Regular Meeting Minutes of
The Board of Trustees
Town of Gilcrest, Colorado
304 8th Street – Town Hall
March 3, 2025, 7:00 P.M.

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

a. Pledge of Allegiance
b. Roll Call – Mayor Nothem; Trustees: Fulton, Agripino, Garza, Howard, Shutt
   Absent: Trustee Howton
c. Dan Dean, Town Administrator, Brenda Joseph, Town Clerk/Treasurer; Bob Meisner, Public Works Supervisor

2. APPROVAL OF THE REGULAR AGENDA:

Motion – Trustee Agripino, Motion to approve the Regular Agenda, amended to add New Business 6d. Attorney Opinion on the Contract for Gilcrest with the United States Department of Agriculture (USDA) for the Sewer Repair Construction Project, **2nd – Trustee Fulton.** All voted Aye. **Motion carried (5-0).**

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

Town Resident, Karla Castro, 1100 Birch Street, explained that she was at the meeting tonight to discuss her concerns regarding the increase for the water and sewer rates of $36.00 a month. She would also like to get a copy of the current contract the Town has with the trash company, Ram Waste Systems Inc., which was made with B & C Refuse because she knows that is going to increase too. She further explained that there are many residents in this Town that are on retirement incomes and this rate increase will be a big hit to them and others. The rate increase is just over $400.00 a year. She suggested that they need to go back and crunch the numbers. She also commented that not all the Board of Trustees will be getting hit like this since they are not on the Town sewer system, and she suggested she thinks that all the Board of Trustees not getting a big hit like this should abstain from this. She added that in the years past $5.00 a month was the biggest hit they have ever had for the rate increase and that they should have brought this to the Town residents and property owners and let them have a say in this.

Trustee Garza asked if the Board of Trustees can make comments on this now. Mayor Nothem and the Board of Trustees discussed that taking into consideration that this topic is regarding the rate increases, effective May 1, 2025, they would allow for further discussion.

Trustee Garza commented that she believed the Board of Trustees discussed at the meeting on November 4, 2024, to put out something to the residents regarding the rate increases. She then apologized to Karla Castro and explained that she did not know

that it was not sent out to the residents. Karla Castro responded that the Board of Trustees has already voted on it.

Also, Trustee Fulton commented that she is on a fixed income too but if there was a better way to do this they would have. Karla Castro responded that the Board of Trustees had determined that the Town could not afford to do all of the project and could only do the critical repairs.

In addition, Mayor Nothem responded that one of the issues was that they could not get any contractors willing to repair/replace the sewer pond liners, so they had to consider making changes to the sewer project by eliminating that part. He added that over time the price of the project has almost tripled. He added that they also have been trying to lock in a price so it would not get even more expensive.

Additionally, Town Administrator Dean explained that at the Board's direction Element Engineering put together options for completing the project. At the Board of Trustees meeting, January 6, 2025, the Board had three options to discuss. The first option was to complete the project as designed, Option two was a reduced scope of work which would reduce the Colorado Department of Local Affairs (DOLA) grant by about $300,000.00. The final option, which would not require any increase in the sewer rate, would be to reduce the scope of work to include only replacing the two lift stations but this would also reduce the DOLA grant even more, by approximately $650,000.00. Mayor Nothem added that the DOLA grant can only pay for 18% of the total cost of the project. Town Administrator Dean also added that the cost of the project went from about $3,700,000.00 to about $6,200,000.00.

Also, Mayor Nothem explained that they did not want to lose the grant funds that they have with the USDA either. If they were to choose to do all this later, they would be spending millions more. They wanted to lock in the price now and make sure it gets done and does not end up costing the Town more money later if it were being repaired in an emergency situation.

Additionally, Town Administrator Dean explained that the decision of what is the best option for the sewer project was made in January 2025. Also, he explained they had to decide before mid February 2025 because the time was running out on the DOLA grant. He added that he concurs that it would have been good to get it out sooner.

In addition, Mayor Nothem commented that the Town can certainly pick a date/time and invite the residents and property owners to come to a meeting where they can share with the Board of Trustees their questions and/or concerns and the Board can provide them with more information. Also, the Town was not getting any bids. Karla Castro responded that it sounds like the Town is just taking any bid. Mayor Nothem responded that the first one that was put out for bid included the repair/replacement of the liners for the sewer ponds, but no one would bid on it with that included. Karla Castro asked so are we not doing the sewer ponds after all? Mayor Nothem replied no we are not. Karla Castro thanked Mayor Nothem and commented that she appreciated him explaining it.

Town Administrator Dean added that it was included in the 2025 Budget to cover the engineering work, and they needed to build it up to cover the costs. Karla Castro replied that they did not include the increase in the Budget. Town Administrator Dean responded yes it was included.

4. CONSENT AGENDA:

a. Board of Trustee Minutes for February 3, 2025
b. Bills for Approval
c. Leave Report

Motion – Trustee Garza, Motion to approve the Consent Agenda, **2nd – Trustee Fulton, Roll Call Vote** Trustee: Fulton-yes, Agripino-yes, Garza-yes, Howard-yes, Shutt-yes **Motion carried (5-0).**

5. OLD BUSINESS:

a. None

6. NEW BUSINESS:

b. Gilcrest-Milliken IGA

Town Administrator Dean asked if they could start with Item 6b. Gilcrest-Milliken IGA. He further explained that Town Planner Carrie McCool could not be at the meeting tonight in person but could join them on a Zoom call. Mayor Nothem and the Board of Trustees responded yes. After Town Administrator Dean included Town Planner Carrie McCool in the meeting via Zoom, he added that he would step back on this one due to its for the Town of Milliken.

Town Planner Carrie McCool explained that in March 2012, The Town of Gilcrest entered into a cooperative agreement with the Town of Milliken to facilitate increased coordination and effectively manage growth while preserving the distinct identities of both communities.

Also, she explained that the Town of Milliken updated its Comprehensive Plan in 2023. During the public referral process, the Town provided feedback, with a primary concern regarding the proposed extension of the Milliken Urban Growth Boundary to the east side of the South Platte River corridor. Accordingly, Gilcrest requested that the adopted Plan delineate the Milliken Urban Growth Boundary on the west side of the river corridor, as the river remained the appropriate physical boundary between Gilcrest's and Milliken's urban growth boundaries.

Additionally, Town Planner McCool explained that the Town of Milliken secured grant funding for its Comprehensive Plan update; however, the contracted consultant was unable to incorporate the requested revision prior to the Plan's adoption. At that time,

Milliken committed to revising the urban growth boundary line and preparing an updated Intergovernmental Boundary Agreement along with a revised Boundary Line exhibit that reflects the Milliken Urban Growth Boundary on the west side of the South Platte River corridor.

Trustee Garza asked if it is now like it was before? Town Planner McCool responded that it is more consistent with the Urban Growth Boundary from 2012. Trustee Fulton asked if there is a special reason they are doing this. Town Planner McCool responded no they are just updating.

Motion – Trustee Fulton, Motion to Execute the updated Intergovernmental Boundary Agreement between the Town of Milliken and Gilcrest, **2nd – Trustee Howard.** All Voted Aye**. Motion carried (5-0).**

a. Ordinance No. 2025-01, An Ordinance Approving Interim Financing in Amounts Not to Exceed $1,474.000.00 and $2,836.000.00.

Town Administrator Dean explained that Kim Crawford with Butler Snow LLP has prepared Ordinance No. 2025-01 for the Board of Trustee's consideration. He further explained that it authorizes two loans. The two loans cover the full financing needed to complete the project.

Also, he explained that it was anticipated that the first loan would cover the cost of the project. However, when the bid came in substantially higher, a second loan was needed to complete the project. Two loans were proposed instead of a single loan to save some interest costs. The first loan has an interest rate of 1.25% while the second loan is 2.5%. This is interim financing from CoBank. Interim financing is necessary because the United States Department of Agriculture (USDA) will not fund the project until it is completed. An emergency clause is necessary to get the project started on time. This ordinance provides for interim financing for the Gilcrest Sewer Improvements Project.

Trustee Agripino explained that he is in favor of it. The Board of Trustees has heard from all the experts including the Town of Gilcrest's engineer, Element Engineering. He added that in the spirit of fairness he suggests they could contact Valley High School, room 140, to see if the Board of Trustees could have their next meeting there since there would be more room for the residents and property owners to attend and they could come voice their concerns to the Board. He further commented that as he has mentioned if we cannot flush our toilets, or have our showers, washing machine water and such be released into the sewer system no one will like it, and it will need fixed either way.

In addition, Trustee Howard commented that people could lose their ability to live in their homes if they do not have a proper sewer system. Trustee Fulton also suggested that if the Town has a flyer made for a meeting for the residents and property owners to attend her and Trustee Howton could hand them out around town. Trustee Garza added

that the flyer should include Spanish as well. Trustee Garza then offered to make the flyer in English and Spanish for them to hand out.

After discussion, Mayor Nothem and the Board of Trustees asked Town Administrator Dean to please contact Valley High School to ask if they could schedule/use the cafeteria for their meeting on Monday, March 17, 2025. Trustee Agripino commented "point of order." He then asked that each person comment one at a time to make it easier to hear what each person is saying.

Motion – Trustee Agripino, Motion to approve Ordinance No. 2025-01, An Ordinance Approving Interim Loans from CoBank, ACB in the Aggregate Principal Amounts Not to Exceed $1,474.000.00 and $2,836.000.00; Authorizing the Forms and Execution of the Interim Loan Agreements and Promissory Notes to Evidence Such Loans; Authorizing the Construction of a Project; Prescribing other details in Connection Therewith; and Declaring an Emergency., **2nd – Trustee Garza, Roll Call Vote** Trustee: Fulton-yes, Agripino-yes, Garza-yes, Howard-yes, Shutt-yes **Motion carried (5-0).**

c. Attorney Proposals

Town Administrator Dean explained that the Board of Trustees directed Staff to seek proposals for attorney services for the Town. A request for proposals (RFP) was issued in mid-January 2025 with a submittal deadline of February 14, 2025. The RFP was advertised in the Greeley Tribune, the Colorado Municipal League (CML) Jobs Board, and the Attorneys List Serve. He further explained that two proposals were received that he has included in tonight's Board packet for their review.

In addition, he explained he does not know any of the Attorneys with Coaty and Woods, P.C., from Evergreen, Colorado. He further explained that Attorney Jeffrey A. Wells, The Wells Law Firm, in Fort Morgan, Colorado, has a disciplinary action from the Colorado State Bar and was suspended and is currently on probation for not notifying his clients and involving his family members in a situation.

After a brief discussion, Mayor Nothem and the Board of Trustees asked Town Administrator Dean to please extend the deadline for the Request for Proposal (RFP) to March 31, 2025.

d. Attorney Opinion on the Contract for Gilcrest with the United States Department of Agriculture (USDA) for the Sewer Repair Construction Project

Town Administrator Dean explained he received the Attorney Opinion on the Engineering Contract for the Sewer Repair Project from Town Attorney Hoffmann last Friday. He further explained that he has prepared a handout for each of them that includes Town Attorney Hoffmann's e-mail which includes his advice. He added that he has included page 21 – 23 of the contract for them to review which includes Article 17 – Final Resolutions of disputes.

Also, Town Administrator Dean further explained that Town Attorney Hoffmann's concerns are specific to this and page 199-201 where he noted his suggested deletions. He further explained that Town Attorney Hoffmann strongly recommends against the arbitration and attorney fees provisions added in Article 17 in the Supplementary Conditions. He added that Town Attorney Hoffmann further explained that as a Colorado municipality, there is a strong argument that an arbitration provision is unconstitutional.

Also, Town Administrator Dean further explained that he shared this with Mike Hager, Project Manager with Element Engineering, on Friday, February 28, 2025, too and Mike Hager responded to the email by explaining that unfortunately this is the standard USDA language we must use. He further explained that they went through this once before and were told any request to change language must go to the national office and could take 6-8 months to get approval if at all. Town Attorney Hoffmann has sent back the executed form and has advised the Town as to his concerns and he added that the Town can decide how to proceed.

Trustee Garza asked if there was anything else they needed to do. Town Administrator Dean responded if the Board of Trustees has objectives, they will stop but if not, they will move forward. Trustee Agripino asked if with his concerns Town Attorney Hoffmann still executed it. Town Administrator Dean responded yes.

After review and a brief discussion, Mayor Nothem and the Board of Trustees asked Town Administrator Dean to please move forward with it as it is written.

7. <u>REPORTS:</u>

a. Police Report

Mayor Nothem asked if the Board of Trustees has any questions and/or concerns about the Police Report. Trustee Garza commented that the Platteville Police Department is doing really good things with their programs such as their youth programs.

b. Town Administrator

Town Administrator Dean opened his report by reporting that Mayor Nothem and he had a conference call with Tim & Kyle Conarro, Summit Commercial Brokers, regarding the Cushman property, 224 Main Street. They were inquiring about what kinds of uses the Town would consider. They have potential buyers that are interested in uses more in line with C - 2 zoning district rather than the C - 1 district.

Next, Town Administrator Dean reported that Danna Golden, Saddle Up, 1003 Ash Street, visited with him about constructing mini storage units at her location on Ash Street. The property is zoned C - 2, Commercial. Her proposed use is not allowed in that zone. He further explained that they discussed some options she could pursue. He also reported that Danna Golden and he also discussed possibly having a drive-thru coffee shop at the same location. He further reported that Danna Golden explained to

him that she plans to research the zoning and storage units and bring the information she finds back to them.

Also, Town Administrator Dean reported that at the Weld County RE-1 School Partnership Meeting Jayme Clapp and Dana Johnson with the North Range Behavioral Health organization discussed the Co-Responder services they provide. This is a service to provide mental health assistance in conjunction with police and fire services responding to traumatic situations.

In addition, he reported that Kitty Siler, 108 4th Street, visited with him about placing Conex storage boxes at this location. He further explained that they are not permitted in the C - 2 district. He added that he referred her to Mike Hager, Element Engineering, regarding details needed in a site plan for this on her property. Town Administrator Dean added that they will also need to talk to the Platteville-Gilcrest Fire Department. Kitty Siler had a good point we may not need to require units for water due to it would typically be a one-time use for situations such as that.

Additionally, Town Administrator Dean reported that he spoke with Matt Denney from SafeBuilt about providing code enforcement services. He is waiting for a proposal from him. Our town prosecutor indicated that a contract code enforcement officer for Keensburg might be available. He further reported that he had reached out to them to find out about their availability.

Also, he reported that the Town's Financial Audit is scheduled to begin April 22, 2025. It is likely to take three to four days. He added that the CIRSA annual Audit is tomorrow, Tuesday, March 4, 2025.

In addition, he reported that Justin Boykin and Steve Mix with Mountain High Disposal, visited with him about taking over the Town's trash removal service. He added that he explained that the Town has an existing contract with Ram Waste Systems.

Additionally, Town Administrator Dean explained that John Puma from Ram Waste Systems contacted him regarding a collection problem encountered by Gilcrest residents a couple of weeks ago. He further explained that they used newer trucks with mechanical arms to collect the trash. They had failed to properly notify residents about the change and failed to collect the trash from several residents. Also, they received numerous complaints and did return to collect the missed containers. He added that John Puma acknowledged that they failed to communicate with the residents. They have scheduled a meeting with the Town tomorrow, Tuesday, March 4, 2025, to discuss how to proceed moving forward. They still would like to use the mechanical arms, but they need to properly notify the residents. He further explained that the B & C Refuse contract expires in 2026. There is a provision in the contract that the Town can use, if desired, to terminate it.

Trustee Fulton commented that when she contacted John Puma, he explained he felt bad this had happened. She added that they did come back the next morning to pick up

the resident's trash that they had not picked up. She further explained that she understood from her conversation with him that he and his employees talked about things, but he did not tell them not to pick up the trash. Trustee Garza commented that her trash did not get picked up either. She asked if they would be notified of the changes. She further explained that it sounded like they somehow had her address mixed up with one in Platteville on Elm or Lasalle on Main. Town Administrator Dean responded that he would ask John Puma at tomorrow's meeting about this.

In addition, he explained that he contacted the Colorado Department of Transportation (CDOT) about adding the Town's sign under their sign at the South entrance to Town. They indicated that the Town could replace their sign with our sign. It would require a permit. It appears we would need to use wooden posts rather than metal posts for the sign. Other conditions include that "The sign layout shall consist of four sets of detailed plans showing sign face, post(s) [if applicable], lettering, construction details, dimensions (including distance from edge of paved shoulder, location, and colors, etc.). The four sets of the sign layout and the sign location (with dimensions shown from the edge of asphalt), along with a permit application, shall be submitted to CDOT for review and comment."

Also, Mayor Nothem commented that it sounds like it is doable then. Town Administrator Dean responded yes, it is doable. We just need to submit the Town's request. He also pointed out that it was a bit puzzling as to why the Town has to put the sign on a wooden pole verse metal. Public Works Supervisor Meisner responded that they will use a wooden pole, and he agreed, typically, the poles need to be metal.

Town Administrator Dean concluded by reporting that Red Tierra/Section 20 has applied for a Use by Special Review (USR) with Weld County. The deadline for responding was February 28, 2025. Town Planner Carrie McCool prepared a response and submitted it to the Weld County Planning Department. He pointed out a copy of her response letter has been included in tonight's Board packet. Her response included several attachments which are available upon request. He also reported that Town Planner McCool explained that Red Tierra/Section 20 may not want to annex into the Town of Gilcrest until they have their gravel pit up and running.

c. Board of Trustees

Trustee Fulton asked Public Works Supervisor Meisner if he could please bring the leftover plastic Easter eggs to the Town Hall for her to pick up. She explained that she would like to count them to see how many we already have. Public Works Supervisor Meisner responded yes, he will get them to her. She further explained that she has already contacted the Gilcrest Elementary School to get a student count to have an idea of how many children to plan for.

Mayor Nothem Thanked everyone for joining the Board Meeting. He added that as time proceeds please keep in mind that if the Town is able to get some income resources from places such as the Cushman property if it is sold to a new business or from places

such as the gravel pits, it may help offset somehow the approximate amount of $400.00 that residents and property owners will need to pay annually due to the new rate increases. Also, he suggested that in the Fall, at budget time, if they can figure out how to change the mill levy temporarily it is something that they can consider which could then help property owners pay less for their property taxes. He added that he has never seen the prices go back down and the value of the dollar is decreasing. This fall they can take a hard look at what they can do to help by way of the mill levy.

8. EXECUTIVE SESSION: - If Needed

9. ADJOURNMENT:

Motion – Trustee Garza, Motion to adjourn the meeting at 8:09 p.m., on March 3, 2025, **2nd – Trustee Fulton.** All voted Aye. **Motion carried (5-0).**

TOWN OF GILCREST

ATTEST:

TOWN OF GILCREST SEAL COLORADO

Steve Nothem, Mayor

Brenda Joseph, Town Clerk