

**Regular Meeting Minutes of  
The Board of Trustees  
Town of Gilcrest, Colorado  
304 8<sup>th</sup> Street – Town Hall  
June 20, 2022  
7:00 P.M.**

**Work Session - June 20, 2022, 6:00 P.M., Red Tierra - Annexation**

**1. CALL TO ORDER: 7:06 P.M.**

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

**FIRST EXECUTIVE SESSION:**

**Motion – Trustee Nothem**, Motion to adjourn the Regular Board Meeting at 7:09 PM to go into an Executive Session to consider personnel matters, pursuant to C.R.S. Section 24-6-402 (4) (f). **2<sup>nd</sup> – Trustee Fulton**. All voted Aye. **Motion carried (5-0)**.

**Motion – Trustee Nothem**, Motion to reconvene the Regular Board Meeting at 7:24 P.M., on June 20, 2022, **2<sup>nd</sup> – Trustee Lester**. All voted Aye. **Motion carried (5-0)**.

**SECOND EXECUTIVE SESSION:**

**Motion – Trustee Nothem**, Motion to adjourn the Regular Board Meeting at 7:24 P.M. to go into an Executive Session concerning item 5a. Old Business, to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. Section 24-6-402 (4) (b). **2<sup>nd</sup> – Trustee Lester** All voted Aye. **Motion carried (5-0)**.

**Motion – Trustee Lester**, Motion to reconvene the Regular Board Meeting at 7:37 P.M., on June 20, 2022, **2<sup>nd</sup> – Trustee Nothem**. All voted Aye. **Motion carried (5-0)**.

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

**Motion – Trustee Lester**, Motion to approve the Regular Agenda with moving up the Executive Sessions to the beginning of the meeting, **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 June 6, 2022
- b. Bills for Approval
- c. Weld County Referrals
  - i. McDonald Farm Septic
  - ii. ZPSD22-0015 – Additional Residence

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

#### **5. OLD BUSINESS:**

- a. 815 Starbird Avenue – CBT Water Share & Certificate of Occupancy

Town Administrator Lorentzen pointed out to the Board there is a new escrow agreement in their Board packet which the Town Attorney's office prepared where Manny Agripino would escrow \$65,000.00 with the Town, with the Town then turning the \$65,000.00 over to the Title Company escrow three days before the closing.

Town Attorney Lebuhn explained to Manny Agripino that this agreement is a new escrow agreement. It would be dated for tonight, Monday, June 20, 2022. Mr. Agripino would have three days to escrow the \$65,000.00 to the Town. She pointed out to him that the Board is not trying to kick him and his family out of their home. It is a requirement that the CBT Water Share be transferred to the Town before receiving a Certificate of Occupancy.

Manny Agripino asked what all the dates would be for the New Escrow Agreement. Town Attorney Lebuhn stated that today is June 20, 2022. Should he agree to this new escrow agreement he would have three days from today to execute this agreement by escrowing \$65,000.00 to the Town. Manny Agripino then asked for additional clarification by stating if he agrees to the new escrow agreement today, June 20, 2022, then executes it tomorrow, June 21, 2022, by signing the agreement tomorrow, then he believes he has three business days to bring the Town \$65,000.00 from June 21, 2022, which he suggested would be on Monday, June 27, 2022. He asked when does the three days start and when would he receive the Conditional Certificate of Occupancy?

Town Attorney Lebuhn re-stated to Manny Agripino that he would have three days from the time he signs the new escrow agreement which means that he would need to have the \$65,000.00 escrowed to the Town by Thursday, June 23, 2022, before 5:00 pm when the Town Hall Closes. She further explained that the Board is extending the offer to accept Mr. Agripino's new escrow agreement only if he signs the agreement tonight, June 20, 2022, before he leaves.

Town Administrator Lorentzen stated that once Manny Agripino's check for \$65,000.00 has cleared the bank then he will provide Mr. Agripino with a Conditional Certificate of Occupancy.

Manny Agripino explained that he is asking for the escrow deadline for when the \$65,000.00 is to be escrowed to the Town to be set for Tuesday, July 5, 2022, due to tax consequences. He stated he will be using the proceeds from the sale of a primary residence to pay the escrow amount.

Mayor Chavez asked if the Board had anything they would like to say. The Board recommended that they stick with the new escrow agreement that states that Monday, June 20, 2022, is when the escrow agreement would need to be signed by Manny Agripino if Mr. Agripino chooses to agree to the new escrow agreement which would give him three business days from today to execute this agreement by escrowing \$65,000.00 to the Town by close of business day, 5:00 p.m., on Thursday, June 23, 2022. Town Attorney Lebuhn explained to Manny Agripino that he is not obligated to enter into the agreement as offered to him.

Manny Agripino asked what the language for the water shut off is. He stated he understands that he has a Municipal Court Summons for Wednesday, August 10, 2022. Town Attorney Lebuhn explained that it will be decided by the Judge who presides over the Towns Municipal Court not the Board. Mr. Agripino asked if he brings the Town the \$65,000.00 on July 5, 2022, will his water be shut off. Mayor Chavez stated that his water is not being shut off immediately. He will have water from now until his Court date on August 10, 2022. The decision will be decided by the Municipal Court Judge. Town Attorney Lebuhn explained that Mr. Agripino can address his questions and concerns with the Towns Prosecuting Attorney on his Court date. Manny Agripino stated he is not signing the new escrow agreement.

#### b. Amendment to Code Enforcement Contract

Town Administrator Lorentzen explained that he understood Town Code Enforcement Officer Pratt would be joining the meeting tonight, but Officer Pratt is not on Zoom for the Meeting. He explained that he and Officer Pratt reviewed his work hours from over the last year. Officer Pratt has averaged forty-six billable hours per month. Recently, he has been coming to town three to four times a month with billable hours of twelve per trip including field time and office time. He has been contracted with the Town since 2018 with no prior amendments to increase his pay. After reviewing the math, as noted in the Board Packet, the average is between 36 and 48 hours which is \$47.36 per hour.

Mayor Chavez explained that he has recently seen Officer Pratt in Town almost every weekend. Multiple Board of Trustees said they have not seen him. Discussion took place regarding the current Code Enforcement Report. After discussion, the Board recommended a contract amendment to the Code Enforcement Contract increasing the hourly rate from \$40.00 per hour to \$47.00 per hour, not to exceed twenty hours per week unless authorized in advance by the Town Administrator. This amended amount is

still within the 2022 Budget. It should enable Code Enforcement Officer Pratt to off-set his expenses. The Board suggested this be reviewed again during the Work-Sessions for the 2023 Budget, if needed.

## **6. EXECUTIVE SESSION:**

Moved to the beginning of the Board Meeting.

## **7. NEW BUSINESS:**

- a. Personnel Action Item from Executive Session if Needed

The Board recommended this be reviewed and discussed further during the Work Sessions for the 2023 Budget.

- b. Cancelling July 4th Regular Meeting Date and Setting Special Meeting if Needed

**Motion – Trustee Castro**, Motion to cancel the Regular Board Meeting on July 4, 2022, due to it is a Holiday, **2<sup>nd</sup> – Trustee Fulton**. All voted Aye. **Motion carried** (5-0).

Discussion took place. The Board suggested that if a Board Meeting is needed it will be scheduled for Wednesday, July 6, 2022, with proper notice being given.

## **7. REPORTS:**

- a. Code Enforcement Report

Previously reviewed and discussed while discussing the Amendment to the Code Enforcement Contract.

- b. Police Report

The written report has been included in the Board Packet for June 20, 2022 and was already verbally provided to the Board by Police Sergeant Vazquez at the last Regular Board Meeting on June 6, 2022.

- c. Town Administrator Report

Town Administrator Lorentzen reported that at the June meeting of the Upper Front Range Transportation Planning Region quarterly meeting the group approved sending on the application for MMMOF grant for the on-demand transit project. They also approved a petition to the State Transportation Commission to cut the local match from 50% to 25% for this application. He said he believes it will go to the Transportation Commission in August.

In addition, he explained that he has received no further information on any of the development projects which have been proposed, but as he understands, Craig

Sparrow and Clayton Homes are still moving forward with plans and Nelson Contracting and Carrie McCool are working on the site development plan and agreement.

d. Board of Trustees

Trustee Fulton asked when will the street sweeping take place. Town Administrator Lorentzen explained that the company the Town was contracted with to street sweep has cancelled three times so Public Works Supervisor Meisner is checking with other companies to see if we can get them to come to Town to street sweep. Trustee Lester suggested that the Town contact 4x Industrial as well to see if they would be able to assist the Town.

Mayor Chavez reminded everyone to be sure to lock their car and house doors. There is a theft problem in the Town at the moment and this can help detour the situation.

**9. ADJOURNMENT:**

**Motion – Trustee Lester**, Motion to adjourn the meeting at 8:42 P.M. on June 20, 2022, 2<sup>nd</sup> – **Trustee Fulton**. All voted Aye. **Motion carried (5-0)**.



TOWN OF GILCREST

  
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Tyson Chavez, Mayor

ATTEST:

  
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Brenda Joseph, Town Clerk