

**NOTICE OF MEETING - TOWN OF KERSEY – BOARD OF TRUSTEES**  
**KERSEY TOWN HALL**  
**446 FIRST STREET, KERSEY, COLORADO**  
**REGULAR MEETING**  
**TUESDAY, OCTOBER 10, 2023 AT 6:00 P.M.**  
**AGENDA**

Meeting Called To Order

- I. Pledge of Allegiance
- II. Roll Call
- III. Additions to the Agenda
- IV. Consent Agenda:
  1. Approval of the minutes of the September 12, 2023 regular meeting
  2. Approval of the paid bills
  3. Approval of bills to be paid
- V. Public Invited to be Heard

Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and physical address for the record and limit comments to five minutes.
- VI. New Business
  1. Approval of New Kersey Inn Liquor License Renewal
  2. Platte River Fort Annexation #3 Substantial Compliance

Approval of Resolution 2023-0025 Finding that the Petition for Annexation of Certain Property Known as the “Platte River Fort Annexation Number Three” is in Substantial Compliance with the Requirements of CRS 31-12-107(1) and Establishing a Date for a Public Hearing Before the Board of Trustees of the Town of Kersey, Colorado to Consider the Proposed Annexation
  3. Approval of Resolution 2023-0026 Opposing Proposition HH, An undue Limitation of Municipal Budgets and Local Control of Property Tax Relief
- VII. Adjourn for Board of Adjustment Hearing
- VIII. Public Hearing
  1. Hatch Sign Permit Waiver
- IX. Old Business
- X. Staff Communication
  1. Chamber of Commerce
  2. Tree Board
  3. Town Manager
  4. Town Attorney
- XI. Board of Trustees Communication
- XII. Consideration of a motion authorizing the Town Attorney to prepare any required resolutions, agreements, ordinances, policies, letters, and memoranda to reflect action taken by the Town Board at this meeting and at any previous meetings, and authorizing the Mayor and Town Clerk to sign all such resolutions, agreements, ordinances, policies, letters, and memoranda.
- XIII. Executive Session for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of City Council or any elected official; the appointment of any person to fill an office of the City Council or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees: Review of Town Manager contract
- XIV. Adjournment

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Consent Agenda</b>
<b>Agenda No:</b> IV. 1.2.3.	<b>Presented by:</b>	

**BACKGROUND:**

Approval of the minutes of the September 12, 2023 regular meeting, approval of bills to be paid, and approval of bills paid.

**RECOMMENDED MOTION: I move to approve/deny the consent agenda.**

**TOWN OF KERSEY  
BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, SEPTEMBER 12, 2023 - MINUTES**

The Kersey Board of Trustees met in a regular meeting on Tuesday, September 12, 2023, at Kersey Town Hall, 446 1<sup>st</sup> Street. Mayor Gary Lagrimanta at approximately 6:00 p.m. called the meeting to order. Trustees present were Michelle Vannest, Stan Sameshima, Karen Dusin, Nathan Roth and Brad Joens.

Town Staff Present: Christian Morgan, Town Manager; Haley Curtis, Deputy Town Clerk; Danna Ortiz (virtual), Town Planner; Gene Mac Donald, Town Engineer; and Rick Zier (virtual), Town Attorney.

Audience Present: Zachary White, Kennedy Shubert, Anastasia Taylor, and Kurt Smith.

**Pledge of Allegiance**

**Additions to the Agenda** – Christian Morgan says, there is a resolution in front of you, in support of the broadband grant.

**Consent Agenda**

Approval of the minutes of the August 8, 2023 regular meeting, approval of the paid bills, and approval of bills to be paid. Motion made by Trustee Vannest, seconded by Trustee Sameshima to approve the consent agenda. Motion Carries with a unanimous vote.

**Public Invited to be Heard**

None

**Public Hearing**

Approval of Resolution 2023-0022 Approving the Service Plan for Centennial Commerce Center Metropolitan District and Approving an Associated Intergovernmental Agreement

Mayor Lagrimanta opens the public hearing at approximately 6:05pm.

Christian Morgan explains that this is a proposed service plan. This is essentially the guidelines for the metro district, about funding, etc. You will look at if this is good for the Town, and fair to the potential members. This does not include any residential, its commercial and industrial. There are maps and concepts included in the packet. With approval they can proceed to look for bonding to build the improvements. This will not be money that you are responsible for; oversight or repayment. These are typically very large investments; this is a mechanism for developers to make those public improvements that the Town does not have the resources to facilitate. Public improvements can include sidewalks, water, sewer, roads and streetlights. Christian Morgan and Rick Zier have reviewed this in depth and find it palatable and something that should be considered. Rick complements the applicant and their attorney on their application and cooperation in this process.

## Unapproved Minutes – 09/21/2023

Applicant (attorney), Zachary White. Special Districts are small governments with an elected body, they are run the same way you all do. The district will only impact the properties within its boundaries. The service plan defines those boundaries. The service plan calls out the amount of debt and taxes the district is allowed to collect and how it is spent. There are statutory requirements for reporting and paying back. Use IGA's to easily communicate with the local government.

The service plan encompasses 74 acres, and proposes a debt limit of \$45,000,000 (forty-five million dollars). We are currently estimating about \$30,000,000 (thirty million dollars) worth of public improvement costs. The cost to get the sewer line to the service area is \$3,200,000 (three point two million dollars), or about 10% of the estimated cost. This plan allows for up to \$45,000,000 (forty-five million dollars), to allow for some fluctuation. The costs could change, or the final plan could change. This plan calls for up to 55 mils. Any debt the district issues, is only ever an issue of the district, never an issue of the Town. The Town will be able to review what the district is doing on an annual basis, we are statutorily required to report to you all. This also mandates an IGA with the Town.

There are four criteria the Town must consider, in order to approve the service plan. 1. Sufficient existing and projected need for organized service. Based on the estimated \$30,000,000 (thirty million dollars) worth of improvements needed, we demonstrate the need for an entity to do this. 2. The service in the area is not suitable for present or future needs. Sewer not there, water is close, there are no other improvements. There is not another entity there right now willing to install the improvements. 3. The district will be capable of providing economical and sufficient service within the area. The service plan provides a financial plan based on valuation projections over time; what the district could take on and payback with projected mil levy plan. The financing plan shows we can support up to \$45,000,000 (forty-five million dollars), we are requesting less than what the plan shows, at \$30,000,000 (thirty million dollars). 4. The district has or will the ability to discharge its indebtedness. Again, the financial plan shows that to be true.

Christian says we had a metro district over in the Kohler Farms subdivision, it absolved. This is great for people to understand how this process works. Chrisitan and Rick have spent considerable amount of time going through this, we could get out own financial person to review this if needed.

Trustee Sameshima inquires, the property owners will pay the Town property taxes plus the district tax? Zachary White says, yes the County Treasurer will assess that as part of the taxes per statute. We have capped the amount, and will periodically review it. Trustee Sameshima inquires, how does this keep the debt lower? Zachary White says, it is like the Town getting a loan versus a developer getting a construction loan. Bonds are more favorable.

Mayor Lagrimanta inquires, how will the sewer line work with growth to the east? Zachary White says it is not addressed because that will be addressed at the time of the development. We would enter into separate agreement(s) about how and who would accept the payment.

Chrisitan, these are public improvement. They will not be private roads; we still own the sewer line. Zachary White says, it is sized to serve more than just the Hoshiko property. That will all go through separate agreements at the time of development.

Roth, always goes back to Rick. Rick says this is a very serviceable plan. He is satisfied with the details and does not think we need outside counsel, but that is up to you. Rick says, commercial districts are much easier to administrate than residential.

Mayor Lagrimanta closes the public hearing at approximately 6:34pm.

Motion made by Trustee Roth, seconded by Trustee Vannest to approve Resolution 2023-0022 Approving the Service Plan for Centennial Commerce Center Metropolitan District and Approving an Associated Intergovernmental Agreement. Motion carries with a 6-0 vote.

### **New Business**

1. Approval of PVHS Homecoming Bonfire – PVHS Student Council

Kennedy Shubert, president of PVHS student council is present. Kennedy says, she is here to ask for the permit for the homecoming bonfire Sept 22nd in stadium parking lot. Can we have our annual bonfire? Trustees agree they like the tradition.

Motion made by Trustee Vannest, seconded by Trustee Joens to approve the PVHS Homecoming Bonfire permit. Motion carries with a unanimous vote.

2. Approval of Liquor License Renewal for L&A Ventures dba Milton's Store  
Anastasia Taylor is present, requesting to renew our liquor license for this year.

Motion made by Trustee Roth, seconded by Trustee Joens to approve the Liquor License Renewal for L&A Ventures dba Milton's. Motion carries with a unanimous vote.

3. Approval of Resolution 2023-0021 Accepting the 2022 Town of Kersey Annual Financial Report Prepared by Tim Chavies and Associates, Certified Public Accountants

Christian says, in July Mr. Chavies was here to present our audit, then we accept that by resolution, then sent to the State for approval. This is the formal adoption of the audit.

Motion made by Trustee Sameshima, seconded by Trustee Dusin to approve Resolution 2023-0021 Accepting the 2022 Town of Kersey Annual Financial Report Prepared by Tim Chavies and Associates, Certified Public Accountants. Motion carries with a 6-0 vote.

4. Approval of Ordinance 2023-0006 Flood Damage Prevention with Protective Regulations

Gene Mac Donald, Town Engineer says this is a unique situation. We have had a flood management resolution for the Town since 1999. That was great, but at that time we had almost none of Town in a flood hazard area. This would enable us to apply for federal funding and/or emergency funding with the plan we established a few years ago. With the new annexations, one corner of a new annexation is in a special flood area. We have to update our regulatory requirements, to stay in good standing with NFIP. If this is not approved the Town could be under fire from the state.

## Unapproved Minutes – 09/21/2023

Trustee Roth inquires, did you just update language or did you update a lot? Gene says, there is significant language updated.

Trustee Sameshima says, the document referenced below a reservoir. Gene says, that has to do with the bridge. The engineering would have taken in to account the reservoir upstream (Latham).

Motion made by Trustee Roth, seconded by Trustee Dusin to approve Ordinance 2023-0006 Flood Damage Prevention with Protective Regulations.

5. Approval of Resolution 2023-0023 a Resolution Supporting the Town of Kersey's Application for a Capital Projects Fund Broadband and Infrastructure Grant, to include extra letters of support

Christian, this is a resolution of support for our broadband. We are working with Neo and CSU for this. This does not guarantee success, but we are working hard.

Motion made by Trustee Roth and Seconded by Trustee Vannest to approve Resolution 2023-0023 a Resolution Supporting the Town of Kersey's Application for a Capital Projects Fund Broadband and Infrastructure Grant, to include extra letters of support. Motion carries with a 6-0 vote.

## Old Business

None

## Staff Communication

- a. Chamber of Commerce

Trustee Dusin says, they had a meeting last night. They were supposed to be Thursday night for business afterhours, it was overlooked so moved to next week. She (Pam Elliott) will send invites. The old business card/brochure holder from the bank has been moved to the hotel. VP and treasurer will be elected next month. They will start working on the Holiday Festival, they have not heard anything from the Town.

- b. Tree Board

Kurt Smith says, he missed the meeting but he got some questions for memorial park. They are replacing 4 trees in the parks. The final phase of the memorial park irrigation is in the works, it has been trickier than they thought. Kaleb, new Public Works Tech has some great ideas. Desperately searching for something to kill goat heads that does not kill everything. Mayor Lagrimanta suggests talking to Seth Klein.

Trustee Dusin says, there are complaints about the parks, they are not being watered or weeded. Kurt says they have doubled water time, and will put down fertilizer. The power outage blew fuses at Kohler Park. Trustee Vannest suggests checking where the sprinklers are hitting, she saw them hitting the streets. Trustee inquires of Christian, can the tree board do a brochure for the chamber's business display? Christian says yes. Trustee Dusin inquires, can the (high school) kids do community service? Kurt says, he is checking with the school.

## Unapproved Minutes – 09/21/2023

### c. Town Manager

In the packet is the financial numbers, we are doing quite well.

1<sup>st</sup> & Hill the permit has been approved for the underground utilities. So, they should be working on that soon. Today we got approval from the state to start on the improvements, hoping for October,

The trail south of here, should start about the 3<sup>rd</sup> week of September. We will have traffic control, and down to one lane.

Chief let me know we have 4 applicants for the SRO position. He will do some testing, and then work with the school to find the right candidate.

He thinks approving the service plan tonight was a good one.

Cultivated Coffee has indicated they plan to be open in December.

The Pur Year project is hoping to break ground in March.

Champion X large addition, next week the bid closes. They are hoping to have it done as soon as possible.

International Managers Conference 1<sup>st</sup> week in October in Austin, TX.

Danna says she hopes to see everyone at the potluck tomorrow. We have been working very hard to have something a special, hope to see you all there tomorrow. She will be collecting ideas for the elevator.

### d. Town Attorney

Nothing

Mayor Lagrimanta thanks Rick for his hard work.

## 6. Board of Trustees Communication

Trustee Roth says, got an email asking if we have an ability to ask businesses to display the HS art work? The tree sticker is overwhelmingly popular, he has been showing them off and asking for opinions.

Consideration of a motion authorizing the Town Attorney to prepare any required resolutions, agreements, ordinances, policies, letters, and memoranda to reflect action taken by the Town Board at this meeting and at any previous meetings, and authorizing the Mayor and Town Clerk to sign all such resolutions, agreements, ordinances, policies, letters, and memoranda. Motion made by Trustee Vannest, carries with a unanimous vote.

Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(a)

Mayor Lagrimanta opened executive session at approximately 7:16pm.

Mayor Lagrimanta opened executive session at approximately 7:37pm.

Unapproved Minutes – 09/21/2023

Mayor Lagrimanta adjourned the meeting at approximately 7:38 pm.

Respectfully submitted,

Haley Curtis  
Deputy Town Clerk



<b><u>CHECK # PAID TO:</u></b>	<b><u>BILLS PAID FOR SEPTEMBER 2023 FOR TOWN OF KERSEY:</u></b>	<b><u>Check AMOUNT:</u></b>
4371 Award Alliance	New nameplate and nametag for Joens	\$ 27.45
4372 Badger Meter	Washers and Install Kit/Monthly Support	\$ 248.92
4373 CDPHE	WWTP Discharge Permit	\$ 2,825.00
4374 Cintas	First Aid Kit Supplies	\$ 180.86
4375 CivicPlus	Online Code Hosting/Update	\$ 990.32
4376 Denali Water Solutions LLC	Sludge Hauling WWTP	\$ 5,980.00
4377 DHM Design	Streetscape	\$ 8,480.50
4378 DPC Industries	WWTP Chemicals	\$ 3,489.49
4379 Express Toll Service Center	Toll Road Travel	\$ 31.75
4380 Fahrenbruch, Trent	Kersey Days and Splash Day Shirts	\$ 1,874.00
4381 Flatland Repair	PD Vehicle R&M	\$ 381.90
4382 Fry Me to the Moon	Kersey Days Staff Meals	\$ 103.00
4383 Gochev, Aleksander	Door to Door Badge Deposit Refund	\$ 25.00
4384 Greeley Evans Youth League Inc	Baseball and Softball Fees	\$ 4,725.00
4385 Northern Water	Annual Water Assessment	\$ 26,341.70
4386 Platte Valley Clearning & Maintenance	TH Cleaning Services	\$ 400.00
4387 Platte Valley Transportation Dept	Senior Trip	\$ 396.50
4388 Pro Door, LLC	Service Call to Grain Elevator Garage Door	\$ 225.00
4389 Republic Services	Kersey Days Trash Service	\$ 990.00
4390 Revize, LLC	New Website	\$ 1,500.00
4391 safebuilt	Inspections and Plan Reviews Bldg Permits	\$ 1,686.51
4392 Scheels	Uniforms	\$ 1,001.25
4393 Troutd Plumbing and Heating	Backflow testing	\$ 640.00
4394 Vector Disease Control	Mosquito Spraying	\$ 1,498.00
4395 Weld County Detention Center	Jail House Billings	\$ 30.30
4398 Air Comfort Inc	Semi-Annual HVAC Maintenance	\$ 3,386.00
4399 All Copy Products	Copier Support	\$ 72.13
4400 Banner Occupational Health	Pre-employment	\$ 55.00
4401 CDPHE	WWTF Annual Fee	\$ 110.25
4402 Damrell, Kaylee	Vball Ref/Scorekeeper	\$ 110.50
4403 DPC Industries	WWTP Chemicals	\$ 1,750.73
4404 Flatland Repair	PD Vehicle R&M/Tahoe R&M	\$ 2,096.78
4405 Glover, Lavern	Museum Rent and Utilities	\$ 714.87
4406 Lovell, Abby	Vball Ref/Scorekeeper	\$ 151.50
4407 Platte Valley Clearning & Maintenance	TH Cleaning Services	\$ 750.00
4408 Prairie Mountain Media	Publishing	\$ 100.32
4409 Santa Cruz, Rebecca	Vball Ref/Scorekeeper	\$ 130.50
4410 Viernes, Angelica	Vball Ref/Scorekeeper	\$ 110.50
4411 Weld Co Dept Public Health	Kersey Days Temp Event Coordination	\$ 140.00
4412 Fort Collins Wholesale Nursery	2023 Trees	\$ 3,336.94
4413 Morgan, Christian	Conference Per-Diem	\$ 288.00
online Atmos	Pole Barn Utilities	\$ 29.38
online Atmos	WWTP Utilities	\$ 30.18
online Atmos	Kohler Park Shop Utilities	\$ 30.13
online Atmos	KCC Utilities	\$ 33.18
online Atmos	Old CC utilities	\$ 30.13
online Atmos	TH Utilities	\$ 51.50
online Xcel Energy	WWTP Utilities	\$ 1,895.12
online Xcel Energy	TH and Park Utilities	\$ 1,606.66
online Xcel Energy	Kohler Park Shop Utilities	\$ 15.31
online Xcel Energy	KCC & Old CC Utilities	\$ 449.11
online Xcel Energy	Street Lights	\$ 1,232.58
online Republic Services	Trash Service	\$ 6,387.99
online Central Weld Water District	Water Services	\$ 23,879.64
online Solaris Investment Group	Solar Array WWTP	\$ 2,063.51
online UNCC	Line Locate	\$ 19.35
online Country Johns	Porta-Potties at Parks	\$ 421.00
online Iron Mountain	Records Storage	\$ 264.08
online Timberlan	IT Services	\$ 1,333.00
online Summit Data Protection LLC	IT Services	\$ 1,300.00

**CHECK # PAID TO:**

online	Elevated Cloud Services LLC
online	The Home Depot
online	First Bankcard - T Moore
online	First Bankcard - C Harding
online	First Bankcard - J Piper
online	First Bankcard - B Unruh
online	First Bankcard - K Damrell
online	Caselle
online	Staples
online	RH Water and Wastewater
online	GLM Design Group
online	PlanIt
online	Nextiva
online	Xpress Bill Pay
online	Law Lawn Services
online	Aleman Sprinkler & Snow LLC
online	Zier Law Offices
online	Century Link
online	Century Link
online	Verizon
online	North Weld Herald

**BILLS PAID FOR SEPTEMBER 2023**  
**FOR TOWN OF KERSEY:**

IT Services	\$ 501.63
Supplies	\$ 285.51
Targets	\$ 155.00
Ammo, office supplies, wall file	\$ 1,181.16
certified postage, TOK Stickers	\$ 178.06
log maintenance, staff tablets, lunch mtg, field pai	\$ 1,631.63
meal containers, Sr Bday treats, Yard of Week	\$ 301.70
Accounting Software Support	\$ 1,510.00
Supplies	\$ 73.76
Svcs, Water and Sewer Testing	\$ 3,374.27
Engineering Services	\$ 1,837.50
Planning Services	\$ 11,330.00
TH VOIP Phone Service	\$ 627.66
Online Payment Support/Fees	\$ 351.19
Landscaping Services	\$ 2,353.75
Sprinkler Parts and Repair	\$ 1,046.00
Legal Services	\$ 4,500.00
KCC Internet	\$ 160.64
WWTP Phone Services	\$ 84.19
Cell Phones, MDT, Ipads	\$ 701.72
Kersey Days Ad	\$ 255.00

**REPORT TOTAL FOR SEPTEMBER 2023**

Submitted by: Julie Piper

**Check**  
**AMOUNT:**

\$ 501.63
\$ 285.51
\$ 155.00
\$ 1,181.16
\$ 178.06
\$ 1,631.63
\$ 301.70
\$ 1,510.00
\$ 73.76
\$ 3,374.27
\$ 1,837.50
\$ 11,330.00
\$ 627.66
\$ 351.19
\$ 2,353.75
\$ 1,046.00
\$ 4,500.00
\$ 160.64
\$ 84.19
\$ 701.72
\$ 255.00
<b>\$ 150,888.69</b>

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Public Invited to be Heard</b>
<b>Agenda No:</b> V.	<b>Presented by:</b>	
<b>BACKGROUND:</b>  <p>Those wishing to speak must have signed the roster, state name and address for the record and limit comments to five minutes.</p>		
<b>RECOMMENDED MOTION:</b>		

# Town of Kersey Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: New Business:</b>
<b>Agenda No:</b> <b>VI. 1.</b>	<b>Presented by:</b> <b>Christian Morgan</b>	
<p><b>BACKGROUND:</b></p> <p>New Kersey Inn Liquor License Renewal – Craig or Tammy Koenig</p>		
<p><b>RECOMMENDED MOTION: I move to approve/deny the liquor license renewal for the New Kersey Inn.</b></p>		

**Submit to Local Licensing Authority**

Fees Due	
Annual Renewal Application Fee	\$ 125
Renewal Fee	500
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
<b>Amount Due/Paid</b>	<b>\$675</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

\* Note that the Division will not accept cash


☐ Paid by check ☐ Paid online

Uploaded to  
Movelt on

Date

Licensee Name <b>Koenig Family Keresy Inn LLC</b>		Doing Business As Name (DBA) <b>The New Keresy Inn</b>	
Liquor License # <b>23905590000</b>	License Type <b>Tavern</b>		
Sales Tax License Number <b>02560584-0000</b>	Expiration Date <b>12-31-23</b>	Due Date <b>1-2-24</b>	
Business Address <b>106 East Hill St Keresy Co 80644</b>			Phone Number
Mailing Address <b>POB 662 Keresy Co 80644</b>			Email
Operating Manager <b>Craig Koenig</b>	Date of Birth <b>[REDACTED]</b>	Home Address <b>[REDACTED] Keresy Co 80644</b>	Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* <small>*If rented, expiration date of lease _____</small>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in the upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Affirmation &amp; Consent</b> I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
<i>Craig Koenig</i>	<i>owner</i>	
Signature	Date	
	<i>9-29-23</i>	
<b>Report &amp; Approval of City or County Licensing Authority</b> The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. <b>Therefore this application is approved.</b>		
Local Licensing Authority For		Date
Signature	Title	Attest

## Tax Check Authorization, Waiver, and Request to Release Information

I, Craig Koenig am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Koenig Family Kersey, Inc LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Craig Koenig</u>		Social Security Number/Tax Identification Number <u>522 51 803 2</u>	
Address <u>106 East Hill St</u>			
City <u>Kersey Co 80644</u>		State <u>Co</u>	Zip <u>80644</u>
Home Phone Number		Business/Work Phone Number <u>970-352-2676</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Craig Koenig</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>[Signature]</u>			Date signed <u>10-3-23</u>
<b>Privacy Act Statement</b> Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).			

# Town of Kersey Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: New Business:</b>
<b>Agenda No:</b> <b>VI. 2</b>	<b>Presented by:</b> <b>Barb Brunk/Christian</b>	
<p><b>BACKGROUND:</b></p> <p>Platte River Fort Annexation #3 Substantial Compliance</p> <p>This is an additional eight acres to be annexed. Please see Barb’s attached staff Report. Resolution needs approved to set public hearing for November meeting.</p>		
<p><b>RECOMMENDED MOTION: I move to approve/deny Resolution 2023-0025 Finding that the Petition for Annexation of Certain Property Known as the “Platte River Fort Annexation No 3” is in Substantial Compliance with the Requirements of CRS 31-12-107(1) and Establishing a Date for a Public Hearing Before the Board of Trustees of the Town of Kersey, Colorado to Consider the Proposed Annexation</b></p>		




**Kersey Board of Trustees**  
**August 10, 2021**



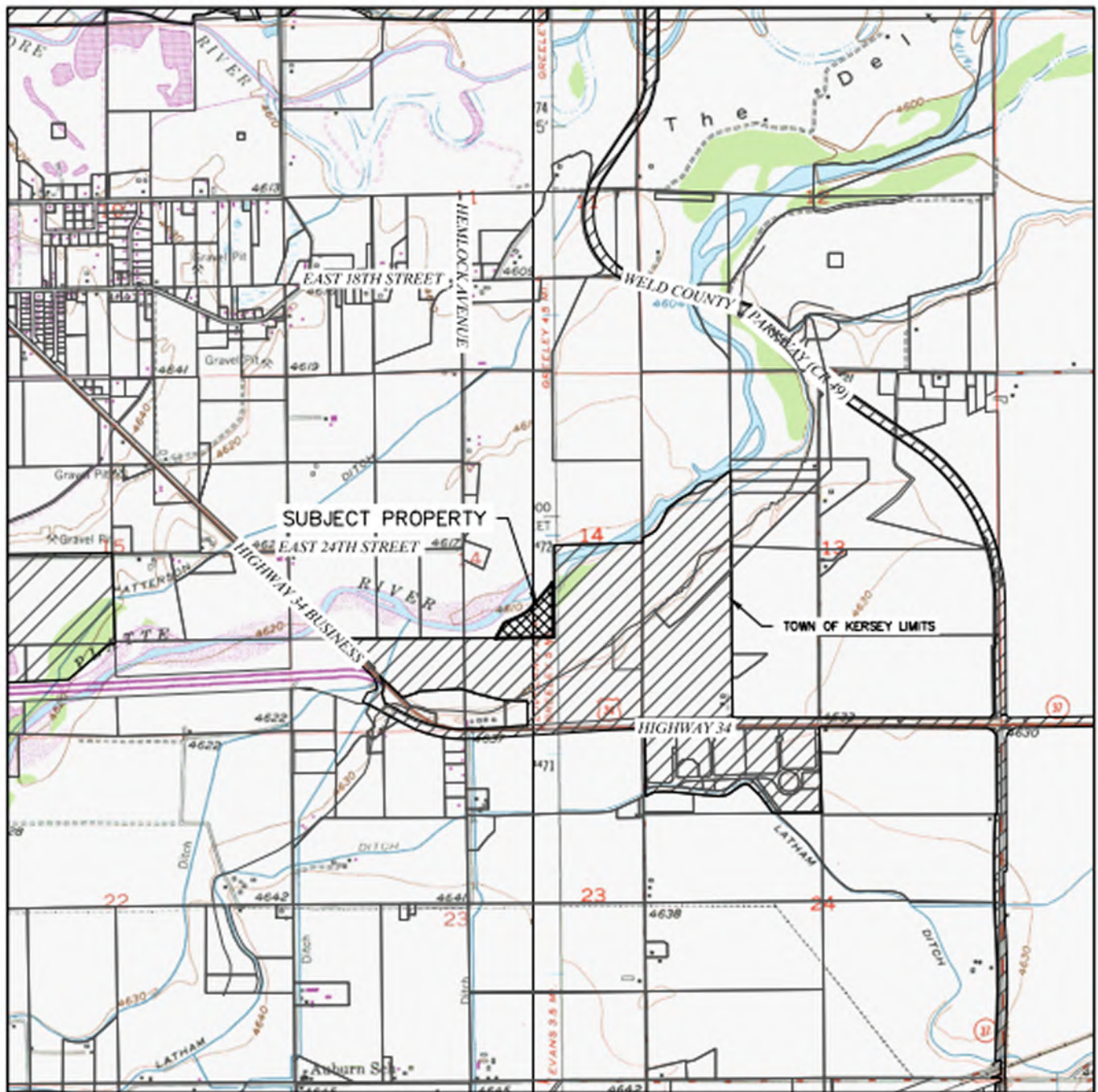
**Subject :**                   **Platte River Fort Annexation No. 3 – Agriculture Zone**  
**Resolution of Substantial Compliance**

**Presenter:**               Town Planner Barb Brunk

**Background:**   On September 21, 2023, Staff received a Petition for Annexation from the Carleton & DeJong, LLC requesting Annexation of a portion their property. This is the first step to integrate this property into the adjacent Platte River Fort operations.

BACKGROUND INFORMATION	
Type of Application	Annexation Substantial Compliance
Location:	
Applicant/Landowner:	Carleton & DeJong, LLC
Size of Property:	8 Acres
Existing Land Use:	Agricultural land
Proposed Land Use:	Platte River Fort activities and Agricultural land
Existing Zoning:	Weld County Agriculture
Proposed Zoning:	Town of Kersey Agriculture
Legal Description:	The property is located the Northwest Quarter (NW1/4) of the Southeast Quarter (NW1/4SE1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado

This is the first step in the formal review of the Annexation. The Town can accept the petition and refer the application through the Town of Kersey review process. The Resolution of Substantial Compliance sets the formal public hearing to consider the request; it does not obligate the Town to annex the property.



## VICINITY MAP

SCALE - 1"=2000'

## VICINITY LEGEND

	GIS PARCEL LINES
	SUBJECT PROPERTY
	TOWN OF KERSEY LIMITS
	CITY OF GREELEY LIMITS

Platte River Fort Annexation No. 3

October 6, 2023

**TOWN OF KERSEY  
RESOLUTION NO. 2023-0025**

**A RESOLUTION FINDING THAT THE PETITION FOR ANNEXATION OF CERTAIN PROPERTY KNOWN AS THE “PLATTE RIVER FORT ANNEXATION NUMBER THREE” IS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF C.R.S. 31-12-107(1) AND ESTABLISHING A DATE FOR A PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES OF THE TOWN OF KERSEY, COLORADO TO CONSIDER THE PROPOSED ANNEXATION**

WHEREAS, the Board of Trustees received a petition for annexation of certain property herein described and known as the Platte River Fort Annexation No. 3; and,

WHEREAS, the Board of Trustees finds that the annexation petition and accompanying annexation map substantially comply with C.R.S. 31-12-107 and Section 30 of Article II of the Colorado Constitution.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF KERSEY, COLORADO:

Section 1. The Board of Trustees finds that the annexation petition and accompanying annexation map are in substantial compliance with the requirements of C.R.S. 31-12-107 and Section 30, Article II of the Colorado Constitution.

Section 2. The property proposed to be annexed consists of approximately 8 acres of property located in the Northwest Quarter (NW1/4) of the Southeast Quarter (NW1/4SE1/4) of Section 14, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado. The property to be annexed is described in Exhibit “A” attached to this Resolution.

Section 3. The Board of Trustees hereby accepts the petition for annexation of the property described as Platte River Fort Annexation Number Three

Section 4. The Board of Trustees hereby determines that it will consider an Ordinance annexing the property into the Town of Kersey at a regular meeting of the Board of Trustees on the **13th day of November, 2023 at 6:00 p.m. at the Kersey Town Hall located at 446 1<sup>st</sup> Street, Kersey, Colorado.** At such hearing the Board of Trustees will accept public comments and will determine whether the applicable requirements of C.R.S. 31-12-104 and 31-12-105 have been met, and determine whether the area should be annexed to the Town.

PASSED, ADOPTED AND APPROVED this 10th day of October, 2023.

TOWN OF KERSEY

BY: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

## EXHIBIT A

### PROPERTY DESCRIPTION

A parcel of land as described in General Warranty Deed recorded May 17, 2023 at Reception No. 4898761, within the records of the Weld County Clerk and Recorder, being a part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Five North (T.5N.), Range Sixty-five West (R.65W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows:

**COMMENCING** at the Center-East Sixteenth corner of Section 14 and assuming the East line of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of said Section 14, as monumented by a #6 rebar with a 2.5" aluminum cap LS 30462 at the North end and by a #6 rebar with a 2.5" aluminum cap LS 25619 at the South end, as bearing South 00°37'07" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1354.48 feet with all other bearings contained herein relative thereto;

The lineal dimensions as contained herein are based upon the U. S. Survey Foot.

THENCE South 00°37'07" East along the East line of said NW1/4SE1/4 a distance of 530.15 feet to the **POINT OF BEGINNING**;

THENCE continuing South 00°37'07" East along said East line a distance of 824.33 feet to the Southeast Sixteenth corner of said Section 14;

THENCE South 89°00'57" West along the South line of said NW1/4SE1/4 a distance of 859.93 feet;

THENCE North 29°16'32" East a distance of 263.99 feet;

THENCE North 66°51'00" East a distance of 250.99 feet;

THENCE North 57°49'33" East a distance of 138.67 feet;

THENCE North 43°14'04" East a distance of 174.12 feet;

THENCE North 40°20'06" East a distance of 312.96 feet;

THENCE North 36°10'56" East a distance of 87.78 feet to the East line of the NW1/4SE1/4 of said Section 14 and to the **POINT OF BEGINNING**.

Said parcel contains 8.00 Acres (348,480 square feet), more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.





# Town of Kersey Council Communication

Meeting Date: 10/10/2023	Page 1 of 1	Item: New Business:
Agenda No: VI. 3.	Presented by: Christian Morgan	
<p><b>BACKGROUND:</b></p> <p>Approval of Resolution 2023-0026 Opposing Proposition HH as suggested by CML. Weld County explanation of difference if passes attached as well as information from CML.</p>		
<p><b>RECOMMENDED MOTION: I move to approve/deny Resolution 2023-0026 Opposing Proposition HH, an undue Limitation of Municipal Budgets and Local Control of Property Tax Relief</b></p>		

**TOWN OF KERSEY**  
**RESOLUTION 2023-0026**

**RESOLUTION OF THE TOWN OF KERSEY OPPOSING PROPOSITION HH, AN  
UNDUE LIMITATION ON MUNICIPAL BUDGETS AND LOCAL CONTROL OF  
PROPERTY TAX RELIEF**

WHEREAS, the Town of Kersey is aware of the financial burden that increased property tax valuations may create and desires to provide locally-appropriate relief without negatively impacting its ability to provide needed services and programs;

WHEREAS, the Town of Kersey relies on property tax revenue to reduce debt and fund infrastructure;

WHEREAS, the Town of Kersey annually prepares a budget and certifies a property tax mill levy through an open and public process under existing law;

WHEREAS, by Senate Bill 23-303, the Colorado General Assembly referred to voters Proposition “HH” that, among other things, would:

- lower property taxes compared to what would be owed under current law by temporarily lowering the assessment rates for residential and certain types of non-residential property, applying value reductions for certain types of residential properties, and by creating new property tax exemptions;
- impose an unnecessary and arbitrary limit on the growth of property tax revenue for certain local governments (excluding school districts and home rule local governments) unless the governing body votes to exceed the limit after a public hearing and does not provide any opportunity for reimbursement of revenues lost due to the limit;
- permit the state to retain money that would be otherwise refunded to taxpayers under the Taxpayer’s Bill of Rights to be used for education, partial reimbursements to local governments for reduced property tax revenue, and rental assistance programs;

WHEREAS, after factoring in partial reimbursements of lost revenue, Proposition HH is estimated to decrease revenue to local governments statewide, on net, by at least \$100 million in 2024, \$350 million in 2025, and \$550 million in 2026, and is estimated to reduce the property tax revenue of the Town of Kersey by 24.76%;

WHEREAS, Proposition HH would unnecessarily constrain the ability of the Town of Kersey Board of Trustees to control its budget and to provide locally-appropriate property tax relief;

WHEREAS, the long-term fiscal impact of Proposition HH on the Town of Kersey and other local governments that serve our community is unclear and will cause uncertainty in our budgeting process;

WHEREAS, the complexity of Proposition HH will impose unnecessary administrative burdens on the Town of Kersey;

**NOW, THEREFORE,** the Board of Trustees of the Town of Kersey opposes Proposition HH and strongly urges a vote of NO this November.

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Mayor

Attest:

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Municipal Clerk





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## **Proposition HH: Reduce Property Taxes and Retain State Revenue**

Proposition HH will appear on Colorado voters' November ballots. In addition to the below summary and analysis from CML, a detailed analysis of the measure by the General Assembly's Legislative Council Staff is available at <http://leg.colorado.gov/ballots/reduce-property-taxes-and-retain-state-revenue>.

### **CML Summary and Analysis**

*Assessment rate/valuation changes:* The General Assembly referred Proposition HH to voters by [SB 23-303](#). The measure temporarily lowers the assessment rates for both residential and certain types of nonresidential properties for a ten year-period. For the 2023 property tax year, the measure provides all residential properties with a \$50,000 reduction in value, and for the 2024 property tax year, provides all residential properties with a \$40,000 reduction in value. Starting in the 2025 tax year, the measure creates a distinction between owner-occupied primary residences and non-owner-occupied residences and, starting that same year, only owner-occupied homes will be afforded the \$40,000 reduction in actual value on an annual basis. The measure also creates a "qualified-senior primary residence" exemption of \$140,000 starting in the 2025 property tax year, which will be portable. Both the owner-occupied primary residence exemption and qualified-senior primary residence exemption require taxpayers to apply with their respective county assessor to obtain the exemption.

These changes to assessment rates and valuation provide some property tax relief by lowering the property taxes owed by property owners, compared to what would be owed without the measure. This results in a decrease in property tax revenue collected by local governments, compared with what is authorized under current law. This means that in property tax years when property values increase, like the 2023 property tax year, taxpayers will still see an increase in property taxes under Proposition HH, but the increase will likely be less than the increase would be without the measure; likewise, local governments may see an increase in property tax revenue even if Proposition HH passes, but it will likely be less of a revenue increase than would occur without the measure. If property values remain stagnant or decrease in future property tax years, Proposition HH may result in a greater decrease in property taxes owed by taxpayers and may result in a greater decrease in property tax revenue for local governments. This analysis rests on the assumption that local governments keep their mill levy the same each year, which is not typically the case, and would further impact the analysis.

*Revenue limit:* Starting in the 2023 property tax year, Proposition HH limits growth in property tax revenue for local governments, except for school districts and home rule municipalities and counties (but not any of their special purpose districts). The limit is the rate of inflation, as dictated by the Denver-Aurora-Lakewood CPI (based on the most recently published estimate of inflation for the prior calendar year), over the prior year's property tax revenue. The measure sets forth certain categories of revenue that are exempt from this limit.



Local governments can exceed the revenue limit if the governing body, on an annual basis, notifies the public, holds a public meeting for public comment, and adopts an ordinance or resolution. The local government's decision would be a final decision that is not subject to appeal. This new limit applies in addition to local TABOR expenditure limits and any other legal limits on revenue. Notably, local governments already have authority to temporarily lower mill levies to provide property tax relief and many have implemented property revenue growth limitations. Although local governments are given authority to exceed this new inflationary limit, Proposition HH may constrain the authority of local governments to create locally appropriate solutions.

*Retention of state surplus and revenue backfill:* Finally, the measure allows the state to retain and spend part of the state surplus (TABOR cap) up to the "Proposition HH cap" through at least 2032.<sup>1</sup> This, in turn, reduces TABOR refunds.<sup>2</sup> Up to 20 percent of the retained revenue will be used to partially backfill the property tax revenues that local governments will lose out on because of the various reductions that will go into effect. However, lost property tax revenue resulting from reduced mill levies (e.g., due to the local property tax limit in the act) will not be reimbursed to local governments. Additionally, starting with the 2024 property tax year, once a municipality reaches an increase of 20% or more in the assessed value of real property from the 2022 property tax year, it will no longer be eligible for backfill. Most local governments are likely to become ineligible for any backfill early in the ten-year period. Fire Districts, EMS, and Hospital Districts will receive 50% of their backfill amount if they go over the 20% increase in assessed value and are at the front of the line for available backfill dollars. Up to \$20 million of the state-retained revenue may go to rental assistance. The largest portion of the state-retained revenue will go to fund K-12 education and will likely increase significantly over the ten-year period.

Proposition HH is a complicated measure with many moving pieces, making it difficult to fully explain and understand the scope of changes, let alone for state and local governments to implement the changes. The measure will require state and local governments to establish new processes to effectuate these changes, making Proposition HH administratively difficult to navigate, particularly regarding municipal budgeting. To compound that challenge, the measure's impact is dependent on many economic factors that are constantly in flux.

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<sup>1</sup> The state can continue the Proposition HH cap after 2032, without further voter approval, if it maintains property tax decreases equivalent to those in the measure.

<sup>2</sup> For the 2023 tax year, the measure will distribute TABOR refunds to taxpayers in equal amounts rather than through the tiered refund system.

# Weld County Estimated Summary of SB22-238 (current law) and SB23-303 (subject to November 2023 election)

## KERSEY TOWN

0417

### Evaluation of percentage increase for backfill eligibility (Real Property Only)

2022 Gross Assessed Valuation (Real Property Only)	\$21,645,520
2022 Tax Increment Financing Base Percent (Rounded)	100.000%
2022 Net Assessed Valuation (Real Property Only)	\$21,645,520

### If Proposition HH does NOT pass - effect of SB22-238 only:

2023 Gross Assessed Valuation (Real Property Only)	\$28,158,639
2023 Tax Increment Financing Base Percent (Rounded)	100.000%
2023 Net Assessed Valuation (Real Property Only)	\$28,158,639
Net Assessed Change from 2022 to 2023:	\$6,513,119 <b>30.09%</b>

### If Proposition HH DOES pass - effect of SB23-303:

2023 Gross Assessed Valuation (Real Property Only)	\$27,004,409
2023 Tax Increment Financing Base Percent (Rounded)	100.000%
2023 Net Assessed Valuation (Real Property Only)	\$27,004,409
Net Assessed Change from 2022 to 2023:	\$5,358,889 <b>24.76%</b>

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### Evaluation of revenue lost due to legislation (Real and Personal Property)

Base Net Revenue prior to SB22-238 and SB23-303:	
2022 Modified Mill Levy (without Bond or Contractual Obligation levies):	17.205
2023 Estimated Net Total Taxable Assessed:	\$35,617,463
2023 Est. Revenue as if SB22-238 and SB23-303 did not pass (Net Base Rev.):	\$612,798

### Estimated Revenue if Proposition HH does NOT pass (leaving SB22-238 in place):

2023 Estimated Net Total Assessed:	\$33,914,005
2023 Estimated Revenue:	\$583,490
<b>Estimated Revenue loss due to SB22-238 changes:**</b>	<b>\$29,308</b>

### Estimated Revenue if Proposition HH DOES pass:

2023 Estimated Net Total Assessed:	\$32,753,716
2023 Estimated Revenue:	\$563,528
<b>Estimated Revenue loss due to SB23-303 changes:**</b>	<b>\$49,271</b>

\*\* Revenue loss may be eligible for backfill through state funds.  
See SB22-238 and SB23-303 for details.

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Adjourn for Board of Adjustment Hearing</b>
<b>Agenda No:</b> <b>VII.</b>	<b>Presented by:</b> <b>Danna Ortiz</b>	
<b>BACKGROUND:</b>  <p>The regular meeting of the Board of Trustees will be temporarily adjourned to Open a meeting of the Board of Adjustments for Hatch Sign Permit Appeal. See attached Agenda and Staff Report from Danna Ortiz, Town Planner.</p>		
<b>RECOMMENDED MOTION:</b>		

**NOTICE OF MEETING - TOWN OF KERSEY – BOARD OF ADJUSTMENT**  
**KERSEY TOWN HALL**  
**446 FIRST STREET, KERSEY, COLORADO**  
**REGULAR MEETING**  
**TUESDAY, OCTOBER 10, 2023 AT 6:20 P.M.**  
**AGENDA**

Meeting Called To Order

- I. Roll Call
- II. Additions to the Agenda
- III. Public Hearing
  - 1. Hatch Sign Permit Appeal
- IV. Consideration of a motion authorizing the Town Attorney to prepare any required resolutions, agreements, ordinances, policies, letters, and memoranda to reflect action taken by the Town Board of Adjustment at this meeting and at any previous meetings and authorizing the Mayor and Town Clerk to sign all such resolutions, agreements, ordinances, policies, letters, and memoranda.
- V. Adjournment

# Town of Kersey

## Board of Adjustment Communication

<b>Meeting Date:</b> October 10, 2023	<b>Page 1 of 37</b>	<b>Item:</b> Hatch Sign Permit Appeal
<b>Agenda No:</b> III. 1	<b>Presented by:</b> <b>DO</b>	

**BACKGROUND:** Mr. Hatch submitted a sign permit application to install a 16-foot-tall, double-sided, 4’ x 8’ digital sign on the same pole that formerly held the bank sign at 301 1<sup>st</sup> Street. The proposed sign freestanding sign is an animated LED sign that would be illuminated daily between 6 a.m. and 11 p.m.

Staff denied the sign permit application because the proposed sign exceeds the maximum height by 4’ and because animated electronic signs are prohibited.

Attachments:

- 1. Staff Report (note that it includes the waiver)
- 2. Exhibit 1 – Letters from Neighbors
- 3. Exhibit 2 – Kersey Streetscape Plan Excerpts
- 4. Exhibit 3 – Proposed Arch Presented to Board
- 5. Exhibit 4 –Streetscape Construction Docs Excerpts
- 6. Exhibit 5 –Appeal & Waiver Application

**RECOMMENDED MOTION:**

*If you want to approve the sign:*

I move that we approve the appeal to allow a 16’ tall, 8’ x 4’ double sided animated sign at 301 1<sup>st</sup> Street, subject to the Board of Trustees granting a waiver. The Board finds that the sign may not be in technical compliance with the rules, but the sign will have a minimal affect and will enhance the gateway to Kersey, promote Kersey’s policies for business development, and finds that the proposed sign does not violate the spirit of the Kersey Comprehensive Plan nor the Kersey Land Use Code.

*If you want to deny the sign:*

I move that the Board of Adjustment deny the appeal to overturn Staff's denial of the sign application. The proposed sign violates the sign code, is inconsistent with the Town's goals for downtown, and poses a safety hazard to nearby residents, drivers, and pedestrians. Additionally, the sign would alter the essential character of the neighborhood, potentially diminish the use or enjoyment of adjacent residential properties and could be a nuisance to nearby residents.




**Kersey Town Board of Adjustment/Board of Trustees**  
**October 10, 2023**

**Subject:** Hatch Sign Permit Appeal and Request for Waiver

**Presenter:** Town Planner, Danna Ortiz

**BACKGROUND INFORMATION**

Mr. Hatch submitted a sign permit application to install a 16-foot-tall, double-sided, 4' x 8' digital sign on the same pole that formerly held the bank sign. The proposed sign freestanding sign is an animated LED sign that would be illuminated daily between 6 a.m. and 11 p.m. However, the sign permit application did not specify the business, sign content, frequency of message changes, or brightness of the proposed sign.

BACKGROUND INFORMATION	
<b>Type of Application</b>	<b>Appeal</b>
<b>Location:</b>	301 1 <sup>st</sup> Street 
<b>Applicant/Landowner:</b>	Applicant: Attorney Bob Choate on behalf of Elijah Hatch Landowner: L & A Ventures Investments
<b>Size of Property:</b>	.7 acres
<b>Existing Land Use:</b>	FR8 Solutions office and ? The Town does not have any information about the business that will be utilizing the proposed sign.
<b>Existing Zoning:</b>	C – Business District
<b>Adjacent Land Uses</b>	Commercial immediately north (empty lot, KB Oil Tools) and south (post office), Centennial Park is west, residential on east side of 1 <sup>st</sup> Street
<b>Request:</b>	Approve a sign permit

## FREESTANDING SIGN STANDARDS

	Code Requirement	Proposed	Comment
<b>Location</b>	Adjacent to a public street, sign must be parallel to street frontage	Adjacent to 1 <sup>st</sup> Street and Campbell Street, double-faced sign, parallel to 1 <sup>st</sup> St	
<b>Maximum # of signs</b>	1	1	
<b>Distance from street r-o-w</b>		25' from 1 <sup>st</sup> Street 18' from W Campbell	
<b>Maximum height</b>	16' tall if 25' setback 12' tall if 15' setback	16' tall	Sign faces 1 <sup>st</sup> Street, which has 25' setback
<b>Maximum size</b>	70 sq ft/side if 25' setback 50 sq ft/side if 15' setback	32 sq ft/side	
<b>Prohibited signs (Section 7.5 B)</b>	Distracting signs, including flashing, blinking, or moving signs, animated signs, signs with moving, rotating, or flashing lights or signs that create the illusion of movement, except for time and temperature devices. Electronic message boards except governmental signs.	Animated sign that may be used as a message board.	Applicant has offered to donate a minimum of 10% of the message board usage to the Town and school.
<b>Sign Design (Section 7.7)</b>	<ul style="list-style-type: none"> <li>Sign shall make a positive contribution to the general appearance of the street.</li> <li>Reduce sign impact. Because residential and commercial uses generally exist in close proximity, signs shall be designed and located so that they have little or no impact on adjacent residential neighborhoods.</li> <li>Sign illumination. Use illumination only if necessary. Sign illumination shall complement, not overpower, the overall site composition.</li> <li>Flashing, moving...other animation effects shall be prohibited on all signs except time and temperature.</li> </ul>		<ul style="list-style-type: none"> <li>Sign lighting may negatively affect adjacent residences.</li> <li>Sign illumination has the potential to overpower the overall composition of the site.</li> <li>Animated signs are prohibited.</li> </ul>





Staff denied the sign permit application because the proposed sign exceeds the maximum height by 4' and because animated electronic signs are prohibited. Staff finds that the proposed sign does not meet the requirements for a waiver, which is why the applicant is appealing to the Board of Adjustment (BoA). The applicant did, however, submit a waiver application in conjunction with the appeal. The BoA should consider the appeal and if it decides to overturn Staff's decision, the Board of Trustees would then consider the waiver application.

## NEARBY RESIDENT COMMENT

Staff mailed notices about the proposed sign to residents on 1<sup>st</sup> street from 222 to 344 on October 5, 2023. As of October 6<sup>th</sup>, we received a comment from Jason and Tracie Rydgren, who stated that they are against granting permission of the proposed sign. Refer to Exhibit 1 for the email.

## APPEAL CRITERIA FOR APPROVAL

The Board of Adjustment, in hearing an appeal from an interpretation of the *Kersey Land Use Code*, shall consider:

### 1. The technical meaning of the provision being appealed;

The sign permit application was denied because the proposed sign is an animated sign. Distracting signs are prohibited in Sections 7.5 B.1 and 7.7 G.6 of the sign code. Additionally, the application does not specify the sign's brightness, content, or frequency of message changes, which raises concerns that it could be garish, a safety hazard, and a nuisance to nearby residents.

Smart displays are designed to attract attention and are often brightly lit and change content frequently. This can be disruptive to nearby residents and pose a safety hazard to drivers and pedestrians, especially in downtown areas where there is increased pedestrian and cyclist activity. An animated sign could distract drivers, increasing the risk of accidents involving drivers, pedestrians, and cyclists.

### 2. Evidence of the manner in which the provision has been interpreted in the past;

Digital Sign	Staff Comment
Platte Valley Softball Field Scoreboard	Scoreboards for athletic fields are exempt from permit requirements per Section 7.4 A. 27.
Platte Valley Football Stadium Scoreboard	
Platte Valley Baseball Field Scoreboard	
Platte Valley Middle School Electronic Notice Board	Notice boards for public institutions are exempt from permit requirements per Section 7.4 A. 19.
Sinclair Gas Station Sign (prices are digital LED)	Per the sign permit that was approved on 8.25.15, the price will not change more than once a day at most, so staff does not believe that fits the definition of an animated or distracting sign.
Milton's Gas Station	Town records don't reflect that a permit was issued. Milton's requested a waiver to address the multiple code violations when they proposed altering a portion of the freestanding sign last year. Because the message sign had been there so long and there were no objections, the Board approved the waiver.



**3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and**

Staff finds that the animated sign is inconsistent with the following goals and policies in the Kersey Comprehensive Plan, which aim to preserve the town's small-town, rural character and encourage aesthetically pleasing economic development.

- *Action G2.4.1: Encourage new infill projects within the town boundaries. In evaluating new commercial/retail/industrial infill projects consider the following:*
  - *The scale of commercial/retail projects should be complimentary to adjacent buildings,*
  - *New developments should visually connect to the existing community,*
  - *Projects should be designed so that they take into consideration the design standards listed in Chapter 5: Image and Design of the Comprehensive Plan,*
  - *New development should not negatively impact existing public facilities. New or expanded facilities need to be provided to accommodate new growth,*
- *GOAL ID1: Preserve and enhance Kersey's small town, rural character.*
- *Policy ID1.3: Encourage and support walkable commercial/retail developments within the Kersey Core Business District.*
- *GOAL ID2: Enhance the image of Kersey by improving the appearance of entryways and downtown.*
- *Policy ID2.1: Along the Highway 34 entry and 1st Street, implement the Design Guidelines for new development found in Article 2 - Community Design Principles and Development Standards within the Town of Kersey Land Use Code.*
- *Policy ED1.3: Ensure that economic development in Kersey does not detract from the small-town atmosphere.*
- *GOAL ED2: Encourage aesthetically pleasing economic development in Kersey.*
- *GOAL E2: Preserve Kersey's rural character.*

The proposed animated sign would undermine the Town's efforts to implement the *Kersey Town Hall and Streetscape Plan* to improve the safety, walkability, and appearance of downtown.

**Excerpts from the *Kersey Town Hall and Streetscape Plan* (Exhibit 2)**

*"The Town of Kersey has a vision to create a vibrant town center along a primary stretch of 1<sup>st</sup> Street... The Town also recognized that the [Town Hall] building is only one important step...and is seeking ...to enhance the pedestrian experience along 1<sup>st</sup> Street. These two projects together will have the ability to transform this struggling business district into an attractive location for future businesses and create a place of great pride for local residents." (Page 9).*

*"The Kersey streetscape corridor covers the stretch of 1<sup>st</sup> Street running north-south from Hill St to Trumbull Street. The roadway currently sees heavy traffic, including large amounts of combination trucks. Additional challenges include lack of cohesive identity, limited sidewalks, and pedestrian safety issues, little to no shade, few places to gather or sit, and dangerous, unmarked crossings.... Primary goals for the streetscape included:*

- *Increase pedestrian safety with bulb-outs, marked crossings, increased sidewalk width and buffer amenity zones.*



- *Provide a consistent material palette, furniture, and signage to connect with the overall character of Kersey.*
- *Increase shade while minimizing landscape maintenance by planting hardy street trees.” (Page 46).*

The Town has been actively implementing the *Kersey Town Hall and Streetscape Plan* to improve multimodal transportation safety, placemaking, and economic vitality in downtown Kersey. This summer, CDOT approved a \$250,000 Revitalizing Main Streets Small Multimodal and Economic Resiliency (RMS) grant for phase one of the improvements.

*“The objective of this project is an increase in the economic vitality of downtown Kersey through the improvement of the intersection at 1st and Campbell. First, it will enhance access to Kersey’s largest recreational complex and main street businesses. Second, the project will create safer and more visible crosswalks for all pedestrians, especially vulnerable users who are impeded by uneven pavement, low visibility of traffic, lack of pedestrian havens, and lengthy crossing distance. Third, it will add wayfinding for both vehicle and pedestrian traffic at the entrance to downtown Kersey.” (RMS grant application, Project Objective, page 3.)*

*Our downtown project has been divided into 5 phases, each of which deals with significant issues along our main street concerning multimodal transportation safety, placemaking, and economic vitality (see Exhibit 3). This application is regarding the first phase, which installs bulb outs, crosswalks, bioretention sumps, and landscaping at the intersection of 1st Street and Campbell Street (see Exhibit 3A, 3B, and 3D). Later phases construct features such as a downtown entry arch, center medians in the 300 block of 1st St, featuring landscaping and additional bioretention sumps, and new sidewalks, landscaping, and placemaking features in the 400 block, home to Kersey’s historic Town Hall and many other amenities. (RMS grant application, Project Scope Overview, page 3.)*

The proposed sign is in conflict with these goals and the *Streetscape Plan*. It will detract, not improve, the pedestrian experience and it competes with our goal of improving pedestrian safety. The Town will install the bulb outs, crosswalks, sidewalk improvements, street trees, arch, and drainage improvements at the intersection of Campbell and 1st Street. (Exhibits 3 and 4).

#### **4. The intent of the provision in implementing the *Kersey Comprehensive Plan*.**

Page H3 of the *Kersey Comprehensive Plan* states that the purpose of the Plan is to “set forth the community’s vision for Kersey and to guide the Town’s decision makers. The Plan will help Town officials ensure that development is consistent with the community’s vision, guiding principles, and goals. The citizens of Kersey have come together to identify what is special and unique about their community so that they can help preserve this “spirit of place” as the town grows.”

The intent of the goals and policies cited above is to enhance Kersey's image, build on its rural character, and improve its economic vitality. Staff finds that a brightly lit sign with frequently changing content would detract from the downtown's "small town" character and could potentially decrease pedestrian safety.

Page I2 states, “A key component of enhancing the image and presence of Kersey for future growth is placing emphasis on the Public Realm. The Public Realm consists of pedestrian areas or zones between building forms, landscape forms and street edges. These spaces promote a sense of place with visual and sensory elements (i.e., sidewalks/paving, landscaping, hardscaping, gateway signage, site furniture, public art, and lighting).



**In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.**

## **STAFF RECOMMENDATION**

Staff recommends that the Board of Adjustment (BoA) deny the appeal to overturn staff's denial of the sign application. The proposed sign is prohibited by the sign code, is inconsistent with the Town's goals for downtown, and poses a safety hazard to nearby residents, drivers, and pedestrians. Additionally, the sign would alter the essential character of the neighborhood, potentially diminish the use or enjoyment of adjacent residential properties and could be a nuisance to nearby residents.

If the BoA determines that the sign permit should be approved, Staff recommends that the Board consider directing Staff to revise the Kersey sign code to allow animated signs, shortening the proposed hours of illumination, and require the applicant to provide more details about the sign content, brightness, and frequency of message changes.

## **SUGGESTED MOTIONS**

*If you want to deny the sign:*

I move that the Board of Adjustment deny the appeal to overturn Staff's denial of the sign application. The proposed sign violates the sign code, is inconsistent with the Town's goals for downtown, and poses a safety hazard to nearby residents, drivers, and pedestrians. Additionally, the sign would alter the essential character of the neighborhood, potentially diminish the use or enjoyment of adjacent residential properties and could be a nuisance to nearby residents.

*Or, if you want to approve the sign:*

I move that we approve the appeal to allow a 16' tall, 8' x 4' double sided animated sign at 301 1st Street. The Board finds that the sign may not be in technical compliance with the rules, but the sign will have a minimal affect and will enhance the gateway to Kersey, promote Kersey's policies for business development, and finds that the proposed sign does not violate the spirit of the Kersey Comprehensive Plan nor the Kersey Land Use Code



## WAIVER REGULATIONS

Section 7.2 E. of the sign code states that, “any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a waiver granted by the Town Board.”

Section 3.10 of the zoning code states, “The Board of Trustees may authorize waivers from the *Kersey Land Use Code* in cases where, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the *Kersey Comprehensive Plan* or impair the intent and purpose of this Code.”

## WAIVER CRITERIA FOR APPROVAL

The condition of any waiver authorized shall be stated in writing in the minutes of the Board of Trustees with the justifications set forth. Waivers may be granted only if they meet the following criteria:

- 1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.**

Staff believes that the proposed smart display sign may fundamentally change the ambiance of the neighborhood/downtown and that it has the potential to diminish the use or enjoyment of the adjacent residential properties to the east. The nonspecificity of the application is a concern because the sign could be garish, a safety hazard, and a nuisance to nearby residents.

Smart displays are designed to attract attention. These displays are usually vibrant and timed to synch with traffic speeds allowing motorists to view multiple images in a single pass. Staff is concerned that a luminous sign that frequently changes content may adversely affect the neighboring residences and pose traffic safety concerns.

- 2. The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the sign ordinance provisions which are in question.**

The proposed waiver is not the minimum variance that will afford relief. The applicant can install a sign that complies with the code to promote their business.

- 3. That such practical difficulties or unnecessary hardship has not been created by the applicant.**

The applicant has not provided any evidence that the practical difficulty or unnecessary hardship was not self-created.

## STAFF RECOMMENDATION

Staff recommends that the Board of Trustees deny the waiver to the sign code to allow the installation of an animated freestanding sign at 301 1st Street. The waiver does not meet the criteria for approval because there are no exceptional conditions peculiar to the site or practical difficulties or unnecessary hardship that would be placed on the sign owner. Additionally, the proposed sign would alter the essential character of the neighborhood, potentially diminish the use or enjoyment of adjacent residential properties, and be garish, a safety hazard, and a nuisance to nearby residents.

If the Board determines that the waiver is appropriate, staff recommends that the Board consider directing staff to revise the Kersey sign code to allow animated signs, shortening the proposed hours of illumination, and require the applicant to submit proof that the landowner will allow the proposed sign and to provide more details about the sign content, brightness, and frequency of message changes.

## EXHIBIT 1 – LETTERS FROM NEIGHBORS



**From:** Jason Rydgren <jrydgren62@gmail.com>  
**Sent:** Thursday, October 5, 2023 4:45 PM  
**To:** Danna Ortiz  
**Subject:** Proposed sign 301 1st st.

**Caution:** This email originated from outside of the Town of Kersey. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

**According to the sign code this concept is prohibited for many reasons, including animation, illusion of movement, and changing of copy:**

A. Prohibited Signs. The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts.

B. Distracting Signs.

1. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.
2. Signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.

**We are against granting permission for the proposed sign.**

**Sincerely, Jason and Tracie Rydgren**

---

**From:** Mary Kendrick <mkendrick815@gmail.com>  
**Sent:** Friday, October 6, 2023 2:32 PM  
**To:** Danna Ortiz  
**Subject:** Comments regarding Hatch Sign Permit Appeal

**Caution:** This email originated from outside of the Town of Kersey. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Danna, I hope this email finds you well. I wanted to address our concerns regarding the appeal for the denial of the Hatch Sign Permit. As residents of 109 Campbell St, which is diagonally located from where the sign would be placed, we have some valid concerns. Firstly, the brightness of the sign is a major issue for us, as it would directly shine towards the front and side of our house. The proposed operating hours of 6 am to 11 pm are also problematic, as it would disturb our children's sleep with lights shining into their rooms. Additionally, we are concerned about the lack of information regarding the type of content that would be displayed on the sign. Lastly, the potential distraction caused by the sign in an already busy intersection is worrisome, as it is a main access point to Centennial Park and the Post Office. We have already had issues with distracted or speeding drivers in this area and I believe this could cause more safety issues. As this sign would be privately owned and maintained I am curious about how the owners would attend to emergency repairs. I could see this becoming an issue with children finding this fun to throw items at or climb on. I have noticed many kids playing and horsing around in the grass area on this property.


Please reach out if you have any questions or concerns.

Thank you,  
Mary Kendrick  
307-371-9780






Streetscape

Increase total parking spots and vehicular signage 

Use traffic calming measures to slow traffic speeds 

Support downtown business district and new local enterprises 

Provide new community gathering spaces and highlight town identity in the heart of Kersey 

Enhance access to green space 

Create a safer pedestrian experience along 1st Street 





## EXHIBIT 2 – KERSEY STREETSCAPE PLAN EXCERPTS

### EXISTING CONDITIONS

The Kersey streetscape corridor covers the stretch of 1st Street running North-South from Hill Street to Trumbull Street. The roadway currently sees heavy traffic, including large amounts of combination trucks. Additional challenges include: lack of cohesive identity, limited sidewalks and pedestrian safety issues, little to no shade, few places to gather or sit, and dangerous, unmarked crossings. The Town of Kersey wanted to explore streetscape designs, which would alleviate some of these issues. This would additionally help to create a cohesive identity for Kersey as a town. By creating a safer and more inviting pedestrian experience Kersey hopes to encourage more foot traffic and increased walk-ability in the Central Business District. This has the potential to encourage businesses to set up shop in the downtown area and could lead to a more vibrant business environment.

This stretch of road has a shifting right of way which varied in the stretch between 53' and 73'. This right of way allows for a variety of different layouts which were presented to the town and narrowed down to the versions shown in this report. Primary goals for the streetscape included...

- Increase pedestrian safety with bulb-outs, marked crossings, increased sidewalk width, and buffer amenity zones
- Provide a consistent material palette, furniture family, and signage to connect with the overall character of Kersey
- Develop mid-block crossings along 1st Street between McIntyre and Trumbull Streets
- Increase shade while minimizing landscape maintenance by planting hardy street trees



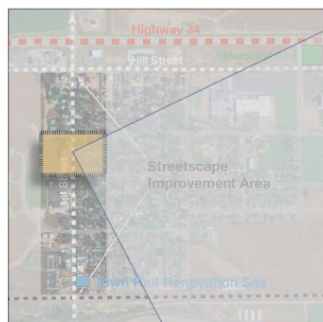
### PREFERRED DESIGN

#### Block 3 - Preferred Design

##### Clark Street - Campbell Street

Block 3 contains a mix of both commercial and residential land uses. The Westside of this block is dominated by the business and parking for KB Oil Tools. There is a stretch of head-in parking, as well as both concrete and dirt parking lots to contend with during streetscape implementation. The block has a consistent sidewalk in place on the Eastside, but is lacking a sidewalk on the South half of the Westside. The Eastside does have a business access driveway to contend with at the North end.

This block has the opportunity to connect pedestrians with Centennial Park and it's picnic shelter, fields, and other amenities. There is also the opportunity to build in a designated bike route along Campbell Street that could work towards creating a more bike friendly and safer route for cyclists and children going to and from school.





# Kersey 1st Street Arch

Kersey Town Board Meeting • 12.13.2022

## Overview



### Purpose

Add a defining element to Kersey's 1st Street while signaling the area's historical significance and attraction.

### Uses

While the arch would have a defined decorative function, the desire is its main purpose would be the advertisement of the town.

Secondary uses include street and sidewalk lighting, event advertisement, and the display of holiday themes throughout the year.

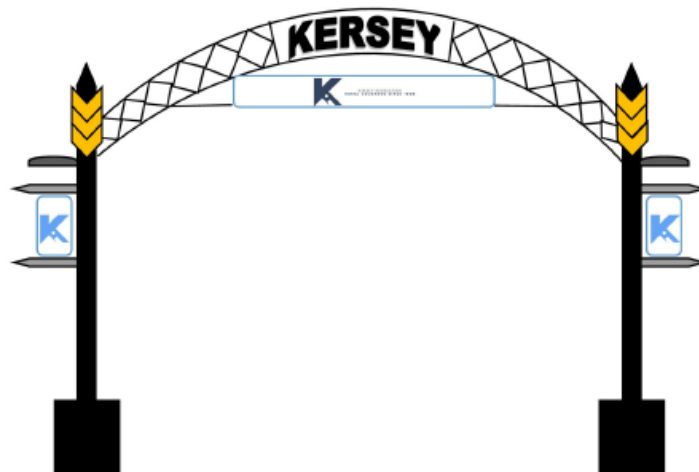
### Location

Across 1st St, just north of the Campbell St intersection

- Supports would be placed in town's right-of-way.
- Height would allow for standard truck traffic along 1st St.



### Preliminary Design





## Funding

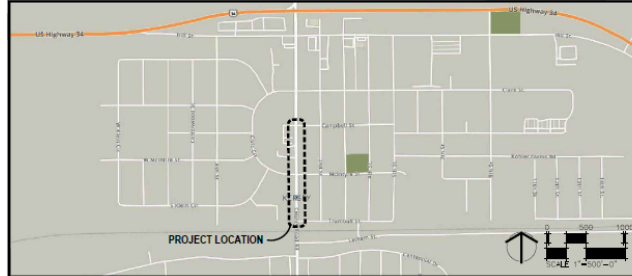
### Revitalizing Main Streets Grant

Newly permanent grant funded by the state.

Kersey Public Works already successfully applied during a previous grant cycle.

Grant requires 10% match and funds up to \$150,000, with a minimum of \$10,000.

**1st STREET FROM TRUMBULL TO CAMPBELL STREETS  
TOWN OF KERSEY, COLORADO**



**SHEET INDEX**

**SHEET SHEET TITLE**

**LANDSCAPE ARCHITECTURE**

- C01 COVER SHEET
- L01 TOPOGRAPHIC SURVEY 1 OF 2
- L02 TOPOGRAPHIC SURVEY 2 OF 2
- L03 GENERAL NOTES, SUPPLEMENTAL NOTES
- L04 EXISTING SITE CONDITIONS & DEVELOPMENT PLAN
- L05 DETAILS PLAN
- L06 MATERIALS ENLARGEMENT PLAN
- L07 LAYOUT ENLARGEMENT PLAN
- L08 LANDSCAPE PLAN
- L09 SITE DETAILS

**PLANT SCHEDULING**

- C10 NOTES & DETAILS
- C11 PLANT LIST & PROFILE
- C12 CURB & GUTTER LAYOUT
- C13 INTERSECTION GRADING
- C14 ROAD GRADING

ENGINEERING REVIEW  
TOWN OF KERSEY

CONCLUSIONS

☐ NO EXCEPTIONS TAKEN  
☐ MAKE CORRECTIONS NEEDED  
☐ REFLECTED SEE CHECKS

REJECTED OR GROWN

THESE PLANS ARE VALID UNTIL THE NEXT RESUBMITTAL TO THE TOWNSHIP

REVIEW IS FOR GENERAL COMPLIANCE WITH TOWN OF KERSEY ENGINEERING STANDARDS AND REQUIREMENTS. THE TOWN OF KERSEY IS NOT RESPONSIBLE FOR THE CORRECTNESS OF DESIGN, DIMENSIONS, DETAILS, QUANTITIES OR DESIGN SAFETY.

TOWN ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

FOR TWO (2) YEARS AFTER THE DATE OF APPROVAL.  
IS REQUIRED AFTER THAT TIME PERIOD.

---

## PROJECT TEAM

## OWNER

TOWN OF HERSEY, COLORADO  
P.O. BOX 857  
HERSEY, COLORADO  
PHONE 807-555-9881  
CONTACT Celia MacDuff

## LANDSCAPE ARCHITECT

**CHM DESIGN CORPORATION**  
900 S. Broadway, Suite 300  
Cuyahoga, OH 44009  
PHONE: 303-892-5566  
CONTACT: Matthew Haggis

## CIVIL ENGINEER

**BENCHMARK ENGINEERS**  
1820 Whiskey Avenue, Suite 320  
Cheyenne, WY 82001  
PHONE: 307-634-9064  
CONTACT: Scott Lantz

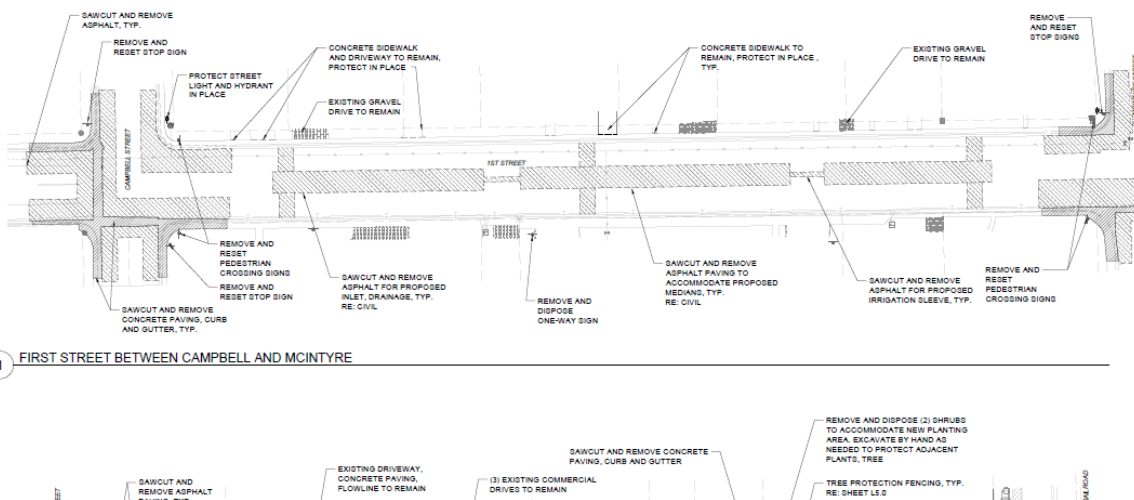
## SURVEYOR

**AMERICAN WEST LAND SURVEYING CO.**  
331 S. 9th Avenue  
Boulder, CO 80501  
PHONE: 303-449-1532  
CONTACT: Wade Mann

DMM DESIGN

900 E. Broadway, Suite 300  
Denver, CO 80209  
303.357.4614  
www.dhmdesign.com

DATE: 08-15-2023



### LEGEND

- — — — — PROPERTY LINES  
 — — — — — CONTIGUOUS LINES  
 — — — — — STREET LINES  
 ★ LIGHT POLE  
 □ POWER POLE  
 ○ GUY ANCHOR  
 — — — — — UNDEGROUND BELTLINE  
 ○ ELECTRIC OUTLET  
 W FIRE HYDRANT  
 W WATER VALVE  
 — — — — — WATER LINE  
 □ TELEPHONE CEMENTAL  
 — — — — — TELEPHONE LINE  
 — — — — — GAS LINE  
 — — — — — FENCE LINE  
 — — — — — BILLING LINE  
 — — — — — TREE PROTECTION  
 — — — — — SARCOT  
 — — — — — CONCRETED PAVING CURBS AND  
 — — — — — SLOTTED TO BE REMOVED  
 — — — — — ASPHALT PAVING TO BE REMOVED

## NOTES

1. ~~IDEAL TO REPAIR AND SUPPLEMENTAL NOTES FOR ADDITIONAL INFORMATION.~~
2. ~~IDEAL TO STRIP TO TOPOGRAPHIC SURVEY FOR ADDITIONAL INFORMATION.~~
3. ~~SANCT REMOVE AND DEPOSE APPROXIMATELY 1000SF OF CONCRETE PAVING, CURB AND GUTTER.~~
4. ~~SANCT REMOVE AND DEPOSE APPROXIMATELY 22,800SF OF ASPHALT PAVING.~~
5. ~~SANCT CONCRETE AT JOINTS NEAREST TO CURBLINE.~~
6. ~~EXISTING DRENAGEWAYS TO REMAIN UNLESS NOTED OTHERWISE.~~
7. ~~REMOVE PAVEMENT MARKINGS WITHIN AREA OF CONSTRUCTION.~~

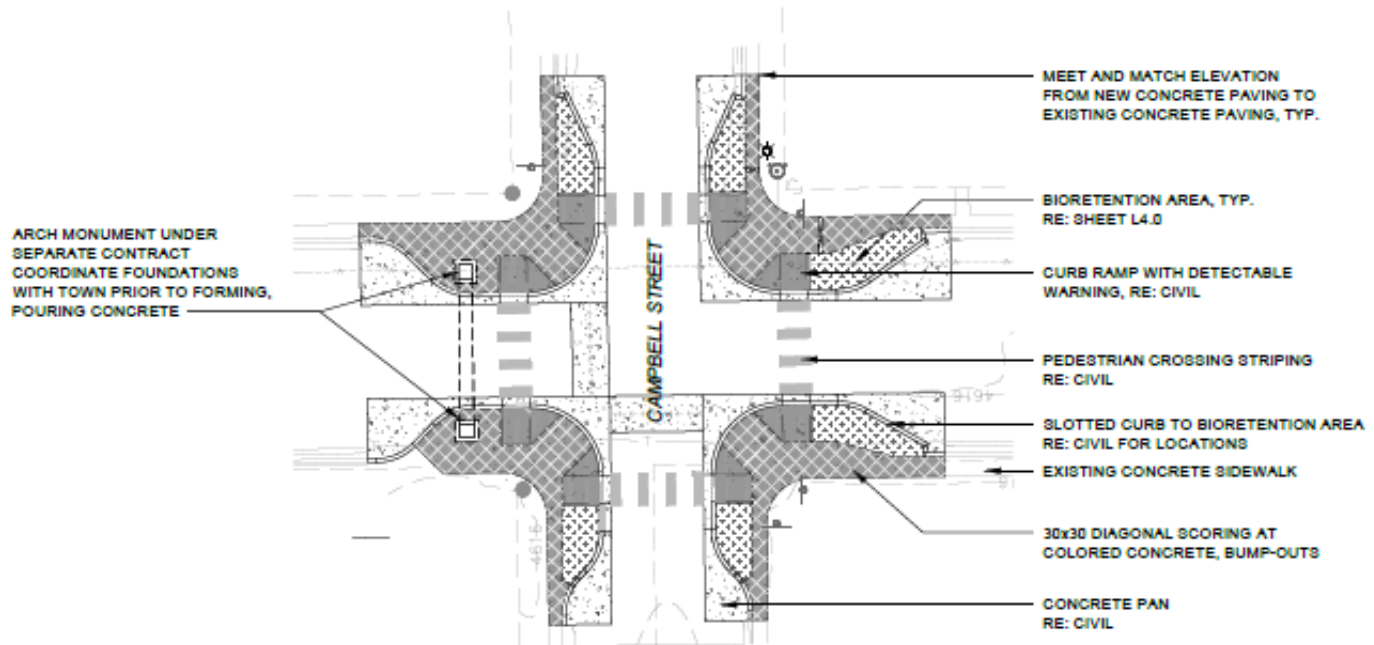
**DHM DESIGN**

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Suite 300  
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303.897.5566  
[www.dhmdesign.com](http://www.dhmdesign.com)

**REUSE OF DOCUMENT**  
This document is the property of D&M Design Corp. The ideas and design incorporated on this document are instruments of professional service and shall not be used for any other project without written authorization of D&M Design Corp.

Campbell Streets

## EXHIBIT 4 – STREETScape CONSTRUCTION DOCS EXCERPT



1

FIRST STREET AT CAMPBELL STREET

## EXHIBIT 5 – APPEAL & WAIVER APPLICATION



## SIGN PERMIT APPEAL FORM

PROJECT NAME: 1st Street Sign Permit Application	
APPLICANT: Bob Choate on behalf of Elijah Hatch	DATE: September 29, 2023

### APPEAL SUBMITTAL

- ☒ **LETTER** (must be submitted within 10 days after denial of permit application) requesting Board of Adjustment approve sign application with justification how application meets sign permit review criteria

### SIGN PERMIT REVIEW CRITERIA

The following review criteria will be used by the Town of Kersey Staff to evaluate all sign permit applications:

1. Sign meets the requirements of this Article;
2. Sign conforms to the requirements of the building and electrical code as adopted by the Town;
3. Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;
4. Sign would not interfere with pedestrian or vehicular safety;
5. Sign would not detract from the character of an architecturally significant or historic structure;
6. Signs mounted on buildings are designed to complement the architecture rather than obscure it.
7. Sign contributes to building the image of the community by conveying quality and distinctive character.
8. Sign would not be located so as to have a negative impact on adjacent property;
9. Electrical signs must be approved by an independent testing laboratory;
10. Sign would not detract from the pedestrian quality of street or area; and
11. Sign would not add to an over-proliferation of signs on a particular property or area.

### APPEAL CRITERIA FOR APPROVAL

The Board of Adjustment, in hearing an appeal from an interpretation of the *Kersey Land Use Code*, shall consider: shall consider:

1. The technical meaning of the provision being appealed;
2. Evidence of the manner in which the provision has been interpreted in the past;
3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives;
4. The intent of the provision in implementing the *Kersey Comprehensive Plan*.

In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.



COAN, PAYTON & PAYNE, LLC

**Bob Choate, Esq.**

103 W. Mountain Ave., Suite 200

Fort Collins, CO 80524

970-225-6700

[bchoate@cp2law.com](mailto:bchoate@cp2law.com)

[www.cp2law.com](http://www.cp2law.com)

**Sent via email only**

September 29, 2023

Town Board of Trustees  
Town of Kersey, Colorado

Danna Ortiz  
Town Planner  
Town of Kersey, Colorado  
[Dortiz@kerseygov.com](mailto:Dortiz@kerseygov.com)

**Re: Sign Code Permit Application Appeal and Request for Waiver**

To Whom It May Concern:

On behalf of Mr. Elijah Hatch, please accept this appeal and request for waiver of specified provisions of the Kersey Sign Code. Mr. Hatch submitted a sign code permit application on September 12, 2023, a copy of which is attached (*Exhibit A*). By email dated September 19, 2023, Town Planner Danna Ortiz denied the application, stating that (1) the proposed sign exceeded the maximum height permitted by the Sign Code by four feet; and (2) the sign was an electronic message board prohibited by the Sign Code. A copy of Ms. Ortiz' email is attached (*Exhibit B*).

**BACKGROUND**

Mr. Hatch leases the old First National Bank (FNB) building located at the southeastern corner of Campbell Street and First Street, within the Kersey Core Business District. For many years, FNB had a monopole sign (*Exhibit C*). While the FNB sign has been removed with the closure of the bank, the sign pole remains, and the intent is to place the new sign on the existing pole. The new sign is intended to be the same height as the former FNB sign. Although the new sign would be wider and therefore larger than the former sign, staff agrees that it meets these requirements of the Sign Code.

This appeal and request for waiver relates solely to the height of the sign, and the use of electronic displays.



## **TOWN OF KERSEY LAND USE CODE**

### ***7.2 Sign Permits and Administration***

D. *Appeal of Sign Permit Denial or Approval with Conditions.* Any appeal of Staff's denial of a sign permit or approval with conditions shall be made to the Board of Adjustment as provided in the Zoning Code.

E. *Waivers.* Any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a waiver granted by the Town Board.

### ***3.9 Appeals and Variances***

A. *Purpose.* The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Code.

#### ***B. Appeal Application.***

1. Any aggrieved person of interest may appeal a denial of a building permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.

- a. An appeal to the Board of Adjustment shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.

- b. The applicant shall file with the Town Clerk a written notice of appeal on a form approved by the Board and pay the fee set by the current fee schedule.

E. *Appeal Criteria for Approval.* The Board of Adjustment, in hearing an appeal from an interpretation of the Kersey Land Use Code, shall consider:

1. The technical meaning of the provision being appealed;
2. Evidence of the manner in which the provision has been interpreted in the past;
3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
4. The intent of the provision in implementing the Kersey Comprehensive Plan.

### **3.10 – Waivers**

C. *Waiver Criteria for Approval.* The condition of any waiver authorized shall be stated in writing in the minutes of the Board of Trustees with the justifications set forth. Waivers may be granted only if they meet the following criteria:

1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
2. The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.
3. That such practical difficulties or unnecessary hardship has not been created by the applicant.

### **ANALYSIS**

#### ***Sign Height***

The proposed sign is intended to be the same location, but lesser height than the former FNB sign. The FNB sign pole, as it currently exists, is **20** feet tall. The proposed sign would be four feet shorter, at 16 feet tall. The FNB sign was clearly constructed so that it could be seen over the top of the existing building from the south. If the sign had been required to be lowered to meet the current code, the building would have blocked its view from the south, and it very likely would not have been constructed at that location. The height of the FNB sign was directly related to how far back it was set back from 1<sup>st</sup> Street, and so it represented a compromise from placing the sign closer to the public roadway. To strictly apply this height limitation to the new sign would preclude it from being seen from the south, which is a substantial restriction on the property that did not previously exist.

The sign clearly meets the larger setback of 20 feet from 1<sup>st</sup> Street, which would allow for a sign up to 14 feet in height. The lesser setback was measured from Campbell Street, which is a stub street that solely serves this property and the Town Park to the west. As shown in the attached aerial photograph and diagram (*Exhibit D*), it appears that the sign also meets the greater setback from Campbell Street as well. Exhibit D further shows that the actual property line for this lot extends to the middle of Campbell Street, so there is some question as to whether the Town's public road right of way extends all the way to the sidewalk. In either event, it appears that the sign should receive the benefit of the doubt, and apply the greater height limitations (14 feet) associated with the larger setback.

In that respect, the request is an appeal and waiver of only two feet in height, which would actually be four feet shorter than the longstanding former FNB sign's height, on the exact same pole as the former FNB sign.

There is no negative impact on granting this appeal and waiver request, as the sign will be shorter in height to the prior sign, which was (and will continue to be) viewable from the

September 29, 2023

south. It would be an undue hardship on the applicant to apply this height restriction in such a way as to prevent the sign from being viewable from the south.

### ***Electronic Messaging***

Section 7.2(E) of the Town's Sign Code expressly authorizes the Town Board to approve a waiver to allow a sign which is otherwise prohibited by the Land Use Code. Section 7.5(b)(6) prohibits "Electronic message boards except governmental signs."

There are multiple electronic message boards through the Town of Kersey, as demonstrated by the attached map (*Exhibit E*). Some of these are privately owned and some are government signs, but all are appropriate and contribute to the Town's desired aesthetics in the same way that the proposed sign will also contribute. The existence of these signs is evidence that the Town has previously allowed electronic message boards to be constructed.

Mr. Hatch has previously stated, and is committed to donating a minimum of ten percent (10%) of the board usage to the Town and school, which would further the Town's goals in whatever way the Town Board finds appropriate. The Town's park is located directly west of this site, yet many residents are unaware when the Town holds events. This would be a substantial benefit to the Town and school, and would, if accepted by the Town, allow the sign to be permitted as a government sign.

This electronic sign would also further the Town's goals as stated in the Comprehensive Plan. This property is located directly adjacent to 1<sup>st</sup> Street, within the defined boundaries of the Kersey Core Business District (*Exhibit F*). Development within this district will serve both the residents of Kersey as well as through-traffic on 1<sup>st</sup> Street. (Comprehensive Plan Action G2.3.1). This sign will enhance the image of Kersey by improving the appearance of the area. (Comprehensive Plan Goal ID2). The sign will not be used during the hours of 11:00 p.m. to 6:00 a.m., except (with Town approval) to display time and temperature.

### ***Request***

We respectfully request the approval of the foregoing Appeal and request for Waiver, and direction from the Town Board to approve the permit as presented.

Respectfully,



---

Bob Choate

cc: Elijah Hatch

Attachments

**Exhibit A**

**Sign Permit**

*(see attached)*

# Digital Sign Permit Application Site Plan

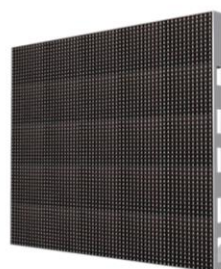
09/12/2023



1. We will be placing the new digital sign on the existing freestanding sign left by the bank.
2. This will be a double sided 4x8 digital sign for a total of 32 square feet placed at a maximum height of 16' above grade being 25' from the east ROW and 15 feet from the building.
3. The sign will be constructed of steel frame with plastic overlay and 8mm LED lights creating the display.
4. This is a freestanding sign replacing the old bank sign on the existing monopole.

5. The digital sign will be self-illuminating, and will comply with dark hours of 11pm to 6am.
6. Existing landscaping will remain under the sign.

An example of how a 4x8 digital display on a monopole will look.



front view



rear view

**\$26,035.50**

**P8 - 4(H) X 8(W)  
Double sided**

Quote valid until Thursday,  
October 12, 2023

[Get Started](#)

[Change Selection](#)

\* Illustration purposes only. Actual dimensions and specs subject to accepted quote. \*



Image of existing monopole where digital display will be installed.



## BRIGHT SOLUTIONS FOR BRIGHT MESSAGES

### ENVIROSLIM™ MAX by GENOPTIC SMART DISPLAYS



### ENVIROSLIM™ MAX DETAILS

- Available in Any Design, Any Size with a cabinet depth of only 3.61"
- Full color and full video capability including live-streaming
- **VideoStar™** cloud-based software allows simple, secure content management from anywhere in the world
- **HeatSink™** enables brightest LED in the industry (up to 10,000 NITS) without over-driving LED
- **DaySensor™** automatically adjusts display brightness to ambient light levels to increase LED life longevity
- **VandelGuard™** protruding grill face protects display against vandalism (e.g. rocks, bottles)
- Operating temperature rated from -40°C to +60°C
- Industrial-grade control PC housed in a UL-listed Nema 4x enclosure with cooling & heating capabilities
- Runs on 120v or 240v power
- North American electrical safety compliant (ETL, CSA, cULus and FCC)

### ENVIROSLIM™ MAX RESOLUTION OPTIONS



**Exhibit B**  
**Sign Permit Denial**

---

**From:** Danna Ortiz <DOrtiz@KerseyGov.com>  
**Sent:** Tuesday, September 19, 2023 3:38 PM  
**To:** ehatch <ehatch@hiredgun.net>  
**Cc:** Julie Piper <JPiper@KerseyGov.com>  
**Subject:** Fw: [EXTERNAL] Re: Kersey Signage 301 1st Street

Good afternoon Mr. Hatch,

Thank you for submitting the application for the smart display sign at 301 1st Street. The proposed sign falls within the size standards. However, the proposed sign exceeds the maximum height and electronic, animated signs are prohibited:

	<b>Code Reqmt</b>	<b>Proposed</b>	<b>Comment/Section of the Code</b>
<b>Area</b>	1.5 sf signage/ each l.f. bldg frontage, up to 90 s.f. appx 115 l.f. = 90 sf	4' x 8' = 32 sf/side x 2 sides = 64 sf.	Meets code (Section 7.9 C4 a.)
<b>Height</b>	15' setback from r- o-w: 12' max 20' setback from r- o-w 14' max	18' setback fm Campbell r- ow, 16' height	Exceeds max height by 4' (Section 7.9 C4 b)
<b>Type</b>	No flashing, blinking...animated signs or electronic message boards	Digital electronic sign with animate display	Prohibited sign type (Section 7.5. B. and 7.7 G)

Because the proposed sign does not comply with the Kersey Sign Code, staff cannot approve the sign permit application.

If you wish to appeal Staff's decision, please submit a letter explaining how the sign meets the intent of the regulations and requesting that the Board of Adjustment consider your sign permit application at their next meeting. **Please note that your appeal must be submitted by September 29th**, which is ten days from today. The Board of Trustees, which also acts as the Board of Adjustment, meets on the 2nd and 4th Tuesday of each month.



Please let me know if you have any questions.

Sincerely,

Danna Ortiz

Danna Ortiz

Town Planner  
Town of Kersey  
446 1<sup>st</sup> St.  
P.O. Box 657  
Kersey, CO 80644  
T: (970) 353-1681  
Cell: (303) 884-4850  
[dortiz@kerseygov.com](mailto:dortiz@kerseygov.com)

Color Logo



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

---

**From:** ehatch <[ehatch@hiredgun.net](mailto:ehatch@hiredgun.net)>  
**Sent:** Wednesday, September 13, 2023 12:57 PM  
**To:** Danna Ortiz  
**Subject:** RE: [EXTERNAL] Re: Kersey Signage

Good Afternoon,

Please find my sign permit application and info sheet attached to this email. Please let me know if you need anything else.

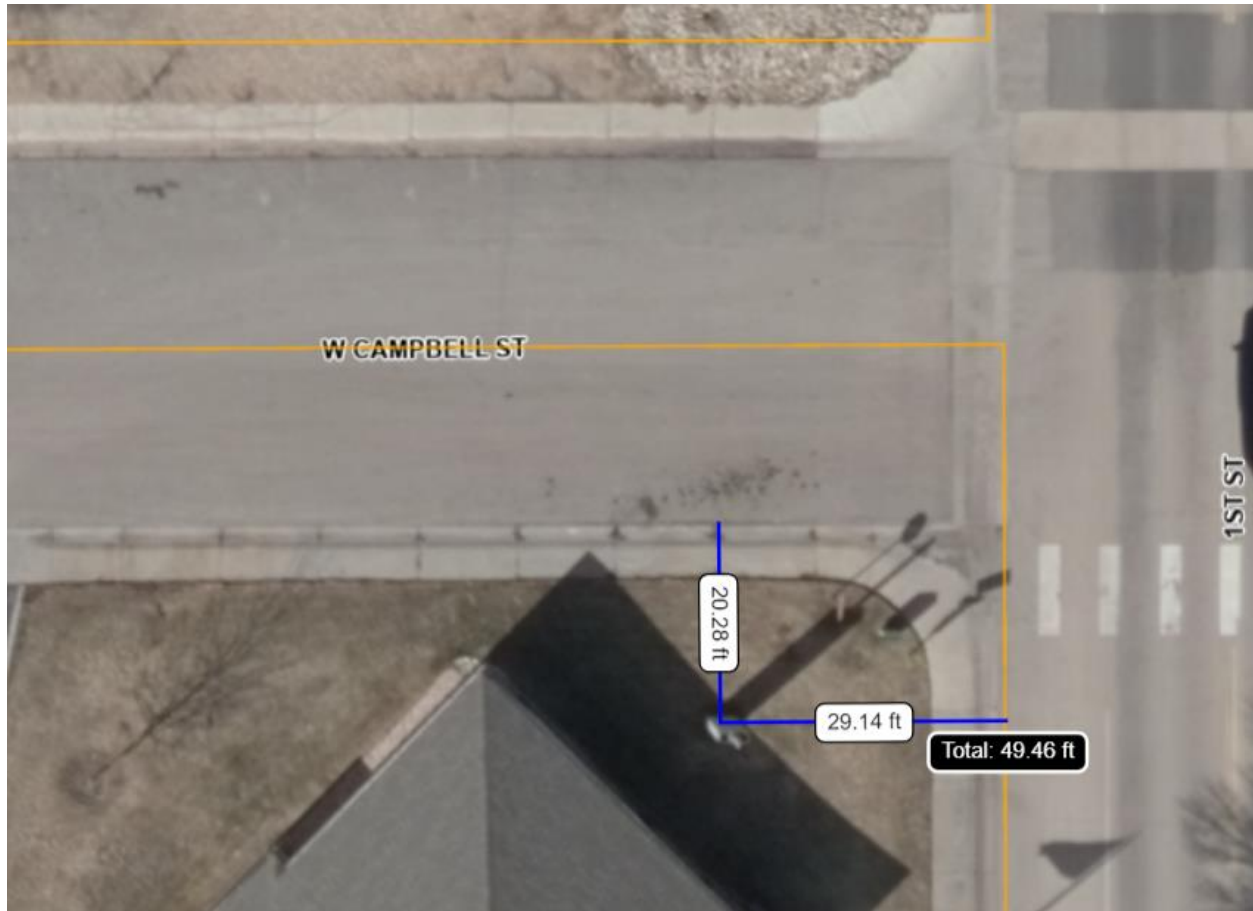
## Exhibit C

Picture of former First National Bank sign



## Exhibit D

### Aerial Photograph and Setback Diagram



**Exhibit E**

**Map of Existing Electronic Message Board Signs**

*(see attached)*



# Locations of Existing Electronic Message Boards within the Town of Kersey.

Definition of an electronic message board: Electronic Message Board is a type of changeable copy sign whose message or display is presented with patterns of lights.



## PV Softball Field



## Sinclair Fuel Station





## PV Football Stadium



## Milton's Fuel Station



## PV Baseball Field



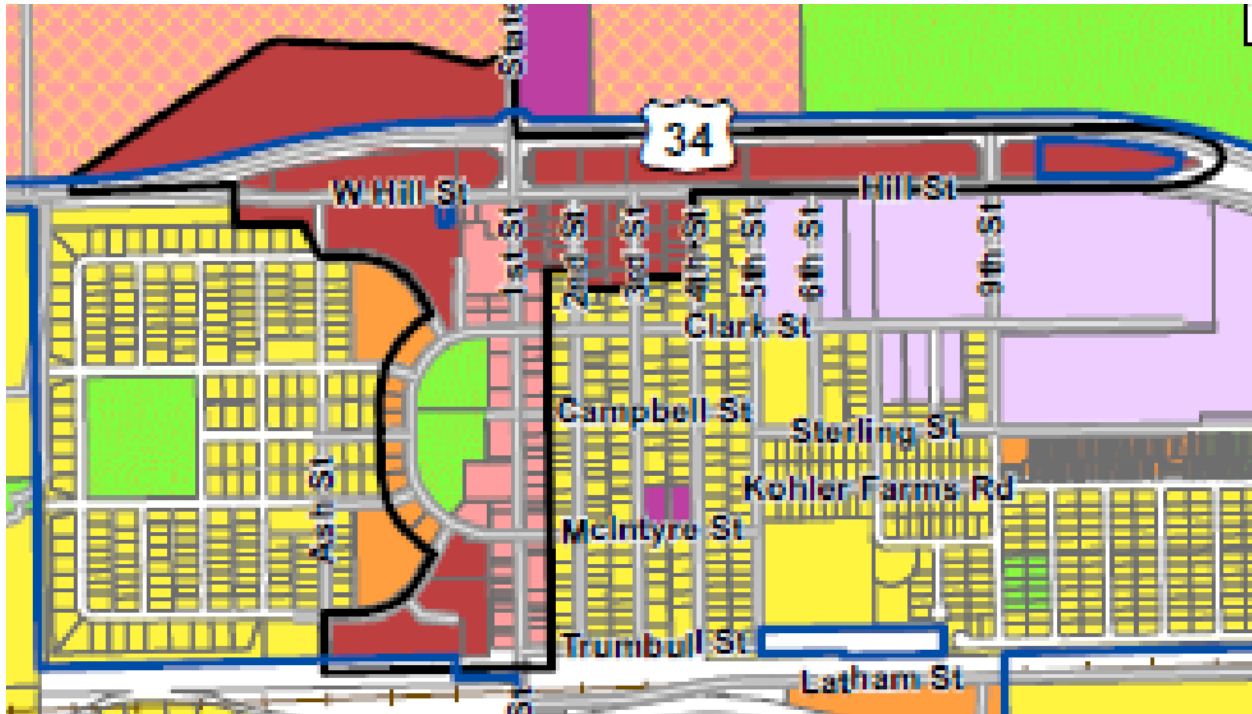
## PV Middle School





## Exhibit E

### Map of Kersey Core Business district



Kersey Core Business District

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> October 10, 2023	<b>Page 1 of 1</b>	<b>Item:</b> Hatch Sign Permit Waiver
<b>Agenda No:</b> VIII. 1	<b>Presented by:</b> <b>DO</b>	

**BACKGROUND:** Mr. Hatch submitted a sign permit application to install a 16-foot-tall, double-sided, 4’ x 8’ digital sign on the same pole that formerly held the bank sign at 301 1<sup>st</sup> Street. The proposed sign freestanding sign is an animated LED sign that would be illuminated daily between 6 a.m. and 11 p.m.

Staff denied the sign permit application because the proposed sign exceeds the maximum height standard by 4’ and because animated electronic signs are prohibited. The applicant appealed Staff’s decision to the Board of Adjustment (BoA).

**SUGGESTED MOTIONS:**

*If you chose to allow the sign:*

I move that we approve the appeal to allow a 16’, 8’ x 4’ double sided animated sign at 301 1st Street. The Board finds that the sign may not be in technical compliance with the rules, but the sign will have a minimal affect and will enhance the gateway to Kersey, promote Kersey’s policies for business development, and finds that the proposed sign does not violate the spirit of the Kersey Comprehensive Plan nor the Kersey Land Use Code.

*If you chose to deny the appeal:*

I move that the Board of Adjustment deny the appeal to overturn Staff’s denial of the sign application. The proposed sign violates the sign code, is inconsistent with the Town’s goals for downtown, and poses a safety hazard to nearby residents, drivers, and pedestrians. Additionally, the sign would alter the essential character of the neighborhood, potentially diminish the use or enjoyment of adjacent residential properties and could be a nuisance to nearby residents.



# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Staff Communications</b>
<b>Agenda No:</b> <b>X. 1.</b>	<b>Presented by:</b>	

**BACKGROUND:**

Chamber of Commerce

**RECOMMENDED MOTION:**

# KERSEY AREA CHAMBER

## Meeting Minutes

09/11/2023

### Call to order - Attendees

Meeting was held at the Kersey Community Center at 215 2<sup>nd</sup> Street, in Kersey. Meeting was called to order at 5:48 pm by President, Pam Elliott. Attendees included Jewel Vaughn, Teresa Sappington, Karen Dusin, Isabel Garcia and Pam Elliott.

### Approval of minutes

Isabel made a motion to approve the minutes of the last meeting. Teresa seconded the motion and the motion passed.

### Reports

July Treasurer's Report: Beginning balance was \$8805.42 and the ending balance was \$7222.39 based on the bank statement. Jewel moved to accept the July Treasurer's Report. Isabel seconded the motion and it passed.

August Treasurer's Report was not available.

### Old Business

Chamber Brochure Stand: The card/brochure display stand has been moved to the Cobblestone Inn & Suites hotel. Pam updated the cards and brochures with only current membership information. Jewel will check the stand monthly and remove any non-member information. She will contact non-members and extend offer of membership in the Chamber.

Business After Hours: Due to projected weather for this week, the 3<sup>rd</sup> quarter Business After Hours will be scheduled for September 28<sup>th</sup> instead of September 12<sup>th</sup>. Teresa Sappington with Dream Weavers Equine Coaching will be the sponsor.

### New Business

Membership Survey: Teresa will present the updated surveys at the October meeting.

November Elections for Vice President and Treasurer: Nominations for these officer positions must be submitted by October 27, 2023. Jewel will send out notice to members after the October Chamber meeting. Voting will take place at the November meeting.

Community Vision Committee/Potluck Invitation: Pam informed the group that the Community Vision Committee is holding a potluck this Wednesday, September 13, 2023 at 5:30. If any members would like to attend, please bring a dish to share. The committee hopes to get ideas on how the people of Kersey would like to see our community grow over the coming years.

Holiday Festival: Pam will check with the Town to get more information on the upcoming Holiday Festival.

## Town Board Meeting Report

Town Board Meeting Report: Karen informed the group that the Town audit had been completed, there has been discussion about future water needs and there were positive reports regarding Kersey Days. The Town also purchased a new trailer for the Town Board to use for parades - unfortunately it was received AFTER the Kersey Days parade this year. They will use it for the Holiday Festival parade this year and any other parades going forward.

## Membership News & Updates

Membership News & Updates: Pam informed the group that she received a membership application from Jessica Jiminez, owner of Homes 4 NoCo Real Estate. The group was excited to have a new member and hopes to meet the owner soon. Pam also stated that she is subletting one of her offices to My Educational Resources and her CPA may be moving into another open office in her area of the building.

## Open Discussion

None

Jewel moved to adjourn the meeting. Teresa seconded the motion and the meeting was adjourned.

Next meeting will be Monday, October 2, 2023 at the Kersey Community Center at 215 2<sup>nd</sup> Street, Kersey, CO at 5:45 pm.

Respectfully submitted, Jewel Vaughn	
Secretary	Date of approval

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Staff Communications</b>
<b>Agenda No:</b> <b>X. 2.</b>	<b>Presented by:</b>	

**BACKGROUND:**

Tree Board

**RECOMMENDED MOTION:**



## **KERSEY TREE BOARD AGENDA** Update

October 9, 2023

446 1<sup>st</sup> Street, Kersey Town Hall

### **Call to Order:**

### **Members Present:**

### **Approve Minutes of September 11, 2023, meeting**

### **Treasurers Report: Barb Eckhardt**

Balance in Accounts

Other expense

### **Old Business:**

1. Update on Centennial Park and Kohler Park
2. Is the irrigation system completed Memorial Park
3. Has the PV High School been contacted to see if students required to do community service  
Would help the Tree Board with projects.
4. Status on the 17 trees that were ordered.

### **New Business:**

1. Update on CTC grant money that was received.
2. Update from Kurt on storage of old and new photos
3. Update on trees in front of old elevator
4. Update on project by the Kersey Inn
5. What is needed for the Tree City USA grant that is to be submitted in December

### **Other concerns:**

### **COMMITTEES REPORTS:**

**Tree ordering:** Tharon Vannest and Kurt Smith

**Planting trees:** Tharon Vannest and Kurt Smith

**Budget/working with Town Hall:** Barb Eckhardt and Shirley Hanson

**Park clean up:** Tharon Vannest, Kurt Smith and Allen Salser (set dates for park clean-up)

**Arbor Day/news releases:** Joan Lind and Linda Cantrell

**Grants/Tree City USA:** Kurt Smith and Committee

**Pictures:** Deb Orr and Roberta Smith

**Education (community):** Mary Fox and Roberta Smith

**Notes for Town board meeting:** Shirley Hanson will send minutes to Kurt Smith and Karen Dusin to report at town work session.

**Recorder (records the time spent on activities, people & dates for grant information):**

Anna Schneider and Karen Dusin (Is everyone turning in their hours?)

### **Other Announcements:**

Next meeting to be determined.

### **Adjournment**

## **KERSEY TREE BOARD MINUTES**

### **SEPTEMBER 11, 2023**

#### **CALL TO ORDER:**

Co-Chairman Barb Eckhardt called the meeting to order at 2:04 pm at 446 1<sup>st</sup> Street in Kersey, Colorado, at the Kersey Town Hall. Members present were: Linda Cantrell, Karen Dusin, Anna Schneider, Allen Salser, Barb Eckhardt, Roberta Smith, Deb Orr, Tharon Vannest, Mary Fox and Shirley Hanson.

#### **MINUTES:**

Roberta Smith made a motion to approve the minutes of the August 14, 2023, meeting and seconded by Karen Dusin. Motion carried.

#### **TREASURER'S REPORT:**

Roberta Smith gave the treasurer's report which had not changed since the July meeting. The Tree Board account has a balance of \$135.90 and the Tree City USA account has a balance of \$3,600.00. A motion was made by Anna Schneider and seconded by Mary Fox to accept the Treasurer's report. Motion carried.

#### **OLD BUSINESS:**

Update on Memorial Park since Kurt Smith was not in attendance there was no update on the irrigation system or other concerns.

There was no report on due to Kurt Smith absence if the Platte Valley High School had been contacted to see if students required to do community service would help with Tree Board projects.

#### **NEW BUSINESS:**

It was agreed to delay the cleaning of Memorial Park and West Wedge till next spring. There was also a discussion in the winter when the highway is clear by snowplows how the magnesium chloride effects the trees at Memorial Park. Also it would be wise to check with a nursery how the salt effects certain plants before we plant new ones and also what type of spray would be good to use to keep the weeds down.

The update on planting trees by mid-September was tabled due to lack of information.

Update on Centennial and Kohler Park. There have been several complaints to members about the condition of Kohler Park. It is not being watered and the grass looks terrible and there is a tree dying. Some of the neighbors have been picking up the trash. Centennial Park appears to have a lack of water also.

There was a discussion on the 17 trees that have been ordered. Will they still get planted and if we don't get them planted will the nursery hold the trees and what about the payment. Will they need to be planted in a different area than what was designated in August.

We need to think about the TREE City USA grant. Information needs to be compiled for submission in December.

Old and new photos need to be sent to a central place for storage. The final place has not been determined yet. We need to check with Kurt.

The door prize winner of the tree bush that was given as a door prize at Kersey Day we were unable to contact and as a result was given to another person who had registered for the drawing.

Karen Dusin stated the Cobble Stone Hotel has a stand for information flyers, that perhaps the Tree Board would like to develop a flyer. We would need to check with the Kersey Town Manager.

Karen also stated the Tree Board sign that was used at Kersey Day is at the Museum. That needs to go to Kurt Smith for storage.

Articles for the town news letter need to be in by the second Tuesday.

#### **OTHER ANNOUNCEMENTS:**

The next meeting will be Monday, October 9, 2023.

#### **ADJOURMENT:**

On a motion made by Roberta Smith the meeting was adjourned at 3:10 pm. Motion seconded by Linda Cantrell. Motion carried.

Respectfully Submitted,  
Shirley Hanson  
Secretary

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Staff Communications</b>
<b>Agenda No:</b> <b>X. 3.</b>	<b>Presented by:</b>	

**BACKGROUND:**

Town Manager

**RECOMMENDED MOTION:**

## Street Fund- General Sales Tax

02-01-00-4180

(reported date)	2016	2017	2018	2019	2020	2021	2022	2023	over (under) prior year
January	\$ 15,573	\$ 16,041	\$ 17,770	\$ 21,222	\$ 30,198	\$ 29,649	\$ 37,049	\$ 46,425	25.31%
February	\$ 16,825	\$ 20,767	\$ 21,242	\$ 24,997	\$ 29,231	\$ 57,061	\$ 52,331	\$ 40,926	-21.79%
March	\$ 15,547	\$ 18,231	\$ 21,089	\$ 27,371	\$ 37,812	\$ 38,176	\$ 51,726	\$ 36,993	-28.48%
April	\$ 17,532	\$ 19,029	\$ 19,988	\$ 36,530	\$ 29,843	\$ 42,607	\$ 40,721	\$ 49,703	22.06%
May	\$ 16,207	\$ 22,542	\$ 27,722	\$ 31,198	\$ 29,583	\$ 44,299	\$ 53,284	\$ 69,431	30.30%
June	\$ 15,818	\$ 24,679	\$ 22,371	\$ 25,740	\$ 25,187	\$ 41,474	\$ 42,284	\$ 71,020	67.96%
July	\$ 16,249	\$ 21,948	\$ 27,263	\$ 30,353	\$ 25,623	\$ 35,968	\$ 48,535	\$ 51,555	6.22%
August	\$ 18,087	\$ 24,961	\$ 29,701	\$ 32,276	\$ 26,054	\$ 56,034	\$ 66,549	\$ 54,092	-18.72%
September	\$ 19,035	\$ 22,548	\$ 24,534	\$ 38,273	\$ 24,559	\$ 32,458	\$ 46,832	\$ 41,259	-11.90%
October	\$ 18,561	\$ 22,226	\$ 28,981	\$ 35,677	\$ 24,716	\$ 39,749	\$ 59,287		-100.00%
November	\$ 19,165	\$ 23,172	\$ 20,593	\$ 35,077	\$ 29,019	\$ 47,760	\$ 71,280		-100.00%
December	\$ 12,495	\$ 19,981	\$ 22,194	\$ 32,309	\$ 25,394	\$ 39,195	\$ 44,732		-100.00%
Total	\$ 201,094	\$ 256,125	\$ 283,448	\$ 371,023	\$ 337,219	\$ 504,430	\$ 614,610	\$ 461,404	
Budgeted	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 363,000	
over/(under)	\$ (48,906)	\$ 6,125	\$ 33,448	\$ 121,023	\$ 87,219	\$ 254,430	\$ 364,610	\$ 98,404	

## General Sales Tax

01-01-00-4180

	2016	2017	2018	2019	2020	2021	2022	2023	
January	\$ 31,144	\$ 32,080	\$ 35,538	\$ 42,441	\$ 60,392	\$ 59,294	\$ 74,168	\$ 92,868	25.21%
February	\$ 33,648	\$ 41,532	\$ 42,480	\$ 49,989	\$ 58,460	\$ 114,114	\$ 104,654	\$ 81,847	-21.79%
March	\$ 31,092	\$ 36,459	\$ 42,175	\$ 54,738	\$ 75,618	\$ 76,346	\$ 103,445	\$ 73,981	-28.48%
April	\$ 35,063	\$ 38,057	\$ 39,974	\$ 73,054	\$ 59,682	\$ 85,208	\$ 81,437	\$ 99,377	22.03%
May	\$ 32,412	\$ 45,082	\$ 55,440	\$ 62,390	\$ 59,160	\$ 88,591	\$ 106,560	\$ 138,852	30.30%
June	\$ 31,634	\$ 49,355	\$ 44,738	\$ 51,475	\$ 50,371	\$ 82,941	\$ 84,562	\$ 144,192	70.52%
July	\$ 32,497	\$ 43,892	\$ 54,522	\$ 60,883	\$ 51,316	\$ 71,930	\$ 97,063	\$ 104,672	7.84%
August	\$ 36,171	\$ 49,918	\$ 59,397	\$ 64,547	\$ 52,105	\$ 112,062	\$ 133,088	\$ 109,823	-17.48%
September	\$ 38,068	\$ 45,093	\$ 49,064	\$ 76,540	\$ 49,114	\$ 64,911	\$ 93,657	\$ 83,768	-10.56%
October	\$ 37,120	\$ 44,455	\$ 57,957	\$ 71,349	\$ 49,429	\$ 79,491	\$ 118,566		-100.00%
November	\$ 38,328	\$ 46,341	\$ 41,182	\$ 70,149	\$ 58,033	\$ 95,513	\$ 142,549		-100.00%
December	\$ 24,989	\$ 39,959	\$ 44,385	\$ 64,613	\$ 50,860	\$ 78,384	\$ 89,458		-100.00%
Total	\$ 402,166	\$ 512,223	\$ 566,852	\$ 742,168	\$ 674,540	\$ 1,008,785	\$ 1,229,207	\$ 929,380	

Budgeted	\$	600,000	\$	400,000	\$	400,000	\$	500,000	\$	500,000	\$	575,000	\$	625,000	\$	1,100,000
over/(under)	\$	(197,834)	\$	112,223	\$	166,852	\$	242,168	\$	174,540	\$	433,785	\$	604,207	\$	(170,620)

<i>Lodging Tax</i>		2016		2017		2018		2019		2020		2021		2022		2023
January	\$	1,888	\$	806	\$	1,853	\$	1,815	\$	1,242	\$	2,787	\$	1,756	\$	2,903
February	\$	1,623	\$	-	\$	2,425	\$	2,711	\$	2,134	\$	1,378	\$	1,766	\$	2,912
March	\$	-	\$	3,359	\$	1,620	\$	1,524	\$	3,053	\$	1,045	\$	1,275	\$	2,161
April	\$	2,389	\$	2,302	\$	2,108	\$	2,862	\$	2,138	\$	1,549	\$	2,143	\$	2,352
May	\$	1,079	\$	2,556	\$	3,833	\$	3,011	\$	870	\$	1,377	\$	1,929	\$	1,328
June	\$	2,180	\$	3,304	\$	282	\$	1,923	\$	890	\$	2,127	\$	2,828	\$	2,724
July	\$	-	\$	3,673	\$	5,777	\$	1,905	\$	815	\$	4,323	\$	1,624	\$	3,803
August	\$	5,753	\$	3,342	\$	3,462	\$	3,141	\$	1,723	\$	3,943	\$	7,499	\$	3,830
September	\$	2,530	\$	-	\$	4,028	\$	3,309	\$	2,165	\$	3,009	\$	2,999		
October	\$	1,704	\$	5,928	\$	2,896	\$	4,252	\$	1,711	\$	3,616	\$	4,662		
November	\$	1,365	\$	2,421	\$	2,209		0	\$	-	\$	1,761	\$	2,558		
December	\$	1,478	\$	2,130	\$	2,826	\$	2,930	\$	989	\$	3,404				
Total	\$	21,989	\$	29,821	\$	33,319	\$	29,383	\$	17,730	\$	30,319	\$	31,039	\$	22,013
Budgeted	\$	46,200	\$	25,000	\$	30,000	\$	33,000	\$	35,000	\$	35,000	\$	25,000	\$	30,000
over/(under)	\$	(24,211)	\$	4,821	\$	3,319	\$	(3,617)	\$	(17,270)	\$	(4,681)	\$	6,039	\$	(7,987)

<i>General Property Tax</i>		2016		2017		2018		2019		2020		2021		2022		2023
January	\$	3	\$	(134)	\$	(162)	\$	-	\$	-	\$	-	\$	1,324	\$	691
February	\$	1,751	\$	2,262	\$	5,642	\$	2,453	\$	1,476	\$	1,949	\$	2,371	\$	3,635
March	\$	54,170	\$	66,538	\$	89,303	\$	88,469	\$	115,917	\$	71,540	\$	89,727	\$	79,569
April	\$	6,608	\$	200,961	\$	4,003	\$	7,887	\$	12,161	\$	51,339	\$	49,759	\$	60,277
May	\$	47,549	\$	36,977	\$	207,507	\$	204,851	\$	88,345	\$	254,091	\$	152,910	\$	204,488
June	\$	25,941	\$	19,001	\$	18,812	\$	15,400	\$	534,771	\$	25,172	\$	22,503	\$	37,936
July	\$	23,978	\$	30,350	\$	40,242	\$	49,464	\$	74,126	\$	72,180	\$	60,343	\$	65,589
August	\$	3,709	\$	5,145	\$	10,684	\$	2,067	\$	3,295	\$	3,449	\$	1,524	\$	4,966
September	\$	2,224	\$	1,185	\$	475	\$	3,546	\$	5,019	\$	3,262	\$	9,064	\$	2,883
October	\$	649	\$	29	\$	1,005	\$	2,221	\$	391	\$	61	\$	5,894		
November	\$	423	\$	312	\$	2,681	\$	180	\$	8,560	\$	2,442	\$	676		
December	\$	-	\$	-	\$	-	\$	-	\$	633	\$	1,456	\$	(652)		

Total	\$	167,005	\$	362,626	\$	380,192	\$	376,538	\$	844,694	\$	486,941	\$	395,443	\$	460,034
Budgeted	\$	167,020	\$	363,242	\$	380,273	\$	376,631	\$	849,960	\$	488,469	\$	395,580	\$	459,501
over/(under)	\$	(15)	\$	(616)	\$	(81)	\$	(93)	\$	(5,266)	\$	(1,528)	\$	(137)	\$	533

*Use Tax*

	2016	2017	2018	2019	2020	2021	2022	2023
January	\$ 299	\$ 4,401	\$ 83	\$ 689	\$ 718	\$ 343	\$ 7,969	\$ 1,368
February	\$ 512	\$ 881	\$ 72	\$ 47	\$ -	\$ 4,187	\$ 458	\$ 6,834
March	\$ 11,917	\$ 159	\$ 529	\$ 808	\$ 689	\$ 1,677	\$ 1,002	\$ 254
April	\$ 418	\$ 626	\$ 184	\$ 14,922	\$ 257	\$ 6,003	\$ 7,345	\$ 253
May	\$ 814	\$ 4,145	\$ 248	\$ 9,566	\$ 544	\$ 951	\$ 5,787	\$ 11,942
June	\$ 4,277	\$ 9,731	\$ 633	\$ 4,029	\$ 818	\$ 2,078	\$ 2,332	\$ 4,590
July	\$ 65	\$ 5,168	\$ 381	\$ 538	\$ 3,158	\$ 3,162	\$ 263	\$ 5,243
August	\$ 4,762	\$ 434	\$ 229	\$ 31,329	\$ 349	\$ 713	\$ 1,392	\$ 7,315
September	\$ 1,726	\$ 36	\$ 653	\$ 233	\$ 392	\$ 251	\$ 3,114	\$ 3,384
October	\$ 350	\$ 172	\$ 5,181	\$ 38,957	\$ 16,100	\$ 302	\$ -	
November	\$ 497	\$ 8,126	\$ 1,515	\$ 230	\$ 691	\$ -	\$ 4,505	
December	\$ 145	\$ 218	\$ 11,237	\$ 372	\$ 953	\$ 303	\$ 59	
Total	\$ 25,782	\$ 34,097	\$ 20,945	\$ 101,720	\$ 24,669	\$ 19,970	\$ 34,226	\$ 41,183
Budgeted	\$ 35,000	\$ 35,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
over/(under)	\$ (9,218)	\$ (903)	\$ (9,055)	\$ 71,720	\$ (5,331)	\$ (10,030)	\$ 4,226	\$ 11,183

*Sales Tax Rate comparisons by Town*

Wiggins	2.00%
Milliken	2.50%
Ault	3.00%
Dacono	3.00%
Eaton	3.00%
Garden City	3.00%
Johnstown	3.00%
Evans	3.50%
Kersey	3.60%
Windsor	3.95%
Brush	4.00%



Gilcrest	4.00%
Hudson	4.00%
Greeley	4.11%

2020 Assessed Valuation (Gross assessed)

AUTHORITYNAME	TAXYEAR 2019	TAXYEAR 2020	TAXYEAR 2021	TAXYEAR 2022	TAXYEAR 2023
AULT TOWN	\$19,972,060	\$ 21,043,450			
BERTHOUD TOWN	\$134,106,370	\$ 53,564,890			
BRIGHTON TOWN	\$77,615,720	\$ 89,274,310			
DACONO TOWN	\$85,402,510	\$ 89,181,940			
EATON TOWN	\$80,912,590	\$ 81,469,190			
ERIE TOWN	\$368,888,160	\$ 352,121,010			
EVANS CITY	\$253,325,730	\$ 193,456,310			
FIRESTONE TOWN	\$265,869,220	\$ 263,819,990			
FORT LUPTON CITY	\$299,272,550	\$ 244,762,830			
FREDERICK TOWN	\$434,857,760	\$ 428,765,090			
GARDEN CITY TOW	\$8,386,020	\$ 8,662,760			
GILCREST TOWN	\$7,968,470	\$ 7,953,560			
GREELEY CITY	\$1,498,232,280	\$ 1,621,242,130			
GROVER TOWN	\$586,830	\$ 592,650			
HUDSON TOWN	\$37,673,150	\$ 193,377,660			
JOHNSTOWN TOW	\$164,572,660	\$ 165,399,650			
KEENESBURG TOW	\$13,984,040	\$ 14,340,430			
KERSEY TOWN	\$49,389,450	\$ 28,391,150	22,992,180	26,702,860	33,912,020
LASALLE TOWN	\$24,847,560	\$ 25,134,390			
LOCHBUIE TOWN	\$51,708,610	\$ 76,745,480			
LONGMONT TOWN	\$42,644,020	\$ 67,380,370			
MEAD TOWN	\$153,143,610	\$ 120,866,100			
MILLIKEN TOWN	\$88,421,860	\$ 89,119,150			
NEW RAYMER TOV	\$648,310	\$ 637,620			
NORTHGLENN TOV	\$1,196,450	\$ 716,760			
NUNN TOWN	\$15,605,790	\$ 17,277,720			
PIERCE TOWN	\$10,800,460	\$ 32,367,820			
PLATTEVILLE TOWN	\$44,894,420	\$ 42,862,320			
SEVERANCE TOWN	\$114,142,550	\$ 103,317,940			
TIMNATH TOWN O	\$900	\$ 960			
WINDSOR TOWN	\$571,818,760	\$ 582,242,860			

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Staff Communications</b>
<b>Agenda No:</b> <b>X. 4.</b>	<b>Presented by:</b>	

**BACKGROUND:**

Town Attorney

**RECOMMENDED MOTION:**

# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Board of Trustees Communications</b>
<b>Agenda No:</b> <b>XI.</b>	<b>Presented by:</b> <b>BOT</b>	
<b>BACKGROUND:</b>  <p>Questions, comments, or concerns!</p> <p>Attached is the invitation to the Town/County Dinner. Please let Julie know as soon as possible if you would like to attend. RSVP due by 10/20.</p> <p>And a quick reminder attached about the Community Potluck Wednesday Night at the Kersey Community Center.</p>		
<b>RECOMMENDED MOTION:</b>		



OFFICE OF BOARD OF COMMISSIONERS  
PHONE: 970-336-7204  
FAX: 970-336-7233  
1150 O STREET  
P.O. BOX 758  
GREELEY, COLORADO 80632

October 5, 2023

Dear Mayors, Councils, Boards of Trustees and Administrators:

The Weld County Commissioners invite you to attend the Annual Town/County Dinner on Thursday, October 26<sup>th</sup>. This will be held at the Weld County Administration Building, 1150 O Street, Greeley.

The evening will begin at 6:00 p.m., dinner buffet starting at 6:15 p.m., followed by a presentation.

**Like in years past, please email any photos, facts or items you would like featured so we can put it in our yearly PowerPoint presentation that runs during the evening.**

We are happy to accommodate elected officials, administrators and key municipal staff. Weld County has offered to pick up the dinner cost for elected officials again this year. If you would like to bring key staff, their cost is \$17 per plate and we will need to have a paid RSVP on file by the deadline. Below is invitation and the link to register (& pay via purchasing card for staff). Please submit your photos and register by **October 20<sup>th</sup>**.

We look forward to seeing you October 26<sup>th</sup>.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Mike Freeman, Chair



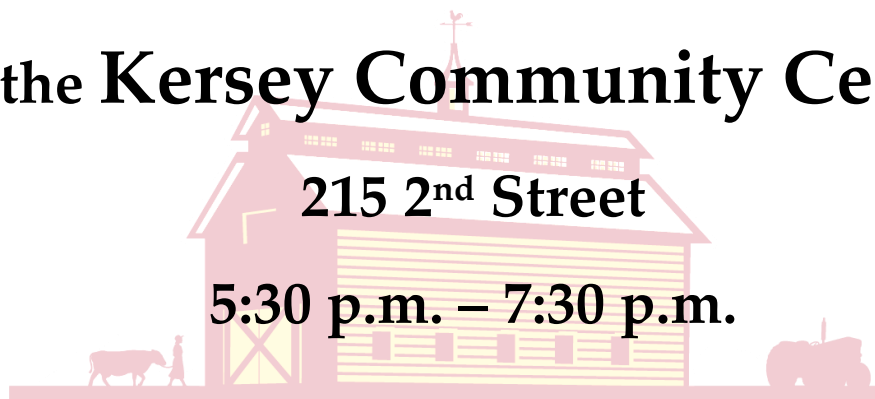
**Join us at the Share Big Ideas Potluck**

**Wednesday, October 11<sup>th</sup>**

**at the Kersey Community Center**

**215 2<sup>nd</sup> Street**

**5:30 p.m. – 7:30 p.m.**



**TOWN OF  
KERSEY**

Please join us for a potluck dinner and discussion about the future of Kersey, including where future homes, apartments, parks, and businesses could be located and the overarching ideas for Kersey's strategic plan.

Bonus: Bring your favorite dish to share with 8 people.

**RSVP:**

or email  
DOrtiz@Kerseygov.com



Check out our website  
For more info:  
**[www.Kerseygov.com](http://www.Kerseygov.com)**



# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Executive Session</b>
<b>Agenda No:</b> <b>XIII.</b>	<b>Presented by:</b>	
<b>BACKGROUND:</b>  <p>Executive Session for Personnel Matters: Review of Town Manager Contract</p> <p>See motion below and follow Executive Session Motions</p>		
<p>I. <b>RECOMMENDED MOTION:</b> I move to go into Executive Session for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of City Council or any elected official; the appointment of any person to fill an office of the City Council or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees: Review of Town Manager contract</p>		



# Town of Kersey

## Council Communication

<b>Meeting Date:</b> 10/10/2023	<b>Page 1 of 1</b>	<b>Item: Adjournment</b>
<b>Agenda No:</b> <b>XIV.</b>	<b>Presented by:</b>	

**BACKGROUND:**

End of Meeting 😊

**RECOMMENDED MOTION:**