

**TOWN OF SILT
REGULAR BOARD OF TRUSTEES MEETING
MAY 11, 2020 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting remotely on Monday, May 11, 2020. 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 Sam Flores Trustee Andreia Poston Trustee Jerry Seifert Trustee Sam Walls
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Also, present remotely 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 May 4, 2020 Remote Board of Trustees special meeting

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

Conflicts of Interest – There were no conflicts of interest.

Public Comments – Sherronna Bishop thanked the Board for listening to the people last week by sending a letter to the County Commissioners and for their commitment to the town, adding that it is their obligation to defend and represent the people of Silt. She went over the number of people who have applied for unemployment and the number of people who have been confirmed with COVID. She stated that the data really matters and that by allowing people to get back to work to make sure we have a secondary spike will help spread this around so that we have 60 – 70% herd immunity. She also explained that layoffs and furloughs have begun and that we are experiencing an economic disaster.

Tonya Walls stated that she spoke with the County Commissioners in regards to opening Silt businesses up 100%. She added that she was disappointed that only one Trustee made comments at that meeting in support of our county opening back up. She asked that the Trustees call the County Commissioners and the local health department to keep them accountable for getting us back open at 100%. She also said that we need to decide what works best for Silt, not for Glenwood. She thanked the Board for listening and supporting out town.

Agenda Changes – Administrator Layman stated that staff would like to continue Resolution No. 24 to the May 26 meeting for adoption at the same time as Ordinance No. 10. Trustee Walls stated that he would like to discuss Resolution No. 19 regarding the State of Emergency that he believes is now null and void and also Resolution No. 20 which allowed for electronic meetings under the State of Emergency. This will be discussed later tonight.

Resolution No. 26, Series 2020, A RESOLUTION OF THE TOWN OF SILT, COLORADO APPROVING THE ACCEPTANCE OF DITCH PIPING AND PARTIAL UTILITY IMPROVEMENTS FOR STONEY RIDGE PLANNED UNIT DEVELOPMENT, PHASE II (ACTUAL CONSTRUCTED PHASE III), AND ALLOWING FOR THE 2-YEAR WARRANTY PERIOD TO BEGIN TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

Director Aluisse stated that the Bureau of Reclamation and the Silt Water Conservancy District have signed off on the ditch piping and that the town has signed off on the utility crossing for this project. Staff recommends approval and that the Board on behalf of the town accept the warranty instrument and begin the warranty period.

Applicant Kevin Tucker was present by phone and stated that he appreciated everything that staff did to get this taken care of by the required deadline and thanked everyone for their help.

Trustee Seifert made a motion to approve Resolution No. 26, Series 2020, A RESOLUTION OF THE TOWN OF SILT, COLORADO APPROVING THE ACCEPTANCE OF DITCH PIPING AND PARTIAL UTILITY IMPROVEMENTS FOR STONEY RIDGE PLANNED UNIT DEVELOPMENT, PHASE II (ACTUAL CONSTRUCTED PHASE III), AND ALLOWING FOR THE 2-YEAR WARRANTY PERIOD TO BEGIN TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO. Trustee Brintnall seconded the motion, and the motion carried unanimously.

Community Development Department – Fun and Adventures amid the COVID-19 pandemic – Nicole Centeno

Present tonight was Nicole Centeno who went over the various programs that the Community Development department has going right now to assist people in various ways during the pandemic. She also emphasized how much the town has utilized their website and all other forms of media to get information and valuable resources out to the public. She thanked all of the other individuals, groups and businesses that have partnered with the town to help during this time. Information and programs that the town has been providing include:

- Food voucher program
- Mental health services
- Unemployment information
- Low income resources
- Small business loans program
- Post a Pick-up Pic
- Birthday brigade

The Board thanked staff for all of their hard work and Administrator Layman stated how happy he is with the results that Ms. Centeno has achieved and sees great things for the future when she is able to work on the things that she was hired to do. She has certainly shown her true colors and hit the ground running.

Resolution No. 10, Series of 2020, A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE WITH AN ANNEXATION PETITION FOR A PROPERTY KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.743-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION WITHIN GARFIELD COUNTY, STATE OF COLORADO

Director Aluisse stated that this is the beginning of the annexation process for this subdivision. She added that staff would like to change the public hearing date to July 27, 2020 instead of June 22, 2020 by request of the applicant to allow them more time to get through the Village applications first so that they are not working on two annexations at the same time. Applicant Russ Hatle stated that he would appreciate extending this because of everything else that they have right now on the agenda between the Village annexation and the River View Metropolitan District. He added that their team is a little overloaded and that they want to make sure that they do a proper job on the Highlands. Applicant Planner Doug Pratte stated that he agrees with Mr. Hatle and that they just want a little more time.

Trustee Walls made a motion to approve Resolution No. 10, Series of 2020, A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE WITH AN ANNEXATION PETITION FOR A PROPERTY KNOWN AS THE HIGHLANDS AT PAINTED PASTURES ANNEXATION, A 41.743-ACRE PARCEL NORTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF BOTH THE CAMARIO PLANNED UNIT DEVELOPMENT AND THE HEAVENLY VIEW SUBDIVISION WITHIN GARFIELD COUNTY, STATE OF COLORADO with a change of the public hearing date to July 27, 2020. Trustee Poston seconded the motion, and the motion carried unanimously.

River Valley Metropolitan District Service Plan presentation – Robert Cole, Russ Hatle and James Mann

Administrator Layman turned this over to the town's legal counsel Bob Cole. Mr. Cole explained that this would be a discussion item tonight and not a public hearing, and that no action would be taken until the May 26 meeting. Applicant Russ Hatle started by complimenting the town staff and Board of Trustees for smoothly moving their operations to Zoom. He added that they have appreciated that the town has kept this process on schedule. He then proceeded by explaining how the Metro District works and went through his power point presentation that described the River Valley Metropolitan District Service Plan along with Jim Higgins.

Mr. Hatle stated that they are in agreement with the town on most items in the model service plan but that they are still talking about a timetable for the roundabout, adding that they intend to maintain the landscaping along Highway 6 with the use town irrigation. He stated that there are two items that are issues of concern to them, those being flexibility to issue bonds with a full 30-year life and the 50-mill cap on debt, stating that they require a 60-mill cap for this district since they have agreed to take on the landscaping. He added that they also have issues of concern on the proposed Ordinance 18 in order for them to proceed.

Administrator Layman went through the memorandum provided by staff that addressed the areas of concern within the proposed service plan. He added that staff had received updated information from the applicant's attorney Joan Fritsche that address these concerns but staff has not had an opportunity to review it yet. The items of concern for staff were:

1. No guarantees that the proposed Public Improvements will be built
2. Debt
3. Warranty and Security
4. Greater Limit on "District Activities"
5. The Highlands
6. Disclosure Notice
7. Landscaping
8. Fees
9. Irrigation on the Town's system
10. Mill Levy Cap of 60 mills, including 10 for operations and maintenance, and 50 for debt

Jim Mann explained the debt limitation that should be over a 30-year period and no longer than 40-years depending on circumstances. He also addressed fees and explained the mill levy cap. Director Aluisse went over the warranty and security concern. Bob Cole commented about the service plans anticipated needs, the future inclusion of the Highlands as well as fees anticipated for services provided. Attorney Sawyer also addressed system improvement fees and how they would need to clearly be listed.

Administrator Layman stated that staff realized that the River Valley Metropolitan District proposed service plan was not entirely consistent with the model service plan but staff believes a couple of the terms of the service plan are acceptable. Mr. Mann went over how developer costs are traditionally financed and that what they have presented meets enough of the criteria that it would be acceptable. Mr. Cole explained extraordinary benefits and how they work with the goals of the master plan and other plan documents and how this plan provides some of those extra benefits. Mr. Layman stated that staff believes that construction of the roundabout, housing, the commercial component and the range of housing opportunities really do qualify as an extraordinary public benefit that would be facilitated by the formation of this district and that the district furthers the towns comp plan.

The Board then proceeded to ask questions of the applicant and staff. There were questions about voting rights, extraordinary benefits such as youth sports activities/facilities and whether or not the project is an extraordinary public benefit. Mayor Pro-tem Knott asked if there was room for a ballfield or youth sports complex and Mr. Hatle stated that there was not, and that the terrain does not lend itself to that request. He did state that maybe the Riverview portion could accommodate a half or full basketball court.

There was additional discussion regarding the mill levy and the increase of almost double in property taxes for the homeowners and pocket parks. There was brief discussion about the current Subdivision Improvements Agreement and Annexation and Development Agreement for Painted Pastures that address the improvements to be made along Highway 6. Trustee Poston stated her concern with being able to sell homes during this time and the current pandemic.

Mayor Pro-tem Knott commented about a disconnect between the people who would live in the metro district and the rest of the people who live in the town who aren't paying the additional fees. Mr. Mann stated that could be a possibility and that those living in the metro district would be less apt to support other community initiatives so that the town could move forward. Mayor

Richel stated that it has been years since the town tried to pass any kind of tax increase but that we are getting to a point where we may have to for infrastructure repairs or to fund the overpass project. He added that with a new subdivision that already has higher taxes, it could be difficult to pass any new taxes.

Trustee Flores asked what the anticipated increase in residents would be and the range for the cost of the homes to buy. Mr. Hatle stated that the development would bring in about another 800 people, a roughly 20% increase and that the range in home price would start at about \$275,000 to just under \$500,000. Mayor Pro-tem Knott asked if 2 acres could be found for a ballfield. Trustee Seifert stated that he fills there is still going to be a hit on the economy and he voiced his concern if the development cannot continue and how the debt would get paid. Bob Cole explained that if something happens and the economy tanks, the town would not have any legal responsibility to the bond holders. He also added that if the project doesn't take off as anticipated, the town would not receive the property tax and even sales tax to assist the general fund and help offset some of the maintenance costs.

Mayor Richel went through the staff memo stating that he agrees with staff that there needs to be an agreement/promise that the improvements are built, that there needs to be a set length of time on the debt and to make certain that warranty and security is in place.

In regards to fees, Joan Fritsche, attorney for the applicant stated that a provision has been added regarding a system development fee that would be allowed to be imposed one time at the first sale of the lot. She added that the Highlands is not part of the district as it has not been annexed yet. Mayor Richel asked if language could be included now regarding the future Highlands development and Mr. Cole stated that it could.

There was additional discussion regarding the 50-mill levy cap and if it could be lowered to 40-mill if possible, with a 10-mill maintenance. There was also concern of having both an HOA fee as well as a maintenance fee. Mr. Mann stated that at full buildout, 10 mills is about equal to \$73,000 revenue annually.

Attorney Sawyer complimented the Board by the questions they asked tonight and the discussion that took place on such a complex item. Administrator Layman stated that staff would continue discussions with the applicant and that this will be brought back to the next meeting.

Mayor Richel opened the discussion up for public comment at 9:55 p.m. There were no comments and the hearing was closed at 9:56 p.m.

Trustee Brintnall made a motion to continue the River Valley Metropolitan District Service Plan to the May 26, 2020 meeting. Trustee Flores seconded the motion, and the motion carried unanimously.

Painted Pastures / River Valley Metropolitan District fee sharing proposal – Russ Hatle

Russ Hatle explained that the revenue sharing proposal is based upon the attempt to avoid a disconnect between the residents of Painted Pastures who would be paying for the roundabout and the remainder of the citizens who are not by incorporating a payment and sharing arrangement with a cap of \$750,000 to be paid ultimately by Silt residents. He added that the funds would be paid from the various fees collected by the town of Silt to the district and then used to retire the districts debt.

There was discussion that it was the developer's responsibility to provide the roundabout in the original agreements but how this may be a good tool to get the improvements done. Attorney Sawyer recommended that the Board think about under what circumstances they would want to consider some form of revenue sharing as we don't want every developer approaching the town with a similar proposal. Mayor Richel agreed adding that we need to make certain that we treat all developers fairly. There was a concern of setting a precedence.

Mayor Richel stated that staff has been provided direction to look at some of fees and see what we can potentially contribute into a fee sharing program and see if that is acceptable to the developers. Mr. Hatle stated that they look forward to working with staff to see if they can arrive at a mutually agreeable position.

Second reading of **Ordinance No. 3, Series 2020, AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN GARFIELD COUNTY, STATE OF COLORADO** (continuance requested by applicant)

Director Aluise stated that staff and the applicant did not have a chance to finish the Annexation and Development Agreement due to the amount of time spent working on the Metro District and Model Service Plan. She added that the applicant has asked for a continuance of both Ordinance 3 and Ordinance 4 until the next meeting.

Mayor Pro-tem Knott made a motion to continue second reading of Ordinance No. 3, Series 2020, AN ORDINANCE ANNEXING THAT CERTAIN PROPERTY KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN GARFIELD COUNTY, STATE OF COLORADO until the May 26, 2020 meeting. Trustee Seifert seconded the motion, and the motion carried unanimously.

Second reading of **Ordinance No. 4, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS A PLANNED UNIT DEVELOPMENT CERTAIN ANNEXED LAND KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO** (continuance requested by applicant)

Mayor Pro-tem Knott made a motion to continue second reading of Ordinance No. 4, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS A PLANNED UNIT DEVELOPMENT CERTAIN ANNEXED LAND KNOWN AS THE VILLAGE AT PAINTED PASTURES ANNEXATION, A 9.223-ACRE PARCEL AND A 2.001-ACRE PARCEL, BOTH SOUTH OF THE EXISTING PAINTED PASTURES SUBDIVISION AND EAST OF THE LYON COMMERCIAL PLANNED UNIT DEVELOPMENT, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO until the May 26, 2020 meeting. Trustee Seifert seconded the motion, and the motion carried unanimously.

First reading of **Ordinance No. 10, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ADOPTING A NEW TITLE 18 OF THE SILT MUNICIPAL CODE ADDRESSING SPECIALS DISTRICTS – Robert Cole**

Bob Cole went through the highlights of the ordinance and answered questions. There was discussion and clarification regarding the term of the service plan.

The public hearing was opened at 10:43 p.m. There were no public comments and the hearing was closed at 10:43 p.m.

Trustee Seifert made a motion to approve first reading of Ordinance No. 10, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ADOPTING A NEW TITLE 18 OF THE SILT MUNICIPAL CODE ADDRESSING SPECIALS DISTRICTS. Trustee Poston seconded the motion, and the motion carried unanimously.

Resolution No. 24, Series 2020, A RESOLUTION ADOPTING A MODEL SERVICE PLAN FOR METROPOLITAN DISTRICTS – Robert Cole

Administrator Layman asked the Board to continue this until the May 26 meeting.

Mayor Pro-tem Knott made a motion to continue Resolution No. 24, Series 2020, A RESOLUTION ADOPTING A MODEL SERVICE PLAN FOR METROPOLITAN DISTRICTS until the May 26, 2020 meeting. Trustee Flores seconded the motion, and the motion carried unanimously.

Discussion regarding Resolution No. 19, 2020 and Resolution 20, Series 2020

Mayor Richel stated that Resolution No. 19 declared a state of emergency due to the pandemic and that Resolution No. 20 allowed for the Board to conduct electronic meetings. Attorney Sawyer stated that the state of Colorado has transitioned from a “Stay at Home” to a “Safer at Home” order. He stated that the orders still recommend that groups no larger than 10 gather together and that the town could certainly withdraw their resolution declaration an emergency. He added that he was unsure if in person meetings would be feasible at this point due to the number of attendees. Mr. Sawyer also stated that it may become a requirement of the American with Disabilities Act to continue to offer remote participation options for those who have health conditions that might make it difficult for them to participate. Staff will discuss transitioning back to in person meetings and see what other towns are doing.

Mayor Richel stated that he would like to see a resolution on the next agenda rescinding Resolution No. 19. He would also like to see about having the next Board meeting in Chambers along with the Town Administrator adding that if there were Board members that were uncomfortable with being there in person, they could still attend by Zoom. It was felt by the Board that it might help the citizens to be less fearful if they see that they are starting to meet in person again. Mayor Richel asked Administrator Layman to get with our audio person about broadcasting the Board meeting from Chambers on Zoom. It was determined that if the towns audio person could broadcast the meeting via Zoom from Chambers then the next meeting would take place from there with those who wish to join by Zoom continuing to do so.

Adjustments to Revenue and Expenses – 2020

Administrator Layman stated that staff continues to monitor how things are going in the world, adding that Silt continues to see strength in sales tax numbers despite the fact that some of our businesses are not running at the level that they were before. Mr. Layman went over the Recession Plan and that he has placed the Town at the “Significant Level” for now based on the service reductions that are currently taking place. He stated in regards to revenue that staff will need a couple of more months of data to fully understand where we sit right now, but that staff is currently doing what they can to reduce in areas now, especially on big ticket items. Administrator Layman stated that we aren’t in bad shape and feels that we will be good as long as we continue to watch our spending. It was stated by the Board that they do not want to see any cuts in the public safety area.

Administrator and Staff reports

Mayor Pro-tem Knott stated that he had received a call about a couple of side-by-sides in town without license plates.

Updates from Board / Board comments

The Board thanked staff for all of their hard work to keep the town running and especially their work on the Metro District. Trustee Walls stated that the amended budget looks good and that it appears that we are keeping ahead of the curve. He also encouraged everyone to keep pushing the County Commissioners to get Silt back open again while in the meantime trying to support our local businesses. Trustee Flores thanked everyone for the great conversation tonight on the Metro District and that it was very informative and that he looks forward to finally meeting everyone at hopefully the next meeting.

Trustee Brintnall commented about if you use the dog parks to make sure you pick up after your pets. He also reminded people of the Silt River Preserve as a place to walk adding that pets are not allowed there. Trustee Walls added that there are some downed trees out at the Silt River Preserve from some of the recent winds we have had. Trustee Seifert stated that he would be glad when the Board gets back face to face again and that hopefully it would happen in two weeks.

Mayor Pro-tem Knott thanked Trustee Walls for going before the County Commissioners today and standing up for our town. He also reminded everyone that there are a lot of exciting things going on and to bear with town staff as we work through the development phases. Mr. Knott reminded businesses that there is still loan money available should anyone want to take advantage of the program. Mayor Richel stated that there would be a group of students graduating this weekend and since there won’t be a typical ceremony this year that on Sunday the graduates will be decorating their vehicles and doing a parade through town. He encouraged everyone to get out and support them when they drive by.

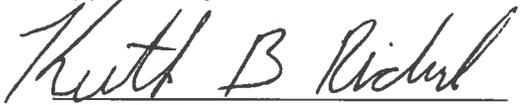
Adjournment

Trustee Brintnall made a motion to adjourn. Trustee Walls seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 11:13 p.m.

Respectfully submitted,



Sheila M. McIntyre, CMC
Town Clerk

Approved by the Board of Trustees


Keith B. Richel
Mayor

