

**Regular Meeting Minutes of
The Board of Trustees
Town of Gilcrest, Colorado
304 8th Street – Town Hall
April 18, 2022
7:00 P.M.**

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

- a. Pledge of Allegiance
- b. Roll Call –Trustees: Castro (served as Mayor Pro-Tem for this meeting), Esquivel, Fulton, Tapia, Lester
Absent: Mayor Chavez, Mayor Pro -Tem Nothem
- c. Town Staff Present: Larry Lorentzen, Town Administrator; Brenda Joseph, Town Clerk/Treasurer, Bob Meisner Public Works Supervisor

2. APPROVAL OF THE REGULAR AGENDA:

Motion – Trustee Esquivel, Motion to approve the Regular Agenda 2nd – Trustee Tapia. All voted Aye. **Motion carried** (5-0).

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

Laura Meisner, resident at 411 12th Street, asked the Board if the used I-Pads that they have replaced with new laptops will be available for the Public to purchase. Town Administrator Lorentzen explained the Town can sell the used I-Pads as Salvage. If any of the Board of Trustees wanted to purchase theirs that would be fine too. Also, Laura Meisner pointed out that the property at 305 12th Street is next to her parents and looks like a junk yard. She said she is asking the Town to do something to get it cleaned up. She added that the junk is creating other problems for near by residents such as mice. The tenants no longer live there. Town Administrator Lorentzen explained the owners of the property have an upcoming Court date regarding this issue. Originally, the property owners had requested some additional time to clean up the property due to the fire. In addition, Laura stated there is a truck that has been parked on Vine Street that appears to not be movable as it has flat tires and is filled with junk. She asked what the Town is doing about that truck being parked there. Town Administrator Lorentzen explained it has been tagged for towing. The owner is given 72 hours before it is towed from the time of the tag. The Town has contacted the owner of the truck as well.

Menda Ide, resident at 510 12th Street, joined the meeting by Zoom. She thanked the Town Board and Staff for providing a way for her to join the Board meetings. She also thanked the Town Utility Clerk Kahler for helping her find someone to clear snow for her this past winter. Menda explained that she was Town Mayor for three terms and is a long-time resident of Gilcrest and has lived here almost thirty-two years and would like to be on the Board Agenda to share her perspective of historical, code improvement, financing, capital improvement projects and a variety of things. She indicated she would like 45 minutes to an hour to talk to the Board of Trustees. The Board asked if she would be ok breaking her presentation up between two Board Meetings. Menda state yes, she would be fine with that. Mayor Pro-tem Castro asked Town Administrator Lorentzen to please add Menda to the next Board meeting Agenda.

4. POLICE DEPARTMENT QUARTERLY REPORT:

Officer Vazquez thanked the Board for having him attend the meeting. He shared Officer McChesney will be retiring in July 2022. They have approximately five qualified applicants that will be invited in for testing. Also, he explained they are finalizing last minute details for their new Watch Guard body-worn cameras. The total dollar amount awarded through the DCJ (Department of Criminal Justice) grant was \$36,315. The cameras should be getting sent out in the near future along with software and training. With the SB 217 mandate comes an annual cost associated with the software, storage and camera replacement starting in 2023. This will be addressed during this year's budget season.

In addition, Officer Vazquez reported that on April 6th, 2022, Platteville/Gilcrest Fire Department presented Platteville PD with 6 AED's for our patrol cars. The Fire Department received a number of AED's through a grant. Also, on April 2, 2022, they conducted their first of six tornado siren tests . With the help of the Platteville/Gilcrest Fire Department, they confirmed that all sirens operated and sounded properly in both Platteville and Gilcrest. Testing will continue the first Saturday of each month through September 2022 @ 10:00am.

During the month of March, officers responded to 7 disturbances, 2 stolen vehicles, 4 harassments, 3 vehicle trespasses and 9 traffic accidents.

5. CONSENT AGENDA:

- a. Board of Trustee Minutes for April 4, 2022
- b. Bills for Approval

Motion – Trustee Lester, Motion to approve the Consent Agenda, **2nd – Trustee Tapia**. All voted Aye. **Motion carried** (5-0).

6. OLD BUSINESS:

- a. Ordinance 2022-02 Approving Conditional Use Permit for Outdoor Storage in the Light Industrial Zone 2nd Reading

Town Administrator Lorentzen reported in the packet that at the April 4, 2022, meeting the Board adopted Ordinance 2022-02 on 1st reading with the condition the fencing and landscaping complied with Town Code. The Board requested staff meet with the applicants to work out what details were acceptable to the Town, and which needed to be amended or receive a variance from the Board of Adjustments. Town Planner McCool set up a zoom meeting for Thursday, April 14th with the Applicant, Tait Nelson, Nelson Contracting Services and Eric Wernsman, Wernsman Engineering and Land Development, LLC. but Tail Nelson had to cancel the meeting due to being out of town.

Town Planner McCool referred the Board to Ordinance 2022-02 included in the packet for Applicant Tait Nelson, Nelson Contracting Services, located at 19186 CR 29. She stated that after review, Town Staff has a few revisions to the conditions. She explained that one of the challenges that they have had from a Staff perspective with the Nelson Contracting Services Conditional Use Permit (CUP) is that the Applicant has not really provided the Staff with a

revised site plan that is fully complete. They have submitted site plans, but the submittal does not clearly show all the conditions have been included. The applicant has been providing the information at the Board meetings and not submitting the information to the Town Staff in advance. Its not clear which of the Site Plan submittals is the final one for review. She stressed that it's important that the Site Plan is complete, and the conditions are clear before Board takes action.

In addition, she explained we need to take a few steps back in the review process as follows: the first item that needs discussed is that the last site plan submitted by the Applicant to Staff showed fence detail that is eight foot high and includes barbed wire along the top of the fence, but it has been confirmed by the Applicant he will not include the barbed wire and will keep the fence eight feet high. The Town will need a revised site plan showing this change regarding the fence. Secondly, she referred to the April Board packet that had an outline of what Code requirements are and what variances would need to be applied for. She expressed the importance of recognizing that the Conditional Use Permit process is not a vehicle to be used for waiving Code requirements. It is a process where you review a specific use on a specific piece of property and the Board has the Authority to present conditions to modify what the impact is. She then referred to Section 16-47 Fences and Walls (c) General Provisions (1) Compatibility. Staff has revised this condition that needs to be included on the revised Site Plan to recommend that the Applicant include the detail of the chain link fence to incorporate the variation, style, and color of the slats for every seventy-five feet as discussed in the last Board meeting, April 4, 2022. The third issue is the Code requires an opaque fence combined with the dense plantings and this cannot be waived. The code requirement Staff recommends that the opaque fence combined with the dense plantings be included in the site plan or the requested changes will be required to go to the Board of Adjustments due to the Board of Adjustments is the body that would review requests from Town Code requirements. The last item is the requirement to not have fence in the front of the commercial or industrial building. Town Planner McCool explained that it is her understanding the Applicant would like to keep the existing fence. If so, this needs to be documented in the conditions as well. She stated any new fencing would be required to meet current Town Code requirements.

Eric Wernsman, Wernsman Engineering and Land Development, LLC, pointed out he thought that as of the last Board meeting, April 4, 2022, they were almost done. It was his understanding that they presented a drawing at the last meeting that showed that the slatted chain link fence is to be located on or immediately adjacent to the property line, taking the landscaping out of the storage areas and they were going to use the vinyl slats and it was all allowed. It was his understanding that the last thing that needed to be decided was the fence location in the front of the business and that the fence either needed to go in the front of the building or they needed to push it back behind the building and that they would discuss if/how they need to do a variance for the fence in the front of the building. He said it sounds like the Town is going backwards and asking for articulation.

Trustee Castro stated she did not think they were going backwards at all. Town Planner McCool is stating they need to be sure the fence is opaque.

Town Administrator Lorentzen explained that the Town is not asking for articulation.

Motion – Trustee Lester to approve Ordinance 2022-02 Approving Conditional Use Permit for Outdoor Storage in the Light Industrial Zone, 2nd Reading, including the finding of slats to be opaque along with the Recommendations Staff **2nd – Trustee Tapia**. All voted Aye. **Motion carried (5-0)**.

b. Status - 815 Starbird Avenue - Water Dedication and Conditional Certificate of Occupancy

Town Administrator Lorentzen reported that Town Attorney Hoffman is moving ahead with the agreement like he suggested in his last memo. Town Attorney Hoffman has not yet heard from Manny Agripino's attorney. It is Town Administrator Lorentzen understanding from Terry Wiedeman that he is still moving forward with the agreements to sell Manny the one share and Clayton Homes 3 shares of CBT.

Trustee Castro explained that it is her understanding that Manny Agripino stated that he will have this completed by May 16, 2022. She asked Town Administrator Lorentzen what happens if he does not have this completed by May 16, 2022, what are their options.

Town Administrator Lorentzen explained that the first thing they can do is shut off the water to the property at 815 Starbird Avenue. A summons can be issued because he is living in the house without a Certificate of Occupancy from the Town. Town Administrator Lorentzen said that he will contact Manny Agripino to determine the reason for his Attorney not contacting the Town Attorney like he had stated to the Board in the Board meeting on April 4, 2022, he would.

7. NEW BUSINESS:

a. Resolution 2022-07 Establishing Water Restrictions

Motion – Trustee Esquivel, Motion to approve Resolution 2022-07 Establishing Water Restrictions, **2nd – Trustee Fulton**. All voted Aye. **Motion carried (5-0)**.

b. IT Contract Amendment for Additional Cyber Security Services

Town Administrator Lorentzen explained that Town Staff met with the Owner from IT Colorado, Mike Roybal, on April 6, 2022. He did a presentation regarding Cyber Security. In addition, Mike explained to Staff that they ran a test to see how strong the Towns Cyber Security is. Town Administrator Lorentzen pointed out the findings of this test have been included in the Board packet. As a result of the test, Mike Roybal, IT Colorado, prepared a Proposal – expanding the IT Services to Include Fully Managed Cyber Security. With IT Colorado's proposal the Town would migrate the website and emails under the cyber security umbrella. The Towns current budget for IT Colorado is \$11,100 with another \$1,024 for the website and emails. The Town also has \$3,000 for general computer maintenance. If the Town were to approve this proposal starting in May 2022, the Town would overrun the total budget specifically for computer network by a \$1,896 spread over the general, water and sewer funds. If the Town were to move forward with an amended IT contract to expand Cyber Security, at this time, the amount per month would be \$1,960.

Menda Ide, resident at 510 12th Street, joining the meeting by Zoom, suggested she could meet with Staff and share information she has relating to this issue. The Board suggested this be continued to next Board Meeting on May 2, 2022, to allow Staff to visit with Menda Ide and to look at other options.

c. Discussion – Open Meetings

Town Administrator Lorentzen referred the Board to Town Attorney Hoffmans memo included in the Board packet outlining a case where the judge ruled against the local government based on

the intent of the open meetings law vs. letter of the law. He explained that he doesn't believe the Board needs to do anything different. Just a caution to keep in mind the open meetings law anytime you are interreacting with other Board members in any manner.

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

Town Administrator Lorentzen reported on April 12, 2022, he met with all staff at our quarterly Safety meeting and went through the Colorado Paid Family Medical Leave Act. After discussion, all staff members stated their preference was for the Board to opt out of the program believing any likely benefits from the program were not worth the payroll deduction.

The Board suggested this be continued to next Board Meeting on May 2, 2022, to allow him to come back to the Board with the Opt Out information.

8. REPORTS:

a. Code Enforcement Report

Town Administrator Lorentzen reported that he will check with Code Enforcement and the Police to confirm when the 72 hours is up regarding the truck that appears to be filled with junk that is parked on Vine Street. He will follow up on the house at 503 12th street to get things moving. For the property on Southeast Plaza Code Enforcement will issue another summons.

b. Town Administrator Report

Town Administrator Lorentzen reported We have not yet received a written detailed plan and schedule on the gravel mining operations and pipeline system to the Platte. He thinks they need another work session with applicant once they have this information and prior to getting the petition for annexation. Subject to the decision on the Nelson CUP, he suggests the Board needs to set a work session with staff to go over the zoning regulations in the commercial and industrial zones.

c. Board of Trustees

Trustee Esquivel reported that the Easter Egg Hunt was a success and she wanted to thank everyone who helped.

Trustee Tapia asked how to verify that Code Enforcement is working the hours reported. The Board suggested that Code Enforcement please put his sign on his truck to allow him to be seen. In addition, he wanted to share with the Board that he was contacted by multiple parents who were concerned about the comments made by a Board member at the Easter Egg Hunt. Discussion took place. The Board agreed they want to keep the Easter Egg Hunt a fun and positive experience for all who attend.

9. EXECUTIVE SESSION:

None

10. ADJOURNMENT:

Motion – Trustee Esquivel, Motion to adjourn the meeting at 8:25 P.M. on April 18, 2022, 2nd – Trustee Tapia. All voted Aye. Motion carried (5-0).



TOWN OF GILCREST



Tyson Chavez, Mayor

ATTEST:



Brenda Joseph, Town Clerk