



**703 Weld County Road 37
BOARD OF TRUSTEES
REGULAR MEETING
February 20, 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 6:32 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Mayor Mahoney
Trustee Bristow

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Dallas Green, CEO of Phoenix Fabricators and Erectors out of Avon, IN, stated that his company was the low responsive bidder for the elevated storage tank project. The company has been in business since 1986 and has built over 5,000 water tanks, many in Colorado. For Lochbuie's project, Phoenix set out to provide a low responsive bid that would ensure the Town's taxpayers got the best price for their tank. Phoenix approached this project with the honesty and integrity that Lochbuie citizens deserve, while respecting all requirements of the bid, and the legal framework. In this process, Phoenix submitted the lowest responsive bid, however, the representatives that the Town tasked with protecting the bid process, recommended that the Town award the bid to a higher cost bidder who did not fill the bid documents out completely. He stated that he understands why the board would request staff to rebid the project, however, he asks that the board reconsider rebidding the project, which only costs taxpayers more time and money. Instead, have your staff write up the documentation for awarding the project to Phoenix. He urged the board to, if this project does get rebid, ensure that the integrity of the bid is upheld from the beginning; competitors work to prevent qualified companies from bidding by creating prerequisites that raise the cost of the project. Phoenix is honored by the

opportunity to work for the Town of Lochbuie and truly hopes the trustees award the project to Phoenix, as they want to ensure the best tank for the best price.

Bob Werling, Senior Business Representative of Landmark Structures, stated that his company was the lowest responsible bidder for this project, and asked the board to consider their bid. Lochbuie's neighboring community, Brighton, bid a similar project in which Landmark Structures was the lowest responsive bidder. On that project we referenced the standards and the experience requirement for that, which required ten tanks of equal or greater capacity in service for ten years, which our competitor does not meet. We are familiar with projects they are referencing, there might be one tank they have built in Colorado, but we have referenced a number of tanks in our bid documents. We wish the trustees would consider our bid; we are prepared for this project and ready to move forward.

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 (\$221,958.77)
- b. February 6, 2024 Minutes
- c. February 12, 2024 Minutes
- d. Resolution 2024-15 Authorizing The Town Administrator To Execute A Consent To The Partial Assignment And Assumption Agreement (Subdivision Improvement And Water Dedication Agreement – Blue Lake Filing No. 2) (Phase 2 And 3 Improvements).

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

ACTION ITEMS

- a. Public Hearing on whether South Weld Annexation No. 2 as more particularly described in Resolution No. 2024-06, approved January 12, 2024, meets applicable requirements of Section 30 of Article II of the Colorado Constitution and C.R.S. § 31-12-104 and C.R.S. § 31-12-105, and is eligible for annexation to the Town of Lochbuie.
This public hearing to be opened and continued to March 5, 2024, at 6:30 pm at Town Hall, 703 Weld County Road 37 and by Zoom (instructions to be posted on the Town web site at least 24 hours in advance.) The proceedings related to this matter are being held in abeyance pursuant to CRS Section 31-12-114.

Mayor Pro Tem Jeffery opened the public hearing at 6:43 PM.

*Motion made by Trustee Wescott seconded by Trustee Coen to continue this public hearing to March 5, 2024, at 6:30 PM.
Motion carried 5-0.*

The public hearing closed at 6:44 PM.

- b. Public Hearing on whether South Weld Annexation No. 3 as more particularly described in Resolution No 2024-07, approved January 12, 2024, meets applicable requirements of Section 30 of Article II of the Colorado Constitution and C.R.S. § 31-12-104 and C.R.S. § 31-12-105, and is eligible for annexation to the Town of Lochbuie.
This public hearing to be opened and continued to March 5, 2024, at 6:30 pm at Town Hall, 703 Weld County Road 37 and by Zoom (instructions to be posted on the Town web site at least 24 hours in advance.) The proceedings related to this matter are being held in abeyance pursuant to CRS Section 31-12-114.

Mayor Pro Tem Jeffery opened the public hearing at 6:44 PM.

*Motion made by Trustee Wescott seconded by Trustee Tapey to continue the public hearing to March 5, 2024, at 6:30 PM.
Motion carried 5-0.*

The public hearing closed at 6:45 PM.

- c. Ordinance 2024-692 Repealing and Readopting Article III Of Chapter 4 Of The Lochbuie Municipal Code Governing Municipal Purchasing And Declaring An Emergency

Maureen Juran, Town Attorney, stated that this matter is necessary as there are provisions in the Lochbuie Municipal Code that govern how we purchase goods and services, and the Town's purchasing policy does not match what is in the code. Also, from time to time, the Town engages in procurement of goods and services using federal funding where certain requirements must be met. This ordinance would update the code to reference the Town's purchasing policy so that the policy can be updated without changing the code.

Motion made by Trustee Tapey seconded by Trustee Coen to approve Ordinance 2024-692 Repealing and Readopting Article III Of Chapter 4 Of The Lochbuie Municipal Code Governing Municipal Purchasing And Declaring An Emergency. Motion carried 5-0.

- d. Elevated Water Storage Tank: Staff recommendation that Board reject all bids and direct staff to re-bid project construction.

Chris Larmon, Public Works Director, stated that staff recommends that the Board of Trustees reject all bids and direct staff to rebid this project as soon as reasonably possible.

Maureen Juran stated that the bid documents do allow the Town to make the decision to rebid, so this is a discretionary decision of the Board of Trustees.

Trustee White stated that she has questions and would like time to discuss this project to get clarification on the claims that have been made. She is not comfortable spending more money on this project and is against moving forward without further discussion as a board.

Maureen Juran stated that because issues have been raised, staff is recommending that it is in the Town's best interest to rebid.

Mayor Pro Tem Jeffery inquired if this project is rebid, would JVA Engineering be continuing to collect the bids.

Chris Larmon stated that he is looking at having more internal oversight during the next bid process.

Motion made by Trustee White to continue this for further discussion. There was no second to this motion.

Motion made by Trustee Coen seconded by Trustee Wescott not to award the elevated water storage tank construction project to any bidder in the current bid process with bids received by December 21, 2023, and further move to direct staff to issue a new invitation for bid for the elevated water storage tank. Motion carried 4-1 (White).

DISCUSSION

- a. Fireworks in the Town of Lochbuie

Chief McCoy shared that Lochbuie's fireworks ordinance is very restrictive and does not allow for much more than sparklers. The Lochbuie Municipal Code recently was updated and the fine for fireworks is now \$500.00. He shared ordinances from surrounding municipalities, as well as state regulations, to see what the board would like to do, if anything, to update Town regulations.

Maureen Juran stated that in the recent update of Chapter 10 of the code, the regulations on fireworks were not changed, it has always been restrictive, it was just the fine amount that was updated.

Trustee Coen inquired if the Town were to allow the same fireworks that are legal statewide, would that allow the police department to focus on regulating the larger fireworks?

Chief McCoy stated that is the goal. The mortars, which are illegal in the entire state, are much harder to locate and catch. If the Town had similar regulations to the state, the department could focus more on handling the larger fireworks.

Trustee Wescott inquired if there would be a raised fire risk by allowing more fireworks, as many of the housing developments in town are surrounded by fields.

Cody Peterson, Battalion Chief for the Hudson/Lochbuie Fire Department, stated that the fire department is also concerned about the larger fireworks that are shot into the air. The fireworks that are sold in the state are not a big concern as they are designed to stay on the ground. He stated that moving forward with updating the fireworks ordinance is acceptable from the fire department standpoint.

Trustee Tapey stated that there are lots of large fireworks in her neighborhood. If residents were to call them in, would action be taken?

Chief McCoy stated action would be taken, the larger fireworks are what the police department would like to focus on.

Motion made by Trustee White to adopt the state laws on fireworks.

Maureen Juran requested to amend the motion to ask staff to bring forward an ordinance that incorporates Colorado state standards on what are permissible fireworks.

Trustee White accepted Maureen Juran's amendment.

Mayor Pro Tem Jeffery restated Trustee White's motion seconded by Trustee Coen to direct staff to bring forward before the Board of Trustees, at a near future meeting, an ordinance that brings into account for us what Colorado recommends as standards for fireworks for our consideration and adoption. Motion carried 5-0.

Mayor Pro Tem Jeffery thanked the fire department for attending tonight's meeting.

STAFF REPORTS

A. Finance/Treasurer

Denise Rademacher, Finance Director, shared the quarterly report from the fourth quarter of 2023. The audit is starting on March 4th. JP Morgan Chase Securities created a new report to show a measure of where the Town funds are invested. This report will be provided quarterly. She provided the December unaudited statements and the January financial statements. We are spending a little more than budgeted so far this year.

B. Police

Chief McCoy shared that code enforcement has been out around town, so know that when you see things that are in violation, they are being taken care of, but it is not always a quick process. He stated that recently, Mayor Mahoney mentioned that a semi is parking on the shoulder of the Frontage Road at the end of County Road 37. That shoulder belongs to CDOT, so he has contacted CDOT to have them place no parking signs there.

Trustee Wescott mentioned that the police staff report showed 100 more incidents occurring in January than in December and was curious what spurred that.

Chief McCoy stated that they have three officers in field training so they are completing more officer initiated stops so that the new officers can get experience.

Trustee Tapey stated that she has seen more patrol cars out and it is a good feeling to see them out.

C. Water/Wastewater

Wayne Ramey, Ramey Environmental, shared that the wastewater flows are up from last year. He modified the report to show more data on sludge. January was a busy month. There have always had two clarifiers at the plant, but there has only been a need to use one at a time. They've gotten to the point where they need the second one. One had a leak, but they were able to locate the leak and repair it. Flows at the water plant went down.

D. Public Works

Chris Larmon, Public Works Director, shared that after being able to source equipment, public works completed the demolition of the skate park. They need to finish a few surface patches and then can open the park up for roller blading and roller skating. Greenways Trail is well underway. There was a conflict with a gas line, but they were able to move ahead. He is working on the wastewater treatment plant preliminary design for expansion. Looking at projections of what is anticipated to be built within the service area during the design period, which is 20 years, the original plan may change. Initially, the design was for a two-million-gallon expansion. Data now shows a four-million-gallon expansion is needed, giving a total capacity of six million gallons per day. There is a punch walk next week for the north side of the County Road 2 Phase 1 widening which is the first opportunity to identify things that are completed, what needs to be repaired, and what needs to still be completed.

Trustee Wescott asked Chris Larmon to look at the speed limit signs along County Road 2 to ensure they are all the correct speed.

E. Community Development

Christopher Kennedy, Community Development Director, reminded everyone of the open house for the comprehensive plan this Thursday. The goal is to take in person input from residents. The public hearings for QuikTrip are completed and permits are in process for that project. Starbucks is also working on their construction permits with a goal of starting this spring. The next step in the South Weld annexation is to work with the developer on a zoning plan and an annexation agreement for the board to consider, hopefully in June.

F. Town Clerk

Heather Bowen, Town Clerk, shared that registration for the CML conference is not yet open, and she would keep checking.

G. Human Resources

Jhazmin Thomas, Human Resources Manager, shared that Trustee Wescott requested to have the trash pick up dates added to the calendar on the website, and those dates have been added.

H. Town Administrator

AJ Euckert, Town Administrator, reported that the annual budget report is being finalized and will hopefully be out at the end of this month. March 5th is the tentative date for a projects and priorities work session for the board. As Denise Rademacher mentioned, we have gone over on some line items in the budget, as there have been some extraordinary projects, but it is a real credit to the Town and its policies that we have the reserve that we do. On the website, we have added an after-meeting action update which is an unofficial recap of what was passed and what happened at each meeting.

Trustee Coen shared that she loved the recap as it adds to the transparency in government.

MAYOR AND TRUSTEE COMMENTS

Trustee Coen stated that there is not a lot to report from CML currently, but there is a meeting tomorrow for CML to update the policy committee on land use issues, so she will have an update after that.

Trustee Wescott thanked Town staff for the great job they are doing.

Mayor Pro Tem Jeffery also thanked the Town staff. She clarified that Thursday is an open house, not a structured meeting time. Residents can come for a little while and not have to stay the whole time.

EXECUTIVE SESSION

- a. Executive Session Pursuant to C.R.S. § 24-6-402(4)(b) with Town legal counsel to discuss ongoing litigation related to annexation.

Motion made by Trustee Coen seconded by Trustee Wescott to go into executive session for the purpose of discussing ongoing litigation related to annexation with Town legal Counsel under C.R.S. § 24-6-402(4)(b). Motion carried 5-0.

There was a recess at 7:30 PM.

Mayor Pro Tem Jeffery called the executive session to order at 7:33 PM.

Mayor Pro Tem Jeffery adjourned the executive session at 8:07 PM.

ADJOURN

Motion made by Trustee Wescott seconded by Trustee Tapey to adjourn the meeting. Motion carried unanimously.

Mayor Pro Tem Jeffery adjourned the meeting at 8:08 PM.

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



Heather Bowen
Town Clerk



Mayor Mahoney
Mayor

