Special Meeting Minutes of
The Board of Trustees
Town of Gilcrest, Colorado
304 8th Street – Town Hall
March 24, 2025, 6:00 P.M.

Join Zoom Meeting
https://us06web.zoom.us/j/81538192756?pwd=EBktWyWpuVJmKEyYtMQPyBoZ2tBEpZ.1

1. **CALL TO ORDER: 6:00 P.M.**

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

2. **CONSENT AGENDA:**

a. Bills for Approval

Motion – Trustee Howton, Motion to approve the Consent Agenda, **2nd – Trustee Fulton, Roll Call Vote** Trustee: Howton-yes, Fulton-yes, Agripino-yes, Garza-yes, Howard-yes, Shutt-yes **Motion carried (6-0).**

3. **NEW BUSINESS:**

a. Consider 85/40 Sketch Plan

Town Administrator Dean explained that Manuel (Manny) Agripino requested a Special Meeting for the Board of Trustees to Consider the 85/40 Sketch Plan and then explained that he is going to now turn the presentation over to Town Planner Carrie McCool.

Next, Carrie McCool, Town Planner, thanked Town Administrator Dean and began her presentation by explaining that the Town does not typically get too many Planned Developments (PD), so the Town had not done one in a really long time. She further explained that the first step of the procedure in the development review and process is to have a pre-application meeting with the Board of Trustees.

Also, Carrie McCool explained that this is an informal meeting and gives the applicant a chance to provide comments to the Board of Trustees and likewise for the Board of Trustees to provide comments to the applicant so that the applicant can take that information and utilize it to prepare, in this case, a Preliminary Development Plan and a Preliminary Plat for a Subdivision. She further explained again this is an information

meeting and no decisions get made. After this meeting, Town Staff will put together a report. She added that from a Town Staff perspective, most of it has already been included in tonight's Board packet, but Town Staff, will refine it and then they will send it back to the Board of Trustees, including it in their Board packets, and then send it on to the applicants.

In addition, Carrie McCool explained that the applicant is at tonight's meeting as well. This is really their show so I will turn it over to Tom Parko, with Spruance Consulting, on behalf of Manuel (Manny) Agripino, of Wetco 4th St LLC. Carrie McCool further explained that Mike Hager with Element Engineering and she are both at the meeting tonight in case they have any questions about what is in the Staff Report or any other planning or engineering related questions. Tom Parko responded just one question before we start.

Next, Trustee Garza commented that before they get started. She is not sure if it is ok now or not, but she asked can they get the cease-and-desist notifications that were submitted to the applicant? Carrie McCool, Town Planner, responded by asking her if she is asking for the stop work orders? Trustee Garza responded yes, they are not in the packet. Trustee Garza further explained that another thing she is questioning is why are we saying "Applicant" instead of "Trustee"? Trustee Garza continued by explaining when she first read the report it seemed like a lot of smoke and mirrors, and she thought what is happening this seems a little aggressive, so she went digging and she started going line by line. She continued the first thing she would like to ask is because a lot of this report states that there are two cease-and-desist notifications that were sent out. Those need to be in writing, and they are not in the packet so can we be provided with those two notices. She added that she did not know that they had sent those out as a Board. She then asked if anyone else was aware that these had been sent out.

Also, Town Administrator Dean responded that the Cease-and-Desist notifications were not sent out as a Board but as Staff. Trustee Garza asked him if they could get a copy of them. Town Administrator Dean responded that the one he is thinking about is the one from the Building Inspector. Town Planner McCool agreed and responded that she believes it was the Building Inspector that issued those Stop Work Orders. Trustee Garza then responded but we do not have those in today's packet. Town Administrator Dean responded no, but we can get them.

Additionally, Trustee Garza said okay. She further commented that she just knows that with the donkeys they got item by item of the stuff from the Town Attorney which was pretty much all the summary from the Attorney and since the Town is paying the Town Attorney fees and they are paying Carrie McCool she asked where are the Town Attorney's notes and what are we paying the Town Attorney because it is not in the packet. Town Administrator Dean responded that we have not sent this to the Town Attorney for review at this time. He continued that this is just going through the planning process.

Also, Trustee Garza replied but right here in the report it states on November 20, 2024, that the Town Staff had to seek legal advice so I am just wondering where those notes are because we are having to pay for that so what are we accruing. She continued that she is curious because at the last Board meeting, they got blind sided with the whole trash stuff because it feels like there are discussions that are being held that the Board is not being made aware of, and she is just concerned. She further explained that it is just that she has a lot of questions.

Next, Mayor Nothem responded by directing Trustee Garza's question to Mr. Agripino, but first Mayor Nothem explained that he may refer to Manny Agripino as the applicant although he is wearing both hats. Mayor Nothem further explained but, in this case, for the 85/40 Gilcrest Plaza Sketch Plan PUD Pre-application Conference, Mr. Agripino, is the applicant. He then explained that he is directing the question to Mr. Agripino because he may be able to answer a couple of these questions.

Furthermore, the Applicant, Manuel Agripino, commented that he is responding to the Board, and everyone present that this was his question as well. Mr. Agripino continued to explain that he consulted the Town Attorney as an Applicant not a Trustee, ignoring notices to cease. Mr. Agripino further commented that he would like to see the notices that he was ordered to cease prior to November 20, 2024. He added that it is a very reasonable request, and this should be present right now and no one should have to research it and go find out. Mr. Agripino then added that there was a stop work order, but it did not have anything to say about what was presented in the packet. He continued to explain that the stop work order had to do with a fire code so he would like it presented right now, and then they can move on. He added that he wants the notices that he was ignoring to cease. Also, he would like those presented to everybody right now.

In addition, Mr. Agripino explained that the other thing is that he applied for permits and chronologically some of this stuff is not correct, but he does have to stick up for himself. He added that on November 5th he came into the Town Hall, and he applied for a water hydrant permit. He paused and commented, Dan, this is why I needed it. He then continued to explain that he came in and applied for a Hydrant Permit which was so that he could have access to water. He then continued to explain that the water is so that he could introduce moisture into lot number one of the entire subdivision so that he could grade and compact it. He further explained that he applied for the permit for the hydrant, and he received it. He added that he paid a $130.00 administrative fee and a $1,500.00 deposit.

Additionally, Manuel Agripino commented that the troubling fact with that is that he came into the Town Hall to get a copy of it but when he asked for the Town of Gilcrest Fire Hydrant Permit it was nowhere to be found. Also, he explained that it asks the purpose of the request. He further explained that in his request it says grading to introduce moisture so that they can make the grade and get it ready for future use. He added that nobody could find it. He continued to explain that he was made aware that Bob Meisner, Public Works Supervisor, remembered it and that and what it was for,

Duran Excavating was going to do the grading. He then asked do you remember that Bob? Public Works Supervisor Bob Meisner responded was it Duran? Mr. Agripino responded yes, it was Duran. Mr. Agripino then added that a guy from Duran contacted Bob so that they could draw the water. Public Works Supervisor Bob Meisner then responded yes.

Also, Mr. Agripino pointed out that he has the permit and held it up and explained that it actually says license and permit but, in the statement, it says that he has not applied for any permit. He explained that is one contradiction.

Furthermore, applicant, Manuel Agripino continued by explaining that the second one is and he paused and commented that this is no time to litigate but when something is wrong its wrong. He then continued by explaining that in the packet report it says that on August 20, 2024, the Town Engineer notified Manny to Stop until he obtained all required approvals. Then he asked notified me to stop what? He added that because he has no email notifying him to stop anything, another party received an e-mail on August 26, 2024, and that email said Mr. Sparrow last year we gave you an order to stop putting fill and I am going to give you another order. He then explained he meant request as it wasn't an order, it was an e-mail to stop putting fill. Mr. Agripino further explained that it came from Mr. Hager when he was with Element. He continued to explain Mr. Hager then called him and he assured him that he would get with the other party and let them know do not fill in anymore. Mr. Agripino continued to explain that the e-mail said spoke with Wetco explained that a hold will be in place tomorrow and on an ongoing forward basis until a plat of submission has been processed. Mr. Agripino explained that it shows he is talking about 85/40 not lot one and that it says he was sorry for the confusion, and that the e-mail also says setting on the phone please pardon errors and punctuation. Mr. Agripino explained that it is the e-mail he referring to.

Additionally, Mr. Agripino explained he applied for a fence permit on November 18th, which was two days before they consulted the Town Attorney. He added that he applied for, paid for, and provided the required site plan and he was issued the fence permit to build a fence which he explained all the while, he had not complied with the cease-and-desist orders, Manny Agripino further explained that on November 6th Town Administrator Dean had e-mailed him and said hey Manny you need to apply for a grading permit. You already got your hydrant permit. I have modified your land use application for the grading permit. There is no fee for the permit, but I have noted on the application that the owner is responsible for reimbursing the Town for the expenses of having it reviewed by the engineer. I hope this is satisfactory.

In addition, Mr. Agripino continued by explaining that Dan sent him the modified permit application. He added that lo and behold on November 6th , he responded to Town Administrator Dean and he said Dan here are the files for the grading plan for the lot, including the cut stakes, the grading that shows the slope, the site plan for the grading and then finally the permit application. He said that he will end it right here but he is at a lose on how again through the permit process, A, the Town loses the permits where it

says exactly what he is doing, and B, how they can put it in a governmental legal summary that he hadn't complied with anything and that he was defiant and that he did ignore it. He added you can interpret that violate cease-and-desist order but yet no body can provide a cease-and-desist order right now and they did consult the Attorney on November 20th per our report. Mr. Agripino added that he doesn't know but again he doesn't know if he reading all this right but listen when somebody puts that in a report with no evidence, law school kindergarten 101, we got to say something that you should have the evidence to back it up and maybe they do but I'm not aware that I received any cease-and-desist notices ever. Mr. Agripino then commented, again, if the Board wants to ask anybody involved one more time to provide those because they should be able to provide them on their computer; technology is really good or if they have a certification that he received them, or if they have a read receipt that it was an e-mail he sent them. He asked does everyone get my point? He further explained that he is not trying to be really mean about it but if somebody is going to call him out at a public meeting and put in false information, he thinks the Board needs to ask why before Mr. Parko moves on.

Next, Trustee Garza asked if she could ask another question. Mayor Nothem responded go ahead. Trustee Garza explained that she just needs a little bit of clarification please. She explained that she is still kind of confused. She added how can the report say that he basically did what he wanted without the Boards approval on the 18th. How can he be building footers before the Board approved this on the 9th but he has the check and stuff from the 18th? She asked if they knew what she meant because it just does not make sense. She explained because she was under the assumption that he was just trying to do the one lot, but this sounds like he is doing an entire subdivision so was that requested, recommended, or required? The applicant, Manuel Agripino, responded that he could interject if he may. Mayor Nothem responded go ahead.

Furthermore, Mr. Agripino explained that he applied to do one lot and the precedence was that the Baker Subdivision, with the two spaces, lot and then the two lots which is to the West of his had gone through a similar process where they did one offs and that was what he wanted to do. He continued that when he presented his materials, he was told by Town Administrator Dan Dean that it is better if you do the entire subdivision. Mr. Agripino added that at the time he was not prepared to do the entire subdivision. He also added that he came into Town Hall, and he thinks he applied for the one lot in July 2024. Then it, the Town Staff's, response came back to him, no it is better to do the entire subdivision, which he commented is very, very, very expensive, and also it is not free to pay for Mike, Carrie and Tom to do something he was almost required to do. Mr. Agripino commented but again there is no documentation on what he had to do and did not have to do. Manuel (Manny) Agripino continued to explain that as you see in the notes, out of the blue, in October 2024, it changed gears to a whole subdivision. Trustee Garza commented that is what she was confused about. Mr. Agripino responded yes, and that he was not prepared to do that.

Also, Manuel (Manny) Agripino commented that he wanted to do the one lot so based on the advice and recommendation that is what he did because he felt, as the applicant, that was what he had to do. Trustee Garza then commented, okay on the 12th of

February it states that the applicant submitted a sketch plan and only a sketch plan so was a preliminary and a final plat also submitted at that time or was it just a sketch plan?

Additionally, Town Planner Carrie McCool, MCCool Development Solutions, responded to Trustee Garza and asked if she would like her to help answer some of her questions. Trustee Garza replied yes. Carrie McCool first explained that this whole process started back in July 2024, at that time the Town had received application for a plot plan requesting lot creation for an address only from Mr. Agripino. She further explained that they had a pre-app meeting with Mr. Agripino and the Town Attorney was also at that meeting. Carrie McCool further explained that she could also put in her notes to send them all the pre-application meeting summaries because whenever they have meetings with applicants, they provide a summary of the outcome of those meetings and she is happy to include all of that in the final report along with the stop work orders and all of that stuff.

In addition, Carrie McCool explained that at that meeting Mr. Agripino told them what he would like to do and that he would like to do what is like a minor-subdivision because he told them at that time that he would like to just carve out five-acres and that was it. The result of that first pre-app meeting was that would be fine but the function of that plot/ land is the whole fifty-eight acres, which is part of their original Town plot. Trustee Garza commented so a preliminary and final plat? Town Planner Carrie McCool responded no. Trustee Garza responded but in the report in February it notes preliminary plat. Town Planner McCool responded I think it is important to understand that this started as a plot plan requesting an address and just to carve out five acres. We at the Staff level said okay it is your responsibility as the applicant to come to the Board and demonstrate why that would qualify as a minor subdivision and also the Town Attorney recommended that a note be added on that plot document that said, "this is for convenience purposes only".

Also, Carrie McCool, Town Planner further explained so the next application they got was a subdivision of the full acreage dividing up the fifty-eight acres into basically two lots vacating streets, rights away and those kinds of things and there was no note on the document that said, "this is for convenience purposes only". Then it was like this really sounds like you want to subdivide the whole fifty-eight acres. She added and then moving on from there and all the way fast forwarding to February is when we got the application for the sketch plan Planned Unit Development (PUD). She added that they did not have a pre-application meeting on this request. That is what this meeting is for so that is how we got here. We have gone through a couple completeness reviews and changed applications and what not.

Additionally, Mayor Nothem acknowledged Mr. Agripino to go ahead with his question. Manuel Agripino commented that I think the question was why was there a switch to the entire subdivision? He added that he thinks we skipped over that. Carrie McCool responded that she did not think so. The one lot, when we got the application for a minor subdivision it didn't include that "this is for convenience purposes only" and it

included the whole entire fifty-eight acres and in carving it up into lots and vacating rights away and that would constitute a resubdivision not just a just a minor subdivision when you are subdividing the whole acreage.

In addition, Mayor Nothem acknowledged Mr. Agripino to go ahead with his question. Mr. Agripino then responded but I did receive Staff notes and they were very tardy and the response he got was because Element Engineering was tardy, but I did receive Staff notes on how to continue with the single lot process. He added that Town Administrator Dan Dean has the ability to print those off but in those the final stages to get to the next step was needed "will serve letters" that Century Link will serve, that Atmos gas will serve, and Xcel will serve. He further commented that they got a long way before they had to shift gears, and he did not want to shift gears. Here we are, which is fine. We are where we are, and Tom has done a great job but the one thing that he is remis on is one thing why cant Town Administrator Dan go pull out the Cease-and-Desist notice that he received prior to November 20th that he was ignoring and violating that's a real simple request Board can he get up and go get them and present them to us at this point because legally it said what he did do and that is very harmful to the subdivision so when people see this and say do we want to continue with the contract we have on lot number four, do we want to continue with what we have on lot number one when Mr. Agripino was so nefarious that they had to seek Counsel on November 20th for prior. He added that it can't be after November 20th.

Furthermore, Manuel (Manny) Agripino continued that they have to be prior to November 20th for the Cease-and-Desist and he would like to see those. He added that it is not a smoke signal, its not a phone call, its not a text it is a legal document. Mr. Agripino then held up a paper and showed Trustee Fulton and she read and commented that it had "stop" on it and then he then commented that the stop work order is totally different. He commented that apparently Mr. Hager had driven through and said hey wait a minute. When he presented the stop work order to Town Administrator Dean he did call Safebuilt and Safebuilt did tell him that it was Administrator Dean that called him not Mr. Hager, so I think its high time that we get down to it but I would like for one of the Board to make a request for someone to go pull those notices, the cease-and-desist notices cause he wants to see them because he has never seen them because it states here that he was violating them. Also, he explained that he doesn't know right there what the "s" word for that is but when you wantingly say something that you know is not true but you say it anyway and bury it in the middle of a report then he commented again that he would like the Board to make a request for either Planner McCool or Town Administrator Dean to pull them out and pull them out right now.

Next, Town Administrator Dean asked Mike Hager with Element Engineering if he has any insight. Mike Hager responded yes and then explained that he was the one that sent those emails when Craig Sparrow and then Trustee Garza asked who is Craig Sparrow? Mike Hager responded that Craig Sparrow is the owner, the original owner. Trustee Garza then asked if he is an applicant? Town Administrator Dean responded by explaining that he, Craig Sparrow, used to be the owner. He pointed out was he not still on this application? Mike Hager asked he is still on there, right? Trustee Howard

asked why is he the one getting the e-mails? Trustee Garza asked why is he getting the e-mails when Mr. Agripino is the applicant? Manuel Agripino responded, sorry I did not hear. What is the question? Trustee Garza responded he said he sent the e-mails to Craig Sparrow, and she asked but who is Craig Sparrow? Manuel Agripino responded he did, and I showed you all that, but he did not send them to me. Trustee Garza responded that is what we are asking if he, Craig Sparrow, was part of the application? Mr. Agripino responded, no he is not. Why are they sending this to Mr. Sparrow's e-mails? Manuel Agripino responded Craig not part of the application, Melman was so that is where he was confused and again if someone could show him that he was presented with a cease-and-desist that would be just fine.

Additionally, Mr. Agripino added that he thinks what Mr. Hager is referring to is that he did send a cease-and-desist for moving fill into the entire 85/40 but he wasn't specific on lot one by that time lot one was already in motion so again the devil is in the details it's not an emotion that is not without the benefit of intellect. He added it is in details and because his name as a Trustee and not as an applicant is in this public notice he has requested that somebody ask and nobody is asking. Mr. Agripino then asked someone go get the notices that I am asking for, please.

In Addition, Mayor Nothem responded first of all Engineer Hager go ahead and finish your explanation. Mike Hager asked if he could please speak without being interrupted. He then continued and explained that the first one he sent to Craig Sparrow which Manny and Craig were involved in that subdivision, and he talked to his previous engineer for the first case when he was hauling in dirt. He further explained that he got notified from the Town that they are hauling in a bunch of fill material on that property and explained that its not allowed without a complete process. He then further explained that there is a whole process that you have to go through in the community before you can even start doing that. He continued and explained so he did send an email to Craig Sparrow which it got to Manny he believes and he thinks you, Manny, responded to that. Craig did but you were involved in that I think Manny. He added that I am not going to put words in your mouth, Manny, but I think you responded through that process some so that was the first notice.

Next, Town Administrator Dean asked if that was a cease-and-desist notice. Mike Hager, Element Engineering, responded no. He further explained that it was an e-mail that said cease-and-desist from hauling in material. Trustee Garza asked but is that legal do not cease-and-desist notices need to be served. Town Administrator Dean responded that to his knowledge no cease-and-desist notice was served. Mike Hager then responded, no, it was in my e-mail, and it probably said cease-and-desist, meaning quit doing it. Mike Hager then commented to Manuel Agripino, I do not know. He pointed out to Manny Agripino you have the e-mails. Mr. Agripino responded yes, he has the emails. Mike Hager then continued to explain that it was just basically meant to say quit hauling dirt on the site because it is going to affect him bringing people on there. Also, Mike explained that without a plan, they, Town Staff, cannot do anything and all of a sudden it stopped for quite a while.

Furthermore, Mike Hager, Element Engineering explained that then it continued when Manny started hauling dirt on his lot and filling and stuff and he was notified again so again he said stop and Manny sent him an e-mail back and said okay we are stopping, we are finishing up and we are stopping. Mr. Agripino then responded to Mike Hager and commented that he does not want to interrupt him but that is not the fact. Manuel (Manny) Agripino continued that on August 26th you, Mike Hager, sent an e-mail to Mr. Sparrow, then you and I discussed it over the phone and that was on the entire subdivision, not lot one, and he responded to him, Mike Hager, accordingly. He explained that he read the e-mail and had a dog gone time getting through it because he was a little shaken but that is okay but that is not the fact. Mike Hager then responded that no he was not in custody of the e-mail today. Manny Agripino then asked Mike Hager, don't you have it on your phone? Mike Hager, Element Engineering, responded probably somewhere.

Next, Trustee Garza commented, can we ask who you are? We do not know who you are. Mike Hager responded he is with the Town's Engineers. Mayor Nothem responded as well that he is our engineer. He works for the Town. Trustee Garza then responded okay. Mike Hager asked if he could finish. Mike Hager then continued by explaining that the notice was sent to Craig Sparrow and then said so later on the Town notified him that a bunch more fill dirt was being put on that site and it was his understanding that it was Manny Agripino so that's when he sent Manny another e-mail stating quit hauling in dirt and then Manny responded okay they are finishing up. I will make them stop in two days. Mike Hager commented to Manny Agripino if it was a day I do not know but Manny you did respond to me that you would have them quit. Manuel (Manny) Agripino then responded to Mike Hager and asked can you pull up the e-mail. Mayor Nothem commented Mr. Agripino hold up. Mike Hager continued by explaining that then Manny stopped hauling in dirt so then he got notified one other time that he was still hauling in dirt on the site. Mike Hager added that this lot is not separated and that it is all one big subdivision. Mike Hager explained that there are no separate lots other than the original platted ones but none are separated right now legally. Mike continued to explain that he did not know where the dirt was going but it was going on the subdivision so that is when it turned to the Attorney because now Staff does not know what else to do. This is when it went to the Town Attorney for legal advice asking what do we do to make him stop until he gets this lot platted and everything. Mike Hager commented that is what I recall of the three steps that happened. Trustee Garza commented that she thought the Town did not talk to the Attorney.

Next, Mayor Nothem responded, let's try to clear up the confusion. This was last summer in about August 2024, I don't recall dates for sure, but I know we as a Board, at one point, I believe it was Mr. Sparrow's property, and he wanted to pull a portion of that property out and it was going to have new ownership by Mr. Agripino. Mayor Nothem further explained that this all happened prior to that. He asked is that when it was, last summer. Then he asked Mike Hager is that correct? Mike Hager responded that he really does not know the timeline. Mike Hager continued to explain that he did not bring all this information with him tonight such as all these emails. All he knows is that dirt was being hauled in on a subdivision that had no separate lots, at the

time, as when it was originally platted as the Town but there was a process going on to separate lots off but it is still an illegal lot with no grading plan so you cant start hauling dirt. Mike Hager Continued to explain that it would be like if your neighbor started hauling in five feet of fill on vacant lot and all of a sudden it rains and all of a sudden it starts to come into your yard. Mayor Nothem responded by commenting so you did as a employee of the Town what you were supposed to do. Mike Hager responded that is correct.

Additionally, Mayor Nothem then acknowledged the applicant, Manuel (Manny) Agripino. Mr. Agripino then explained let me refresh every bodies memory that the report states not that Mr. Hager was called but the report states that Mr. Hager was driving through and noticed so he explained that he will ask Mike a question very simply, but he wants to go back to the August 26, 2024, e-mail because he explained that allegedly the e-mail was sent to him, Mr. Agripino, and he responded but that's not how it was. Also, Manuel Agripino commented on August 26, 2024 Mr. Hager along with Town Administrator Dan Dean and Public Works and he commented once again Carrie McCool, as he read from a paper, Craig as documented from the e-mail we wrote last August you have continued to ignore the Town and State requirements for site development, grading, drainage, storm management, etc., please call, please cease all work on this site immediately. He continued to read from the paper, the Town Staff would be happy to meet with you to discuss what will be required for you to continue. Mr. Agripino then commented that his question is does Mr. Hager have cease-and-desist authority?

Additionally, Manuel (Manny) Agripino continued to read from a paper then on August 3, 2023, Craig it appears you are moving and stockpiling materials on lots within the Town of Gilcrest without a site plan and drainage report please cease immediately importing material to this site Manny explained that was on August 3, 2023, so August a year later, 2024, is when Mr. Sparrow was notified. Mr. Agripino continued and commented that he would venture to say that no one can pull up an e-mail that was sent to him. He commented that he did respond to Mr. Hager and everybody and he listed off Mr. Hager, Dan Dean, Carrie McCool, and sales/Trucks, which he explained is the Sparrows, which he continued to explain is actually Western Equipment not Craig Sparrow. Mr. Agripino read from a paper that he brought that he explained read good afternoon all, this was on August 26th, spoke with Wetco and a halt will be in place tomorrow and will not go forward until a plat and submission has been processed. Mr. Agripino explained that is for 85/40, again the devils in the details, wasn't specified for lot one, which was already in motion. Manny Agripino then continued to read from the paper he brought, sitting on the phone please pardon errors in punctuation. He then commented so again you can twist this any way we want to, but the devil is in the details and the facts and there was not an email that was sent to him, to Melman Environmental Corporation, at all to the contrary. Mr. Agripino continued, I would like to see that as well but again prior to, then he commented it seems like we are getting off track of what his request is because this is serious. He continued by commenting that I do not know what anyone else has to say about this but if I were ignoring you and violating a cease-and-desist order there would be one on file. He continued to comment

that it would have been presented to him, not by a smoke signal, phone call, text, but a legitimate cease because it is in the Town records. Mr. Agripino commented that he would like to see the cease-and-desist right now. Mr. Agripino added that he does not think we, the Town, can provide them. He added that he does not think we can manufacture one that fast. Mr. Agripino continued and commented he does not think they exist but if the Board would ask if they exist he would appreciate it. He then commented, anybody?

Next, Mike Hager, Element Engineering, asked Mayor Nothem if he could speak. Mayor Nothem responded yes. Mike Hager then asked if this is a legal hearing? The applicant, Manuel (Manny) Agripino responded no sir. Mike Hager then commented because he is not represented but it seems like he is being prosecuted. Mr. Agripino responded no sir. Town Clerk/Treasurer Joseph then commented it appears that we all are. She commented that she is not doing this either. Mike Hager, also commented that this is for a pre-app meeting to discuss moving forward with the subdivision. Mike Hager continued by commenting that his only thing was to protect the Town from somebody hauling in material and that is all this is about, and we still do not have a legal lot, and a building has been built there so that is where we are at now. Trustee Howton responded so that's what your understanding was that the lot is in the pre-liminary motion and that he was still hauling dirt on to it and his, Manny Agripino's, argument is that that lot is separate from 85/40, but it wasn't technically separated it was still an illegal lot where fill dirt and building was on going. Mike Hager, Element Engineering, responded yes.

Furthermore, Town Administrator Dean asked Mayor Nothem if he could speak. Mayor Nothem responded yes. Manuel Agripino then commented sorry Town Administrator Dean but I got to protect myself and he added no Mr. Hager this is not an Administrative Hearing and he continued by explaining that all he wanted to do was address your comments because your Staff and because this was from Staff so your saying that everything that is in this report is factual, right? Mr. Agripino continued this is a Staff Report so all I am asking before we move on to Mr. Parko is show me the cease-and-desist, that's a very simple request, its not a legal request. It was presented that there were legalities involved, and illegalities so is that a very hard request to see the cease-and-desist orders, is it?

Next, Mayor Nothem acknowledged Trustee Howard. Trustee Howard commented that I think I get where he, Mr. Agripino, is coming from. She further commented that she also is hearing what Mike Hager is explaining. She directed her question to Mike Hager, Element Engineering, and commented that you did send a letter that said that you wanted him to cease-and-desist that you wanted him to stop what he was doing. She continued that she thinks the jargon that is written here, she referred to a paper she held, she added especially since it is public knowledge, makes it appear that Manuel (Manny) Agripino is having cease-and-desist orders delivered to him by an Attorney. She added that she thinks it is the jargon that we are getting caught up in here. She then asked, were there any actual Attorney documents delivered, certified letters of cease-and-desist?

Next, Mike Hager responded that he does not know what the Building Inspector, Safebuilt, did. Town Administrator Dean responded that the Building Inspector simply placed a stop work order on the property. Town Administrator Dean continued to explain that to his knowledge there were never any "formal" cease-and-desist orders issued. He added that is what caught him off guard. Carrie McCool, Town Planner, responded it was just an e-mail that says please cease. Trustee Howard responded so it was not from legal. Carrie McCool responded it was more informal and that they were just trying to make sure the drainage is not impacting others property. Carrie, McCool Development Solutions, added its really for public safety. Trustee Howard responded in seeing this and for the short time of being on the Board and knowing some of the people that we have in Town may misconstrue things, she further explained that she can see why Manny Agripino is very concerned about himself in this situation. Trustee Howard continued by explained in reading it, it makes it sound like police officers are coming out here and delivering a cease-and-desist letter and we were privy to that last Monday. Trustee Garza commented they were not aware of it.

Additionally, Mayor Nothem acknowledged Mr. Agripino to go ahead. The Applicant, Manuel (Manny) Agripino commented that we keep referring to an e-mail that does not exist. He continued that he was never presented with an e-mail to cease-and-desist another entity was. He continued so we've got to understand the details here. Mr. Agripino continued that if someone could present an e-mail here that he, Manny Agripino, was presented a cease-and-desist he will acknowledge it today, but nobody ever sent him an e-mail and nobody is asking for the cease-and-desist letters, nobody, and he added he just doesn't understand why not. Trustee Garza responded that she thought she did, and Trustee Howard responded yes. Town Administrator Dean responded that the cease- and-desist were issued not as orders but coming from the Town Engineer and he continued to explain that he is sure he can find those e-mails and share them. Manny Agripino then responded and asked that came to me? Town Administrator Dean responded no, and we understand.

Next, the Applicant, Manuel (Manny) Agripino responded nothing came to him but in the report. He commented that Town Administrator Dean says he, Manny Agripino, received it but Manny Agripino explained he did not receive it so you can see how the deception is out there and that he violated legal orders, that he violated a cease-and-desist. Manny Agripino continued by asking if someone could just say we are sorry, and it did not happen he will be happy with that but now the whole report becomes questionable because there are so many things that are not correct. Manny Agripino continued by commenting that he thinks he presented this to the Board, and he commented and one more time I want to see those cease-and-desists. Town Administrator Dean responded again there were no legal cease-and-desist orders that he is aware of issued. Manny Agripino then directed his question to Mayor Nothem and commented Mayor Nothem one last time before Mr. Parko takes over, or somebody else. Mr. Agripino commented that he wants the entire summary not redacted but rescinded.

Next, Trustee Howton then asked when the stop work order was issued? When did the Inspector issue the stop work order? Mr. Agripino responded after November 20, 2024. Trustee Howton responded it was after November 20, 2024, then. Manuel (Manny) Agripino responded that is correct. Trustee Howton responded okay. Mr. Agripino commented that he has a copy of it if anybody wants to see it, but he did not bring it because we, the Town, should have all that, cease-and-desist, stop work orders all that. He added it should have been in the report.

Additionally, Mayor Nothem acknowledged Trustee Fulton. Trustee Fulton commented that if he is concerned about his reputation and stuff we should easily be able to send a letter saying due to our misunderstanding nothing legally was ever served to him that way he would have it in writing and he would not have to worry about his reputation and that would take care of it and everything right then and there. She added that to her that is the easiest way to do it and then the Applicant, Manuel (Manny) Agripino would have it in writing that it was a misunderstanding, and he never got any legal information and he would also have that so in the future if he is building or doing something it doesn't ruin his reputation and that would just clear up the whole thing. Mayor Nothem responded keep in mind Ms. McCool did refer to this as "a work in progress" because she is going to make adjustments to it and these, what you are talking about, are perhaps what she can make adjustments to that would suffice here. Trustee Fulton responded yes, we would be happy to take care of everything. Trustee Garza responded yes that we definitely do not want a slander lawsuit or anything like that, or defamation. Mayor Nothem responded no.

Also, Mayor Nothem commented that we need to back up a couple of thousand feet here and remember we are a small town. He continued and explained that we have an Engineer who tried to stop some things before anything got to anywhere it needed to be a "call the police" situation. Trustee Fulton responded, I just think it would be real simple and that would solve it and we would be happy. Mayor Nothem commented and that would solve some of this. He then explained that the legal form of cease-and-desist that is being referred to here was never created. Town Administrator Dean asked Town Planner McCool if she could fix the report? Carrie McCool, Town Planner, responded absolutely, and they should know that through the developmental review or process we have had a number of different types of applications I do not think that we have received title work. Wetco, its really unclear about the ownership and that framework. Town Administrator Dean commented let's not go there right now. Town Planner, Carrie McCool, McCool Development Solutions, responded I am just saying we have tried to communicate with the best person that we could with the information that we, Town Staff, has.

In addition, Mayor Nothem acknowledged Mike Hager, who wanted to say something. Mike Hager, Element Engineering, then commented to Manny Agripino that if he said something wrong in that or wrote something he does apologize. Applicant, Manuel (Manny) Agripino responded, thank you Mike. Mike Hager responded trust me there was no way he wanted to cause problems; he just wanted to protect the community so the initial one that was sent out was to Craig Sparrow and he heard which he knows

was true that you, Manny Agripino, were involved in the development as well and you started hauling in dirt and to me there wasn't a lot one. Mike Hager further explained that when he was thinking of this, he was thinking of the overall subdivision we, Town Staff, does not have anything that says your allowed to even do anything on this property yet, so those e-mails did come from him. Mike Hager, Element Engineering, added then finally the last time he was at the pre-bid meeting here for the Towns Sewer Project at the Town Hall and he went out to the property, and he noticed and then said okay what do we do because they are still doing work out there. What is the next step?

Next, Mike Hager, Element Engineering, explained then he said to Town Administrator Dan Dean, I do not know what to do and then that is when they decided to get the Town Attorney involved, so that is how that all went down. Mike Hager, Element Engineering, commented to Mr. Agripino that there is no way he would want to slander him, that is not what the purpose of that was for. He commented to Manuel (Manny) Agripino, I do apologize so if that came across like that it was never his intent. The Applicant, Manuel (Manny) Agripino responded to Mikel appreciate that.

Also, Mayor Nothem next commented this report can and will be fixed as we make adjustments to it. He continued that the verbiage he figures will be tweaked to where it doesn't sound like he was running from the law or anything like what has been brought up here. Mayor Nothem then asked the Applicant, Manuel (Manny) Agripino if that will suffice? Mr. Agripino responded that he will leave it at that at this point, thank you. Mayor Nothem responded okay, thank you. Mayor Nothem acknowledged Town Administrator Dean to go ahead.

Next, Town Administrator Dean commented that he wanted to go back to one point about how we transitioned from the five acres to the full subdivision. He continued that Town Staff had told Manny yes you can subdivide this "for conveyance purposes only"; however, when we got to looking at it, and correct me if I am wrong Carrie, there is still an original plat on there with several lots, streets, and so forth and at that point those lots needed to be addressed and streets that were existing and some had been vacated as I recall. Town Planner, Carrie McCool, McCool Development Solutions, responded that the application that they got did include the vacation of a lot of streets and a lot of vacations of other lots and it would not meet the definition of a minor subdivision. Town Administrator Dean explained that is part of how we transitioned from just a one five-acre parcel to a full subdivision. He added that he wanted to get that full history in there because he thinks that is critical.

Also, Town Administrator Dean continued and commented that he is going to say, and Manny said he said it and he did say it, that he thought it was best to create the whole subdivision and do the rezoning of it because it was going to need to be done in the long run. Town Administrator Dean then asked if that is correct Manny? Mr. Agripino then responded that he appreciates that Dan. Town Administrator Dean responded to Mr. Agripino that it is exactly what he told him and he encouraged him to do it because he thought it was the right approach and he still thinks it is the right approach and he thinks at some point the twelve-acre parcel came into play that helped move your

decision, is that correct? The Applicant, Manuel (Manny) Agripino responded that he has to reserve comment on that. Town Administrator Dean responded okay, and Mr. Agripino responded thank you. Town Administrator Dean commented he wanted to come back to part of the reason from the transition from the one five-acre parcel to the full subdivision, re-subdivision if you will.

Additionally, the Applicant, Manuel (Manny) Agripino, commented last point Mayor and then he would like for Mr. Parko to move on because he is charging him by the hour. Mr. Agripino commented that he appreciates everybody listening and he appreciates everybody backing up and saying misunderstandings at the least helping him clear up the things that he did and did not do that's very important to him but he also feel that this subdivision is very important to the Town and its going to provide jobs, its going to provide housing, its going to provide food, and other stuff and so Mayor he would like to request that Mr. Parko is allowed to do his presentation now. Mayor Nothem responded okay and asked Mr. Parko to please press on.

Next, Tom Parko thanked Mayor Nothem and the Board of Trustees. He introduced himself and explained that he has his own planning consulting firm, Spruance Consulting. He then explained that he wanted to share just a bit about himself. He has been a land planner for about the last twenty years. He has worked in a lot of municipalities, small and large including counties up and down the Front Range and he spent the last fourteen years with Weld County and twelve of those years he was the Planning Director for the Department of Planning Services for Weld County. He added that he has lived here for over twenty years, not in the Town Gilcrest, but right here in Weld County so he is extremely familiar with a lot of the communities. He added that when he got an opportunity to meet with the Applicant, Manuel (Manny) Agripino last year. They talked about this particular subdivision that we will go through here in a minute. He added that he was actually thrilled to death because he has driven up and down Highway 85 over the years coming through Platteville, Gilcrest, and LaSalle and all the communities so its really exciting to be able to work on a project like this one and to see it through because he can definitely see a lot of the benefits.

Also, Tom Parko, Spruance Consulting, explained that they also have some other members on the team that are not present at tonight's meeting, but you will certainly get to meet them as we work through this process. The first one he explained is the civil engineer which is done by Rocky Ridge Civil Engineering and then we also have Thomas Land Surveying that is the surveyor on this project. Tom Parko continued as Town Planner, Carrie McCool had mentioned we are moving forward with a Planned Unit Development (PUD). He added that he has certainly worked on a number of PUD's in his career and he commented that that mechanics of the planning of the development can be quite complicated and every jurisdiction is a little different in how they process PUD's but it is typically a multi-stage process such as you go through the sketch plan which we are just talking about here at tonight's meeting, he added just the sketch plan. Then you have a preliminary and final plat to go through. In addition to individual site-specific development plans or site plans on each one of the lots.

Additionally, Tom Parko explained again they have been working with Town Planner, Carrie McCool a lot and they have been really going through all of it and really determining the process and procedures. He further explained that this evening, we are really talking about the sketch plan that is found under Article three. He continued specifically we are talking about the requirements under Section 17-81. He pointed out that in his presentation it does show the requirements. He added that he is sure they are all familiar with the property and he added that it is annexed into the Town of Gilcrest. The current zoning is I-1 Industrial. The property is fifty-eight acres and going back to what some of the Staff had talked about earlier portions of this property were originally part of the Town site of Gilcrest.

Also, Tom Parko continued you have a small lot especially up there adjacent to Fourth Street and that stuff we are going to clean up as we work our way through this process which will be to consolidate a lot of those old streets, vacation of platted allies and those types of things. He explained that it will all come with the survey which he will show them in a bit, but this is kind of an overview again a sketch plan is more conceptual, its very high level and he pointed them to a map, on the overhead, and pointed out the unincorporated portion of Weld County and explained that it is all zoned agricultural and then you have all your existing structures. He added that he tried to break out the existing structures and their type of use such as what is residential, what is commercial, what's public and pointed out the structures all have a little different color on the map he has included in his overhead presentation. He further explained that for the most part there are a lot of different mixed uses in there. He also explained that there is a lot of residential to the East of Starbird Avenue and then also Highway 85 adjacent to the property and then across from there you have Union Pacific Railroad so you do have a lot of uses in here and part of this process is to go through and make sure this subdivision is compatible with the adjacent properties and how can they make it compatible with the various uses that are going on.

In addition, Tom Parko pointed out on the existing Zoning map that the area of/and around 4th Street is predominately industrial especially as you are moving West and then there are some residential and agricultural type zoning North of 4th Street in the project area. He continued to explain, as he pointed out in his slide presentation, that it is for Town Staff purposes and that they are required to provide it with the sketch plan. He added that as they go through the preliminary plan and as they go through the process of the pre-liminary plan such as the preliminary drainage reports, final drainage reports, and the geotechnical studies they will have more technical plans. He added that all of that stuff comes after the sketch plan. He then showed them a basic soil survey that he explained was from NRCS. He continued by explaining that there are really good soils here and they have had the geotechnical studies done and they produced those and will submit those at a later date. He added that there were some sandy loams but they really did not encounter any issues with the soil and that they have done borings throughout the property so it will really come in handy for those that want to come in later and do their site development plans.

Also, Tom Parko explained that they had to go out to the property and look at the geology like out and around the Town, code is a half mile out, but he decided to go four to five miles out. He further explained that the geology in this area is not in the geo hazard area such as in the tri-town areas there is a lot of old coal mines causing subsidence but there is none of that showing up in this particular area in and around the Town so the geology can support the development. Then he explained that the flood plains are showing mostly in the Town of Milliken so for this property they are way outside any designated flood plain for this project, so they do not have to worry about that. He continued by explaining that although there are a couple jurisdictional wetlands outside the property, there are no jurisdictional wetlands on the property, so they do not have to worry about that either. He added that they did do some riparian studies and looked at Colorado Parks and Wildlife. They always try to make sure the sites are not disruptive to wildlife corridors. They did discover in the Milliken area that there are some bald eagle both active and inactive nests, but there are none by Gilcrest. It makes sense it would be by Milliken due to it is up by the flood plain and the Platte River. He further explained that they looked at all sorts of wildlife not just the bald eagle and did not find anything that would be disruptive to the property going forward. Tom Parko commented that they can provide that data if they want to see it going forward and that they ran it to make sure they were not going to run into any significant hiccups. He added Carrie McCool will tell you this will go out for referrals and different agencies will be given an opportunity to look at this as they move forward.

In addition, Tom Parko, Spruance Consulting, the Planner for the Applicant, explained that he wanted to point out again that a sketch plan is really conceptual. They really did do a lot of work on the engineering, on the civil side, but you typically do not see that with sketch plans. You do not do a lot of surveying, and you do not do a lot of heavy engineering on the front end. He further explained that he thinks the reason for that is so that the developer can get a good or bad feeling from the Town before the applicant, owner, goes out and spends a tremendous amount of money on a development so you want to make sure your looking at zoning, master plan, development standards, operation standards and those types of things at a very high level.

Also, Tom Parko continued by explaining that what they are proposing is fifteen lots again, it covers about fifty-eight acres plus or minus when you take out the right a way. It is kind of a split between industrial and commercial. They are proposing seven industrial lots and eight commercial lots of which the seven industrial lots are I-2, and the Eight Commercial lots are C-2. He added that this was determined a lot with conversations that they had with Town Staff. He explained that they had initially proposed light industrial and light commercial, but they wanted to go with the highest and best use and so a lot of times that comes with going with a different zone district. He then referred to the sketch plan and pointed out that it shows how each lot is zoned and explained that they tried to be mindful of compatibility and typically you want to have your commercial uses closer to a highway or major highway corridor and push your heavier industrial away from the residential areas.

Additionally, Tom Parko, Spruance Consulting, commented that as Mr. Agripino would most likely comment to you there has been a lot of interest in these lots from different prospects. They also worked with the Town Staff to determine whether a detention or retention pond would work on the property which they will discuss more when they get into the pre-liminary stage of the process, but they did end up having to do a retention pond which is about four and half acres of the property. He further explained that they are calling it an out lot. Tom Parko further explained that they are going to ask for some deviations from the code. He added that he believed Town Planner, Carrie McCool had brought this up in her report about what is the proper zone for an out lot or retention pond. He added that in a lot of communities' retention ponds, not concrete lined or anything else like that, can double as a park and you can put a lot of different amenities there. He further explained, for example, in his community where he lives there is a basketball and volleyball court. He added that is one of the discussions they would like to have with the Town which is to have their out-lot A/retention pond double as their open space requirement that is in the code.

Also, Tom Parko, Spruance Consulting, the Planner for the Applicant explained that this is commercial and is an industrial type subdivision so having amenities like a park and those types of things they want is in this since better for a residential zone but maybe a business in that area could use it by going out there and maybe have a gazebo and/or a grill or something there and use the area to take walks there. For those folks in the area that have a business there with employees that want to go outside for lunch it could work well for them. He added that these are some of the conversations they will have with the Town Staff moving forward. He further explained that this is the overall concept of the sketch plan, if you will. He also explained lots can change again when they really get into the nitty gritty some of the sites can go up or down in size but generally speaking, he thinks that they are within about plus or minus of 5/10ths of an acre on each particular lot.

Furthermore, Tom Parko pointed out that the Towns Comprehensive Plan calls for the area down on First Street as a gateway so they thought they would make sure they haul that out and delegate a portion of that for the Town's gateway and whether that's a monument or entry way sign or something like that they can work that out as they go. He also added that they just think it's important to point that out because they are trying to be mindful of the Town's plans. Also, Third Street came up with GIS lines and can be a bit off. He apologized if Third Street did not show lined up, but it is, and he apologized and explained that it will be in the site plan and the engineering and all of that preliminary and final plat.

In addition, Tom Parko explained that now they are looking at, in the presentation, what shows as the fifteen proposed lots that have all been surveyed. It is a recent plan that shows Third Street. They are proposing sixty feet of right of way, which is above what the Town Code requires, which is fifty feet of right of way. He described the plan with cul-de-sacs and easements on all the lots for utilities such as water and sewer. He further explained that what they are looking at in his presentation is the actual site plan with all the details showing which is similar to a preliminary site plan as they are going

through and making sure they check all the boxes that the Town requires. He then showed them the preliminary grade plan with the typography which was the other thing the Town is requesting at the sketch plan level, but it is hard to do unless you have a survey out there, so they initially had ten-foot contours. This is a lot more specific so you will have a lot more contours in the grading. He further explained that he will come back to this slide due to one of the requests that they have is to reduce the requirement for curb, gutter, and sidewalk. They will have paved streets or a street and some cul-de-sacs there but a lot of creative engineering has gone in over the years to where you have subdivisions that don't have curb, gutter and sidewalks but they do have drainage wells on either side of the road that capture the stormwater and the runoff and then they are conveyed to that retention pond that they are proposing and it can be done quite well and he will show them examples in a minute but this grading plan reflects that they have the paved road in there but no curb, gutter or sidewalk.

Next, Tom Parko showed a slide and explained that this is the draft utility plan and explained that what is really nice about a project like this, and Carrie McCool can vouge for this, as a Planner you don't have to worry about going out and annexing one mile from Town because you don't have Town services there. You like it when a project is adjacent to current infrastructure and this is adjacent to current water, current sewer so we have public water on Forth Street and there is public water over in Starbird Avenue as well as public sewer that is over in Starbird Avenue and Third Street which is at the developers expense to extend that into the subdivision. He further explained that the utility plan is showing a water line loop not just for the benefit of the Town but fire districts love loop systems and hate dead-end lines so the Fire District will be involved in this too. He continued to explain there is water, sewer and might be a possible lift station maybe really close to Starbird Avenue and Third Street. They are not quite sure and its not all gravity fed. They are working through whether or not they need a smaller lift station there. He added that the mechanics are still being worked out. He further explained that they did contact Atmos Energy and Xcel Energy and they both did provide will serve letters to this development, but they will make sure they have all the easements with telephone service. Now a days, it is a little tricky with cell phones versus landlines.

Additionally, Tom Parko pointed out on his slide show the Towns Comprehensive Plan and the regional commercial area as defined in the Towns comprehensive plan. He explained that it does talk about how it supports industrial and commercial types of use, which is nice due it is already defined as an employment center so in his opinion what they are proposing complies with the Towns Comprehensive Plan. He further explained that they have all the plat notes, the development criteria, and standards that they finally work out at the end of the day and actually all of it goes on the actual plat and will be a guiding document going forward. He added that it is great that they are showing the Town allows for a lot of uses in the industrial and commercial zones, they have I-2 and C-2 and you can have all of those uses in a PUD, which may be part of the conversations going forward.

Also, Tom Parko pointed out on a slide the development standards for the Town Code and commented that he would say that this project meets a vast majority of the minimum standards in the Town Code, so they are not asking for a lot of deviations. He explained that there really are two deviations from the code. He continued to explain that there are really only two major ones that they are asking for, which is why they are asking for a PUD because it allows for this.

Additionally, Tom Parko explained that one of the things that the Town Code requires is minimum open space so when you combine the minimum space for commercial and industrial you are looking at a minimum of 30% open space which is pretty standard for industrial and commercial subdivisions. He explained that they are asking to reduce this and have about five-acres give or take of open space and most of that will be the retention pond he was talking about earlier and they are proposing to have it double as an area where folks in the area can utilize. He further explained that there is also floor area ration requirements the Town has but they are not really asking to deviate from that at all but he wanted to point that out so when a business comes in and they do a site plan and they go through the site plan review process with the Town they have to address things like landscaping and lighting so that's when they go back to the plat notes and make sure it is clear for anybody that comes in so that they understand this is the requirements for the lots.

Furthermore, Tom Parko commented that he did not know if this was the appropriate place to make negotiations back and forth, but he wanted to point out that this would be their first ask which is to discuss the open space requirements and a reduction in that. He then pointed to Section 17-204 of Town Code. He further explained that this is the code provision that does allow a waiver of zoning and subdivision restrictions, and they can basically use this and go through and ask for their deviations. He continued by explaining that besides the deviation from the open space the other or second deviation that they would request from the Town would be not to have curb, gutter, and sidewalk. He added not because they do not want to do it. He then pointed out as an example a subdivision like this which in unincorporated Weld County called Vista Commercial Subdivision, off Highway 119, which has been in the county for quite some time. He further explained that he is bringing it up because it is an example of a subdivision like this that does not have curb, gutter, and sidewalk. He pointed out in his presentation a picture that he took of Vista Commercial two days ago, which he included in his slide, which has a regional retention pond where all the ground water is conveyed to.

Other items Tom Parko included were landscaping and seeding the ditches, setbacks and access points, utilities will be in the road like normal, and that he commented that as Town Planner, Carrie McCool, mentioned this lot is a I-1 but that they might have to go through a zoning process so he is still trying to wrap his head around this.

Additionally, Trustee Garza explained that she wanted to make sure she had the correct idea of the asks. She continued by commenting so the ask is not to have curbs, gutters, and sidewalks but you would have paved roads. Tom Parko responded that is correct and they would have the drainage wells. Trustee Garza commented then the second

ask is that you would have the minimum open space of about 4.2 to 5 acres but it would double as a retention pond and an open space. Tom Parko responded that is correct and they would try to double the retention pond but that it would be there open space. Then Trustee Garza commented that ultimately the big ask is when they get to the phase of approving or the preliminary plat, final plat, site plat all at one time. Tom Parko explained the preliminary plat will come before them all, the Town Board and then the final plat so they are not asking for anything to be reviewed differently. It would be discussed with the Town. Mayor Nothem commented and zoning too.

Also, Town Planner Carrie McCool commented that she can help with explaining that. She continued that with PUDs they are set up as overlays in Gilcrest and she explained what that meant. Then she explained that what the applicant is proposing here is all along the Highway 85 corridor is to have more of the C-2 uses which is the heavy commercial which is really consistent with what we already have and then on the other side the out lot having the I-2 so the way the code is when you do the over lay it doesn't automatically change the zone district. It could be done as a planning district. Trustee Garza responded so you would then identify the seven lots and show what they are zoned as, correct? Carrie McCool responded yes and provided more detail on how the process will work and what the code requires.

After additional discussion, such as business HOA, street maintenance, and dedication to the Town of streets etc., Town Planner Carrie McCool, McCool Development Solutions, and Mike Hager, Element Engineering, explained that it is still not entirely clear what the proposed use is for the subdivision. Mike Hager added that the Town does have limitations for the wastewater treatment pond.

Trustee Agripino responded that there is no future use yet, there is a potential contract in place but no other plans for usage yet.

Mayor Nothem commented that we now have chronological details. He then asked if Town Planner Carrie McCool could please update the summary, like normal, accordingly, to make the corrections requested by the Board of Trustees. Carrie McCool responded yes, she will.

No action was taken.

4. **EXECUTIVE SESSION:** - If Needed

None

5. **ADJOURNMENT:**

Motion – Trustee Garza, Motion to adjourn the meeting at 7:52 p.m., on March 24, 2025, **2nd – Trustee Howard.** All voted Aye. **Motion carried (6-0).**

TOWN OF GILCREST

ATTEST:

Steve Nothem, Mayor

Brenda Joseph, Town Clerk