

**TOWN OF SILT
REGULAR BOARD OF TRUSTEES MEETING
MARCH 9, 2020 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, March 9, 2020 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 (arrived at 7:50) Trustee Justin Brintnall Trustee Andrea Poston Trustee Dina Prieto Trustee Jerry Seifert Trustee Sam Walls
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Also present were Town Administrator Jeff Layman, Town Clerk Sheila McIntyre, Community Development Director Janet Aluise, Town Treasurer Amie Tucker, Public Works Director Trey Fonner, 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 February 24, 2020 Board of Trustees meeting
- 2) Proclamation recognizing the Coal Ridge Titans Co-ed Cheer Team

Trustee Seifert made a motion to approve the consent agenda as presented. Trustee Prieto seconded the motion, and the motion carried unanimously.

Conflicts of Interest – Attorney Sawyer took the opportunity to read from the Charter and the Colorado Code of Ethics regarding personal interest and conflicts of interest in light of an agenda item tonight. Trustee Brintnall stated that he might have a perceived conflict of interest as his wife works for an establishment associated with a local marijuana dispensary. He stated that he would be recusing himself from both the special use permit and the retail marijuana applications.

Public Comments – There were no public comments.

Agenda Changes – Administrator Layman stated that he would like to discuss the Transportation and Housing Summit at the end of the meeting. He also asked to move the Stoney Ridge discussion up on the agenda to take place after Resolution No. 17.

Resolution No. 17, Series 2020, A RESOLUTION OF THE TOWN OF SILT APPROVING A LAND LEASE AGREEMENT BETWEEN THE TOWN AND HIGHWATER FARM, A COLORADO NONPROFIT CORPORATION FOR A LEASE OF A PORTION OF THE SILT

RIVER PRESERVE KNOWN AS PARCEL #2179-094-00-733 AND THE APPURTENANT WATER RIGHTS, FOR THE PURPOSE OF ACTIVE AGRICULTURAL PRODUCTION WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

Director Aluise went through her staff report stating that Highwater Farm, a nonprofit corporation had previously requested to lease a portion of the Silt River Preserve for the purpose of agricultural production, including the teaching of youth farming. The applicant will put in the irrigation and the leasing of the water rights would allow them to be utilized on the farm. Director Aluise explained that the lease would be for one year by resolution but that staff would bring back an ordinance that would allow for a multi-year lease. Attorney Sawyer provided language for the motion to revise tonight's resolution.

Present tonight was director Sara Tymczynszyn who provided a recap of the project. She stated that they would start with up to an acre with a plan of hiring on teenagers and bringing on a CMC intern. She stated that 25% of their vegetable sales would be donated to the Lift-Up Pantry and the remaining revenue would be used to help fund the project next year. Ms. Tymczynszyn stated that she has been in contact with Aspen Valley Land Trust regarding the use of the land and has been made aware of the buffer area around the eagles that are nested close to the area that would be farmed. She stated that they hope to be able to start planting in May.

When asked about livestock on the property Director Aluise explained there might be some goats brought in but that Aspen Valley Land Trust would have to sign off on anything done on the property because it is a conservation easement.

Trustee Walls made a motion to approve Resolution No. 17, Series 2020, A RESOLUTION OF THE TOWN OF SILT APPROVING A LAND LEASE AGREEMENT BETWEEN THE TOWN AND HIGHWATER FARM, A COLORADO NONPROFIT CORPORATION FOR A LEASE OF A PORTION OF THE SILT RIVER PRESERVE KNOWN AS PARCEL #2179-094-00-733 AND THE APPURTENANT WATER RIGHTS, FOR THE PURPOSE OF ACTIVE AGRICULTURAL PRODUCTION WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF subject to the changes of Exhibit B to state for a period of one year. Trustee Poston seconded the motion, and the motion carried unanimously.

Stoney Ridge Phase II request for partial letter of credit release

Director Aluise went through her report stating that the applicant has asked that the board approve their request to reduce the Letter of Credit balance for materials and mobilization efforts completed for the ditch piping and utility crossing sub-phase. Staff would like to write a letter for the applicant to take to their bank to receive the reduced Letter of Credit with the Boards permission.

Applicant Kevin Tucker stated that the pipe is being installed right now and should be done in a week or so. Director Fonner stated that the pipe going in is according to specs.

Trustee Seifert made a motion approve the Stoney Ridge Phase II request for partial letter of credit release. Trustee Brintnall seconded the motion, and the motion carried unanimously.

Greater Roaring Fork Housing Coalition – KT Gazunis

Present tonight was KT Gazunis who explained that she has been working with a group of volunteers for the last two plus years to talk about a regional approach to addressing workforce and affordable housing. The group has managed to do a regional study for the area from Aspen to Parachute and the commuter patterns of Eagle and Gypsum as well. Ms. Gazunis explained that they have discovered that there is a deficit of affordable housing.

Ms. Gazunis asked that the Board consider participating in this coalition and make a commitment and designate a representative to come to their first meeting. **The Board stated that they would have someone attend.**

Resolution No. 13, Series 2020, A RESOLUTION APPROVING THE SILT CASTLE LLC SPECIAL USE PERMIT FOR THE KIND CASTLE RETAIL MARIJUANA STORE ON A PROPERTY KNOWN AS LOT PARCEL A, AMENDED KEITHLEY EXEMPTION PLAT, ALSO KNOWN AS PARCEL #217910100039, AND COMMONLY KNOWN AS 1421 RIVER FRONTAGE ROAD, TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

Trustee Brintnall recused himself from the meeting.

Attorney Sawyer started by going through the quasi-judicial procedures and explained that the Board needs to understand the criteria to approve or disapprove the matter at hand and to affirm that they can make a decision based on the provisions of the code and the evidence that will be presented tonight.

Director Aluise went through her staff report and stated that the applicant proposes a retail marijuana store on the 15-acre parcel that is zoned B-2 next to the Holiday Inn. She added that issuance of a special use permit is necessary prior to the Board considering the retail marijuana license next on the agenda. Director Aluise stated that public notice requirements have been met, fees have been paid and that the application is in conformance with municipal code.

Trustee Knott arrived at 7:50 p.m.

Trustee Knott apologized for his late arrival and clarified for the record that he has had no involvement in the property transaction even though another person in his office is the realtor for said property. He stated that he does not feel that he has any conflict of interest. The remainder of the Board did not feel that Trustee Knott had any conflict as well.

Attorney Sawyer stated that the town received two letters that were given to the Board tonight and handed to Town Clerk as part of the public record.

Present tonight were Chris Hawkins with Alpine Planning and applicants John Dyet and Mark Mayasich. The applicants provided a packet of additional information to the Board that he been included in the official record along with a copy of their power point presentation. Mr. Hawkins went through his presentation. The applicant stated that they are good with submitting a subdivision for the 15-acre parcel within one year, adding that they are interested in exploring housing within their project.

John Dyet addressed the Board stating that their planned store would look nothing like a castle and went over items such as their security plan, odor mitigation, store operations and a conservative sign plan. Mr. Dyet stated that he feels they have had good support in their plans

and that the only opposition they have seen has been from their competitors. He added that they have already been approved by the State and that the sale of the property is hinged on an approval tonight.

The Board discussed with the applicants items such as construction in the flood zone, compatibility with the surrounding businesses, family friendly businesses on the property, the fact that the property has sat vacant for several years, how their business would effect existing businesses in town, projected revenue, that High Q is located right next to Miner's Claim, the number of people who have signed petitions supporting/opposing them, drawing businesses to Silt and the possibility of having three marijuana businesses in town.

The public hearing was opened at 8:42 p.m.

Bob Regulski, owner of the subject property for ten years, stated that if the applicants get their permit and move forward, it would open up future development. He added that he supports the application and that if the Board makes them do what they say they will it will be a home run.

Aron Diaz, representing High Q stated that no one is afraid of competition but that it has more to do about fairness of the process. He stated that it is smoke and mirrors by the applicant of what they can bring to Silt if they are approved. He stated that he thinks the process has been rushed and that the Town should ask the applicant for something in writing on future plans of the development.

Renee Grossman, owner of High Q stated that it is not about competition. She stated that she has had numerous conversations with citizens over the years and that they do not want to see any more stores. She added that the applicant has already shown a disregard for Silt ordinances by handing out flyers prior to the public hearing and then again by placing flyers on cars advertising for jobs. Ms. Grossman stated that their layout is wrong and that they had mislabeled access areas. She stated that it would create an undue concentration of marijuana stores and that as a land use perspective, this is not an intended use for this area.

Dawn Lane, stated that she uses marijuana and that she has a medical marijuana license and to have them here would be helpful.

Jim Kehoe, consultant to High Q stated that he has worked as architect for 25 years. He asked the Board what the character of this town is that they would like to see and if they are looking to create vitality for the town. He asked what the development plan is and that the Town should be looking at the future of Silt.

Dan Meskin, owner of Green Cross stated that he has yet to hear what the need is for the special use permit. He explained how he had another store on Main Street in Rifle and was asked to move to another location in the industrial area and since the move, his business has suffered while his old location still sits vacant. He stated that people have stopped supporting downtown since he moved and that it is beneficial to build up our downtown area.

Barb Asplund asked that the Board deny this application. She stated how we have been asking kids to say no to drugs and help our young people by setting limits and that we should protect them when they are the most impressionable. She added that substance abuse has left scars on her family and that it should not be made any more accessible.

Michael Hixson stated that he has been around drugs for a long time, and that Silt is a good place to raise kids and that he lives in a family oriented neighborhood. He stated that if a new

pot shop were put in, the Holiday Inn, KOA and gas station would be busier. He stated that the application should be given some stipulations and that the applicant should pay for making the bridge wider to provide for pedestrian traffic. He added that he voted for the Board members and now he has to trust the decisions that they will make. He stated that he did not want the first two marijuana shops and hopes to stop another one from coming into town.

Mark Mayasich, speaking as a resident, stated that he has heard a lot of opposition and speculation from people who do not live in Silt along with competitors. He stated that he runs a business in Parachute and that he runs a tight ship. He stated that his goal is to earn customers and bring them back. He stated that he plans to be here for many years and wants the opportunity to open a business and support his family.

Heather Mayasich stated that she supports Kind Castle going in and feels that it will help the community and provide potential growth.

The hearing was closed at 9:03 p.m.

John Dyet responded to comments made by the public. He stated that there is a conceptual site plan that meets town standards and that they are more than willing to participate in a local improvement district or other financing mechanism for interchange improvements. He stated that they would not ask for a sign exception, would submit a subdivision application within one-year and that owners and future owners will participate in a reasonable local improvement district or other financing for highway intersection improvements. Mr. Dyet spoke about his marketing plan and some of the businesses who are showing interest in some of the lots. He stated that he respects his competitors opinion and that there is no smoke and mirrors.

Mayor Pro-tem Knott stated he likes the project and that the only downside for him is that it is marijuana, but that he also does not want to rob people of being able to make a living. Trustee Walls stated that he would like to see the commitments in writing. Trustee Seifert stated that it meets all business criteria. Trustee Poston stated that she was concerned about the desirability of the business and the number of people signing petitions against it. Trustee Prieto stated that it is not about competition and that the evidence presented tonight makes for a great business but that she does not see that there is a need for it. She also stated that the signatures opposing are almost twice the amount of those in favor of it and that she is on the board to make decisions based on the best interest of the citizens of Silt.

Mayor Richel commented about the signatures on the petitions. He also stated that he was concerns about how they are going to be compatible with those businesses next to them and that he does not feel that it is compatible with the comp plan. He also stated that he has a problem with them scrambling to get their application in when the board was discussing a moratorium so that they did not have to comply with the rules that will be made in the future.

Mr. Mayasich stated that they have met every other provision and that they have given the town other stipulations that other businesses in town have not been tasked with such as a pedestrian path. The Board was asked by the applicant to evaluate this as any other business, just take away the fact that it is a marijuana business.

Mayor Pro-tem Knott made a motion to approve Resolution No. 13, Series 2020, A RESOLUTION APPROVING THE SILT CASTLE LLC SPECIAL USE PERMIT FOR THE KIND CASTLE RETAIL MARIJUANA STORE ON A PROPERTY KNOWN AS LOT PARCEL A, AMENDED KEITHLEY EXEMPTION PLAT, ALSO KNOWN AS PARCEL #217910100039, AND COMMONLY KNOWN AS 1421 RIVER FRONTAGE ROAD, TOWN OF SILT,

GARFIELD COUNTY, STATE OF COLORADO. Trustee Seifert seconded the motion, and the motion failed with Mayor Richel and Trustees Poston and Prieto voting nay.

Mr. Hawkins stated for the record that he felt that Trustee Prieto showed bias and that it is on the record that she would not vote for another store.

Trustee Brintnall rejoined the meeting.

Silt Castle LLC – New Retail Marijuana store license

This agenda item was not visited based on the prior failed motion.

Award of bid for 1st Street & 7th Street asphalt overlay

Director Fonner stated that staff had received three bids to overlay both 1st Street and 7th Street and that staff recommends awarding the bid to Grand River Construction.

Trustee Brintnall made a motion to award the 1st Street & 7th Street asphalt overlay bid to Grand River Construction. Trustee Walls seconded the motion, and the motion carried unanimously.

Second reading of **Ordinance No. 8, Series 2020**, AN ORDINANCE OF THE TOWN OF SILT, COLORADO REPEALING AND REPLACING CHAPTER 12.04 OF THE SILT MUNICIPAL CODE REGARDING SNOW AND ICE REMOVAL

Director Fonner stated that no changes have been made since first reading.

The public hearing was opened at 9:38 p.m. There were no public comments and the hearing closed at 9:38 p.m.

Mayor Pro-tem Knott made a motion to approve second reading of Ordinance No. 8, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO REPEALING AND REPLACING CHAPTER 12.04 OF THE SILT MUNICIPAL CODE REGARDING SNOW AND ICE REMOVAL. Trustee Brintnall seconded the motion, and the motion carried unanimously.

Approval of agreement to retain special legal counsel Robert G. Cole (of the firm Collins Cockrel & Cole) to advise the Town on issues involving metropolitan districts

Attorney Sawyer stated that according to Section 4.1 of the Town Charter the Board may use associated counsel with their approval, adding that the Board has sought legal counsel for the purpose of evaluating a Metro District proposal that has been made to the town. Staff is asking to formalize the retention of Bob Cole for purposes of providing advice. The cost associated with Mr. Cole will be billable to the applicant.

Mayor Pro-tem Knott made a motion to approve the agreement to retain special legal counsel Robert G. Cole (of the firm Collins Cockrel & Cole) to advise the Town on issues

involving metropolitan districts. Trustee Seifert seconded the motion, and the motion carried unanimously.

Administrator and Staff reports

Mayor Pro-tem Knott asked Director Fonner to keep in touch with him or Brock Hedberg regarding work being done at the Stoney Ridge ballfield. He stated that there is also a field day scheduled for March 21.

Updates from Board / Board comments

The Trustees thanked staff for their hard work. Trustee Walls stated that he had been approached by citizens asking why their utility bills go up all of the time. Staff will provide information at a later date. Trustee Brintnall commented about a weed calendar contest that is being held and that pictures can be sent to Sarah with Garfield County Weed Management.

Mayor Pro-tem Knott apologized for getting here late tonight. He also stated that hard decisions were made tonight and thanked everyone for their discussion and sharing of their opinions. Mayor Richel commented how nice the new light is at the corner of 13th Street and Grand Avenue. He stated that he also appreciates the conversation tonight and nice to have participation by all.

Administrator Layman reminded the Board of the Transportation and Housing Summit on March 12. Trustee Poston stated that she would attend along with Mayor Richel and Administrator Layman.

Adjournment

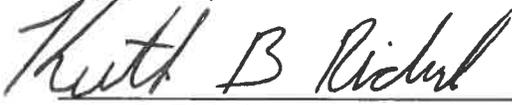
Mayor Pro-tem Knott made a motion to adjourn. Trustee Walls seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 9:48 p.m.

Respectfully submitted,



Sheila M. McIntyre, CMC
Town Clerk

Approved by the Board of Trustees



Keith B. Richel
Mayor

