Regular Meeting Minutes of
The Board of Trustees
Town of Gilcrest, Colorado
304 8th Street – Town Hall
November 4, 2024, 7:00 P.M.

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

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

2. APPROVAL OF THE REGULAR AGENDA:

Motion – Trustee Howton, Motion to approve the Regular Agenda amending it to add New Business 6e. Reimbursement Agreement with WETCO Solar Farms LLC, **2nd – Trustee Fulton.** All voted Aye. **Motion carried (4-0).**

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

None

4. CONSENT AGENDA:

a. Board of Trustee Minutes for October 7, 2024
b. Bills for Approval
c. Agreement To Reimburse Costs – Central Colorado Water Conservation District (CCWCD)

Motion – Trustee Howton, Motion to approve the Consent Agenda, **2nd – Trustee Castro,** All voted Aye. **Motion carried (4-0).**

5. OLD BUSINESS:

None

6. NEW BUSINESS:

a. Presentation by Weld County

Mayor Nothem welcomed Weld County Commissioner At-large Perry Buck, Pro-tem, and Weld County Commissioner At-large Kevin Ross, Chair, to the Board meeting.

Town Administrator Dean explained that the Weld County Commissioners asked to be placed on the agenda for tonight's meeting. Then Weld County Commissioner At-large Kevin Ross, Chair, and Weld County Commissioner At-large Perry Buck, Pro-tem, both thanked Mayor Nothem and the Board of Trustees for including them on the Board Meeting Agenda. Next, Commissioner Ross explained that he and Commissioner Buck are at the meeting tonight to honor Mayor Nothem for his years of service and contributions to the Town of Gilcrest. They briefly explained that they like to make these presentations to express their gratitude for outstanding service to those serving in the communities of Weld County. They then presented Mayor Nothem with a certificate. Kevin Ross further explained that Weld County Commissioner District 1 Mike Freeman, Weld County Commissioner District 2 Scott James and Weld County Commissioner District 3 Lori Saine along with his and Perry's signatures have all been included on the certificate and all five Weld County Commissioners would like to thank him.

Mayor Nothem expressed his appreciation and thanked them for the certificate. He added that he likes to be able to serve the Town of Gilcrest as Mayor and that he feels it has been an honor to serve both his community and country by being in the Reserves previously as well. After taking a few pictures with Mayor Nothem, Weld County Commissioner At-large Perry Buck, Pro-tem, and Weld County Commissioner At-large Kevin Ross, Chair, left the meeting.

b. 108 4th St. Request

Town Administrator Dean explained that Quitzely (Kitty) Siler and her family purchased the property located at 108 4th Street in 2020. At the time of purchase, they were unaware of the fact that the water and sewer taps had been surrendered in 2013 back to the Town as well as the property's water allocation. He added that Kitty has written a letter that he has included in tonight's Board packet requesting that the Town reinstate the water allocations to the property. Also, he explained that in his telephone conversations with her she also requested that the water and sewer taps be reinstated. In addition, he explained that the prior Town Administrator, Larry Lorentzen, had worked with her before back as far as 2021. They are interested in constructing a tire shop at this location, 108 4th Street, Gilcrest, which is why she, Quitzely (Kitty) Siler, and Virginia Duarte are at the meeting tonight to discuss the water, and sewer taps and water allocation issue with the Board of Trustees.

Next, Quitzely (Kitty) Siler explained that her brother, Aldo Ocegueda, and she bought the lot located at 108 4th Street, in Gilcrest, on December 15, 2020. She also explained that before purchasing the lot, she was in contact with Larry Lorentzen, the previous Town Administrator, where he confirmed that there were services at the property and a building before their purchase. She pointed out that when they bought the property, they were under the assumption that the services were still at the property for them to use since the previous owner was not transparent regarding the removal of services.

Additionally, she further explained after their closing in 2020, she was informed by Mr. Lorentzen that the water and sewer services were abandoned, and taps were removed

by the previous owner to avoid the monthly minimum charges for the water and sewer. He also informed her that they needed to pay for the connection fees and reestablish water rights to get the parcel redeveloped.

In addition, Quitzely (Kitty) Siler explained that Mr. Lorentzen and her also briefly spoke about them submitting a petition to a town committee asking for the town to consider reinstalling services to the property at 108 4th Street,and for them to consider her offering to backpay all the fees/bills that were supposed to be paid since the abandonment on March 8, 2013, to the present day. She added that she understood that if approved by the town committee, she would also need to plan to pay for the connection fee for both water and sewer.

Furthermore, she added that if approved back in 2020 they were planning to put a tire shop/car repair shop at 108 4th Street. She further explained that they did not get to the point of submitting their request to the town committee then because unfortunately, she was taken to the hospital for a medical emergency in late 2020 and she has been recovering since.

She concluded by explaining that her and her family currently rent a building in Denver where they own/run a successful tire shop. She further explained that they strongly wish to relocate to a more laid-back community such as Gilcrest due to how fast the Denver population has grown and feel that the beautiful town of Gilcrest is a perfect fit for them. She added that they do not have the ability to pay for all the services. She further explained that they currently do not have the funds to build the shop and also pay for the Colorado-Big Thompson water share. She also mentioned that she understood from Mr. Lorentzen that he felt a three fourth inch water tap would be sufficient for a tire shop.

Mayor Nothem mentioned that he recalled her coming to the Town back then as well. Trustee Castro commented that she wondered how the seller got by with selling it to them without the water and sewer. Quitzely (Kitty) Siler explained that her brother and the title company handled the sale, and they did not go through a realtor. She also commented that she does not have all the e-mails from her visits with the previous Town Administrator Larry Lorentzen. Town Administrator Dean responded that he does have Larry's e-mails from back then.

Also, Mayor Nothem mentioned to Quitzely (Kitty) Siler if it were a brand new property you would need a new water tap and new sewer tap and to purchase the water share(s). Quitzely (Kitty) Siler responded that she can not come up with the money for the water share. She added that their business, tire shop, does not require/use a lot of water and that the current amount of water it did have should be ok.

Mayor Nothem commented that she would need to have trees, grass, and the required landscaping for how it is zoned. Mayor Nothem asked Town Administrator Dean how the property at 108 4th Street is zoned. Town Administrator Dean explained that it is zoned C-2, Commercial District Heavy. He added that Railroad Street is also zoned. C-2.

Mayor Nothem asked Quitzely (Kitty) Siler if he understood her correctly that she wanted to connect to the Towns water and sewer and pay to bring it up to date instead of purchasing a water share, is that correct? Quitzely (Kitty) Siler responded that she can pay the water and sewer tap fees and back fees for them to be current but she cannot pay for the water share.

Trustee Fulton commented that it sounds like the seller may have taken advantage of them when they purchased the land.

In addition, Mayor Nothem pointed out that since the property is zoned C-2 then as a Board we can decide what to do. He then explained to Quitzely (Kitty) Siler that before they can say yes or no, they would like to see their proposal and construction plans. Also, Town Administrator Dean commented that he would need to confirm the exact amount before giving her a final amount due but to get the water and sewer up to date it would cost approximately $10,500.00.

Additionally, Trustee Castro mentioned that there was once a house at that location and the Town had to tear it down. Quitzely (Kitty) Siler responded that she does have a copy of the order that was used to tear down the house. She also wondered if the approximate $10,500.00 includes the water and sewer tap fees.

Also, Town Administrator Dean mentioned that he thinks it may be a challenge to put the tire shop on that property. Mayor Nothem added that they will need to take into consideration the required setbacks as well. Town Administrator Dean also added that they, Quitzely (Kitty) Siler and her family, will also need to keep in mind the requirement that fifty percent of the land has to be open. Public Works Supervisor Meisner asked Quitzely (Kitty) Siler if they have had the property surveyed already. She responded they have already had it surveyed. She added that she has not picked it up yet, but she was contacted by the surveyor that it was ready to be picked up.

Additionally, Town Administrator Dean explained to Kitty that water connection fees are $5,000.00 for a three fourths inch and $9,000.00 for a one inch and he believes for the sewer tap the fee is $6,500.00. He added that the Town Engineer will let her know what size water tap she will need. Mayor Nothem further explained that the approximate cost for the water and sewer taps would be $11,500.00 and it is possible an additional $4,000.00 would be required all depending on what the Town Engineer determines. Quitzely (Kitty) Siler acknowledged she understood.

Trustee Castro commented that the Board of Trustees can give her an estimate tonight, but she does not want to vote on it now. They need to see the survey to see if they can put the building on the property, 108 4th Street.

Town Administrator Dean then asked Mayor Nothem and the Board of Trustees if he understood correctly that they are willing to wave the water share but that they, Quitzely (Kitty) Siler and her family, would need to pay the other fees such as the water tap,

sewer tap and get the town utility bill brought current? Quitzely (Kitty) Siler also asked would it help them to go to the next step if she did get the plans drawn up?

Trustee Fulton commented that she would be willing to work with her and her family if they did submit the plans for them to review. Trustee Howard agreed. Trustee Howton also commented that it sounds like the approximate amount that they would need to pay the Town for water tap fees, sewer tap fees and to bring the utility bill current is $22,000.00 to $26,000.00. Town Administrator Dean replied that is correct. Town Administrator Dean added that the next question would be does the Town require them to bring a water share to the Town as well. Trustee Castro responded that she believes they should hold off on deciding on this especially because tomorrow night, Tuesday, November 5, 2024, is the Election for the Board of Trustees.

Mayor Nothem summed up the discussion and explained that once the Town has received the survey, then they will be able to see if they have enough room on the lot located at 108 4th Street to see if they can put a building on the lot and meet all the requirements including the required setbacks and the fifty percent open space on the lot, keeping in mind the building can only occupy fifty percent of the land. He further explained to Quitzely (Kitty) Siler that then they most likely will be willing to work with them. Public Works Supervisor Meisner mentioned that it is also possible that due to the new Commercial Building Codes/Fire Codes a bigger water system to support the required fire system such as a four-inch water line may be required. He pointed out that the Nantes Library was the most recent building built in Town, and they had to use the new fire code.

Trustee Howard suggested that if they have some plans drawn up, they could also take them to the Platteville-Gilcrest Fire Protection District for them to review and help with the Fire Code question. Town Administrator Dean suggested that she contact the Town's Chief Building Official, Tim Moroney, and gave her the contact information for Safebuilt. Mayor Nothem added that the Town Planner, Carrie McCool, can help answer questions too once they have their plans for her to review.

Quitzely (Kitty) Siler acknowledged she understood and added that at the building they currently rent, in Denver, they do not typically keep the tires on site. They rent a storage unit and store them there instead of having them all on the property and then bring them to their business as needed. Mayor Nothem and the Board of Trustees thanked Quitzely (Kitty) Siler and Virginia Duarte for coming to the Board meeting to discuss this with them. No action was taken.

c. 224 Main Street – Kyle Lundy

Town Administrator Dean explained that Kyle Lundy, a perspective purchaser for 224 Main Street visited him by telephone, regarding purchasing the property and continuing the current use. He further explained that Kyle Lundy indicated that he would clean up the property, put a better fence to better screen the property and remove some of the

older buildings, if he purchased it. Town Administrator Dean added that he explained that the Board of Trustees was unhappy with the current use and condition of the property. Also, he explained that he told Mr. Lundry the zoning is C-1, Light Commercial, which allows retail and office uses. He also explained that the Board of Trustees was open to proposals which would improve the property. In addition, he explained that he invited Kyle Lundy to submit a proposal, but Mr. Lundry asked that he get a sense of if the Board of Trustees liked his idea before he invested in development plans.

After a brief discussion, Mayor Nothem and the Board of Trustees asked Town Administrator Dean to please let Kyle Lundy know that they are not interested in his idea. No action was taken.

d. Christmas Decorating

Town Administrator Dean explained that last year the Board of Trustees judged the holiday lights, submitting their numbers for first, second and third picks. Then the picks were combined to settle on the three winners at: first place for $100.00, second place for $75.00 and third place for $50.00. He further explained that Staff seeks directions as to the Board's wishes and schedules for the annual Holiday Lighting Contest so we can get the information in the December newsletter. If the second meeting in December is cancelled, the Board of Trustees may need to submit their three top picks to Town Hall with Staff counting the votes, sending out gift cards and getting the results in the January newsletter.

After a brief discussion, Mayor Nothem and the Board of Trustees discussed that they will all plan to judge the lights on Thursday, December 12, 2024, from 6:00 PM to 9:00 PM. Also, the Mayor and the Board of Trustees will be sure to have their picks for first, second, and third place e-mailed to Town Staff by Friday, December 13, 2024, to allow Staff to tally and for enough time for Public Works to deliver the gift cards to the winners before Christmas.

Motion – Trustee Howton, Motion to approve first place for $100.00, second place for $75.00 and third place for $50.00 for the annual Holiday Decorating Contest, **2nd – Trustee Fulton,** All voted Aye. **Motion carried (4-0).**

e. Reimbursement Agreement with WETCO Solar Farms LLC

Town Administrator Dean explained that the Town received a preapplication for a replat of Country Meadows first filing. Also, the Town has received a deposit and a reimbursement agreement at the same time.

Motion – Trustee Castro, Motion to approve the Reimbursement Agreement with WETCO Solar Farms LLC and to authorize Mayor Nothem to sign it, **2nd – Trustee Howard,** All voted Aye. **Motion carried (4-0).**

7. REPORTS:

a. Town Administrator

Mayor Nothem first mentioned that he would like to make a suggestion that the Board of Trustees discuss cancelling the regularly scheduled Board meetings in December 2024 and schedule one meeting due to the Christmas Holiday.

After a brief discussion, Mayor Nothem and the Board of Trustees asked Town Administrator Dean to please cancel the Regular Board Meetings scheduled for Monday, December 2, 2024, and Monday, December 16, 2024, and scheduled a Board Meeting for December 9, 2024.

Town Administrator Dean reported that Fall Clean Up of leaves and branches will continue on Saturday, November 16, 2024, from 8 a.m. to 3 p.m. He asked Public Works Supervisor Meisner how it went for the Fall Clean Up of leaves and branches on Saturday, November 2, 2024? Public Works Supervisor Meisner reported that they only had about two people come.

Next, Town Administrator Dean reported that the Town received a notice from Colorado Department of Public Health and Environment (CDPHE) explaining that the Town has exceeded the level of nitrate allowed in our effluent discharge. He further explained that Public Works Supervisor Meisner explained to him that this is a new lower limit and that he will contact the Weld County Health Department to find out what is going on. Public Works Supervisor Meisner explained that three months ago CDPHE put a new parameter in place. Town Administrator Dean asked what it was before. Public Works Supervisor Meisner replied that up until then it had always been in the twenties. He added he has not yet heard back from CDPHE.

Also, Town Administrator Dean reported that VERO has submitted four excavation permits to install cable in the right-of-way. He further reported that they are already out working in town and so far, the Town has had one complaint from a resident but VERO's Communications Manager contacted the resident, and everything appears to have been resolved.

Additionally, Town Administrator Dean reported that Element Engineering has put out bids for the sewer line replacement project. Bids are due by Thursday, November 7, 2024. The bid specs included the sewer lines and manhole replacement but did not include any liner work at the sewer ponds. He also reported that a pre-bid conference was held on Wednesday, October 16, 2024, where Element Engineering explained the project and the expectations for the bidding process. There was one primary contractor as well as a number of subcontractors in attendance. He commented that he hopes to have bids by the next Board Meeting.

Also, Town Administrator Dean reported that Corey Hoffmann, Town Attorney, sent the Town a memo regarding HB1283 which allows municipal clerks to refer certain

municipal campaign finance complaints to the Colorado Secretary of State (the "Secretary"), if the Board of Trustees adopts an ordinance authorizing the referral of such complaints to the Secretary. This may be a topic for discussion at a future Town Board meeting. He further explained that he spoke with Town Clerk Joseph, and she would like an Ordinance for this. Town Clerk Joseph responded that although we have not had a situation like this, she would like the Ordinance in place just in case it is ever needed in the future. This way it is already established.

In addition, Town Administrator Dean reported that he attended the School/Towns meeting on Wednesday, October 23, 2024. They discussed the EPA Grant they hope to receive in the amount of $17,600,000.00. The application includes a Community Change component which would allow them to construct solar arrays, install EV chargers, and update various controllers in each of the buildings. He further explained that funding for the towns was also included in the grant application and each town would receive $334,000. The bulk of the town funding is to hire a consultant to update our Emergency Response plan. Also, approximately $74,000.00 would be allocated for towns to secure supplies such as automated external defibrillators (AEDs), cots, and other supplies for emergencies. He added that up to $15,000.00 could be used to reimburse the town for staff time in administering the grant.

Additionally, Town Administrator Dean reported that for the Verizon Cell Tower Site, 1000 Starbird Avenue, he received a call from Johnathon Guillen, a Lease Consultant for Verizon. He further explained that they are interested in making a lump sum payment for the remainder of the contract which expires in 2040. He added that Mr. Guillen will be sending a proposal to the Town in the near future.

Town Administrator Dean concluded his report by mentioning that he received information from the Northern Colorado Water Conservancy District (NCWCD) to transfer four shares of water to the Town for the Centro de la Familia childcare facility the Board recently approved. He added that he is working with NCWCD to complete the paperwork, but he has left a voice mail for a call back and has not yet heard back from them.

Mayor Nothem commented that if the Town ever had the money, it would be good to work with the school district to put in a storm facility.

b. Board of Trustees

Mayor Nothem asked the Board of Trustees if they had anything else to discuss. After acknowledging they did not. He asked Public Works Supervisor Meisner how the gravel/dump truck is working. Public Works Supervisor Meisner responded it is running well. Mayor Nothem asked him if he was still interested in purchasing the backhoe for the Town too. Public Works Supervisor Meisner replied that he was interested in it, but they sold it already. It sold quickly.

8. <u>EXECUTIVE SESSION:</u> - If Needed

9. ADJOURNMENT:

Motion – Trustee Howton, Motion to adjourn the meeting at 8:10 p.m. on November 4, 2024, **2nd – Trustee Howard.** All voted Aye. **Motion carried (4-0).**

TOWN OF GILCREST

ATTEST:

Steve Nothem, Mayor

Brenda Joseph, Town Clerk