

PUBLIC HEARING - ORDINANCE 3 – 2006, Continuation of Sales Tax for Capital Improvements

Mayor Martinez opened the public hearing at 8:00 p.m. Harvey stated that Ordinance 3 – 2006, Continuation of the Sales Tax for Capital Improvements was submitted in response to the citizens of LaSalle passing the issue at the April 2006 elections. Martinez requested comments from the audience or the Board, hearing none closed the public hearing at 8:02 p.m.

CALL MEETING TO ORDER

Mayor Martinez called the regular meeting of the Board of Trustees to order at 8:02 p.m.

ADDITIONS TO THE AGENDA – Harvey indicated there were a number of informational items to be added to the agenda, under 15 Police, a discussion of the upcoming “No Smoking” law scheduled to take effect July 1, 2006, information on the Western Mutual Ditch shares, temporary permit regarding the augmentation plan, initial payment for the Mokray and Sauer leases and a discussion of the phone system at the Town Hall.

ROLL CALL

Paul Aragon – present	Claudia Reich – present	Gary Bruce – present
Tony Asbury – present	Jane Rumrill – present	
Andy Martinez – present	Anita Salazar – present	

Others present were:

- Carl Harvey - Police Chief & Operation Director
- Bradley Sorenson – Town Clerk/Treasurer
- Barry Schaeffer – Public Works Director
- Clint Dudley – Recreation Director
- Brad Laue – Town Attorney
- Holly Bruce, Brian Lindsay, Mark Strauss

MINUTES 6/6/06

Asbury moved to approve, as presented, the minutes of the special meeting held on 6/6/06. Aragon seconded the motion. Motion carried 5 – 0, with Salazar abstaining.

MINUTES 6/13/06

Salazar requested the inclusion of 2 points; the addition of an s to the word member in line 8 of the Finance Department report and an addition under the Police Department report acknowledging that Chief Harvey would address the graffiti on the railroad bridge with the Weld County authorities and the Town’s newsletter would include the reporting of a positive case of West Nile Virus. **Bruce moved to approve, with the addition of 2 items stated by Salazar, the addition of an s to the word member in line 8 of the Finance Department report and an addition under the Police Department report acknowledging that Chief Harvey would address the graffiti on the railroad bridge with the Weld County authorities and that the Town’s newsletter would include the reporting of a positive case of West Nile Virus. Salazar seconded the motion. The motion carried 6 – 0.**

WARRANTS 06/27/06

Sorenson indicated there was 1 addition to the warrants. An invoice to OCPO for three (3) certifications, \$50.00 each, for a total of \$150.00.

<u>Inquires</u>	<u>by</u>	<u>Explanation</u>	<u>by</u>
DBC Irrigation Supply	Martinez	Sprinkler supplies for the park	Schaeffer
Winters, Hellerich & Hughes	Salazar	Legal services for executive session	Sorenson
Wal-Mart	Asbury	2 Vacuum machines & seniors supplies	Sorenson

Bruce moved to approve the warrant’s list dated 06/27/06 for the amended total of \$16,444.86 and staff salaries dated 06/13/06 for \$24,425.82. Reich seconded the motion. Motion carried 6 – 0.

PUBLIC COMMENT

Martinez introduced the Public Comment item recently added to the agenda. While public comments have always been welcome during the Board of Trustees meeting, this item was formally added to the agenda and will continue to be a regular item on the agenda. At this time there were no comments to the Board of Trustees.

ORDINANCE 3 – 2006, Continuation of Sales Tax for Capital Improvements

Martinez introduced Ordinance 3 – 2006. **Reich moved to approve Ordinance 3 – 2006, Continuation of the Sales Tax for Capital Improvements. Rumrill seconded the motion. Motion carried 6 – 0.**

RESOLUTION I – 2006 – Acceptance of the Compliance Order on Consent Issued by the Colorado Department of Public Health and Environment

Martinez introduced the resolution stating the project was undertaken in connection with the settlement of an enforcement action taken by the Colorado Department of Public Health and Environment for violations of the Colorado Water Quality Control Act. **Reich moved to approve Resolution I – 2006, Acceptance of the Compliance Order on Consent issued by the Colorado Department of Public Health and Environment. Aragon seconded the motion. Motion carried 6 – 0.**

RESOLUTION J – 2006 – LaSalle Day Parking 2006

Martinez presented Resolution J – 2006 LaSalle Day Parking 2006. **Reich moved to approve Resolution J – 2006 LaSalle Day Parking 2006. Bruce seconded the motion. Motion carried 6 – 0.**

LIQUOR LICENSING – Farmers Inn – Renewal

Sorenson stated all required forms have been completed and fees submitted. There were no outstanding issues. **Reich moved to approve the renewal of the Liquor License for Farmers Inn. Salazar seconded the motion. Motion carried 6 – 0.**

AGENDA FORMAT - Discussion

Martinez opened the discussion by noting that we have added the Public Comment item to the agenda.

Martinez then solicited opinions on the existing format of the agenda. He noted that the addition of new/old business had been brought up recently. Salazar stated that her suggestion for this agenda item was to act as a reminder from previous items either tabled or still in need of further information, discussion or action. Reich noted that the addition of Action Items would serve to highlight or denote attention. Harvey suggested that the Action Items be located within the respective departmental reports. By doing so it would not be necessary for other department heads to stay beyond their scheduled reports, Reich agreed. Laue stated that many towns and cities use consent agendas, condensing minutes, warrants, resolutions and ordinances into one motion. Reich stated she was not in favor of this practice and liked the current “small town” manner in which the board addresses the agenda. The consensus of the board was to continue with the current agenda format with the addition of Action Items noted within each departmental report.

WATER RESTRICTIONS

Harvey stated the upcoming edition of the towns newsletter will address the issue of water conservation and stress to the residents in order to continue with no time restrictions on watering days it is important for everyone to water only on their days. The board will continue to monitor the water issue but leave the current restrictions as is.

LA SALLE FIRE DEPARTMENT – Special Events Permit / Public Hearing

Harvey stated that LaSalle Fire Department is requesting a Special Events Permit for their annual fundraiser. The event will take place on July 29, 2006 from 5:00 p.m. to midnight. Staff would request to set the Public Hearing for 8:00 p.m. July 11, 2006. **Reich moved to set the Public Hearing on July 11, 2006 at 8:00 p.m. for the LaSalle Fire Department Special Event Permit. Aragon seconded. Motion carried 6 –0.**

DOVE HILL ESTATES

Development Agreement Issues - Harvey acknowledged Patriarch Development LLC, Mark Strauss and Brian Lindsay, and stated Patriarch had sent an update letter to the board regarding the outstanding issues relating to Dove Hill Estates. Harvey provided the original demand letter from the Town of LaSalle, first letter from Dove Hill Estates addressing the 10 points of contention and the construction and the erosion control notes for phase II for Dove Hill. Harvey noted the seeding notes for Phase II are out of compliance with approved erosion control notes. Strauss indicated erosion control in Phase II was completed using a hydro seeding method as opposed to the drilling method specified in the documents. Harvey acknowledged that the board may chose to accept the method used by Patriarch but according to the approved plans this is out of compliance. Strauss stated that some of the area could not be drilled due to the slope and the other area along 1st and 7th were spread by hand and raked into the ground. The problem that they are having now is getting water to the area. Harvey stated it did not appear to be raked in. Strauss stated he would go back and have it done again. Schaeffer asked why the area had not been covered by crimped straw as required. Strauss stated that he did not do that and instead had some extra seed and laid it down. Strauss stated he was trying not to just spend a bunch of money and they had some extra seed left over. He was now asking the board if they could just have Mill Brothers rig up something to get water to that area. Lindsay noted some of the trees in Phase I are struggling and wondered if the water there is on. Harvey stated that Mill

Brothers were to check on the system, as the Dove Hill contractors would know the functional operation of the watering system better. Martinez inquired of Schaeffer as to being able to get water to this area.

Schaeffer stated it might be possible but the issue is the water pressure. Strauss stated he didn't want a lot of water, just a drip line. Harvey didn't know if a drip line would work because it was a large area. Strauss stated that he didn't want anything major, he didn't want to spend a lot of time, money or effort. If it couldn't be done easily he didn't want to do it. He only wanted to get the grass started and then take the line out. Then the area would grow as any other area, with rain. Strauss felt that since he had reduced the slope of this area, erosion should not be a problem now. Harvey stated his concern was that Patriarch was now asking for remedies after the fact when there are specifications in place that are to be done. This is a board decision as to whether to modify the plan that was agreed to through the construction plans. It is not a staff decision. Reich felt it was not a board decision to arrange for water to get to the area. Strauss acknowledged that it wasn't the decision to arrange water but rather to modify the method of seeding the area. Strauss stated he was just trying to make the area look better, and it was not in the original plans. Harvey stated the original plans were to be an impression but the method of seeding the area was specified in the plans. Strauss stated he had originally drilled the area but when he then filled it in to make it look better it ruined the drilling he had done. Strauss then stated that if the town wanted it to be re-drilled he would call and have it done again. Schaeffer stated that according to the plans it might be past the time to drill the area. Harvey stated the requirement for crimping in the straw was for the dust and erosion. This is an EPA requirement, not those of the Town. Based on the timing, Harvey did not know what could be done. Harvey stated the Town had received numerous complaints concerning dust. Reich stated it has been windy lately and is very bad coming from the west side of the town. Salazar asked Harvey to make a recommendation for the issue. Harvey stated that he believed there was a reason why the board accepted the construction drawings and should be done that way. The method specified was for erosion control and reduce dust. Strauss stated we should look at the intent of the EPA. The intent was for a large open area, this is a small 5000 sq. ft. that is protected from the wind. Schaeffer stated that this area drains directly into a retention pond and then a receiving stream, the location must be taken into account. Strauss stated that the area is not going to matter with regard to drainage. He acknowledged that it is not according to the letter of the law and if that is what the town wants, he will do it. The consensus of the board was to follow the letter of the construction drawings.

Covenants Issues - Harvey stated there were still some dead trees to be removed and replaced on 7th street behind the church. Harvey asked if the phone line had been taken care of. Strauss stated that it was. Harvey stated that the front yards were now all in compliance. The back yard issue is open to interpretation; it does not appear to have a clear time frame for completion. The vinyl fence issue is still outstanding and staff has an idea for resolution and will explore this option. Strauss stated that he would stand by his offer to the property owner to replace the fence but will not offer to replace the fence for a future owner. Salazar inquired about landscaping, she had received concerns about some owners planting trees and obscuring the view and the drainage issue. Salazar pointed out that landscaping plans were to be submitted according to the covenants. Lindsay stated that these plans were very informal, some were even only done verbally. Lindsay stated, and Laue confirmed, that the owner of a property has the right to plant a tree, the ACC can request them not to but there is no legal way to stop them unless there is an issue of obstructed view for safety. Harvey stated that the development has a drainage plan and these plans can not be changed. Salazar expressed frustration with the issues that arise when the letter of the law is not followed with regard to the covenants and the importance for consistency going forward. Harvey stated that the gate along the Ditch road has been removed but another has opened up and has been open for 3 weeks. Harvey acknowledged that the owners are doing landscaping but it has gone on too long. Strauss stated the owners were retired and they are doing the work themselves. Salazar stated that it was laudable that Strauss is taking into account individual issues. Strauss stated that he didn't have time for all of these issues.

Management Company - Harvey stated that Patriarch had informed the board that they were going to engage a Management Company but to date the town has not received any contact from this group. Lindsay

stated that the Management Company was Hammersmith and they have not turned it over to them yet because they do not want to get in the position where the Management Company is suing our owners. Harvey stated that it is not acceptable for these types of issues to remain ongoing and in the case of fences have gone on for 2 years. Strauss stated he does not want to be a jerk if he feels there are extenuating circumstances. Harvey stated that the ACC needs to do their job and they haven't done their job because they don't want to make people mad. That being said, the ACC has the responsibility to enforce the covenants. It is their covenants; they wrote and agreed to them with the board. Reich asked Strauss how far along are the outstanding fences. Strauss did not know. Reich suggested they contact the owner and give a deadline considering they have already been given a number of extensions. Rumrill stated that some consequences are needed to bring the issue to resolution. Lindsay stated the consequences are that Patriarch builds the fence and liens the owner's property. Rumrill suggested to do just that. Laue inquired as to if the Management Company was ready to take over. Strauss stated that they are ready to go as soon as they tell them to and start collecting homeowner fees. Strauss felt engaging the Management Company would lose the "small town" feeling of the town. Salazar stated if a person purchases a home, knowing covenants exist, they must adhere to the covenants. Harvey stated that the town faces issues like this right now and we have remedies and follow the process to correct the problems. Lindsay stated he is not concerned with who is upset and if the board feels there is need to set a deadline then we will hold to the deadline and lien the property. The board agreed to a deadline of the end of July and the upcoming fences will be given 30 days for completion or the fence will be put up and lien the property. Reich suggested these deadlines be put in writing, not verbally and suggested that Patriarch date their letters. Harvey stated that Patriarch would appear before the board on August 8th to finalize all outstanding issues at that point. Salazar requested information about Hammersmith, to which Strauss declined to provide any information stating that this was not a board decision. Harvey noted that many Dove Hill residents have told the Town Hall that they have not received a letter concerning the well. Strauss said that it has been mailed.

RECREATION DEPARTMENT

Department Report – Dudley reported that the planning for LaSalle day is on track, but still in need of volunteers for the Parade and the Railroad Fun Run. Reich stated that this year's logo for the T-shirts is very good. She has received a number of compliments. The Baseball and Softball teams are doing well and the season is about half over. This year the town has 15 teams. Advertising and registration for Football has begun and the new banners have been well received. An advertisement will be going into the Greeley Tribune and post cards will be mailed shortly. Dudley addressed the issue of deposits for the football equipment. Last year the deposit was \$30.00, to equip a player costs \$210.00. Dudley requested direction for an appropriate amount for the deposit. The consensus of the board would be to set the amount of the deposit at \$100.00. Reich suggested incorporating a parental sign off for the equipment deposit acknowledging their financial responsibility for the return of the equipment. Dudley stated he currently has a waiver form signed by the parents, he could easily incorporate the equipment return / deposit form with the waiver.

PUBLIC WORKS DEPARTMENT

Department Report – Schaeffer updated the board on the activities of the Public Works department including ordering the supplies needed to complete filling in the N. 1st Street ditch project. In addition

Schaeffer researched the cost to fill in the entire ditch as per request by Aragon last meeting. The cost to complete the project would be \$1,626.00. These expenditures would be unbudgeted. Aragon suggested that

the board revisit the project during the 2007 Budget workshops. Schaeffer stated the hitch to the old fertilizer spray tank has broken. After inspecting the entire unit, it is found to have other stress fractures in the tubing. Due to the extent of the damage, Schaeffer requested approval to purchase a new 3-point set-up for the sprayer. The cost of the unit will be \$663.00. **Bruce moved to approve the expenditure of up to \$663.00 for the purchase of a 3-point set-up. Aragon seconded the motion. Motion carried 6 – 0.** Schaeffer reported the preparations for LaSalle Day were going well, all shelters, signs, landscaping and trimming have been completed. Mosquito spraying will take place on July 5th. Martinez inquired as to if some of the unpaved roads would be in need of dust control, in particular Railroad Rd. and the parking lot at the baseball fields. Schaeffer stated the roads were in pretty good shape but would drive the area again and reevaluate their condition. Harvey stated that during LaSalle Day parts of the parking lot area will be blocked off in order to facilitate emergency access if necessary and alleviate parking congestion. With regard to the Dove Hill well, Schaeffer stated the well continues to operate with the help of the Public Works Department flushing the system 2-3 times a day.

FINANCE DEPARTMENT

Department Report – Sorenson stated that the owner of 412 N. 2nd Street has requested the monthly service charge be discontinued due to the fire and subsequent clearing of the property. The house was destroyed in a fire on January 23, 2006 and there are no plans to rebuild. Harvey stated the water meter has been removed and water has been shut off at the curb. **Aragon moved to approve discontinuing the monthly service charge for 412 N. 2nd Street until a new home is built and water service is restored. Asbury seconded the motion. Motion carried 6 – 0.** Sorenson also reported on the monthly North Front Range MPO billing, the May 2006 Financial Statement, a CML Seminar and a request from Sprint/Nextel for a conference call regarding the use/lease on the Water Tower on Main Street.

POLICE DEPARTMENT

Department Update – Harvey updated the board on the new No Smoking Law to take effect on July 1, 2006 and the possible need for an accompanying ordinance. The new law would affect both the facility owner and the offender. The local CDOT has contacted staff regarding the graffiti on the Railroad Bridge and they will not paint or remove the graffiti. Harvey also discussed other unsightly areas around or near the town but since the properties are not in the town limits we have little or no authority to require their clean-up. One possible way to address the issue could be through annexation but at this time is not under consideration.

OTHER

Other informational items included; use of the shares of Western Mutual ditch owned by the Town of LaSalle, the temporary water use permit for the towns augmentation plan, the initial payments for the Mokray and Sauer leases and the current problems affecting the phone system for the town hall. The current phone system is extremely dated and parts are not available. Every effort to “make due” with the current system is being made and the issue will be brought up during the 2007 budget workshops. Salazar asked if grants would be a possibility. Harvey will investigate. Harvey also stated that JR Engineering has been in contact with the town for the plans required prior to digging the Dove Hill well. The Town Engineer, Reid

Bond, is now working out the details with JR Engineering. One outstanding point is the wear and tear on the old pump equipment. A total check-up of the equipment could delay the well by 6-8 weeks. One

option is being explored whereby the old system would be put back into use and then put through a full check-up after the end of the 2006 season.

Meeting adjourned at 10:16 p.m.

Submitted by,

Bradley K. Sorenson
Town Clerk / Treasurer