



TOWN OF KEENESBURG
BOARD OF TRUSTEES REGULAR MEETING AGENDA
MONDAY, DECEMBER 2, 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 December 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 Robert Zebroski, Wilbur Wafel, Juanda Hesse, Carl Fredrickson, Tim Smith and Bruce Sparrow

Others Present: Debra Chumley, Town Manager; Christina Fernandez, Town Clerk; Mark Gray, Public Works Director; and Kathleen Kelly, Town Attorney

Public Comment

Motion was made by Mayor Gfeller to amend the Agenda, with a second by Trustee Frederickson, which will add item L. Resolution 2019-2019- 74 A Letter of Agreement for snow removal, and item M. Consideration of purchase of Saltdogg spreader with auger. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

Consent Agenda Items

A. Financial report and payment of bills

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

New Business

B. Public Hearing, 2020 Budget

Mayor Gfeller opens the public hearing on 6:06 p.m. and reads from the script the instructions and procedures for the public hearing. Mayor asks for notification; Debra states the publication date of November 8, 2019. Mayor asks for disclosures or ex parte contacts. Mayor Gfeller asks for the Staff Report. Debra gives an overview of proposed budget for 2020 and asks for questions. Mayor opens the public comment portion of the public hearing and asks if there is anyone who would like to speak; hearing none, Mayor closes the public comment portion of the hearing and asks for questions from the Board. Mayor Gfeller closes the public hearing at 6:13 p.m. and turns the matter over to the Board for consideration of approval.

C. Resolution No. 2019-70 Resolution to Adopt 2020 Budget, A Resolution summarizing expenditures and revenues for each fund and adopting a budget for the Town of Keenesburg, Colorado, for the calendar year beginning on the first day of January 2020 and ending on the last day of December 2020

Motion was made by Trustee Fredrickson, with a second by Trustee Zebroski to approve Resolution No. 2019-70 Resolution to Adopt 2020 Budget, A Resolution summarizing expenditures and revenues for each fund and adopting a budget for the Town of Keenesburg, Colorado, for the calendar year beginning on the first day of January 2020 and ending on the last day of December 2020. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

D. Resolution 2019-71 A Resolution appropriating sums of money to the various funds and spending agencies, in the amount and for the purpose as set forth below, for the Town of Keenesburg, Colorado, for the 2020 budget

Motion was made by Mayor Gfeller, with a second by Trustee Wafel, to approve Resolution 2019-71 A Resolution appropriating sums of money to the various funds and spending agencies, in the amount and for the purpose as set forth below, for the Town of Keenesburg, Colorado, for the 2020 budget. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

E. Resolution 2019-72 A Resolution levying property taxes for the year 2019, to help defray the costs of Government for the Town of Keenesburg, Colorado, for the 2020 Budget Year

Debra explains this resolution is to certify to the County to levy the property taxes collected. Motion was made by Trustee Zebroski, with a second by Trustee Fredrickson, to approve Resolution 2019-72 A Resolution levying property taxes for the year 2019, to help defray the costs of Government for the Town of Keenesburg, Colorado, for the 2020 Budget year. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

F. Ultimate Blast Masters Permit for Display

Debra reads from application and explains the permit for display: the application is for use of fireworks for purposes of competition filming at the SE Weld Fairgrounds. This is a private display for a television series. The application is complete, missing proof on satisfactory of insurance, workman's comp and bond requirement. Debra recommends approval with the condition that we receive proof of workman's comp insurance and performance bond. Eric Striet, 1025 S Sherbourne Dr., Los Angeles, CA, currently in Castle Rock and moving to Keenesburg for approximately three months for shooting Ultimate Blast Masters. Discussions on the noise, pyrotechnics, concussions, shooting days and times, informing surrounding residents, host of show, storage of explosives and pyrotechnics locker storage, safety compliance officer, and how the Town will benefit. Discussions on crowd control, insurance complex does not cover public display, production assistants, barriers, and entrances. Eric ensures residents will be notified by fliers for those within 1 mile and will place advertisement in the Lost Creek Guide.

Motion was made by Trustee Wafel, with a second by Trustee Smith to approve the Permit for display with conditions of proof of workman's comp insurance and bond, and placing an ad in

the Lost Creek Guide. Motion carried 6-1 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, and Smith voting yes; Trustee Sparrow voting no.

G. Resolution No. 2019-62 A Resolution approving an Annexation Agreement for the Pioneer Annexation No. 1, 2, 3, 4 & 5

Debra gives an overview of the annexation with Pioneer Holdco, LLC. Debra points out section 9D regarding water, which will be conveyed to District 3 at every final plat as required; and will enter into an IGA for District 3 that includes the use of Keenesburg pipeline with a condition of approval. Each final plat will confirm its ownership, the water rights that are sufficient to serve the uses set forth in that final plat. District 3 will charge water and sewer tap fees at the time of building permit issuance. Vested property rights that are being given for ten years with an automatic extension for two ten-year terms and issue at least 1,330 residential building permits or 165,000 square feet of non-residential uses. Debra addresses the formula calculation.

Milestones must be met in order to get the extension each time. Kathleen states the annexation agreement is being negotiated and executed in connection with the annexation adopted at the last meeting, and includes the commitment to annex the rest of the property when that becomes eligible. The property was split due to the 3-mile limitation. The agreement contains the town standard 12% dedication of parks, trails and open space; law enforcement will be between Pioneer and Weld County. Discussions on police services. Trustee Sparrow asks if property is annexed into town, does the property owner get credit for the water under the property to use.

Debra explains they are bringing in water to serve this development and taking charge of it. District 3 will be providing water service to that development and will own the water rights; we are not providing the water, we will not have the water conveyed to the Town. Kathleen adds that it will be until the vested period, eventually it will be conveyed to the town at no cost. Debra states the vesting period is ten years with two additional extensions, if milestones are met, the vesting will be for 30 years. The schools will be RE3-J and they are dedicating 67 acres for schools and looking at a separate agreement with the school district to provide school impact fees, as well as 4 acres and separate agreement for the fire protection district and payment for fire service impact fee.

Motion was made by Mayor Gfeller, with a second by Trustee Hesse, to approve Resolution No. 2019-62 A Resolution approving an Annexation Agreement for the Pioneer Annexation No. 1, 2, 3, 4, & 5. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

H. Resolution 2019-73 A Resolution approving Tier II Application for Energy and Mineral Impact Assistance Program Grant for the replacement of certain water mains

Debra explains the resolution is authorizing the submittal of the application for the grant.

Motion was made by Trustee Hesse, with a second by Trustee Fredrickson, to approve Resolution 2019-73 A Resolution approving Tier II Application for Energy and Mineral Impact Assistance Program Grant for the replacement of certain water mains. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

I. Review of Personnel Guidelines

Debra provided a revision of the Personnel Guidelines and asked if anyone had a chance to review them. Discussion on exempt employees, salary employees are exempt. Discussion on complaint from employees regarding a conflict of interest with the Town Manager, the guidelines give an alternative to address the Board of Trustees. Discussions on who has access to

confidential information; hiring of relatives, which was revised earlier in the year; medical leave; added part-time employee benefit, part-time does not receive water base discount; mile reimbursement; and donating accrued sick time due to health issues. Debra explains vacation. The amount of time to be awarded after hire date was changed. Discussion on on-call employees, inclement weather, compensation time, alcohol and drug use and workman's comp. Kathleen advises regarding the phrase zero tolerance. Debra asks for any other input or questions. Debra will move forward with the guidelines and have Employer's Council review and hopefully have them for the January meeting.

J. Staff Reports

1. Town Manager

Debra states she does not have any new updates.

2. Public Works

Mark Gray, Public Works Director: Parks: met with Reis Electric regarding the power for the bandstand and park pavilions, this will include a new meter on Crawford. Sewer line project: the RE3J lift station test is on hold due to weather. Charlie is working with RE3Jon SCADA tests. Streets: snow removal as needed; sweeping and pothole repairs are ongoing as well as monitoring water usage. Well five has been up and running, with output of 112 to 118 gallons per minute. Discussions on chlorine. Snow piles will be removed for the parade, many compliments received on snow removal.

K. Board member information and discussion

1. November Building Code Enforcement Reports

Debra explains the reports and states they are to give the Board an idea of open and closed activity in code enforcement.

Discussions on planter boxes on Main Street. Public works will pick them up and store them for the winter season.

L. Resolution No. 2019-74 A Resolution approving a Letter of Agreement between the Town of Keenesburg and Weld County for continuance of road maintenance and snow removal by the Weld County Public Works Department subject to the Terms of the Intergovernmental Agreement between the parties, dated February 18, 2018

Debra explains the resolution, a letter of agreement with Weld County Public Works, with a slight increase. This will allow Public Works to execute the letter of agreement on behalf of the Town.

Motion was made by Trustee Zebroski, with a second by Trustee Fredrickson, to approve Resolution No. 2019-74 A Resolution approving a Letter of Agreement between the Town of Keenesburg and Weld County for continuance of road maintenance and snow removal by the Weld County Public Works Department subject to the Terms of the Intergovernmental Agreement between the parties, dated February 18, 2018. Motion carried 7-0. Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

M. Consideration of purchase of sand/salt spreader for dump truck

Debra explains the handout given, which is a spreader to put on the dump truck, this is \$6,000 and is available in the budget. Mark states this is the same brand as used on the one-ton flat bed, which will allow for plowing and sanding. Public Works made an attempt to rebuild the

old spreader but was not effective enough. Mark explains the snow plow route and time of plowing for last storm. Debra gives recommendation for the motion.

Motion was made by Trustee Hesse, with a second by Trustee Fredrickson, to approve the purchase of spreader, not to exceed \$13,000. Motion carried 7-0 with a roll call vote: Mayor Gfeller, Trustees Zebroski, Wafel, Hesse, Fredrickson, Smith and Sparrow voting yes.

Mayor Gfeller asks for any other business.

Trustee Sparrow makes a comment regarding water: when he annexed property, he was told he would get credit for the Fox Hill water underneath. When he went to sell his property, he was told, no we don't do that anymore and took away a right he was given. Now, Farkas is allowed to use his water under his property. This cost him (Sparrow) between 200 to \$400,000. Trustee Sparrow addresses Debra, with a "no comment?" Debra states Mr. Farkas is bringing in his water, there are not water rights tied to the property, he is bringing in water that will supply that property and run by a separate district. Trustee Sparrow states he (Farkas) was also given credit and using the Fox Hill water underneath his property for development. Mark states the water plan for the Pioneer community is the Lost Creek groundwater that Mr. Farkas owns in Prospect Valley, and the Laramie Fox Hills water on the farm he (Farkas) has in Prospect Valley; he's taking Laramie Fox Hills and blend it with his Lost Creek groundwater and will transport it through the metro district to supply water to that development. When the Town takes ownership at the end of the vested period, all those water rights transfer to the Town. Trustee Sparrow states when he annexed, he was told it was a requirement to give the Town the water rights underneath; states it is an ordinance, in other words they have to give water rights of Fox Hill Laramie to the Town. They get to use it and get credit for it. Mark states that the water that was transferred from his (Sparrow) annexation to the Town will be used for the development of his (Sparrow) property. Trustee Sparrow is adamant that he was told that he would not be able to use it and had to purchase water from the Town for development. Debra explains that impact fees, water tap and raw water impact fees at the time of obtaining a building permit. The Town is not providing water to Pioneer. Kathleen explains the Town's water attorney did review and approve revisions to this agreement.

Adjournment

Mayor Gfeller asks if there is any other business. Motion to adjourn the by Trustee Zebroski, with a second my Trustee Hesse. Motion carried 7-0, all in favor. Meeting is adjourned at 7:53 p.m.

ATTEST:

Christina Fernandez, Clerk Pro Tem

Kenneth Gfeller, Mayor