

**Meeting Minutes of  
The Board of Trustees  
Town of Gilcrest, Colorado  
304 8<sup>th</sup> Street – Town Hall  
January 4, 2022  
7:00 P.M.**

**1. CALL TO ORDER: 7:00 P.M.**

- a. Pledge of Allegiance
- b. Roll Call – Mayor Chavez, Mayor Pro -Tem Nothem, Trustees: Castro, Lester, Esquivel, Fulton  
Absent: Trustee Tapia
- c. Town Staff Present: Larry Lorentzen, Town Administrator, Brenda Joseph, Town Clerk/  
Treasurer

**2. APPROVAL OF THE REGULAR AGENDA:**

**Motion – Trustee Nothem**, Motion to approve the Regular Agenda with the addition of New Business item "G" donations for victims of the Marshall fire. **2<sup>nd</sup> – Trustee Fulton**  
All voted Aye. **Motion carried (5-0).**

**3. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA:**

None

**4. CONSENT AGENDA:**

- a. Board of Trustee Minutes for December 7, 2021
- b. Bills for Approval

**Motion – Trustee Lester**, Motion to approve the Consent Agenda, **2<sup>nd</sup> – Trustee Esquivel**  
All voted Aye. **Motion carried (5-0).**

**5. OLD BUSINESS**

- a. Ordinance 2022-01 Approving Conditional Use Permit for Outdoor Storage in the Light Industrial Zone (Continued from meeting of December 7, 2021)

Town Administrator Lorentzen explained that the applicant, Tate Nelson, has requested this be continued until the February 1, 2022, BOT meeting. The applicant is requesting this be continued to give them time to get pricing on fencing and landscaping.

**Motion – Trustee Nothem**, Ordinance 2022-01 Approving Conditional Use Permit for Outdoor Storage in the Light Industrial Zone (Continued from meeting of December 7, 2021) to be continued to February 1, 2022, **2<sup>nd</sup> – Trustee Fulton**. All voted Aye. **Motion carried (5-0).**

## 6. NEW BUSINESS:

### a. B & C Refuse Contract – Rate Increase Due to Landfill Dump Fee Increase

Carolyn Deroo and Jordan Deroo were present at the Board meeting. Carolyn explained that they are at the meeting to notify the town that the dump rates from Waste Management have gone up which is why they are increasing their rates by a \$1.00.

Town Administrator Lorentzen pointed out that the current contract states that B & C Refuse must notify the Town of the increase and that the current contract allows for the increase. The new fee schedule reflects the increase. The current rates are at \$23.00 per customer per month (\$21.95 for Seniors).

**Motion – Trustee Castro**, Motion to approve B & C Refuse Contract – Rate Increase Due to Landfill Dump Fee Increase, **2<sup>nd</sup> – Trustee Esquivel**. All voted Aye. **Motion carried** (5-0).

### b. Resolution 2022 - 01 Adopting 2022 Fee Schedule

Town Administrator Lorentzen stated that the fee schedule attached to the ordinance remains the same as what was approved last year with the exceptions of the sewer use fees and the trash collection fees. He explained that regarding the Sewer Use Fees the Town started a phased increase in sewer user fees with a 5% increase with the intent to raise them 5% a year for three years. This will be the third and final year with a 5% increase. This increase is needed to bring the cash reserves in the sewer fund back up to meet the rate covenant in the 2015 State Revolving Fund Loan and allow financing of the Sewer Collection System Repair project.

He explained that regarding the Trash Collection Fees last year when the landfill fees went up the Board amended the code to get rid of the requirement to add a 5% administration charge to pass along the B&C charge as the charge to the residents. The code now simply says the trash rates are set by Resolution. This allowed the town to absorb the cost increase of landfill dump fees with B&C again having to raise their rates a dollar to cover increased landfill dump fees, the proposed fee schedule includes this increase in trash rates to \$24.00 (\$22.95 for seniors).

**Motion – Trustee Castro**, Motion to approve Resolution 2022 - 01 Adopting 2022 Fee Schedule, **2<sup>nd</sup> – Trustee Fulton**. All voted Aye. **Motion carried** (5-0).

### c. Resolution 2022 - 02 Adopting a Three Mile Plan

**Motion – Trustee Esquivel**, Motion to approve Resolution 2022 - 02 Adopting a Three Mile Plan, **2<sup>nd</sup> – Trustee Lester**. All voted Aye. **Motion carried** (5-0).

### d. Resolution 2022 - 03 Designating Posting Places for Meeting Notices

This Resolution fulfills the statutory requirements noted above, designating the Town Website as an official posting location along with Town Hall and the Post Office.

**Motion – Trustee Esquivel**, Motion to approve Resolution 2022 - 03 Designating Posting Places for Meeting Notices, **2<sup>nd</sup> – Trustee Nothem**. All voted Aye. **Motion carried** (5-0).

### e. Element Engineering Contract for Sewer System Repair Design

Town Administrator Lorentzen reported to the Board that at the November 16th meeting the Board previously approved the design contract with Element Engineering subject to approval of language by Town Attorney. The contract had indemnity language which is in violation of Colorado Constitution language prohibiting local governments taking on private debt. Even though this is a common issue not only in Colorado but a number of States, we were having difficulty getting language which is acceptable to our attorney and USDA.

Town Administrator Lorentzen, explained that Town Attorney Hoffman and Town Engineer Marcotte and he had a phone conference on December 22nd on this matter. Marcotte stated he had been unable to get any answer from USDA other than any change in language would have to be reviewed by the USDA which under their current backlog could take a year. Even then, there would be no way to ascertain if the changes we requested would be approved. While Hoffman will not advise signing the agreement as is, he states the risk is fairly insignificant. The sewer project needs to move forward and financing a portion of the project with a USDA loan and grant is necessary to do so.

Town Administrator Lorentzen stated he recommends the Board approve signing the contract with Element Engineering with the current language including the indemnity clauses allowing them to move forward with the sewer project. The sewer project needs to be completed before they can move on to paving any of the streets.

**Motion – Trustee Castro**, Motion to approve the Element Engineering Contract for Sewer System Repair Design, 2<sup>nd</sup> – **Trustee Esquivel**. All voted Aye. **Motion carried** (5-0).

f. Discussion – Holiday Dinner

After brief discussion, the Board decided they would like to go to the Charco Broiler, in Fort Collins, CO. They asked Staff to contact the Charco Broiler and see if either Saturday, January 29, 2022 or Saturday, February 5, 2022, at 4:00 pm is available.

g. Discussion – Donations for the victims of the Marshall Fire

Trustee Castro explained that she asked that this be added to the Agenda for the BOT to discuss helping the victims of the Marshall fire in some way such as a donation from the Town. Castro suggested contacting the Town of Superior to see what is needed by the residents.

Trustee Lester and Mayor Chavez pointed out that there might even be another way to help the victims of the fire that is not monetary help such as with the clean up or donating supplies.

After discussion, the Board asked Town Administrator Lorentzen to contact the Town of Superior to see what their preference would be and then get back to the BOT.

## 7. REPORTS:

a. Code Enforcement November Report

Administrator Lorentzen pointed out the report includes November only due to the Holiday Schedule. The Town does have a couple of Code Enforcement defendants included in the next Court date on January 12, 2022. The Town Prosecutor is currently working on an agreement with

the owner of the welding shop to see if an agreement can be reached between him and the Town to allow for a stipulated settlement on the day of Court.

In addition, Code Enforcement is discussing with the owners of a house that is up on a trailer and blocks behind the Baseball Park to get the owners to do some things to make it safer. It is considered a big safety risk especially to children. He explained that the owner of the property wants to keep the house there until she can go through the Conditional Use Permit process with the Town. He reported that he has told owner that she needs to get everything boarded up including all the windows and the doors and put fencing panels all around the outside to keep people especially children out of it. She is due in Court on January 12, 2022, as well.

Trustee Castro asked if the resident on 12<sup>th</sup> Street that is fixing cars at his house has been contacted by Code Enforcement too to address the issues. Town Administrator Lorentzen stated he will discuss this further with Code Enforcement tomorrow, January 5, 2022.

b. Town Administrator Report

Town Administrator Lorentzen reported he heard back from Bob Lembke. Mr. Lembke stated he was wanting to start the process with Annexation. He also stated he had not received the Reimbursement Agreement Form which Corey Hoffman had sent him, so I resent it to him.

Administrator Lorentzen explained that as soon as the Town gets the signed reimbursement agreement, we will set up a meeting with Bob Lembke's consultants, Town Planner McCool, Town Engineer Element, Town Attorney Hoffman, and himself to plan out a process and schedule for moving forward with Annexation and Zoning.

d. Board of Trustees

Trustee Castro asked if anyone knew what they are doing on the land next to the Gilcrest Elementary School due to there was what appeared to be drilling equipment there recently. After brief discussion it was determined that no additional information is needed.

8. EXECUTIVE SESSION:

None

9. ADJOURNMENT:

**Motion – Trustee Esquivel**, Motion to adjourn the meeting at 7:49 P.M. on January 4, 2022, 2<sup>nd</sup> – **Trustee Lester**. All voted Aye. **Motion carried (5-0).**

TOWN OF GILCREST



*Tyson Chavez*  
Tyson Chavez, Mayor

ATTEST:

*Brenda Joseph*  
Brenda Joseph, Town Clerk