703 Weld County Road 37

JOINT WATER/WASTEWATER AUTHORITY AND BOARD OF TRUSTEES
REGULAR MEETING
January 7, 2020
Minutes

CALL TO ORDER
Mayor Lofgren called the meeting to order at 6:30 p.m.

ROLL CALL
Present:
Mayor Jacob Lofgren
Mayor Pro-Tem Dave Ott
Trustee Counterman
Trustee Grant Doherty
Trustee Jamie Jeffery
Trustee Mike Morris
Trustee Larry Strock

APPROVAL OF AGENDA
Motion was made by Trustee Ott, seconded by Trustee Doherty, to approve the agenda. Motion carried 7-0.

AUDIENCE BUSINESS:
None.

CONSENT AGENDA
A. Payment Approval Report ($673,759.85)
B. December 3, 2019 Minutes

Motion was made by Trustee Ott, seconded by Trustee Strock, to approve the Consent Agenda. Motion carried 7-0.

ACTION ITEMS
A. Appointment - Planning Commission

Town Clerk Blackston stated we have two applicants who wish to be appointed to the Planning Commission. She recommended the Board appoint Kristin Esposito and Corissa Cieloha. Mayor Lofgren stated he did speak to both applicants and would recommend the Board appoint them as well. He also stated we do have a third applicant for an alternate, Carole Ott.
Motion was made by Trustee Jeffery, seconded by Trustee Jeffery, to appoint Kristin Esposito and Corissa Cieloha as members to the Planning Commission and to appoint Carole Ott as an Alternate member. Trustees Morris, Doherty, Ott, Jeffery, Strock and Mayor Lofgren voting yes with Trustee Counterman abstaining. Motion carried 6-0 with 1 abstention.

B. Appointment - Town Treasurer.

Town Administrator Stamey stated a Town Treasurer/Finance Director started January 6, 2020 and is here tonight for Board appointment. Denise Rademacher, Finance Director approached the Board and shared a little about herself and her experience.

Motion was made by Trustee Strock, seconded by Trustee Jeffery, to appoint Denise Rademacher to the Town Treasurer/Finance Director for the Town of Lochbuie. Motion carried 7-0.

C. Resolution No. 2020-1 A Resolution of the Board of Trustees of the Town of Lochbuie, Designating the Official Posting Place for Public Notice of Public Meetings of the Town of Lochbuie for the Year 2020.

Town Clerk Blackston noted it is a statutory requirement that we designate the Public Notice posting place at the beginning of every year. In 2019, a Bill was passed stating municipalities may post on their websites. Resolution No. 2020-1 does state the Town’s official Public Notice posting place will be the Town’s website. Trustee Strock requested the first four words of Section three be removed. The Board consensus was to remove the first four words of Section 3. Town Attorney Jurin clarified that the legal place for postings is the website and the Town may post at the Town Hall or other locations but not required.

Motion was made by Trustee Strock, seconded by Trustee Ott, to approve Resolution No. 2020-1 A Resolution of the Board of Trustees of the Town of Lochbuie, Designating the Official Posting Place for Public Notice of Public Meetings of the Town of Lochbuie for the Year 2020 with the removal of the first four words in Section 3. Motion carried 7-0.

D. Ordinance No. 2020-648- An Ordinance of the Board of Trustees of the Town of Lochbuie, Colorado, Extending the Moratorium on Acceptance, Processing, and Approval of Land Use Applications and any Other Requests for Approval to Conduct Oil and Gas Exploration, Extraction or Development Within the Town Limits.

Town Attorney Jurin stated Ordinance No. 2020-648 is to extends the current moratorium on acceptance, processing and approval of land Use Applications related to oil and gas.

Motion was made by Trustee Doherty, seconded by Trustee Ott, to approve Ordinance No. 2020-648- An Ordinance of the Board of Trustees of the Town of Lochbuie, Colorado, Extending the Moratorium on Acceptance, Processing, and Approval of Land Use Applications and any Other Requests for Approval to Conduct Oil and Gas Exploration, Extraction or Development Within the Town Limits. Motion carried 7-0.

E. Frontage Road/CR 2 Roundabout-Award Contract to Duran Excavating for $2,451,152.70.

Town Administrator Stamey stated the Town did advertise, receive and do open bids for CR 2 Roundabout Project. The bids were reviewed by Martin and Martin Engineering. The bids were also submitted to CDOT for their review. Town Administrator Stamey recommended the Board award the bid to Duran Excavating in the amount of $2,451,152.70. John Eddy of Martin and Martin was able to provide additional information. The Board and staff discussed the Project.
Motion was made by Trustee Ott, seconded by Trustee Counterman to award Duran Excavating the CR 2 Roundabout Project in the amount of $2,451,152.70. Motion carried 7-0.

F. Approval of Task Order with Martin and Martin for Construction Administration in the amount of $155,000.00.

Town Administrator Stamey stated this Task Order is to formalize Martin and Martin Engineering’s role as the Project Administrator for the CR 2 Roundabout project.

Trustee Doherty recused himself from this item.

Motion was made by Trustee Ott, seconded by Trustee Jeffery, to approve the Task Order with Martin and Martin to be the Construction Administrator for CR 2 Roundabout Project for the amount of $155,000.00. Trustees Counterman, Morris, Jeffery, Ott and Mayor Lofgren voting yes with Trustee Strock voting no. Motion carried 5-1.

G. IGA with Town of Keenesburg for Police Services

Town Administrator Stamey stated this IGA is a renewal of Police Services we provide for the Town of Keenesburg which includes a 6% increase. The Board and staff discussed the IGA.

Motion was made by Trustee Ott, seconded by Trustee Jeffery, to approve the IGA with the Town of Keenesburg as presented. Motion carried 7-0.

H. Approval of Berkshire Grading Agreement with LOB, LLC

Town Attorney Juran stated that as part of the Silver Peaks East Plat one of the conditions of approval was that there would be an agreement reached between the Town, LOB, LLC and the Berkshire HOA for grading of a small portion of the Berkshire park. The Board and staff discussed the agreement.

Motion was made by Trustee Ott, seconded by Trustee Doherty to approve the Temporary Easement Grading Agreement between the Berkshire HOA, LOB, LLC, and Town of Lochbuie as presented. Motion carried 7-0.

DISCUSSION ITEMS

A. Ordinance No. 2020-649 An Ordinance of the Board of Trustees of the Town of Lochbuie, Colorado, Amending Section 19-2-230, Repealing and Readopting Division 3 of Article VII, Amending Section 19-7-520- Governing Oil and Gas Development Within the Town, Setting the Penalty for Violations Thereof, and Terminating the Moratorium on Acceptance, Processing, and Approval of Land Use Applications and any Other Requests for Approval to Conduct Oil and Gas Exploration, Extraction or Development Within the Town Limits.

Town Counsel Matt Sura gave a presentation on oil and gas development and on the regulations that he is proposing in Ordinance No. 2020-649. He noted Senate Bill 19-181 which was passed in 2019 gives local governments clear regulatory authority over oil and gas and ends state preemption. One of the limitations put into Senate Bill 19-181 that municipal regulations (as the state’s regulations) must be necessary and reasonable. Town Counsel Sura discussed the proposed changes to Lochbuie’s current regulations. He discussed the proposed process, regulation of a 1,000-foot setback from homes, a waiver process for the 1,000-foot setback, mitigation of impacts, financial issues and best management practices. The Board and staff discussed the Ordinance.
B. Resolution No. 2020-2 A Resolution of the Board of Trustees for the Town of Lochbuie
Adopting the Oil and Gas Best Management Practices in Conjunction with the Town’s
Adoption of New Oil and Gas Regulations as Set Forth in Division 3 of Article VII of Chapter
19 of the Lochbuie Land Development Code.

The Board and Staff discussed this at the same time as they discussed Ordinance No. 2020-648.

EXECUTIVE SESSION

A. To receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b); specifically, to answer legal questions concerning local authority to
regulate oil and gas development within the Town with Town oil and gas counsel.

Motion was made by Trustee Doherty, seconded by Trustee Jeffery, for a Conference with Town
Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b); specifically, to answer legal questions concerning local authority to regulate oil and
gas development within the Town with Town oil and gas counsel.

The Board went into Executive Session at 8:05 p.m.

The Board returned to the Regular meeting from Executive Session at 8:55 p.m. Mayor Lofgren
reconvened the Regular Meeting at 9:00 p.m. Those present for the Executive Session were Mayor
Lofgren, Trustees Jeffery, Strock, Doherty, Morris, Counterman and Ott. Also present were the Town
Attorney Jurin, Town Administrator Stamey, Town Clerk Blackston and Town Counsel Matt Sura.

DISCUSSION ITEMS (CONTINUED)

A. Continued discussion on Ordinance No. 2020-649 and Resolution 2020-2
(if needed)

No discussion was needed.

B. Home Rule

Trustee Ott requested the Board put the Home Rule question on the November 2020 ballot. The
Board consensus was to go forward with the Home Rule Charter Commission on the November 2020
ballot.

C. Event Dates

Mayor Lofgren discussed the Board Meeting dates and noted that the November 3, 2020 meeting has
been cancelled since that is Election Day and the November 17, 2020 meeting is currently planned to
be a Budget Work Session. He discussed the Ice Cream Socials, Oasis Night(s), the Lochbuie
Community Appreciation Day, and the Budget Retreat. The Board chose prospective dates for the
events.

D. South East Chamber of Commerce Annual Banquet Invite

Mayor Lofgren stated the Town/Board received an invitation to the South East Weld Chamber of
Commerce Annual Banquet. He requested the Board RSVP to Town Clerk Blackston.
STAFF COMMENTS

A. Town Administrator Report

Town Administrator Stamey presented his report. The Water CIP meeting will be February 11, 2020. Town Administrator Stamey gave an update on the 7-11 project.

MAYOR AND TRUSTEE COMMENTS

Trustee Strock discussed an in-house Town Engineer, Recycling at Lake Henry, audit of PIF’s, consideration of bridge at CR 6 and a climate control plan.

Trustee Ott stated he would like to see if the Town Christmas dinner can be held at the Texas Roadhouse. Mayor Lofgren and Town Clerk Blackston stated options for the dinner will be researched.

Trustee Doherty asked about the construction fences at CR 2 and 50th Street. Trustee Strock stated it is for a gas line.

Trustee Strock stated the Senior Center may be closing in the next six months.

Mayor Lofgren gave an update on the Library, the Antonoff sign, co-sponsorship of Brighton events and he noted the Executive Session for Town Administrator Stamey’s performance review will probably during at the first meeting in February.

ADJOURN

Mayor Lofgren adjourned the meeting at 9:26 p.m.

Motion was made by Trustee Jeffery, seconded by Trustee Ott, to adjourn. All in favor.

Linda Blackston
Town Clerk

Jacob Lofgren
Mayor