



TOWN OF WIGGINS
MINUTES
REGULAR BOARD MEETING
02/13/2019 AT 7:00 P.M.
304 CENTRAL AVENUE
WIGGINS, CO 80654

MINUTES OF THE BOARD MEETING HELD ON FEBRUARY 13, 2019

I. INTRODUCTIONS:

1. Call the Meeting to Order

2. Pledge of Allegiance

3. Roll Call

Mayor Mac Leon ✓

Chris Sandoval ✓

Charles Ruyle ✓

Jeff Palmer ✓

Brian Becker ✓

Bruce Miller ✓

Pat Musgrave ✓

Staff Present:

Paul Larino, Town Manager

Pat Lentell, Town Clerk

Jennifer Ferguson, Sergeant Police Department

4. Town Staff Reports

Pat Lentell reported on the current financials of the town, the sales tax income for January and the progress of the audit preparation for 2018.

Jennifer Ferguson reported we started off slow with calls and arrests, last week Mike and Jennifer attended a Street Survival training last week. On Sunday they had their fundraiser for the seniors at the American Legion, they raised over \$200.

Paul: He attended a training in Glenwood Springs. Paul has been spending time with engineers for our water system. He has been working with commercial users for this year.

Paul presented the PW report: Another propane tank was installed at the RO. The town has been finishing up the sewer inspections. We are going to be doing water plant maintenance. Staff has been doing training.

Discussion from Jeff Palmer: At Kiowa Park on the second subdivision, are the water taps supposed to have separate taps? Was something put in about the sewer? Paul explained they have a common wall agreement, it should be part of the deed. Discussion on what a common wall is.

Discussion from Jeff Palmer: He asked about the Use Tax, we are still taxing the labor. Ordinance reads you can only tax on the material. Paul explained how the tax is equated. Jeff feels we need an exact cost of materials. Paul will review and send him a memo.

5. Mayor, Trustees, Committee Reports

Mayor thanked Charlie for stepping up for him while he was out of town.

Paul attended the Economic Development meeting for Chris. They are going to showcase Morgan County.

Brian reported Baseball registration is open.

II. PUBLIC DISCUSSION

Monroe Peck, 1102 Osprey Way. He came forward to talk about the Water/WWTP that has been discussed. Looking at the future water, he feels we should join the NISP project. There will be 100 acre feet. If Wiggins could purchase 400 shares from Ft Lupton. See Handouts. He has created a presentation if we are interested in hearing more about it.

Joe Kitzman of 5598 Road 6; here on behalf of American Legion. He read from his script regarding the Color Guard. They would like to request the Board to move the 4th of July Parade to earlier in the day so that it is not so hot. The heat is hard on their elderly members.

Trish Crites from Country Hardware at 218 S Main. A few years ago they discussed expanding the store. They are glad they did as they have seen tremendous growth. All the growth has been positive and she hopes the Town will continue on this path.

III. APPROVAL OF CONSENT AGENDA

1. Approval of the Minutes from the January 9, 2019 Meeting.
2. Approval of the accounts payable in the amount of \$80,239.25.

Discussion on the REA bill at the concession stand.

Motion to approve the Consent Agenda by Chris Sandoval, seconded by Brian Becker. Roll call; unanimously approved, motion carried.

IV. PUBLIC HEARING – LAND DEVELOPMENT CODE (PUBLIC COMMENT WILL BE TAKEN)

1. Site Plan Approval and Special Review for JD Hieskel (Applicant has requested the meeting be continued to the March 13, 2019 meeting).

Motion to approve the Site Plan and Special Review for JD Hieskel to be moved to Tuesday, March 13, 2019 by Chris Sandoval, seconded by Brian Becker. Roll call; unanimously approved, motion carried.

2. Special Review for Conex Boxes – Trinity Trucking.
 - a. RESOLUTION 01-2019: A RESOLUTION APPROVING A SPECIAL REVIEW USE APPLICATION FOR THE PLACEMENT OF TWO CONEX STORAGE CONTAINERS AT 613 WEST 2ND AVENUE

Charles Ruyle recused himself as he is part owner of Trinity Truck.

Paul presented his staff report, staff recommends the approval of the application. Discussion on if the boxes are anchored down. Discussion on if the Conex Boxes can be in a residential area. Paul explained that each instance has to be brought in front of Planning & Zoning and the Board for approval.

Ron Ruyle with Trinity Truck who lives at 409 E Third Ave in Wiggins, came forward to present their application. Ron explained they would like to use the boxes for storage. The boxes are lockable as is the chain link fence they will be in. Trustee Palmer asked if they had thought about anchoring them down. Ron explained they had not, they will be flat on the ground and will meet all setbacks.

No one came forward for the Public Comment section of the Public Hearing. Mayor Leon included all documents and materials into the public record.

Board Member deliberation, Jeff would like to make sure they follow all rules of the Land Development Code. Paul explained we could review and add the item of anchoring the boxes. Chris thinks this is a good idea to have the boxes to clean up the town.

Motion to approve RESOLUTION 01-2019: A RESOLUTION APPROVING A SPECIAL REVIEW USE APPLICATION FOR THE PLACEMENT OF TWO CONEX STORAGE CONTAINERS AT 613 WEST 2ND AVENUE by Brian Becker, seconded by Chris Sandoval. Roll call; unanimously approved, motion carried.

V. DISCUSSION AND ACTION ITEMS

1. Discussion on Trustee / staff communications.

Paul explained it has come to his attention that Trustee Musgrave contacted an employee's former employer for personnel records. Paul read from the Board of Trustees Handbook and the CIRSA Handbook. Discussion the situation, the board has had multiple trainings on this. Concern over why this was brought up in the public portion of the meeting and not in Executive. Paul explained trustees are not allowed the privilege of Executive Session for these types of matters, he did speak with the Town Attorney. Discussion regarding this is a liability issue for the town.

2. Discussion on upcoming Levee Inspection.

Paul reported to the board regarding a report from the Corp of Engineers. They feel the water could come around the levee and flood a third of the town. Discussion on the elevations.

3. Discussion on Compliance and Planning Steps for the new CDPHE Waste Water Permits for the WWTP and RO Treatment Plant.

Paul reported the town is facing two issues, 1) not passing wet tests 2) CDPHE implemented new standards. Paul has worked with the town's engineers and water attorneys. They have also met with the State of Colorado. He explained some of the different options they discussed with CDPHE. Paul strongly believes we will have the option to work through this over the next couple of years. Next issue: we will be able to use the well on the Glassey Farm and needs the board's direction. Paul asked if we could do phases with the USDA grants. Paul asked for direction on submitting the first phase to

see what it will bring us. Discussion on how long it will take to re-time the water. Paul will send Bruce the UFR's.

Discussion on water, Paul looked into water from Northern and NISP. To use the CBT water you have to be in their district. Jeff read an article on the CBT water and what they are looking to release to municipalities.

Motion to allow the Town Manager to move forward with the permitting process for the Glassey Project for augmentation by Charles Ruyle, seconded by Chris Sandoval. Roll call; unanimously approved, motion carried.

Paul also asked if the Board would like him to continue with the first phase of the USDA funding to see how much we could receive. He would report to the board to see if they want to move forward once we have more information. Board unanimously agreed.

4. Discussion on Sewer Line Replacements.

Paul reported on the sewer pipe running under the Railroad track. The initial design would be \$20,000 which includes the survey. Paul asked the board if they wanted him to move forward with getting Railroad approval. He suggests designing it with a 14 in sleeve. Discussion on the size of the sleeve, better to go with a larger sleeve for future.

We have divided the town into fifths for the sewer line cleaning. Paul reported that within the USDA PER there is money for the sewer line repair. We have options to get some grant help.

5. Discussion on School Fee in lieu.

Paul reported that he and a few trustees attended the meeting at the school. Their study calls for \$1089 for a Fee in Lieu. We would have to update our Land Development Code and an IGA. Jeff asked if we would be able to have the School Board come forward to see what was decided at their board meeting.

Trent Kerr of 702 E Third came forward and reported on the discussion. They would like to discuss the property just south of the school which belongs to the Thomas'.

The town does have an ordinance within the Land Development Code but there is not an IGA. Discussion on the meeting dates. Paul explained he will be out of Town but Pat Lentell could facilitate the meeting. After further discussion, they landed on March 6th at 7:00pm for a combined meeting with the town, the school, Morgan County and Adams County.

6. Review of 3rd St. Storm Water Bids.

Paul reported on the BIDS received for this project. With the grant we have from DOLA, it was required to go out for a public bid. The lowest bid was from Ransom Boone. Total project cost is \$238,900. The DOLA grant was \$63,000, Paul prepared a request for additional funds to bump it up to \$95,000, the town will match those funds. The project cannot be awarded until we hear back from DOLA on the grant increase.

Motion to move forward with awarding the bid to Ransom Boone and to increase the project cost to \$238,900 by Bruce Miller, seconded by Charles Ruyle. Roll Call; unanimously approved, motion carried.

7. Discussion on 2019 Audit proposals.

Paul reported the RFP had been sent out for proposals for our 2018 Audit. We received two; Hinkle & Company's bid was \$8,350 and ACM LLP was \$25,100. Paul reported on the frustration of slow responses and the time it is taking to complete the 2017 audit. He asked our account Lorraine for her opinion, she thinks Hinkle & Company are a highly qualified firm. Pat reported on her frustration as well of the untimely responses. She also reported that it is common practice to hire a new auditor every 3-5 years.

Motion to accept the proposal from Hinkle & Company for the 2018 Audit by Charles Ruyle, seconded by Chris Sandoval. Roll call; unanimously approved, motion carried.

8. Discussion on Excess Augmentation Water.

Paul reported we do not have clear direction on excess augmentation water. He has priced it out at \$1000/acre foot. He asked if he could have administrative permission to enter into short term leases. Discussion on where the money is deposited into, Paul informed the board it will go into the Water Fund.

Motion to approve the Town Manager to sell excess augmentation water in short term lease agreements of less than one year by Charles Ruyle, seconded by Chris Sandoval. Roll call; unanimously approved, motion carried.

VI. RESOLUTION AND ORDINANCES

- 1. Resolution 02-2019: A RESOLUTION APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT REGARDING 911 FUNDS AND THE MORGAN COUNTY COMMUNICATIONS CENTER.**

Paul explained the agreement we currently have is outdated.

Motion to approve Resolution 02-2019: A RESOLUTION APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT REGARDING 911 FUNDS AND THE MORGAN COUNTY COMMUNICATIONS CENTER by Brian Becker, seconded by Charles Ruyle. Roll call; unanimously approved, motion carried.

Motion to enter into Executive Session for Personnel Matters For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official and the Town Manager Contract; or personnel policies that do not require the discussion of matters personal to particular employees – Employee Matters and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); – Contract Negotiations by Charles Ruyle, seconded by Chris Sandoval. Roll call; unanimously approved, motion carried.

VII. EXECUTIVE SESSION

1. Executive Session - Personnel Matters For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Employee Matters.
2. Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); – Contract Negotiations.

VIII. REPORTS FROM EXECUTIVE SESSION

Those participants of the Executive Session:

- Paul Larino, Town Manager
- Bruce Miller, Trustee
- Brian Becker, Trustee
- Charles Ruyle, Trustee
- Chris Sandoval, Trustee
- Jeff Palmer, Trustee
- Pat Musgrave, Trustee
- Mayor Mac Leon, Presiding Officer

Paul asked if the Board wanted to consider the discussion of the 3% raise for the Town Manager or whatever percentage they felt needed.

Motion to approve a 3% pay raise for the Town Manager and to authorize the Mayor to amend the Town Managers contract by Brian Becker, seconded by Charles Ruyle. Roll Call: Chris Sandoval-Yes, Charles Ruyle-Yes, Jeff Palmer-No, Brian Becker-Yes, Bruce Miller-No, Pat Musgrave-No, Mayor Mac Leon-Yes. Motion carries with a 4-3 vote.

IX. ADJOURNMENT:

1. Closing Remarks by Mayor and Adjournment of the Meeting at 11:40pm

Respectfully submitted by:

Approved by:

Patricia Lentell, Town Clerk



Margarito "Mac" Leon Jr, Mayor