

**TOWN OF KERSEY  
BOARD OF TRUSTEES REGULAR MEETING  
February 11, 2020 – MINUTES**

The Kersey Board of Trustees met in a regular meeting on Tuesday, February 11, 2020, at the Kersey Town Hall. Mayor Gary Lagrimanta at approximately 6:00 p.m. called the meeting to order. Trustees present: Allen Salser, Mike Theorine, Stan Sameshima, Clay Luce, and Bob Kellerhuis. Mayor Pro-Tem Nathan Roth was absent.

Audience present: Friends and family of Brian Dominguez and Tracy Moore were present for the swearing in ceremony.

Town Staff present were: Christian Morgan, Town Manager, Rick Zier, Town Attorney, David Gottschalk, Chief of Police, Barb Brunk, Town Planner and, Haley Curtis, Deputy Town Clerk.

**Pledge of Allegiance**

**Oaths of Office for new Police Officers**

1. Chief Gottschalk introduced newly hired officers Brian Dominguez and Tracy Moore. Brian comes to Kersey from New Castle; he is originally from the Aurora area. His father is a 40-year veteran of the Aurora Police Department. Tracy was the first officer that Pat Carey hired when he was Chief, he went on to work for the City of Evans for many years.
2. Deputy Town Clerk, Haley Curtis issued the Oath of Office and welcomed both Brian and Tracy to the Town of Kersey.

**Additions to the Agenda**

1. Under New Business, item number one - Resolution 2020-0004 a resolution updating the professional services agreement with Safe Built, did not make it in the packet. This item will be an addition to New Business item number two.
2. Under New Business it will be item number four. Today we received information from Weld County requesting that we become a part of the Hazardous Mitigation Plan, Resolution 2020-0005. There is information on your desk.

**Consent Agenda**

1. Approval of the consent agenda; approval of the minutes of the January 14, 2020 regular meeting, approval of bills paid, and approval of bills to be paid. Motion made by Trustee Theorine and seconded by Trustee Luce to approve the consent agenda. Motion carried with a unanimous vote.

**Public Invited to be Heard**

No public present to be heard.

**New Business:**

1. Resolution 2020-004 Updating the Professional Services Agreement Between SafeBuilt Colorado, LLC and the Town of Kersey and to Accept an Updated Fee Schedule Pertaining to Single Stop Fees Assessed to the Town From Building Permit Applications. Russ Webber with SafeBuilt was late in arriving to the meeting. Christian Morgan began by explaining that in 1993 the Town of Kersey began receiving services from SafeBuilt for building permits. At that time, the Universal Building Code was the 1991 version. It hasn't changed much since then, but we are still operating under the 1991 Building Code fee schedule. The current fee schedule is the 1997 Building Code fee schedule, SafeBuilt is suggesting that we update to that fee schedule. Russ Webber stated that we are celebrating 27 years of partnership. The Town of Kersey has been operating on a modified 1991 fee schedule. Russ is suggesting an 80/20 split so that the Town of Kersey is collecting a part of the plan review and electrical portions of building permits. Russ went on to say that all other clients in Colorado are operating on the 1997 Uniform Building Code fee schedule, as that was the last year that a fee schedule was published as a part of the Building Code. Russ stated that Greeley, Weld County, Evans, Windsor, Severance and Wellington are all on the 1997 fee schedule. Nunn, Pierce,

and Ault are all adopting the exact same fee schedule. Russ explained that the fees are based upon valuation of the project. Russ stated that the 1997 fee schedule would be approximately a 15% increase. Russ stated that because there are not high levels of permits, right now is the time to make the change. The Town of Kersey would retain approximately 16% more with this change. The Town of Kersey is currently only retaining 20% of the building permit only. Russ is suggesting that the Town collect 20% of the plan review and electrical fees also. Trustee Kellerhuis inquired, why would we want to make this change now? Russ stated that he believes that the Town is losing out on revenue, and this would make us current and competitive with other Northern Colorado municipalities. Trustee Kellerhuis inquired about the impact this would have on building in Town, as compared to Severance. Russ said that Severance has adopted the 1997 fee schedule. Mayor Lagrimanta inquired as to what fee schedule Eaton is using? Russ stated that Eaton is not one of SafeBuilt's clients, but he would think they probably are. Russ stated that One Stop permit fees will go up from \$45 to \$60 because of the number of repeat visits the inspectors are making. Russ stated that it is very common for a contractor to schedule the final inspection, but not tell the homeowner so when the inspector arrives there is no one home. Trustee Theorine inquired about the price of the permit for current projects? Russ stated that this would not be retro'd, it will just affect the newly issued permits. Russ stated that SafeBuilt waives all fee's for Town projects. Russ stated that a few years ago SafeBuilt became certified installers for mobile homes, when the State required recertification and the cost had gone up the fees for mobile home inspection went way up. Those fees are dropping from \$265 to \$155. Trustee Kellerhuis inquired how the Town will explain the change to a builder looking at it on our website. Russ stated that this is to make us consistent in the area. Trustee Kellerhuis stated that we have been trying to get builders to come to Kersey for years, and have been told that the building standards are too high. Russ stated that the standards are no different than Weld County and Greeley, so that is concerning. Russ asked that the Town report it when these reports are made. Russ stated that we can try something like Ault did, offering a lower valuation for a period of time to attract builders. Trustee Theorine inquired about commercial or business permits. Russ explained that every permit fee is valuation based. Trustee Theorine inquired whether Russ sees the fee schedule increasing? Russ stated that adopting the fee schedule is separate from the contract, and the Town can add to the fee schedule however you want. Trustee Luce made a motion to approve Resolution 2020-004 Updating the Professional Services Agreement Between SafeBuilt Colorado, LLC and the Town of Kersey and to Accept an Updated Fee Schedule Pertaining to Single Stop Fees Assessed to the Town From Building Permit Applications, Trustee Theorine seconded the motion. Motion carried with a 6-0 vote.

2. Amendment to Conditional Use Site Plan for Small Cell Node Pole – Zayo Group
  - a. Approval of Resolution 2020-0003 Amending the Approval of a Conditional Use to Allow Installation of Small Cell Metal Wireless Pole Within Town of Kersey Right of Way. Barb Brunk stated that last September we approved a conditional use a pole that would be a light pole, based upon asking for a different location. The applicant has come back today to ask that you might allow them to install, own and operate the pole. It would be a standard Town of Kersey light pole. Mayor Lagrimanta inquired whether Xcel is ok with that? Barb stated that Xcel doesn't have to do anything with this, it is a free-standing light pole in the Town of Kersey. Mayor Lagrimanta stated that Xcel sometimes gets upset when other people try to operate in their area. Barb stated that is our Right Of Way. Jillian with Zayo Group stated that Xcel has no say in a Public Right Of Way, it would be up to the Town. Jillian went on to say that Xcel doesn't really want to be a part of the small cell gang, it costs them a lot of money and takes up a lot of their man power. Trustee Kellerhuis inquired where the power is coming from? Jillian stated that it would be coming underground from approximately 400feet away, it would be the same for Xcel. Barb Brunk stated that this would be a standard Kersey light pole. It would be approximately one foot taller than what they had planned to use, but still meets the requirements, and would be in the location requested by the Board back in September. Barb went on to say that Zayo Group would install, own, maintain and electrify the pole, the Town really just gets a new street light out of it. Trustee Theorine inquired about other carriers. Jillian state that if it is a Zayo owned pole it can have more than one carrier, if its an Xcel owned pole it could be limited to one carrier. Jillian went on to say that it is their business to get additional carriers on that pole because they don't start making money until another carrier goes on that pole, so it behooves them to get other carriers. Barb Brunk stated that the Sate is trying to make service better, so they adopted regulations that allow small cell towers in the Public Right Of Way. Barb went on to state that how that is done falls under the Town's Conditional Use Permit. Trustee Theorine expressed that he was concerned about this being a privately owned company and how

that would work for future inquiries in the future. Barb Brunk stated that when this process started this was proposed to be a Zayo owned pole, the Town requested that Zayo partner with Xcel. Zayo did go back and talk to Xcel, but it cost too much and takes too long for Xcel to organize this. So, they are requesting that they will own and operate the pole. Trustee Theorine state that if we let Zayo do this, we might have to let other privately owned companies do this in the future. Jillian stated that she understands the concern but small cell towers have the right to be in the public right of way. Mayor Lagrimanta stated that his concern is having several carriers on the one pole, making it an eye sore. Jillian stated that with any substantial change or additional carriers they would have to come back to the Town and ask for permission. Jillian went on to say that they cannot deviate from the approved use. Trustee Kellerhuis stated this still doesn't answer the question about allowing other carriers. Barb Brunk stated, and Rick Zier agreed that they still have the right to put small cell towers in the Public Right Of Way, but we have the right to regulate; it's not can they do it, it's how can they do it and where can they do it that we can regulate. Barb stated that the contract between Town of Kersey and Zayo Group have very clear expectations for what, when and where they can put in the small cell tower. Mayor Lagrimanta inquired about what happens when the light goes out? Jillian stated that Zayo would be out within 24 hours to fix the light. Barb states that because everything was so specific, you really won't notice the difference, the original pole was 32' 6", the new pole is 33' 5". Jillian stated that it is the same manufacturer, just owned by Zayo instead of Xcel. Trustee Kellerhuis inquired as to why they were so adamant that they could not move it, but then did move it? Jillian stated that she was not here at that time, but she would imagine that they went back to the carrier for reevaluation. Barb Brunk referenced the analysis from the September Board meeting. Trustee Theorine inquired of Rick Zeir, is this something that we should let Zayo do instead of Xcel? Rick stated that this is permissible, and we have to let them do it. Rick went on to say that the contract is not required by law, but is favorable to all. Mayor Lagrimanta invited Zayo to come to Kersey Days to talk with residents. Trustee Luce made a motion to approve Resolution 2020-0003 Amending the Approval of a Conditional Use to Allow Installation of Small Cell Metal Wireless Pole Within Town of Kersey Right of Way, Trustee Theorine seconded the motion. The motion carried with a 6-0 vote.

3. Approval of Ordinance 2020-0001 Modifying Article VII of Chapter 7, Section 7-165 to Include Public Parks Under the definition of Public Places and to Modify Article IX of Chapter 9, Section 10-221 to Update the Definition of Minor(s) to those Persons Under 21 Years of Age. Christian Morgan stated that this brings our code up to date with Federal Law for smoking and public areas. Christian stated that he does not like vague definitions, and the Board was very clear that we needed to have some designated areas where smoking is allowed. This included naming sidewalks that are parallel to public parks, and parking lots that are attached to public parks. We did not specifically name the public parks because we could add parks in the future. This modifies 2 sections of our code; one to modify the age, and one specifically defining public places. Trustee Luce made a motion to approve Ordinance 2020-0001 Modifying Article VII of Chapter 7, Section 7-165 to Include Public Parks Under the definition of Public Places and to Modify Article IX of Chapter 9, Section 10-221 to Update the Definition of Minor(s) to those Persons Under 21 Years of Age, Trustee Theorine seconded. The motion carried with a 6-0 vote. Trustee Kellerhuis stated that he was unsure how we would enforce this? Trustee Salser inquired about putting signs up? Mayor Lagrimanta stated that most Town's and Cities are going through this.
4. Approval of Resolution 2020-0005 Approving the Town of Kersey's Participation in the Weld County Multi-Jurisdictional Hazard Mitigation Plan and Authorizing the Mayor to Sign the Letter of Intent to Participate. Christian stated that this is not something that we would be able to do this on our own. Weld County Office of Emergency Management had developed this unified hazard mitigation plan, and Christian believes it to be beneficial to participate in that at every level. Christian stated that looking back to the flood of 2013, Kersey had some impact on that but not in the same ways as other communities. Christian stated that this could also help with grant funding. Mayor Lagrimanta inquired about the frequency of meetings and whether we would have a designated representative? Christian stated that this is new to him, but the short answer is yes. Mayor Lagrimanta stated that we have been very fortunate that we have not had many emergencies of this kind in Kersey. Christian agreed. Trustee Kellerhuis inquired about the cost, and the plan that the Fire Department had in place? Christian stated that is a separate, more of an emergency operations plan between the Fire Department, School District and the Town (i.e a tornado hit Town, and how we coordinate with each other); that plan is still active they meet regularly. Mayor Lagrimanta stated this is like a good neighbor plan. Christian stated that this is a more board plan that include hazardous materials.

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Christian stated that in 2016 we joined the co-warn system; we can contact this group if we have an emergency of some sort. We could be called on to help in whatever way we can; that could be using our Town Hall as a command center or shelter. Trustee Theorine made a motion to approve Resolution 2020-0005 Approving the Town of Kersey's Participation in the Weld County Multi-Jurisdictional Hazard Mitigation Plan and Authorizing the Mayor to Sign the Letter of Intent to Participate, Trustee Luce seconded. Motion carried with a 6-0 vote.

## Old Business

### 1. Project Updates

a. Community Center – Christian stated that the community center is up and running. There are events happening there every day. We are currently working on the IT issues. We went through the punch list yesterday. Landscape will be finished this spring when it warms up. They have done a number of interviews and hope to have someone hired soon. The rental agreement has been finalized.

b. Town Center – Christian state that the project is progressing, and is a little bit ahead of schedule. The shoring is completed, and they are erecting the steel building within the building. Christian stated that he will take anyone who wants to go. Outside ground work is happening, utilities are a bit of a mystery. The new water taps are going in; one will service the building, one will service the landscaping and irrigation, and one goes to the pad where a future building will go.

c. Centennial Trail – Christian stated that there is some good news and some not so good news. The not so good news is that some of the delays have pushed the construction of the trail out of the construction time frame with the ditch company; from March to November there is water in the ditch. The good news is that the land acquisition is moving right along. The landowners will probably be coming to you about a project they want to do. We are still trying to get our arms around the rail road construction. This is the most complicated part, but they might share some of the cost. Mayor Lagrimanta inquired about the timeline for the grant. Christian stated that we have until 2023 to finish the project. Christian stated that his biggest concern is the acceptance of Federal funds can trigger a different type of audit if more than \$750,000 is accepted in a fiscal year. Christian stated that we would prefer that not to happen. The CMAQ truck, and stormwater grant are both potentially Federalized Funds. Christian stated that worst case scenario is that we go through another type of audit, that Chad has said he will not to; nothing to worry about, it would just be costly.

d. Centennial Park - Christian stated that irrigation connections were done this week. They are waiting for warmer weather to finish irrigation, then trees and sod will go in.

e. Other Projects – Trustee Kelleruis inquired about a flashing sign at the Community Center? Christian stated that everything is posted inside the lobby, and we have to keep in mind that it is a residential neighborhood. Trustee Kellerhuis inquired how many people drive by wondering what that is? Christian stated that it seems as though people are stopping, and coming in. Barb Brunk read the sign code, and stated that Town signs are exempt, but we would still need some more information.

## Staff Communication

1. Chamber of Commerce – Trustee Luce stated that they had their meeting at the Community Center. One of the things they discussed was what they could do to help the Community Center; a commercial coffee maker that they can help with, make a suggestion. They also thought about a carousel that holds pamphlets. Christian stated that he would pass that on to James. Trustee Luce stated that the Chamber has requested to work with the Town to get a combined list of businesses. Christian stated that he met with Pam, and that the Town is interested in helping the Chamber. The Chamber of Commerce new website and Facebook pages are up and going. Christian will be attending an economic development event Friday; he hopes to come away with some new ideas. Mayor Lagrimanta stated that he knows some people shy away from the Chamber, because of the way it used to be. Trustee Luce stated that it is a whole new group, they are trying to promote via email and hosting business after hours events.
2. Tree Board – Trustee Salser states that they met this afternoon, 11 people were present. Donna Davis, a local expert on tree's was present today. There is a credit account for juniper trees in the amount of \$1,129.10 at Fort Collins Wholesale Nursery, to finish the North boundary at Memorial Park. Trees will be delivered and planted April 23<sup>rd</sup> and 24<sup>th</sup>, and May 14<sup>th</sup> and 15<sup>th</sup>, 9:00am – 12:00(noon). There are also some grant possibilities. Mayor Lagrimanta inquired about who is writing the grants? Barb Brunk states

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that Kathy Berryman is writing the grants. Mayor Lagrimanta inquired about whether they would be Federal. Christian stated they would be State grants.

3. Town Manager – Christian Morgan states that he was invited to be a judge at the district FBLA event last week. He helps as an advisor, here at the High School. Christian stated that he ran into Mr. Wailes from the County meeting the day before, and they were able to have a conversation. This is how you build those relationships.

CML Conference is coming up, Haley will make reservations and reach out to get shirt sizes.

Christian will be attending the Environmental Leadership program in Denver tomorrow. This is a Statewide thing that Kersey has never participated in before. Friday he will be attending the Economic Development Conference in Denver.

Trustee Kellerhuis inquired if Christian had heard anything back on the double turn at the entrance of Town. Christian and Barb Brunk stated that we put in a grant for \$300,000 for intersection improvements and sidewalks at 1<sup>st</sup> & Hill. The grant we submitted was based on a study conducted by CDOT. Christian stated that they could be phase one of sidewalks down to 9<sup>th</sup> Street. Barb Brunk and Julie went out and took pictures at different times of the day. We would have a 10% match obligation.

Trustee Kellerhuis inquired as to whether we have a car for the 5<sup>th</sup> police officer? Christian stated we have not hired the 5<sup>th</sup> officer yet, basically Brian and Tracy are filling positions for Rick Miller and Roland Gonzalez. The Chief did some interviews and testing over the weekend. Mayor Lagrimanta inquired if Maria's car is ready? Christian stated no not yet. Christian said we are still probably down a car or two, but for right now we are fine.

Christian stated that Upstate Colorado is having an event at the Platte River Fort. It would be appropriate for any Board members to attend.

Christian stated that the Tallgrass tour was moved to February 22<sup>nd</sup>, due to weather.

Financials are included in your packet we had another record-breaking month. The only month of 2019 that was not record breaking, 2015 was the record; so February will be interesting.

4. Town Attorney – Rick Zier, no report. Thank you for the bonus at the end of the year.

## **Board of Trustee Communications**

Trustee Kellerhuis inquired about everything with the Library taking over this building is okay? Christian stated that yes, it is good. They met on Friday; they are just reviewing all of the optional extensions. Trustee Kellerhuis inquired what happens if it fails? Christian stated that he would meet with their Board. Worst case scenario, we just move on.

Trustee Kellerhuis inquired about the pot holes on 5<sup>th</sup> & Clark. Mayor Lagrimanta stated there is a large pot hole by the bank. Christian stated that he will have Public Works take a look.

Motion made by Trustee Roth and seconded by Trustee Theorine to authorize the Town Attorney to prepare any required resolutions, agreements, ordinances, policies, letters, and memoranda to reflect action taken by the Town Board at this meeting and at any previous meetings, and authorizing the Mayor and Town Clerk to sign all such resolutions, agreements, ordinances, policies, letters, and memoranda. Motion carried with a unanimous vote.

## **Adjournment**

Mayor Lagrimanta adjourned the meeting at approximately 8:07 p.m.

Respectfully submitted,

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Haley Curtis, Deputy Town Clerk