

## **RECORD OF PROCEEDINGS**

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The Board of Trustees for the Town of Akron held a **Regular Meeting** on **Monday, May 6<sup>th</sup>, 2019** at **7:00 p.m.** at the Akron Town Hall in full conformance with the laws and ordinances of said Town.

Mayor Brittani Kusel opened the meeting at 7:00 pm with the Pledge of Allegiance.

TRUSTEE PRESENT:	Scott Porteus	Susan Watson
	Derek Glosson	Danielle Woods
	Harry Slusser	Jacque Hayes

TRUSTEE ABSENT:

STAFF IN ATTENDANCE: Matthew Richardson, Pre-appointed Town Attorney  
Dencia Raish, Town Clerk/ Administrator  
Shane Watson, Public Works Director

OTHER IN ATTENDANCE:

Joanne Busing - Akron News Reporter, Randy Hayes – Hayes Aviation, Tony Wells – Wash CO Commissioner, Jerry O’Halloran – WCSO, and one member of the public.

### **Correction to Agenda**

Dencia Raish reported that she had received a special event license for the Akron Elks Poker Run on 6/8/19 that she added to the agenda on the day of the meeting due to timing.

### **Approval of Minutes**

The Council reviewed the minutes of the regular meeting held on April 1<sup>st</sup>, 2019. A motion was made by Scott Porteus to approve the minutes, seconded by Derek Glosson; all votes were yes, motion passed.

### **Approval of April Bills**

Dencia Raish presented the April bills list; a motion was made to approve the bills as presented, by Derek Glosson, seconded by Scott Porteus; all votes were yes, motion passed.

### **Airport Report**

Airport Manager Randy Hayes and Dencia Raish presented two items for Council approval. The first being a contract with Jviation approving their fees for the ASOS project of 2019, fees were reduced from the original bid. The second item was a record of negotiations with our letterhead that will be returned to the FAA. A motion was made to approve both documents by Derek Glosson, seconded by Harry Slusser: all votes were yes, motion passed.

Randy also reported that he has been working again on the Airport Standards Manual. He hopes to be presenting Council a portion for review at the next meeting.

### **Sheriff Report**

Lieutenant Jerry O’Halloran was in attendance to report April information to the Council. Jerry reported 20 incidents with nine citations written in April. Shelby Pepper has been hired as Code Enforcer and will begin working on May 15<sup>th</sup>. Inquiries on aspects of the law enforcement contract were discussed. It was stated that if animal control issues arise, citizens should contact Dispatch to report, not Town Hall.

### **Akron Elks Special Event 6/8/19**

Dencia Raish presented a Special Event Liquor License for the Akron Elks on June 8th for their annual Poker Run. Lutenent O’Halloran reported no objections in issuing the license. A motion was made to issue the license by Jacque Hayes, seconded by Susan Watson; all votes were yes, motion passed.

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### **County Report**

Tony Wells, Commissioner for District One was in attendance to report on County happenings. Tony reported that the County had hired a County Administrator, Misty Whitt, she will begin working on May 7. Tony reported that the Washington County Feed Yard east of Akron has applied with the County P/Z to build wind power. Tony has informed Randy Hayes of the request so that the appropriate paperwork from the FAA can be filled out. Tony also reported that there is a new ambulance in service and a different ambulance had an engine replaced. Tony reported that the accessibility inspection for carnival rides would be on June 22<sup>nd</sup>. He asked Council if they would volunteer time to help run some items at the carnival during the Eastern Colorado Roundup.

### **CHS – Building Update.**

No CHS representatives were present to report. Further discussion was later in the meeting during CHS Encroachment Action.

### **Public Invited To Be Heard**

Linda Schilling, the Senior Coordinator for NECALG, presented a service sheet to Council about senior services available in Washington County and Akron. Area Agency on Aging, a branch of NECALG, would like to start an additional Meet and Eat in Akron. Akron currently has a program that provides discounted meals to senior on Tuesday and Thursday. A.A.A. would like to offer meals on Monday and Wednesday. The suggested donation for the meal is \$3.00 for people over 60 and a cost of \$11 for people under 60. The meals will be prepared in the Brush Kitchen by AAA employees and will be brought to Akron ready to serve. Linda reported that she had aligned the volunteer help to make this happen.

Keith Damrow was in attendance to discuss his frustration with Council about Code Enforcement within Akron. He has reported concerns multiple times and does not think that violations are being fully addressed. After a detailed discussion, it was determined that municipal code violation would be handled more with a new Code Enforcer. Council agreed that there are municipal codes for a reason and those codes should be enforced. Council will recommend that to Sheriff Stivers.

### **CHS Encroachment Action**

Matthew Richardson presented Resolution #19-001 approving a temporary right to encroach upon certain real property owned by the Town of Akron. CHS has determined that their new scale at 725 E Railroad will encroach onto Railroad Avenue 2.5'. As reported in the last meeting, this encroachment does not cross into the currently maintained portion of the road. Derek Glosson reported that he had looked at the site and no traffic would be affected by the encroachment. A motion was made to approve the resolution by Jacque Hayes, seconded by Derek Glosson; all votes were yes, motion passed.

### **Second Read of Ordinance #557 – Approving an option agreement for a permanent easement in favor of NE Colorado Cellular Inc, dba Viaero Wireless**

Two corrections to the option agreement were pointed out. A motion was made to approve the second reading with corrections by Derek Glosson, seconded by Jacque Hayes; all votes were yes, motion passed. Matt pointed out that the ordinance is to approve the option agreement. It is still up to Viaero to exercise purchasing the permanent easement after they fully investigate the lot.

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### **Second Read of Ordinance #558 – Establishing a procedure for persons to apply for a special permit to keep animals otherwise prohibited under the Akron Town Code**

A motion was made to approve the second reading by Derek Glosson, seconded by Harry Slusser; Brittani Kusel asked for discussion. Her concern in passing this ordinance is that citizens do not apply for the application before obtaining the animals. Susan Watson asked if there is a listing of variances that have been discussed in the past. A lengthy discussion was had that referenced back to the Keith Damrow portion of Public Speak. The issue comes down to enforcement of the town code. The message must be unified from Council, Town Hall, and the Sheriff Office that town code must be followed. There was a discussion on practicing strict enforcement; further discussion encouraged using good judgment with that enforcement. Council discussed the Special Permit and wanted to make clear that what is not allowed in Municipal Code is not allowed. Council does not encourage citizens to break the code first then file for the special permit afterward. This Special Permit is a process for citizens to present their circumstances as to why they are not following the code. It is not a given that the Municipal Code can be broken then a permit can be issued. A motion was made to approve the second reading of the ordinance by Jacque Hayes, seconded by Susan Watson; Scott Porteus and Danielle Woods voted no, all other votes were yes, motion passed.

### **First Read of Ordinance #559 – Cross Connection Backflow Prevention Program**

Matthew Richardson presented an ordinance required for the Town by the health department for a cross connection backflow prevention program. Some discussion was had about who performs the survey for cross connections; the ordinance states a town representative do such. A motion was made to approve the first reading by Derek Glosson, seconded by Jacque Hayes; all votes were yes, motion passed.

### **Council, Committee, and Staff Reports**

Public Works Director Shane Watson was not in attendance and presented a written report to Council. He reported that water had been turned on at the cemetery and the parks. He has installed an automated chemical system for the baby pool to regulate chemicals. Shane met with Rick Bailey of Viaero to look at the site that Viaero is proposing to install a reception pole. There is an old well on the lot, and it is not filled in as Shane had previously thought. He will continue reviewing the lot with Viaero to figure out if it is viable or not.

Brittani Kusel asked if Shane had made any progress on moving the city limit sign further east to slow the traffic. Matthew had shared a CDOT contact with Dencia earlier.

Dencia submitted a written report for April including 1) plans for a park/pool party on June 7<sup>th</sup> to recognize smoke-free parks, a new gazebo, and the open pool 2) Steve Diamonds disconnection application has been passed on to the Washington County Commissioners for review. 3) The CML District meeting is on May 9<sup>th</sup>, and the CML Conference is June 18-21 in Breckenridge. 4) A discussion was had about CenturyLink ceasing to pay their occupational tax as required per ordinance 483. Payment stopped 5/1/17, CenturyLink attorney's had called Dennis Brandenburg, attorney for Akron, and asked for proof of the TABOR election on the tax. No election had taken place. Council agreed that further investigation should happen and a potential question is asked in the April 2020 Town Election.

Dencia reported that the time had come to renew the pool loan with Bank of Colorado. A motion was made to renew the loan by Derek Glosson, seconded by Jacque Hayes; Susan Watson abstained due to employment by BOC, all other votes were yes, motion passed.

No information from the library was reported due to Jan's mother passing.

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Susan Watson reported upcoming Chamber events. Chamber helped orchestrate four volunteer hours for all of the high school on May 2. There is a Career Expo at the high school on May 15<sup>th</sup>. The annual community shred day is July 23<sup>rd</sup>. Twelve new banners were hung on Main Ave, shared the cost between the chamber and the Town.

Derek Glosson reported that he had met with Dencia and Kyle to begin working on bid documents for the liner and earthwork while waiting for information from the ACOE. It is hopeful that the ACOE will respond within the month, and the committee has bid documents ready before the end of June.

Jacque Hayes reported on Perk up the Park details; she expects the pool gazebo to be completed by the June 7<sup>th</sup> party. NECHD has contributed significantly due to Akron becoming the first smoke-free parks in NE Colorado. They will be attending the party as well; the party is expected to be quite a celebration! Jacque requested for 3<sup>rd</sup> St to be closed west of Fir Ave and east of Elm Ave for the event.

Questions were asked if Byron Guy had attained a Special Event License for a bull riding event he is hosting in August. Dencia reported as of the meeting she had talked to him and informed him what he needed.

Harry Slusser reported that he had caught static that the Town had assisted Bob Butz in filling a sinkhole in his yard. He also heard that the Town should not have assisted on the repair on Elm just north of 1<sup>st</sup> St. Harry countered by saying the Town did not pay for the projects but is willing to help when it can when it comes to safety matters. Harry was happy that Shane had assisted in both situations.

Brittani requested that a copy of ordinance 556 be sent to the Sheriff so they can start enforcing.

### **Adjournment**

There being no further business, Susan Watson moved to adjourn the meeting at 9:21 pm. With no objections, motion carried.

ATTEST: \_\_\_\_\_  
Dencia Raish, CMC, Town Clerk Administrator

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Brittani Kusel, Mayor