

**Regular Meeting Minutes of
The Board of Trustees
Town of Gilcrest, Colorado
304 8th Street – Town Hall
June 6, 2022
7:00 P.M.**

Work Session - June 6, 2022, 6:00 p.m. - Cancelled

1. CALL TO ORDER: 7:01 P.M.

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

EXECUTIVE SESSION:

Motion – Trustee Castro, Motion to adjourn the Regular Board Meeting at 7:02 PM 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). 2nd – Trustee Nothem. All voted Aye.
Motion carried (6-0).

Motion – Trustee Castro, Motion to reconvene the Regular Board Meeting at 7:33 P.M., on June 6, 2022, 2nd – Trustee Tapia. All voted Aye. **Motion carried (6-0).**

Police Report:

Motion – Trustee Castro, Motion to put the Police Report on the Regular Agenda just before item 2. since Police Sergeant Vazquez was present. 2nd – Trustee Nothem. All voted Aye. **Motion carried (6-0).**

Police Sergeant Vazquez explained that Officer McChesney’s last day before his retirement is Friday, July 8, 2022. They are in the process of looking for a replacement for him. They have some candidates but because he is an SRO (School Resource Officer) they are looking for an Officer who has specific qualifications and skills. He indicated with the recent tragedy of the Uvalde, Texas School shooting he wanted to make sure that the Board knows that their Officers are fully trained for active shooters and that their Officers should know how to confront an active threat without waiting. The SRO in Gilcrest, Officer Clark, has taken what is called Crisis Intervention Training which provides Officers with training on how to determine whether a person’s behavior

is indicative of a mental health crisis and how to handle it. In addition, their Officers are trained for lock downs and lock outs. In these situations, the Officers on duty typically come and assist the SRO.

Also, he pointed recently with many of the people speeding on Highway 85, they have had some cases where they are speeding 100 mph or more. He pointed out that in the past the Officers could chase the individuals who were clocked speeding that would not stop for them; however, for liability reasons, this has changed, and is no longer always the case. In addition, Police Sergeant Vazquez reported they were told by the District Attorney that the lady who was at the school recently who had a Machete knife will be charged. He also shared a reminder that if anyone in Town sees someone, after dark, typically after curfew hours that is walking around, and you are concerned know that Officers can stop the individual/individuals on Reasonable Suspicion to see what the situation is.

2. APPROVAL OF THE REGULAR AGENDA:

Motion – Trustee Esquivel, Motion to approve the Regular Agenda, 2nd – Trustee Tapia. All voted Aye. Motion carried (6-0).

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

None

4. CONSENT AGENDA:

- a. Board of Trustee Minutes for May 16, 2022
- b. Bills for Approval

Motion – Trustee Lester, Motion to approve the Consent Agenda, 2nd – Trustee Tapia. All voted Aye. Motion carried (6-0).

5. OLD BUSINESS:

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

Mayor Chavez acknowledged Manny Agripino, 815 Starbird Avenue as present. He then stated: “Regarding 815 Starbird Avenue, today is June 6, 2022. Pursuant to the May 16, 2022, Board of Trustees meeting and communication in writing that you, Manny Agripino, received following the meeting, you agreed to have \$65,000 in escrow and provide proof of this to the Town for purchase of your CBT water share. Do you have proof that this amount is in escrow?”

Manny Agripino replied that he did not because everything has changed. He said the Town has that documentation.

Mayor Chavez explained that because the Town has not received this amount, the Town has grounds to move forward with a cease and desist as Mr. Agripino is illegally occupying 815 Starbird Avenue. Manny Agripino replied: "Mayor, I am sure you guys are aware that Manny and Melissa did not change the contract on the purchase of the CBT water, nor did we change the escrow date. The escrow date has now been changed to August 8, 2022." He asked Town Administrator Lorentzen if he visited with the Board regarding their dialogue this morning. Town Administrator Lorentzen said he did mention it to the Mayor. Next, Manny Agripino explained that what happened was the Attorneys for the water changed the contract and closing date. He said the new closing date is now August 11, 2022. He further explained that he spoke to the title company, and they do not want the money in escrow until shortly before it is due. They want his money three days before they close due to the title work that is done at that time. Also, he explained that on the day of closing the water share will be transferred directly to the Town of Gilcrest. In addition, Mr. Agripino stated he is asking the Town to adhere to the contract and if on August 8, 2022, the closing date moves out again, he is willing to give the Town of Gilcrest \$60,000.00. He said he is also asking the Town for a conditional Certificate of Occupancy.

Mayor Chavez asked Manny Agripino: "Do you have the money in escrow?." Manny Agripino replied that he did not. Mayor Chavez then requested a motion to move forward with the Cease and Desist.

Motion – Trustee Lester, Motion for the Town Administrator to notify police of the situation and Manny Agripino's violation of 13-182(a) of the Gilcrest Municipal Code so that the cease and desist may be prosecuted to the full extent of the law in Gilcrest Municipal Court., 2nd – Trustee Fulton. All voted Aye. **Motion carried (6-0).**

The Mayor followed up, telling Manny Agripino that the Town will no longer supply bulk water to 815 Starbird Avenue based on the previously mentioned violations. Pursuant to any applicable law, he will be given written notice prior to water shutoff.

Motion – Trustee Fulton, Motion for the Town Administrator to notify the Public Works Department of the Town's intention to shut off bulk water supply to 815 Starbird Avenue. 2nd – Trustee Lester. All voted Aye. **Motion carried (6-0).**

6. NEW BUSINESS:

a. Resolution 2022-08 Opting Out of Participation in Colorado Paid Family Leave Insurance

Motion – Trustee Lester, Motion to Opt Out of Participation in Colorado Paid Family Leave Insurance, 2nd – Trustee Tapia. All voted Aye. **Motion carried (6-0).**

b. Amendment to Code Enforcement Contract – Mileage & Expenses

Town Administrator Lorentzen pointed out that Code Enforcement Officer Pratt has joined the meeting via Zoom. He explained the town entered into an agreement with Chris Pratt in 2018 for code enforcement services. Compensation in the contract is set at \$40 per hour which is to cover all expenses. The agreement states the town will supply office space with a computer at Town Hall. Prior to Code Enforcement Officer Pratt, the Town had a 2013 contract with Safebuilt for code enforcement services at \$50.00 per hour. With the onset of Covid, Code Enforcement Officer Pratt quit coming into Town Hall to use the Town's computer to maintain his case data base and writing and issuing notices and summonses, with town supplies. He acquired a specialized code enforcement software and uses his own computer, printer, and cell phone for all code enforcement business. The software subscription is costing \$100 per month. Our standard Professional Services Agreement requires Code Enforcement Officer Pratt to carry Professional Liability Insurance which because the Insurance firms look at his position as similar to a law enforcement officer is costing him \$70.50 per month. With the increased costs of travelling and doing business, he indicated he is no longer able to contract at the \$40.00 hour set in 2018. He stated he had told Officer Pratt he would support an amendment to the contract to reimburse the direct costs of mileage, software subscription, professional liability insurance and supplies.

After discussion, it was suggested by the Board that Town Administrator Lorentzen and Code Enforcement Officer Pratt meet to discuss a reasonable hourly rate increase instead of being reimbursed for Mileage & Expenses.

Motion – Trustee Nothem, Motion to table Amendment to Code Enforcement Contract for Mileage & Expenses until the Regular Board Meeting on June 20, 2022, 2nd – Trustee Fulton. All voted Aye. Motion carried (6-0).

7. REPORTS:

a. Town Administrator Report

Town Administrator Lorentzen reported that he has advertised for the Public Works Foreman job position for three weeks now and has only received one application. He plans to visit with Public Works Supervisor Meisner regarding the possibility of needing a summer employee.

He also reported that 503 Elm Street, Clayton Homes, is still moving forward with three - four IRC modular houses on the four lots making up 503 Elm Street. They are still under contract to purchase three shares of water and go to Northern for approval of the transfer in August 2022 along with Manny Agripino, 815 Starbird Avenue. Based on specific code questions he received from the manufacturer located in Arizona he believes the units are under construction. Also, he explained the Town is still planning

on a work session with the Lembke group on June 20, 2022, before the Regular Board Meeting. The Town has received no new information from them to this point.

In addition, for Country Meadows Apartments, Town Planner McCool, and Town Engineer Hagar had a zoom pre-application meeting with Craig Sparrow and his Planner on Friday May 27, 2022, Craig Sparrow's proposed a 50-unit apartment complex on thirteen acres at the southwest corner of WCR 42 and Elm. Development of the property will require a re-zone from R-1 to R-2 (which is in conformance with the Comprehensive Plan for the area), a subdivision to separate the apartment site from the area the solar farm is occupying and site plan approval.

Town Administrator Lorentzen also explained that Town Engineer Hagar, Public Works Supervisor Meisner and himself are meeting on Thursday, June 2, 2022, to look at serving the property with sewer, in light of the current design for sewer collection system repairs.

In addition, he reported that he will attend the Upper Front Range Transportation Planning Region quarterly meeting on Thursday, June 2, 2022, and will report on whether Weld County's application to use MMOF matching funding for the on-demand transit program moves forward.

Also, Town Administrator Lorentzen explained the Town has had complaints regarding a team that rents the Baseball Park on Sundays and wanted to let the Board know the Town has put this baseball team on notice.

b. Board of Trustees

Trustee Lester requested the potholes on Tenth Street be filled in. Town Administrator Lorentzen said he would share this with Public Works Supervisor Meisner.

Trustee Castro requested that on the next Board Meeting Agenda, June 20, 2022, an executive session item be added to discuss the pay rate of Public Works Worker Baker.

Trustee Esquivel stated she agreed with Trustee Castro. Also, she noticed some residents have been watering when it is not their watering hours. Town Administrator Lorentzen explained that he will let Code Enforcement Officer Pratt know.

Trustee Fulton explained that she believes the people who are leasing the tower by her property are putting pulled weeds and dirt piles from the leased property on to her property and is checking into what can be done to stop this.

8. EXECUTIVE SESSION:

Moved to the beginning of the Board meeting.

9. ADJOURNMENT:

**Motion – Trustee Lester, Motion to adjourn the meeting at 9:01 P.M. on June 6, 2022,
2nd – Trustee Tapia. All voted Aye. Motion carried (6-0).**



TOWN OF GILCREST

Tyson Chavez, Mayor
Steve Nothem, Mayor Pro Tem

ATTEST:

Brenda Joseph, Town Clerk