

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

**1. CALL TO ORDER: 7:02 P.M.**

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

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

**Motion – Trustee Castro, Motion to approve the Regular Agenda as Amended to move Old Business 5a. after 2. the Approval of the Regular Agenda. 2<sup>nd</sup> – Trustee Tapia. All voted Aye. Motion carried (4-0).**

**5. OLD BUSINESS**

- a. Donations for Old Town Superior Victims of Marshall Fire

Mayor Chavez welcomed the three recipients of the donations: Phyllis Hardin, Edwin Sharp and Robin Russell. He also welcomed their families to the Board Meeting. He explained that the recipients have all experienced a total loss due to the Marshall Fire.

Town Administrator Lorentzen reported that Weld County RE-1 School District, PDC Energy Inc. and the Town of Gilcrest have all donated \$1500.00 each. Also, the Town has received a \$50.00 gift card and a \$25.00 gift card as donations. Each recipient will receive a donation of \$1,525.00.

The recipients introduced themselves to the Board and expressed their appreciation to all that have donated.

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

None

**4. CONSENT AGENDA:**

- a. Board of Trustee Minutes for March 21, 2022
- b. Bills for Approval
- c. Weld County Planning Referral

**Motion – Trustee Castro, Motion to approve the Consent Agenda, 2<sup>nd</sup> – Trustee Tapia. All voted Aye. Motion carried (4-0).**

## **5. OLD BUSINESS**

### **b. Ordinance 2022-02 Approving Conditional Use Permit for Outdoor Storage in the Light Industrial Zone 1st Reading**

Town Administrator Lorentzen explained that the Town Planner, Carrie McCool, is not able to attend the meeting tonight but she has submitted a Staff Report. As noted in the Staff Report, the Gilcrest Board of Trustees conducted a public hearing on November 16, 2021, December 7, 2021, and March 21, 2022, to consider the request for conditional use permit approval to allow outdoor storage in the I-1 Light Industrial Zone District. The applicant's goal at the last public hearing was to obtain Board feedback on what to install for the fence required for screening of the proposed outdoor storage and vehicles on site.

The applicant submitted a CUP Site Plan on March 24, 2022, that proposes an 8-foot-tall chain link fabric (3/8" mesh size) with three-strand barbed wire at the top located around the perimeter of the property. The three-strand barbed wire height is not dimensioned but would be installed at a 45-degree angle. A note on the plans indicates vinyl slats would be interwoven in the entire chain link fence. The color of the proposed vinyl slats is not provided.

Staff findings: As previously noted in past staff reports, the conditional use satisfies all applicable provisions of the zoning code, with the exception of the required screening of the outdoor storage area and vehicles used in conjunction with the business.

Town Administrator Lorentzen reported that Town Planner, Carrie McCool, had several concerns particularly the 8-foot-tall chain link fabric (3/8" mesh size) with three-strand barbed wire under Code would make the fence too high. The fence cannot be over 8 feet without a variance and the barbed wire would only be allowed for specific security reasons. Staff finds that perimeter chain link fencing with vinyl slats and three-strand barbed wire is not in character with any neighborhood in town.

Also, if the first reading is approved tonight as is, three Variances would be required: a variance from the fence materials standard to allow construction of a fence made with plastic (vinyl slats), a variance from the industrial screening of outdoor storage and vehicles requirements to allow construction of a non-opaque fence without combined dense plantings to provide adequate screening from view from adjacent properties and public rights-of-way, and a variance from the fence location requirements to allow a fence to extend beyond the front of an industrial building.

Discussion took place between the Applicant and the Board.

Applicant Tait Nelson, Nelson Contracting, property located at 19186 CR 29, and Eric Wernsman, Wernsman Engineering and Land Development, LLC stated the applicant can remove the barbed wire from the fence plans. The applicant is planning to replace the existing fence with new fence. Eric Wernsman restated the items agreed upon between the Board and the applicant during the discussion as follows: both the Board and Applicant agreed that the Applicant can put the fence up at or near the property line on the back side of the property and that they do not need to put the trees on the inside of the fence after all.

**Motion – Trustee Castro, Motion to adopt the Ordinance 2022-02 Approving the Conditional Use Permit for Outdoor Storage in the Light Industrial Zone on the 1st Reading with the conditions that the Applicant is in compliance with the Town Code regarding the Truck Route Plan and that they are also in compliance with the Town Code concerning Fencing and Screening, 2<sup>nd</sup> – Trustee Tapia. All voted Aye. Motion carried (4-0).**

**c. 815 Starbird Avenue – Water Dedication and Conditional Certificate of Occupancy**

Town Administrator Lorentzen referred the Board to a memo from the Town Attorney, Corey Hoffmann dated Friday, April 1, 2022, with Corey's suggestions for proceeding with issues at 815 Starbird Avenue. Town Administrator Lorentzen explained that essentially the Town Attorney, Corey Hoffman, is saying that he does not think the lien on the property in lieu of the cash value of one water share is a good idea. He suggests that the Town get the amount that Manny is paying for the CBT water share as a security deposit to be held by the Town in escrow pending Manny Agripino's closing for the one water share of CBT water. Also, he recommends Manny Agripino's Attorney, John Barry, put together an agreement satisfactory to the Towns attorney, Corey Hoffman, with a deposit in the amount of the purchase price for the one water share from Manny and the circumstances of when to release the cash to transfer the share of water. Town Administrator Lorentzen explained that \$65,000.00 is the potential purchasing price for a single share of water that Manny is working with Terry Wiedeman to buy.

Manny Agripino, owner/general contractor, at 815 Starbird Ave. stated he must have \$5,000.00 down to put in escrow for his contract with Terry Wiedeman. Manny explained that he has made an offer for the one water share, but it has not yet been accepted. He also explained that all their documents must be into the seller by a deadline of May 1, 2022, to allow them to present it to their Board. Then they will take it to their next Board meeting May 9, 2022. The Board will determine by vote if the offer is accepted. Manny pointed out the seller wants to sell off all fourteen shares at once.

Manny Agripino explained he is asking for the Town to give him until May 16, 2022. He indicated that at that point he will put the \$65,000.00 in an escrow account with the Town if he has not already purchased one water share. He also explained that with the current seller he understood from them that it may be July or August before they get an answer back to him if it is accepted. He stated that tomorrow he will be meeting with his Attorney, John Barry. Manny Agripino said he will not be able to attend the next Board meeting on April 18, 2022.

Town Administrator Lorentzen pointed out to Manny Agripino it must be one share of CBT water. It cannot be a water share from any one but CBT.

After discussion between the Board, Town Administrator Lorentzen and Manny Agripino. Mayor Chavez stated to Manny Agripino to please give his documentation he is referring to to his Attorney and directed Town Administrator Lorentzen to please give his documentation he is referring to to the Town Attorney and the Attorneys can review and advise on it. In addition, Mayor Chavez and the Board stated they want to have the request that Manny has made to extend the deadline to May 16, 2022, reviewed by the Town attorney, Corey Hoffmann, before they will agree to anything.

Manny Agripino state he had one additional question for the Board. He asked if he has to pay \$499.00 a day to the Town for not having this resolved yet with the Town per the Cease and Desist. As of today, Mayor Chavez and the Board stated they want the Town Attorney to advise on everything.

**Motion – Trustee Castro, Motion to continue 815 Starbird Avenue – Water Dedication and Conditional Certificate of Occupancy to the Board meeting on April 18, 2022, 2<sup>nd</sup> – Trustee Tapia. All voted Aye. Motion carried (4-0).**

**6. NEW BUSINESS:**

- a. Employee Bonuses in Lieu of Holiday Dinner

**Motion – Trustee Castro, Motion to approve Employee Bonuses in Lieu of Holiday Dinner in the amount of \$100.00, 2<sup>nd</sup> – Trustee Tapia. All voted Aye. Motion carried (4-0).**

- b. Discussion – Paid Family and Medical Leave Act Opt-Out

Town Administrator Lorentzen referred the Board to the attached memo from Town Attorney, Corey Hoffman. He explained The Colorado Paid Family and Medical Leave Act becomes effective for paying premiums on January 1, 2024 and will start paying benefits on January 1, 2024. The Town has the choice of opting out of the program, but must do so by June 30, 2022. If the Board decides not to opt out of the program, following are the annual premiums for the town and employee at the likely employee salaries on January 1, 2023 (assuming 2% merit increase this year and a 3% cost of living on January 1, 2023). If the Board decides to opt-out it will need to vote on the issue before or on the June 20th meeting.

After discussion, Mayor Chavez and the Board asked Town Administrator Lorentzen to please present this to the Town Staff to get some feedback from them on what their opinion is and then report back to the Board at the next meeting, April 18, 2022.

**8. REPORTS:**

- a. Town Administrator Report

Town Administrator Lorentzen reported that the Town has not yet received a written detailed plan and schedule on the gravel mining operations and pipeline system to the Platte for the Red Tierra Annexation. He explained that he thinks the Town needs another work session with applicant once the Town has this information and prior to getting the petition for annexation.

Also, the Town has received a notice of another application for a gravel mining operation (Monarch-DENM for properties on the west side of Hwy 60, to the north and west of the Red Tierra properties within the Town's Growth Boundary. The notice and an aerial of the area with both Red Tierra and Monarch sites overlaid. He said he has asked the Towns Water Attorney to respond to the State with the same form of letter we sent on the Red Tierra application.

He stated that he went to a meeting with PDC Energy Inc. today and they reviewed their drilling plans for about 600 wells that will be closed and put on about 25 sites. More information will be provided such as a schedule at a later date.

In addition, he explained that he met with Troy Renken, Platteville's Town Manager on Monday March 21, 2022, to discuss gravel mining operations in the area and updated him on Lembke's

proposed project. He said he let him know the Town of Gilcrest will be scheduling a meeting with his planning staff once the Town has more details of the project and annexation proposal.

Town Administrator Lorentzen reported they will have the quarterly oral report from the Police department at the next meeting.

b. Board of Trustees

Trustee Castro explained that she has had a request from a resident that would like the Board to make the Board meetings more accessible to the public with disabilities. Town Administrator Lorentzen will get it set up to put the zoom meeting details on the Board Agenda. In addition, Trustee Castro asked if there is any information known to the Town of the home, off 12<sup>th</sup> Street, that recently had a fire regarding asbestos being found in the building and can the house be used for storage now that the residents are no longer living there. Town Administrator Lorentzen will research and get back to the Board.

8. EXECUTIVE SESSION:

None

9. ADJOURNMENT:

Motion – Trustee Esquivel, Motion to adjourn the meeting at 8:47 P.M. on April 20<sup>th</sup>, 2022, 2<sup>nd</sup> – Trustee Tapia. All voted Aye. Motion carried (4-0).



ATTEST:

Brenda Joseph  
Brenda Joseph, Town Clerk

TOWN OF GILCREST

Tyson Chavez  
Tyson Chavez, Mayor  
Steve Nothman, Mayor Pro Tem