



TOWN OF KEENESBURG
BOARD OF TRUSTEES REGULAR MEETING MINUTES
MONDAY, APRIL 15, 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 on April 15, 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 Wilbur Wafel, Juanda Hesse, Carl Fredrickson, Tim Smith and Robert Zebroski

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

Public Comment

Craig Anderson 7956 CR 59, addressed the Board regarding prairie dogs. Mr. Anderson informs them that they are coming across 59 into his property and is afraid of fleas being spread.

Mayor Gfeller asks public works to address prairie dog removal. Mark states the pest control is the responsibility of the property owner. Debra will ask LGI to address how they plan to abate the issue when the public hearing is called.

Ann Newlan, across from Mr. Anderson, concerned about the same thing; she has horses and feels it's a dire emergency, prairie dogs digging holes.

Tammy Anderson, 7956 CR 59, expresses the same concerns regarding prairie dogs.

New Business

A. Financial report and payment of bills

Motion was made by Trustee Wafel seconded by Trustee Zebroski to approve the financial report and payment of bills. Motion carried 6-0; Mayor Gfeller, Trustees Hesse, Wafel, Fredrickson, Smith and Zebroski voting yes.

B. Monthly Police Report

Sergeant Carlos Ramirez, Lochbuie Police Dept.: for the month of March 2019, the department handled 139 calls for service. We completed 52 area watches which mostly consist of patrolling the town, conducting traffic stops, contacting suspicious individuals or vehicles and checking for open doors on businesses and schools. A total of seven reports were taken for the month.

Officer Johnson had five narcotics calls at Weld Central High School, and seven summons were issued. The total hours logged for March - 111.45 hours.

Interviews were conducted for the SRO, along with the staff members of RE-3J school district; Officer Jamie Alary has been selected as the new SRO. Officer Alary has six years of experience, two of which were as SRO for the Erie Police Department. Officer Zach Johnson will finish out the school year and Officer Alary will begin in the 2019-20 school year.

Sergeant Ramirez also addresses the speed limit signs; every point of entry should have a sign of 25 MPH unless otherwise posted. This would cut down on speeders.

Mark Gray informed Sgt. Ramirez he will produce a map of all signage and present to Lochbuie PD for approval.

C. PUBLIC HEARING: LGI Homes final subdivision P.U.D. application for Evans Place Filing II

Mayor Gfeller opened the public hearing at 6:11 pm and reads from the script the procedures and instructions for the public hearing. Mayor asks for proper notification. Debra states notification dates: published in the Greeley Tribune March 10, 2019; all property owners within 300 feet of the property were mailed notice of hearing on March 12, 2019; and the notice sign was posted on the property March 19, 2019. Mayor asks for disclosures or ex parte contacts, none stated. Mayor asks applicant to approach, present application and state their name; Mayor swears in the applicant. Casey Flemmons, LGI Homes requests approval for Filing II of P.U.D for Evan's Place, 137 lots, adjacent east of Filing I. Mayor Gfeller asks for Staff Report. Todd Hodges, Town Planner, gave the Staff Report. Todd addresses the typo on page two for Filing I reference, and states resolution is tied to second filing; Todd shows original sketch plan on projector. There is no longer a phase three; county aerial shows the general location. Referral comments are addressed and conditions of approval are in the resolution. There were others to be present from engineering and planning but their flight was canceled. This is the final state of the project and will move forward into construction. Kent Bruxvoort, Town Engineer, informs Goodwin & Marshall were not able to be here and gives an overview, Filing I generated a number of comments and the applicant and their engineer have been diligent in responding and ready to record plat for Filing I. Filing II generated few comments. Kent points out on projection, street naming convention, the street names were continued to the north, North Johnson and North Miller; Kent points out high ground along North Johnson which was chosen as a dividing line between the filings. The sewer will have to go under the railroad tracks, a copy of the crossing agreement has been requested but has not been received. The resolution would be contingent upon the crossing agreement being reached and written into the letter as comment 20 and part of the record. Mayor asks for any other staff comments. Debra informs Mayor to ask the applicant to address the prairie dogs. Ken addresses audience and opens for comments regarding LGI Subdivision Filing II. Craig Anderson at 7956 WCR 59, approaches and the Mayor swears him in. Mr. Anderson asks about Filing I location and what the plan is for the prairie dogs. Ann Newman, WCR 59, asks about the prairie dogs, if they are going to be removed from the property before they start digging. Craig Anderson approaches once more and asks if 398 is city limits all the way out to the RV Park as he is having issues with the semi-trucks jake brakes. Mayor Gfeller informs Mr. Anderson, this issue must be addressed outside of the public hearing. Mayor asks applicant to approach and respond to public

comments. Casey Flemmons: regarding prairie dogs, does not have a plan to do anything with them prior to development and asks if there is a requirement attached to development. Mayor asks Todd, Kent or Debbie to address this. Debra informs the Board they have the option to make it a condition of approval and submit a mitigation plan. Todd informs all that the entire property should be rid of the prairie dogs as they are a nuisance, if it's not handled through the conditions, it could be handled through a violation process. Casey will have the prairie dogs addressed if it will be a requirement. Mayor Gfeller asks for anything further from Staff. Nothing stated. Mayor closes the public comment portion of the public hearing and reads from the script, regarding documents and materials submitted are part of the record and asks for objections to inclusion of the items, no objections. Mayor asks for questions from the Board members. Trustee Wafel asks about the prairie dogs. Debra addresses Kathleen regarding a condition of approval that a prairie dog mitigation is submitted prior to construction. Kathleen states it is not appropriate because this is Filing II. Mayor asks for any other questions. Mayor Gfeller closes the public hearing at 6:30 pm and turns the matter over to the Board for consideration of approval. Mayor asks Kathleen for assistance with the language for conditions of approval. Kathleen suggests Resolution 2019-07 be approved with conditions, final plat for Evan's place Filing II; section I of the resolution contains several conditions, letter a-f, Kathleen recommends adding condition g. under Section I requiring applicant submit a prairie dog mitigation plan to the Town prior to issuance of the grading permit.

D. ORDINANCE 2019-17 a resolution approving a final plat for the Evan's Place Filing II Subdivision

So moved by Mayor Gfeller, with a second by Trustee Zebroski. Roll call vote: Trustee Wafel, yes; Trustee Hesse, yes; Mayor Gfeller, yes; Trustee Frederickson, no; Trustee Smith, no; Trustee Zebroski, yes. Motion carries 4-2.

E. Discussion and direction regarding counter offer from CDOT for devolution of Market Street

Debra gives an overview, looking for Board direction to reach out to CDOT to accept the counter to our counter of \$625,000. Kent has reviewed and recommended we accept the counter offer and move forward for the devolution of Market Street. Deb asks for direction to contact CDOT to accept the offer; all Board members agree to accept offer.

F. RESOLUTION 2019-16 approving a letter of engagement with Butler Snow LLP for the purpose of reviewing Evan's Place metropolitan district service plans

Debra has contacted Butler Snow for a letter of engagement for the review of the proposed service plan for Evan's Place. They will look at the finance plan and if indebtedness appears reasonable and recommended we ask the metro district to provide a feasible study to help us understand the financing plans. Discussions on billing rates and how long it would take them to review. Kathleen does not have a recommendation as this is the first metro district for the Town, but does not anticipate a difficult process with the proponent. Mayor asks Kathleen how to proceed. Kathleen states the approval of the engagement letter would allow the Town to do either the flat or hourly rate and should direct Debra of the preference. Mayor asks for direction from Kathleen; Motion to approve the engagement letter and to finalize the arrangement for the fixed fee up to of \$5000. Mayor Gfeller, so moved, with a second by Trustee Zebroski. Roll Call vote: Trustee Wafel, yes; Trustee Hesse, yes; Mayor Gfeller, yes; Trustee Frederickson, yes; Trustee Smith, yes; Trustee Zebroski, yes. Motion carries 6-0.

G. Water/sewer rate discussion

Mayor Gfeller states, due to personal interest in this matter, he will recuse himself and turns the Board over to Mayor Pro Tem, Wafel; Mayor Gfeller leaves the meeting hall. Mayor Pro Tem Wafel asks Debra for clarification. Debra explains the conflict in the municipal code regarding multipliers on commercial and multifamily units; this practice was in place prior to her employment. The Town Clerk, Toni Johnson had a request for public information, in Section 13-1-480 (e) payment of water charges, in review of multiple ordinances that make a change to this section in the code: Ordinance 91, 1-98, 102, 2008-02; and found Ord. 91 instituted the initial code for payment of charges. Debra reads from Ordinance 91 and current item e. under the same section. No changes were found in ordinances referenced in codification. Fee schedules are in the form of resolutions and have changed many times as water rates have changed, resolution doesn't specifically state the multipliers for number of units, a practice that has been in place and cannot give an explanation why current code reads differently, research did not reveal it was changed by ordinance. Water and sewer rate study in 2015 shows multipliers apply for commercial/residential and multifamily. Rate study also recommended that the Town review the rate system to determine another way to approach, as a result, billing was changed, sewer rates were changed to a consumption flat rate average and were no longer based on multipliers. Water billing has remained the same. Kathleen informs the Board of the issues discovered by the Town Clerk, the history of the ordinances show some problems. The current section of 13-1-480, resolutions listed in legislative history, a resolution cannot amend an ordinance, it is unclear why resolutions are listed. The resolutions were adopted prior to Town's current codification, the first codification was done in 2000. It is unclear where the issue came about and nothing in the Ordinances amends the 1977 ordinance with regard to how the water rates were billed. The policy questions will be followed up in the form of an ordinance to reflect clarification. The underlying issue is how these types of services should be billed and it is in the Board's purview to determine the Town's water system. Kent Bruxvoort, Town Engineer is present and came to inform the Board if there is any research required. Kathleen reads from 2015 Water Rate Study and recommendations from Telesto. Discussion needs to be had to have the Ordinances corrected as to how the service is billed. Discussions on current billing procedure. Deb gives an explanation of how multipliers are billed regarding businesses and residential apartments. It was brought to our attention that there are places that have apartments and were changed to reflect multipliers. Owners were notified prior to changes made. If the Board would like to continue the multiplier, the code needs to be corrected. Kathleen informs the Board the Ordinance established in 1977 hadn't been effectively amended, a new ordinance is required however the Board wishes to reflect the rates. Discussions on apartment multiplier and current policy. Trustee Frederickson addresses the consensus of the public sees that the multiplier is unfair; multiple voices from audience say yes. Mayor Pro Tem invites those who would like to speak on the issue. Ruth Pelton Roby, small business office on South Main Street, feels it's unfair as the size of her building is small and restroom is small and tenant uses very little water. Larry Grunewald, Country Liquors, states he has one tap, rates were doubled and never used the minimum; the building has one sink and one toilet and two small apartments. Discussions on the living quarters, apartments and businesses in one building; single family equivalents. Kathleen states moving to a single-family equivalent, some people will pay more, some will pay less; if the Board is thinking about removing the multiplier, be aware of the impact it would have on the system; the revenue is keeping the system healthy.

Carol Essex-Klutho approaches and states her name. Ms. Klutho states she is a friend of Ken Gfeller and is present to speak for him. Ms. Klutho hands a packet to all board members and proceeds to go through her packet page-by-page. Ms. Klutho restates all the issues that were mentioned by Debra, Kathleen and the Board. Ms. Klutho also addressed the records request given to the Town Clerk, Toni Johnson, who did not find what she had requested. Ms. Klutho states Ken wanted an explanation, was told there was a policy, asked for the policy, when and who initiated it; and could not be provided with the policy. Ms. Klutho states Ken Gfeller never knew about it until he got a message that his water was going to increase. Ms. Klutho reiterates Ms. Johnson looked and looked and couldn't find anything about a written policy and whether or not the Board of Trustees knows anything about it. Ken Gfeller has been around as a trustee and mayor and has never heard about this before, and informs the Board that their glass of water costs half as much as his glass of water. She addressed Ordinance 91 from 1977, and addressed page 8. Ms. Klutho shares the Ordinances addressing the water rates. Kathleen interjects and informs Ms. Klutho that the problem is understood and from a legal standpoint there is a multiplier that has been established in the 1977 Ordinance and unfortunate that we have a codification that reflects something different. Kathleen also informs Ms. Klutho that a resolution cannot change an ordinance; the Board can fix the code, we need to know how the Board wants to fix it. Ms. Klutho thanks everyone. Board discusses when the Town started using a multiplier, which is not known. Deb states the multiplier was in place when she started working for the Town. Mark Gray, Public Works Director, informs the Board when he pulled his building permit in 1986 and plans were reviewed with the manager's apartment, the two users fees were applied and has been paying the multiplier since they opened. A lot of these situations occur when there's remodeling and apartments added and building permits are not pulled and things are discovered later. Debra informs all that since she has been here there have not been any building permits pulled for additional living spaces; this is not a purposeful vendetta to find these instances, it just came to light. The Board discusses and determines they need more information on what impact it's going to have; Deb directed to provide financial information if we do away with the multiplier. Debra informs the Board the multipliers will stay in effect until a decision is made. Kathleen reiterates the status quo is that the multiplier is in effect. Mayor is called back into the meeting hall.

H. Request for donation from the Hudson Library

Debra explains the request for donation for the summer reading program. The Town has donated in the past, last year's donation was \$100. There are funds available in the General Fund for community support. Discussion on library funds. Mayor Gfeller makes a motion to donate \$250 to Hudson Library, with a second by Trustee Zebroski. Roll Call vote: Trustee Wafel, yes; Trustee Hesse, yes; Mayor Gfeller, yes; Trustee Frederickson, yes; Trustee Smith, yes; Trustee Zebroski, yes. Motion carries 6-0.

I. Staff Reports

1. Town Manager

Shawna Finkenbinder was hired as the Utility Billing/account receivable /payable clerk and will start on April, 29, 2019. Options on the USDA loan are being reviewed. The applicant at Chuy's Mexican Restaurant has submitted revised plans for building and fire department. They are working with a draftsman to get their site plan submitted. Public hearings have been set and notice published to change the zoning ordinance to allow smaller minimum square footage in Agricultural, from 1500 to 1200; Estate, 1500 to 1200; and Single-family residential, 1200 to 850.

This will allow for the construction of smaller more affordable homes, and account for the smaller lots that have been created by approved PUD developments. The Diamond K SIA is not finalized; waiting on changes to the schedule of public improvements, and also waiting on engineer estimates. A draft SIA was sent to Mick Cermack with LGI. Public Hearings set for RMM annexation/zoning and proposed change to minimum dwelling square footage for E, Ag and R-1 , Planning Commission meeting, May 2, 2019 and Board meeting May 6, 2019.

2. Public Works

The Town Engineer is preparing a scope of work for the Board for bids to paint Tank 1 at the blending station and Cedar booster tank. Ambient-H2O has finished rebuilding seven of eight pumps at the lift station at the RV Park, but still working on control issues. Met with Kent on April 10th to complete the walk-through on Milestone's punch list for substantial completion of the sewer project. The letter of agreement needs to be complete between Milestone and Trent Cook for reseeding his field. A conference call was held with RE-3J, their engineers, Debra, Kent and Mark to discuss the sewer line project from Weld Central to the Town of Keenesburg, working through updates and requested change orders. The concrete pan on Johnson and Woodward is complete and used the rest of the concrete at the shop gate to help with the drainage problem. Kent has completed RFB (request for bids) for the Elm Street sidewalk project and it will be put out for bid this week. The RFB will be placed on Rocky Mountain e-bid. A proposal for patching some street problems on Kiser, Pine, and other streets needing work will be brought to the Board at the next meeting. The sprinklers on the east side of the park are being moved due to the new sidewalk and bandstand. Improvements to the sprinkler system are being done in the old park to bring it up-to-date. ADA van parking signs and striping will be done at the park to comply with the CIRSA request. The restrooms are being prepared for the summer season. The softball field has been cleaned and raked; the east park has been fertilized and will complete the west side this week.

Adjournment

Motion was made by Mayor Gfeller and a second by Trustee Zebroski to adjourn the meeting. Motion carried 6-0; Mayor Gfeller, Trustees, Wafel, Hesse, Fredrickson, Smith and Zebroski voting yes. The meeting adjourned at 7:42 p.m.

ATTEST:

Christina Fernandez, Town Clerk

Kenneth Gfeller, Mayor