Fredrickson asked for staff's opinion, if these processes work for them and if there is anything they would like to see changed. Debbie, Todd and Kent stated they feel the process works well. Mayor Gfeller addressed his concerns, stating when the public has input he feels there should be a clause that would account for their suggestions and comments. He has received complaints from citizens that feel as though the board members already have their minds made up and don't feel like their comments matter during public hearings. Kathleen stated there is criteria in the code to guide their decisions, if an application meets criteria it should be approved and vis versa. Kent shared that some municipalities offer optional or required community meetings. These meeting give the developer the opportunity to meet with the public to address concerns prior to public hearings. Kathleen informed the board she is not in favor of community meetings because majority of the time the developers will meet with residents, receive input, but doesn't take it into account while following through the process. Also, those meetings are not evidence, they are not held by the town nor can the information be used by the board to make a decision. It is not part of the quasi-judicial process. Notices of the public hearings are published in the newspaper and mailed to property owners within 300 ft of the property 15 days prior and the property is posted with a hearing sign 10 days prior to the hearing. All application materials are open to the public for inspection. Debbie also noted that the Planning Commission will discuss design standards at their next meeting. Which will provide more oversight for the board and planning commission to approve applications. Once the planning commission finalizes the document they will provide it to the board for review and discussion. There were no further questions or comments on this item.

#### **K. Review of Koan Ventures LLC (Ouro) USR and possible revocation**

As mentioned at the last meeting Ouro is in violation of their USR. They originally were given a deadline of February 4, 2019 to submit evidence that they are working towards their conditions. As of Monday evening, they were not able to meet all their conditions. They did however submit detailed plans and Debbie gave them an extension to have the remaining conditions met by February 28, 2019. However, it is ultimately the board's decision if they wish to set public hearings to revoke the USR or grant the extension. The board felt comfortable with Debbie's decision and granted the extension.

#### **L. Discuss and consider contract action for USDA loan**

There was a decision made to cut off the slip line project at the expiration date of the DOLA loan on December 31, 2018. Now that the government is back to work Debbie spoke with Julie Scruby at USDA. The previous plan to apply for grant funds to match the current balance of funds available is not a viable option. The terms of the USDA loan are such that the town must decide to either suspend the work on the project as long as it resumes within 90 days or terminate the contract. Upon termination of the contract the remaining USDA funds of approximately \$208,000 will have to be returned to USDA to be applied to the principal amount on the loan. It will not be re-amortized, which will result in the same payments agreed to, approximately \$20,000 per year. It will however cut the term of the loan in half, having it paid off in 2039

instead of 2059. Mark and Debbie met with Kent on Friday and believe the best option is to move forward with the suspension. They discussed areas around town and outlined a map of segments to be completed. Kent provided the board with a map of what has been completed to date; conventional trenching or replacement of 8in to 12in. Total completed was 2,400 linear feet. Those areas included: 500 feet replaced pipe from the wastewater treatment plant westward. 1,900 feet towards the north and east; north from the treatment plant through Trent Cook's field, and to manhole 91 on Woodward Ave. Woodward east from manhole 91 heading towards the bank. 162ft from manhole 91 and 111. There was a segment of pipe that had significant issues, clay pipe that has settled and offset. Mark and the contractor agreed the best solution was to do a total replacement of that pipe. Two segments in Kipp to the west of Miller and Morgan between Main and Ash, were originally scheduled to be part of the pipe bursting project to enlarge the pipes from 8in to 12in. It was determined that conventional trenching would be more efficient for those sections. With \$208,000 remaining, staff met and compiled a map of areas to be addressed which would cost \$190,000. Those segments include: trench and replacement work on Morgan Avenue, from Main Street east to the alley between Main and Ash, which is 198 ft. which will cost \$58,000. In the alley behind the clinic at manhole 60 and CR59 near manhole 119. \$3,300 of slip lining of ten segments on Woodward Ave, CR59, Johnson, Kipp, in the alley on Main, Broadway across Market Street and two segments of Cedar. Mark spoke with the contractor and they can get back out by March 30, 2019 to complete the work. Staff will have a meeting with USDA on Wednesday to discuss these options.

#### **M. Board Member Information/ Discussion**

##### **1. Band Shell**

The board agreed on the placement of the proposed band shell. They would like it to be placed in the center of the east side of the park projecting west.

##### **2. Upcoming highway 52 coalition meeting**

The meeting will be at the Fort Lupton Recreation Center on February 28, 2019 at 6:00 p.m. Mayor Gfeller, Trustees Hesse and Zebroski plan on attending.

##### **3. Daily well flow data**

##### **4. Centennial celebration committee meeting February 13, 2019 at 1:00p.m.**

##### **Town Hall**

Debbie asked the committee members to reschedule this meeting due to a conflict, she has a development meeting the same day and needs the meeting room. Mayor Gfeller, Trustees Hesse and Zebroski rescheduled the meeting to February 15, 2019 at 6 p.m. at Town Hall.

Trustee Fredrickson commented on information he heard about the High Plains Library in Hudson. He heard they have over six million dollars of unused funds and was told Hudson is using some of it to install park equipment. He was curious what Keenesburg needs to do to get some of the money. Mayor Gfeller confirmed he had a discussion with Hudson Library members a while back and presented plans for potential development. He said the director made a comment that Keenesburg will get some of the funds. Mayor Gfeller assured the board this was something he is aware of and working on.

#### **N. Staff Reports**

##### **1. Town Manager**

Debbie will be on vacation March 7<sup>th</sup>-24<sup>th</sup>. The rabies clinic is scheduled for April 27, 2019. Public works employee, Cameron has resigned effective January 25, 2019. A job posting is

available on the website, Facebook, CML, and Town Hall. The opening will close February 15, 2019, interviews will be scheduled for the week of February 18<sup>th</sup>. LGI has submitted their application for filing 2 of the Evan's Place Subdivision. Staff is working on the subdivision improvements agreement with Diamond K and will have it ready to be presented to the board by February 19, 2019. The cost recovery agreement for Robertson Lewton Land Holdings, LLC will be revisited regardless of whether Rocky Mountain Midstream extends the water main, this agreement will be moving forward to be presented to the board at the February 19, 2019 meeting. Debbie is working on agreements, grant reporting and developer meetings. Toni is working on the personnel guidelines, job descriptions, working with Mike to update our permit fees and with Municode to codify the code. Also working with Municode to set up MunicodeNext, which will allow us to have access to our code of ordinances, all archived versions of the code, every official copy of our ordinances, the power to compare versions of the code over time, the ability to be notified every time the code's updated and a powerful search engine capable of simultaneously searching. This will allow a link to be on our website and gives everyone the ability to review the most up to date version of the town code. Christina is working on the schedule of events for 2019, preparing for court, working on the new website and submitting paperwork to earn her CMC. Marcia continues to work on utility billing, audit of utility accounts and accounts payable.

## 2. Public Works

Mark, Kent and Debbie met with the school districts engineers and they presented the drawings of the lift station from the school to town. Staff had no concerns with the drawings. They will submit them to CDPHE for approval and then submit for bids. The proposed lift station will have a chemical injection for odor control. There will be a four-thousand-gallon underground storage tank with calcium nitrate with a chemical pump. The engineers were asked to provide a cost breakdown for the electrical and chemical. Also, furnish the town with the operations manual and training. The house on 50 Elm Street has been demolished, crews need to do final grading. The demo cost was approximately \$4,800, public works crews had 33 hours invested in the demo over the last couple weeks.

## 3. Legal

### Adjournment

Motion was made by Mayor Gfeller seconded by Trustee Fredrickson to adjourn the meeting. Motion carried 7-0; Mayor Gfeller, Trustees Johns, Wafel, Hesse Smith and Zebroski voting yes. The meeting adjourned at 8:48 p.m.

ATTEST:

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Kenneth Gfeller, Mayor

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Toni Johnson, Town Clerk