

**TOWN OF SILT
REGULAR BOARD OF TRUSTEES MEETING
DECEMBER 9, 2019 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, December 9, 2019 in the municipal council chambers. Mayor Richel called the meeting to order at 7:00 p.m.

Roll call	Present	Mayor Keith Richel Mayor Pro-tem Kyle Knott Trustee Justin Brintnall Trustee Andreia Poston Trustee Dina Prieto Trustee Jerry Seifert Trustee Sam Walls
------------------	---------	---

Also present were Town Administrator Jeff Layman, Town Clerk Sheila McIntyre, Community Development Director Janet Aluise, Public Works Director Trey Fonner, Utilities Director Jack Castle, Chief of Police Mike Kite, Town Attorney Michael Sawyer and members of the public.

Pledge of Allegiance and Moment of Silence

Consent Agenda

- 1) Minutes of the November 25, 2019 Board of Trustees meeting
- 2) **Resolution No. 36, Series 2019, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SILT TO SET VARIOUS TOWN FEES AND DEPOSITS FROM JANUARY 1, 2020 TO DECEMBER 31, 2020**

Mayor Pro-tem Knott made a motion to approve the consent agenda as presented. Trustee Prieto seconded the motion, and the motion carried unanimously.

Conflicts of Interest – There were no conflicts of interest.

Public Comments – There were no public comments.

Agenda Changes – There were no agenda changes.

Interview for Planning & Zoning Commission member – Brittany Cocina

Brittany Cocina introduced herself and explained why she would like to sit on the Planning Commission. The Board interviewed Ms. Cocina for one of the vacancies.

Trustee Seifert made a motion to appoint Brittany Cocina to the Planning & Zoning Commission vacancy. Trustee Walls seconded the motion, and the motion carried unanimously.

Water/Wastewater System Improvement fee and EQR discussion – Michael Erion

Director Aluise stated that staff had been asked by an applicant to reduce the tap fees per unit as they feel that the rates are too high. Staff recognized that the code had not been reviewed for several years and that it would be best to have the EQR schedule and tap fees reviewed to see if the town was in line with its current rates. Present tonight was Town Water Engineer Michael Erion with Resources Engineering to go over his report.

Mr. Erion went over the existing water system and the 30-year capital investment costs with the Board. The Board discussed how these fees are necessary to maintain our system. Mr. Erion concluded by recommending that the tap fees increase from \$5835.98 to \$9875 per EQR and to phase that increase in over a 3-year period.

Discussion on limiting the number of marijuana businesses

Director Aluise provided an overview of the zoning code for marijuana businesses in town as requested by the board. Attorney Sawyer also went over use by right and the special use permit process and how the board should handle them. There was discussion regarding the current number of stores in town and how to address potential special use permits in the future. There was also discussion regarding the possibility of imposing a moratorium or limiting the number of licenses for marijuana businesses. Attorney Sawyer stated that the board could indeed impose a moratorium in order to give staff time to enhance its regulations related to how the town licenses marijuana businesses or how special use permits are issued. Mayor Richel opened this discussion up for public comment.

Mark Mayasich asked if any comparative analysis had been done in regards to the amount of revenue that the Town of Silt is making compared to surrounding areas and if not, how does the town know they are maxing out their need for more stores. He added that cannabis is legal and that it would provide more revenue for the town and help the community. He also stated that if all requirements are met, why should there be a need to scrutinize it.

Renee Grossman, owner of High Q stated that she opened in 2014 and explained the changes in the industry since she opened in Silt. She added that certain towns were suffering and that marijuana has been good for them economically but it has reshaped their identities. Ms. Grossman stated that another store would not be consistent with the values of the town and does not believe Silt could support another one and that it could potentially be very disruptive.

Chris Classen stated that the board should look at its zoning as it limits the number of stores in town.

Mike Yorty stated that the board should watch the old videos of when marijuana came before the board years ago. He added that there are still a lot of people who do not like having two stores in town and not sure what will happen with a third.

Jason Grangroth stated that he is against any more marijuana stores coming into this town adding that his morals do not line up with it. He asked that the board limit the number of stores if possible to two.

Tonya Walls stated that she speaks for a lot of people and that two is all we need. She added that she does not want Silt to be like Parachute or Debeque.

Mayor Pro-tem Knott stated that the majority of people that he talks to do not want any additional stores. He added that maybe the board should discuss limiting the number of licenses in town and that he wants to grow the economy here but that a majority of the people do not want to do it with marijuana. Trustee Seifert also stated that most of the people that he has spoken with only want two stores.

Mayor Richel stated that he agrees with Mayor Pro-tem Knott and that he is favor of moving forward with a moratorium to give staff time to draft an ordinance that would limit the number of marijuana businesses or locations where they could go. He believes that the town does not need more than the current two businesses. Trustee Prieto stated that she agrees with the others and that two businesses are enough.

Staff was directed to bring an emergency ordinance to the January 13, 2020 meeting that will address both zoning and licensing of marijuana businesses.

Administrator Layman contacted Treasurer John Lewis and Assistant Treasurer Amie Tucker by phone for the upcoming financial items.

Second reading of **Ordinance No. 10, Series 2019, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ACTING BY AND THROUGH ITS WATER AND WASTEWATER ACTIVITY ENTERPRISE, AUTHORIZING LOANS EVIDENCED BY NOTES FOR THE PURPOSES OF (I) REFUNDING OUTSTANDING BONDS OF THE TOWN AT LOWER INTEREST RATES AND (II) FUNDING WASTEWATER CAPITAL IMPROVEMENTS; PROVIDING FOR THE PAYMENT OF THE LOANS FROM THE NET REVENUE DERIVED FROM THE OPERATION OF THE TOWN'S WATER AND WASTEWATER SYSTEM COMPRISING THE ENTERPRISE; AND APPROVING DOCUMENTS AND OTHER DETAILS IN CONNECTION WITH THE LOANS**

Administrator Layman refreshed everyone on the benefits of the refinance. He added that bond counsel has stated that everything is looking good and that he recommends approval.

The public hearing opened at 8:31 p.m. There were no public comments and the hearing closed at 8:31 p.m.

Attorney Sawyer pointed out a typo in the title to be corrected in the motion tonight.

Mayor Pro-tem Knott made a motion to approve second reading of Ordinance No. 10, Series 2019, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ACTING BY AND THROUGH ITS WATER AND WASTEWATER ACTIVITY ENTERPRISE, AUTHORIZING LOANS EVIDENCED BY NOTES FOR THE PURPOSES OF (I) REFUNDING OUTSTANDING BONDS OF THE TOWN AT LOWER INTEREST RATES AND (II) FUNDING WASTEWATER CAPITAL IMPROVEMENTS; PROVIDING FOR THE PAYMENT OF THE LOANS FROM THE NET REVENUE DERIVED FROM THE OPERATION OF THE TOWN'S WATER AND WASTEWATER SYSTEM COMPRISING THE ENTERPRISE; AND APPROVING DOCUMENTS AND OTHER DETAILS IN CONNECTION WITH THE LOANS with a correction to the word refunding in the title. Trustee Walls seconded the motion, and the motion carried unanimously.

Resolution No. 32, Series 2019, A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF SILT, COLORADO FOR THE 2019 BUDGET YEAR

Administrator Layman stated that the town would like to purchase a plow truck and pay off a police car with savings from the 2019 budget. He added that by making these purchases this year it would free up money in 2020. Treasurer Lewis stated that the funds are still in line with the budget, that it would not be over expended and that we would still be in compliance with State regulations.

The public hearing was opened at 8:37 p.m. There were no comments and the hearing was closed at 8:37 p.m.

Trustee Seifert made a motion to approve Resolution No. 32, Series 2019, A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF SILT, COLORADO FOR THE 2019 BUDGET YEAR. Mayor Pro-tem Knott seconded the motion, and the motion carried unanimously.

Resolution No. 33, Series 2019, A RESOLUTION TO ADOPT THE TOWN OF SILT'S BUDGET FOR CALENDAR YEAR 2020, APPROPRIATE FUNDS AND LEVY PROPERTY TAX

Administrator Layman went over his power point presentation on the 2020 budget. He added that he feels this budget will go a long way in moving forward with the priorities discussed by the Board at their retreat.

The public hearing was opened at 9:00 p.m. There were no comments and the hearing was closed at 9:00 p.m.

Mayor Pro-tem Knott made a motion to approve Resolution No. 33, Series 2019, A RESOLUTION TO ADOPT THE TOWN OF SILT'S BUDGET FOR CALENDAR YEAR 2020, APPROPRIATE FUNDS AND LEVY PROPERTY TAX. Trustee Brintnall seconded the motion, and the motion carried unanimously.

Mayor Richel declared adjournment as the Board of Trustees and convened as the Silt Housing Authority.

Resolution No. 34, Series 2019, A RESOLUTION TO ADOPT THE SILT HOUSING AUTHORITY BUDGET FOR CALENDAR YEAR 2020 AND APPROPRIATE FUNDS

Administrator Layman went over this information during his budget presentation and recommended approval. There was discussion regarding the budgeted amount for water/sewer and there was a consensus to increase it by \$5000 to \$16,800.

The public hearing was opened at 9:07 p.m. There were no comments and the hearing was closed at 9:07 p.m.

Commissioner Walls made a motion to approve Resolution No. 34, Series 2019, A RESOLUTION TO ADOPT THE SILT HOUSING AUTHORITY BUDGET FOR CALENDAR

YEAR 2020 AND APPROPRIATE FUNDS with a change to add \$5000 to line item 015-0000-496-0255 bringing it up to \$16,800. Commissioner Knott seconded the motion, and the motion carried unanimously.

Mayor Richel declared adjournment as the Silt Housing Authority and convened as the Silt Urban Renewal Authority.

Resolution No. 35, Series 2019, A RESOLUTION TO ADOPT THE SILT URBAN RENEWAL AUTHORITY BUDGET FOR CALENDAR YEAR 2020 AND APPROPRIATE FUNDS

Administrator Layman stated that they have gone over this budget tonight as well and there have been no changes.

The public hearing was opened at 9:10 p.m. There were no comments and the hearing was closed at 9:10 p.m.

Commissioner Richel made a motion to approve Resolution No. 35, Series 2019, A RESOLUTION TO ADOPT THE SILT URBAN RENEWAL AUTHORITY BUDGET FOR CALENDAR YEAR 2020 AND APPROPRIATE FUNDS. Commissioner Prieto seconded the motion, and the motion carried unanimously.

The Board was provided a letter from Alpine Planning on behalf of Rocky Mountain Business Association who is under contract to purchase the Town property next to Kum & Go. Attorney Sawyer explained that it is not uncommon during a contract period for an owner of a property to grant consent to the buyer to undertake various land use approvals before the sale happens. The Town has received a request for a special use permit and an application for a license to operate a retail marijuana establishment, but the Board is under no obligation to grant it.

Commissioner Prieto made a motion to direct staff not to grant permission to file permits while the town still owns the property. Commissioner Richel seconded the motion, and the motion carried unanimously.

Mayor Richel declared adjournment from the Silt Urban Renewal Authority and convened as the Board of Trustees.

Second reading of Ordinance No. 9, Series 2019, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, APPROVING THE SALE OF PROPERTY LOCATED ON HIGHWAY 6 & 24 EAST OF THE KUM & GO SERVICE STATION

Administrator Layman stated that no changes have been made to this ordinance since first reading. Attorney Sawyer stated that this is a formality that allows the town to sell this property pursuant to the contract. He added that the buyer is under a due diligence period and they could choose to terminate the contract based upon things that have happened tonight. Director Aluise stated that the property actually is located on Highway 6.

The public hearing was opened at 9:17 p.m. There were no public comments and the hearing closed at 9:17 p.m.

Trustee Seifert made a motion to approve second reading of Ordinance No. 9, Series 2019, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, APPROVING THE SALE OF

PROPERTY LOCATED ON HIGHWAY 6 & 24 EAST OF THE KUM & GO SERVICE STATION with a correction to the title to read Highway 6. Trustee Walls seconded the motion, and the motion carried with Mayor Pro-tem Knott and Trustee Prieto voting nay.

Golden Gate Petroleum of Nevada, LLC Fermented Malt Beverage license application – Notice of public hearing

Town Clerk McIntyre explained to the Board that according to Silt Municipal Code, upon receipt of a completed application for a new liquor license the Licensing Authority must be made aware of the upcoming public hearing. She stated that they would be seeing the application for the Golden Gate Petroleum Fermented Malt Beverage off-premise license on the January 13, 2020 agenda.

Administrator and Staff reports

Chief Kite stated that Off-Highway Vehicles (OHV's) and now officially allowed on Town streets. He asked that residents come down to town hall and get a copy of the regulations for riding them in town along with a town issued sticker. Chief Kite also stated that OHV's are allowed to cross the State highway but not travel on it.

Updates from Board / Board comments

The Board thanked staff for their hard work on the budget and wished everyone a happy holiday. Trustee Brintnall reminded everyone of Sitting with Santa this coming Friday. Mayor Pro-tem Knott asked if staff could maybe put up more Christmas lights on Main Street adding that there is local business support to help financially if necessary.

Mayor Richel stated that he met with the LoVa trail people and they had asked if the town would be in support of them when they go before the Board of County Commissioners to ask for \$300,000 to finish a portion of the trail through South Canyon. He added that once that portion is complete then they would focus on the portion of the trail between New Castle and Silt on the north side of Highway 6.

Mayor Richel adjourned for a break at 9:29 p.m. and reconvened at 9:38 p.m.

Executive Session

Trustee Prieto made a motion to go into an executive session for a conference with the Town Attorney for the purpose of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b). Trustee Brintnall seconded the motion, and the motion carried unanimously. The board adjourned to executive session at 9:39 p.m.

At the end of executive session, Mayor Richel made the following statement: “The time is now 9:54 p.m., and the executive session has concluded. No formal action was taken in executive session. The participants in the executive session were: Keith Richel, Andreia Poston, Jerry Seifert, Dina Prieto, Kyle Knott, Sam Walls, Justin Brintnall, Jeff Layman, Sheila McIntyre, Trey Fonner and Michael Sawyer. For the record, if any person

who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record". No objections were stated.

Adjournment

Trustee Prieto made a motion to adjourn. Trustee Seifert seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 9:56 p.m.

Respectfully submitted,



Sheila M. McIntyre, CMC
Town Clerk

Approved by the Board of Trustees



Keith B. Richel
Mayor

