



**703 Weld County Road 37
BOARD OF TRUSTEES
REGULAR MEETING
February 6, 2024
6:30 p.m.**

This meeting will be held in the Town Hall Board Room, 703 WCR 37 and via Zoom. Residents are welcome to join us in the Board Room to view or participate in the meeting, during Public Comment or Public Hearings. Public access to this meeting can be found on the website no later than 24 hours prior to the meeting.

Minutes

CALL TO ORDER

Mayor Pro Tem Jeffery called the meeting to order at 6:31 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Pro Tem Jeffery
Trustee Coen
Trustee White
Trustee Bristow
Trustee Tapey

Absent: Mayor Mahoney
Trustee Wescott

APPROVAL OF AGENDA

Mayor Pro Tem Jeffery stated that action item 8b would be removed from tonight's agenda and brought back at a later time.

Motion made by Trustee White seconded by Trustee Bristow to approve the agenda as presented, with removal of action item 8b. Motion carried 5-0.

PUBLIC COMMENT

Lance Ingalls, an attorney on the front range, stated that he is here this evening to speak on item 8b, and his client is here from North Carolina. His client bid on the elevated storage tank project, and was the lowest bidder. The bid tabulation showed that his company met all the requirements and was the lowest bidder. They heard last Friday that they would not be getting the project as they were not the most responsive and qualified bidder. In your bid regulations, it showed the formal bidding process. The requirement is that the lowest bidder will win the bid. Mr. Ingalls requested the board to please ask their staff to look into this issue, as he believes Phoenix Fabricators and Erectors was the lowest responsive bid. What he would like is for Phoenix to be reconsidered. Town staff is to bring the board a recommendation, but whether those recommendations follow the bid regulations is up to the board to ensure. He asked that the board follow the regulations as written.

Michael Oglesby, Director of Sales Engineering at Phoenix Fabricators and Erectors, shared that his company has built over 5,000 elevated storage tanks in over 35 years since the company began. On December 21, 2023, he learned that his company was the lowest bidder on the tank project. After calling and emailing multiple times, he learned late last week that a higher bidder would be recommended to build the storage tank. The reasons given did not make much sense, and Phoenix was not asked for an explanation prior to this recommendation. He stated that Phoenix had difficulty communicating with town representatives during and after this bidding process. Mr. Oglesby shared instances where Phoenix reached out to get information or direction during the bidding process and did not get a response. There was an omission from the bidder recommended by JVA; they did not include a sketch of their foundation layout, which is a requirement. Last week, the third company that submitted a bid reached out to Phoenix to express their disdain for the bidding process and trouble with communication. He kindly asks the board to consider all these things as you contemplate moving forward on this project.

Mayor Pro Tem Jeffery stated that Gave Evans would be providing the legislative update later in the agenda.

Larry Strock, 840 Lonewolf Circle, inquired why these people were not at the public hearing. It is obvious that JVA, Phoenix, and the other company should get together. Why did they wait until tonight?

CONSENT AGENDA

Any item listed on the Consent Agenda can be removed upon request from any member of the Town Board. For the benefit of our audience, the mayor will read the items remaining on the Consent Agenda prior to the Board's vote.

- a. Payment Approval Report (\$438,212.73)
- b. January 12, 2024 Special Meeting Minutes
- c. January 16, 2024 Minutes
- d. Resolution 2024-10 Approving The Form Of The State & Municipal Lease/Purchase Agreement With Clayton Holdings, LLC, St. Louis, Missouri And Authorizing The Execution And Delivery Thereof
- e. Resolution 2024-11 Approving An Engagement Agreement For Legal Services With Brownstein Hyatt Farber Schreck, LLP
- f. Resolution 2024-12 Approving A Proposal From Galloway For Professional Services
- g. Resolution 2024-13 Approving The Highplains Filing No. 1, Amendment No. 1 Final Plat And The Subdivision Improvement Agreement Between The Town And QuikTrip Corporation

Motion made by Trustee White seconded by Trustee Coen to approve the consent agenda. Motion carried 5-0.

ACTION ITEMS

- a. Public hearing and Resolution 2024-14 Approving A Conditional Use Application For The Operation Of A Motor Vehicle Fueling/Gasoline Station At 17731 County Road 2 On Lot 1, Highplains Filing No. 1, Amendment No. 1 Near The Northeast Corner Of 168th Avenue And Bonanza Boulevard

Christopher Kennedy, Community Development Director, stated that the developers have completed the majority of the entitlement work, so the next step is this conditional use permit for the convenience store.

Sonya Thornton, Planner I, shared that the design of the convenience store and of the subdivision do meet the requirements of the conditional use permit. She shared an overview of the project and how the lot will be developed. The purpose of the conditional use permit is to ensure that the impacts, such as traffic, aesthetics, odors, light, and noise are addressed. Staff recommends approval.

Mike Talcott, Real Estate Manager for QuikTrip Corporation, shared the history of QuikTrip and presented employment statistics, and how the finished convenience store will look.

Mayor Pro Tem Jeffery opened the public hearing at 7:03 PM.

Larry Strock, 840 Lonewolf Circle, shared that this is not what he would like to see in the gateway to Lochbuie, but it is happening. Where will the vents for the underground tanks be located? Will this store allow overnight parking or parking for semis? What is the store capacity? The prints show that they will have 55 parking spots. The company should think about installing some electric car charging stations. There will always be air pollution from cars, and the station could end up polluting the groundwater.

Lex Martin, 762 Prairie Avenue, stated that they are opposed to a gas station being built at 17731 County Road 2. Lochbuie does not need a third gas station as the area is busy enough. The intersection of 168th Avenue and I-76 sets the tone for the Town; do we stand for industrialization, or do we stand for maintaining a community feel? This lot is currently a prairie dog field. Prairie dogs are not a nuisance to the neighborhood and add value to the small-town charm of Lochbuie. I am strongly advocating for the protection of the prairie dogs and hope that if/when this land is developed, they are protected and relocated.

Mayor Pro Tem Jeffery closed the public hearing at 7:10 PM.

Motion made by Trustee White seconded by Trustee Tapey to approve and Resolution 2024-14 Approving A Conditional Use Application For The Operation Of A Motor Vehicle Fueling/Gasoline Station At 17731 County Road 2 On Lot 1, Highplains Filing No. 1, Amendment No. 1 Near The Northeast Corner Of 168th Avenue And Bonanza Boulevard. Motion carried 5-0.

- b. Resolution 2024-16 Approving Three Agreements With Resource Central For 2024 For (A) Garden In A Box Program, (B) Slow The Flow Irrigation Audit Program, And (C) Waterwise Yard Seminars Program

Heather Bowen, Town Clerk, shared that the Town is looking to offer the Garden in a Box, Slow the Flow Irrigation Audit, and Waterwise Yard Seminar programs to the Lochbuie residents this year. Staff will increase marketing to ensure residents know of this partnership.

Motion made by Trustee Bristow seconded by Trustee White to approve Resolution 2024-16 Approving Three Agreements With Resource Central For 2024 For (A) Garden In A Box Program, (B) Slow The Flow Irrigation Audit Program, And (C) Waterwise Yard Seminars Program. Motion carried 5-0.

LEGISLATIVE UPDATE

Gabe Evans, State Representative for House District 48, provided an update on the happenings in the legislature, and wanted to ensure the board knows they can reach out to him anytime with questions.

Trustee Coen inquired about Mr. Evans' stance regarding the bill on safe injection sites.

Gabe Evans stated that of course he wants to help with substance abuse, but his position opposes the safe injection sites and the Bill as it stands now.

STAFF AND ATTORNEY UPDATES

AJ Euckert, Town Administrator, stated that the work session that was scheduled for tonight is postponed. There is a special board meeting on Monday, February 12 at 5:30 PM. The open house for the comprehensive plan is set for Thursday, February 22 from 6:00 – 8:00 PM. The Southeast Weld County Chamber of Commerce Annual Banquet is on February 24th. Please email if you would like to attend, the Town has purchased a table.

MAYOR AND TRUSTEE COMMENTS

Trustee Coen shared that she attended a CML policy committee meeting a few weeks ago and voted on behalf of the trustees and the Town. AJ Euckert has her voting results if anyone is interested. Her results are a summary of what bills were discussed and voted on, how CML recommended voting, and how she voted on each topic.

EXECUTIVE SESSION

- a. Executive Session pursuant to CRS Section 24-6-402(4)(b) with Special counsel to receive legal advice regarding the public library.

Motion made by Trustee Coen seconded by Trustee White to move to Executive session pursuant to CRS Section 24-6-402(4)(b) with Special counsel to receive legal advice regarding the public library. Motion carried 5-0.

Mayor Pro Tem Jeffery called a recess at 7:25 PM.

Mayor Pro Tem Jeffery called the executive session to order at 7:27 PM.

Mayor Pro Tem Jeffery adjourned the executive session at 8:00 PM.

ADJOURN

Motion made by Trustee White seconded by Trustee Bristow to adjourn the meeting. Motion carried unanimously.

Mayor Pro Tem Jeffery adjourned the meeting at 8:01 PM.

The Board may convene a lawfully called executive session at any time during a regular or special meeting of the Board.

Heather Bowen
Heather Bowen
Town Clerk

Jamie Jeffery
Jamie Jeffery
Mayor Pro Tem

