

**TOWN OF SILT
SPECIAL BOARD OF TRUSTEES MEETING
MAY 4, 2020 – 6:00 P.M.**

The Silt Board of Trustees held a special meeting remotely on Monday, May 4, 2020. Mayor Richel called the meeting to order at 6:02 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
------------------	---------	--

Also, present remotely were Town Administrator Jeff Layman, Town Clerk Sheila McIntyre, Community Development Director Janet Aluise, Town Treasurer Amie Tucker, 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 April 27, 2020 Remote Board of Trustees meeting

Mayor Richel asked for a clarification to the minutes on the motion to appoint Trustee Flores to note that both Trustee Brintnall and himself voted nay.

Mayor Pro-tem Knott made a motion to approve the consent agenda with the correction requested. Trustee Walls seconded the motion, and the motion carried unanimously.

Conflicts of Interest – There were no conflicts of interest.

Public Comments – Sherronna Bishop addressed the Board about allowing businesses in Silt to fully open back up. She added that it is not only a constitutional issue under the 14th Amendment, but that the state is no longer under a State of Emergency by the Governor and that it no longer has validation. She stated that the Board has taken an oath of office and they need to take this seriously, adding that the shutdown is far more grievous than the actual affects COVID-19. She went on to say that the data is incorrect and that the CDC has decreased the number of actual deaths to 30,000. She asked that the Board remove the State of Emergency that we are in. Ms. Bishop also emailed the Board the information that she provided tonight.

Agenda Changes – Trustee Walls asked to add a discussion item to the agenda tonight to address opening the town back up so that we can move forward.

Marijuana Licensing Moratorium update

Director Aluise addressed the Board about prior conversations that took place when the Board imposed a six-month moratorium by emergency ordinance on the processing of marijuana business applications. She went over that any proposed changes would need to take place in both Titles 5 and 17.

The Board discussed that they would like to see language included in the ordinance that addresses the following: prohibition of delivery, square footage similar to current establishments, tie the number of stores to the population of the town, no more stores on Main Street, limiting the number of businesses in the downtown area, odor control, screening, sign code, setbacks and that they complement the surrounding businesses.

Staff will bring back an ordinance incorporating the suggestions made by the Board tonight at a future meeting.

Silt Metropolitan District Model Service Plan / Special District Ordinance presentation

Administrator Layman reminded the Board that the town does not currently have a model service plan in place that directs the Board on how to evaluate any applications at this time. Bob Cole proceeded with his presentation stating that his plan tonight was to further the conversation that he has had with the Board and prepare them for the ordinance that would be on next week's agenda regarding the Town's Special District Policy along with the Model Service Plan that is designed to meet the requirements of the policy.

Mr. Cole proceeded to go through the key components of the policy that would be in the ordinance. Jim Mann was present to go through the financial portion of the policy. There was additional discussion regarding the mill levy and how it would be set. Mayor Pro-tem Knott asked if for the next meeting they could put together examples of proposed home values, proposed assessed values of those homes and a chart of what the different mill levy numbers are going to relate to when it comes to an additional property tax burden on those homeowners, adding that this will help put real dollars to the mill levy cap that they have to decide on.

There was additional discussion on conveyance of public improvements and how it works with a metro district and if it can be delayed until building permits are issued. Director Aluise explained the process that the town uses when excepting infrastructure adding that it shouldn't change even with a metro district.

Resolution No. 25, Series of 2020, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, OFFERING A SMALL BUSINESS EMERGENCY LOAN PROGRAM AS A RESULT OF THE COVID-19 PANDEMIC CRISIS

Administrator Layman and Katie Mackley with the Rifle Regional Economic Development Corporation explained the Small Business Emergency Loan Program that is being followed by other towns in the area in an effort to help local businesses who are struggling right now due to COVID-19. Administrator Layman explained that the town has set aside \$20,000 out of the General Fund budget or even the Reserves to be used for these loans adding that if the money is used for operating expenses by the business, then the loan would be forgiven.

Ms. Mackley who has volunteered to administer the program explained that she is also running the same type of program in Rifle. She went on to explain how the program works and how businesses would qualify for funding. Administrator Layman stated that he has spoken with several of the local businesses and that many of them are grateful for the assistance.

Mayor Pro-tem Knott stated that he likes the program but suggested that applicants who have already received COVID-19 relief funding still be eligible for a loan. Ms. Mackley stated that it is the town's decision on what the qualifications would be. It was added that the towns membership would pay for Ms. Mackley to administer the loan program on our behalf.

Trustee Walls stated that he has spoken with local businesses and some of them don't want the money, they just want to open their doors. He also stated that for those whose sales are up, they shouldn't be able to qualify for the money. Ms. Mackley stated that she would review all of the applications and if they have met the criteria they would be approved.

There was a consensus to remove the language regarding the PPP funding and if they have already received assistance. It was also stated that we would have to depend on people to be honest and who truly need the money.

Mayor Pro-tem Knott made a motion to approve Resolution No. 25, Series of 2020, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, OFFERING A SMALL BUSINESS EMERGENCY LOAN PROGRAM AS A RESULT OF THE COVID-19 PANDEMIC CRISIS on the condition that regulation #6 is removed from the application packet that states that the applicant has not already received COVID-19 funding. Trustee Flores seconded the motion, and the motion carried with Trustee Walls voting nay.

Discussion about opening up the Town of Silt for business

Trustee Walls stated that he has been talking with the local establishments about when they will be able to open for business again. Business owners have voiced their concerns to him about the fear that they have about losing their businesses if they can't open up soon. He stated that they have told him that they need to and are ready to open back up now. He went on to explain that Silt is not a hot spot and that businesses have rights too and that they should be able to open back up at 100%.

There was discussion about the following: that the guidelines that are being followed have been handed down from the state to the county and then to the Town of Silt, that maybe the town should put some pressure on the county to lighten the restrictions, that it is not the Town of Silt who is restricting Silt businesses from opening, and that counties on each side of Garfield (Mesa and Eagle) have received waivers from the state to reopen.

Attorney Sawyer stated that staff has researched this concern and that we are under the safer at home set of orders and that process runs through the county and that they would be the ones to request a variance from statewide standards. He also confirmed that it is not the town that is restricting businesses from opening and that those orders have come from the state.

There was a consensus of the Board to do what we can to get our businesses back open as quickly as possible before it is too late for some businesses and that citizens can make the choice themselves on whether or not they want to patronize any business. It was also felt that the town should make sure that everyone knows that it is not the town who is forcing them to

remain closed. The Board also felt that the town needs to put pressure on the county to relax restrictions.

Attorney Sawyer stated that the town could draft a letter to the county demanding that they request a waiver from state orders and citing the information that has been presented to the Board tonight and that the letter expresses the Board's concern for the vitality of local businesses and that they believe businesses can operate without significant restrictions. Administrator Layman stated that he could certainly draft a letter to the County Commissioners. Mayor Richel opened up public comment.

Lou Vallario, stated that from the perspective of the Sheriff's office that he is not opposed to the direction that the board is heading. He added that in terms of enforcement that the Sheriff's office has not had to enforce this public order, but has taken the path to talk to and educate people instead on what the order is. He stated that it is up to this Board and the police department to determine what happens within the town's boundaries and what actions would need to be taken. He added that it is a local matter and that his department would not interfere with the direction the town takes. Chief Kite stated that he agrees with Sheriff Vallario and would like to get people back into business and heading towards a normal life again. He added that in regards to food services, it is the Health Department who would have to make the call on them.

Jason Higen, owner of Brickhouse Pizzeria stated that he is all for opening businesses again. He asked what type of liability protection he would have if he did decide to open back up against state orders and if there was an outbreak and Mayor Richel stated that this would be a legal question for his attorney as the town would not represent the businesses.

Christian Harra, owner of Miner's Claim Restaurant stated that he needs to reopen and get his 35 employees back to work. He added that he is doing the best he can by serving to go meals and using this time to work on things in his restaurant to be ready to open again. He asked that this letter be written right away and presented to the County Commissioners as soon as possible.

Sherronna Bishop stated that there are a lot of people out there that have spent a lot of money to open their businesses for the season only to have the government tell them they can't work. She added that she feels that the government does a good job at slowing down recovery by providing handouts and they everybody just needs to get back to work. She stated that it is frustrating not to be able to work and that the Board doesn't have the data in order to open the economy back up and that she has spoken with John Martin about this.

Jennifer Gerstner, partner of Burning Mountain Pizza and Subs stated that she feels that they need to be able to open up at 100%. She added that they are holding their own for now but that they struggle and need to be open fully in order to sustain their business. They are also working on things in their restaurant before they get to open again.

Mayor Richel stated that these comments make it obvious that the Board has the support of the citizens to write a letter to the County Commissioners. He reiterated that the Town of Silt has no further regulations in place than what the state has already handed down. There was also discussion about the parks still being closed and if they can be opened back up as well. Administrator Layman stated that there are still some parts of the parks that are restricted according to the public health order. Mayor Richel asked what liability the town would have if the parks were reopened and Attorney Sawyer stated that the town would potentially have some liability and that the town still has to comply with public health directions from either the state or

federal government. He added that he empathizes with the business owners as they are juggling the unknowns as we are in uncharted waters. Mayor Richel also commented that if we open the parks back up, the town could possibly risk losing their insurance coverage.

Mayor Pro-tem Knott made a motion to formally demand that the Board of County Commissioners submit a waiver to the state of Colorado to remove and/or relax COVID-19 restrictions for Garfield County on behalf of the Town of Silt. Trustee Walls seconded the motion, and the motion carried unanimously.

Updates from Board / Board comments

Trustee Walls stated that he feels like we are being threatened by a higher government and that at some point we need to take control and stand strong for our community. Trustee Poston stated that she agrees with Trustee Walls and that the town should be leading the way and getting our businesses reopened. Trustee Flores added that it should be up to individuals to keep themselves safe and choose if they want to use the parks or honor businesses. Trustee Seifert stated that he feels we are going in the right direction.

Mayor Pro-tem Knott thanked everyone for participating tonight. He added that he feels that if people want to use the parks, that should be their choice. Mayor Richel stated that he agrees with what everyone else has said tonight.

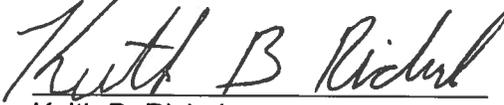
Adjournment

Trustee Seifert made a motion to adjourn. Trustee Poston seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 8:42 p.m.

Respectfully submitted,


Sheila M. McIntyre, CMC
Town Clerk

Approved by the Board of Trustees


Keith B. Richel
Mayor

