

**TOWN OF SILT  
REGULAR BOARD OF TRUSTEES MEETING  
JANUARY 23, 2012 – 6:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, January 23, 2012 in the municipal council chambers. Mayor Moore called the meeting to order at 6:00 p.m.

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<b>Roll call</b>	Present	Mayor David Moore Mayor Pro-Tem Rick Aluise Trustee Teresa Breslin Trustee Sonny Fernandez Trustee Bryan Fleming Trustee Paul Taylor One vacancy
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Also present were Town Administrator Pam Woods, Town Clerk Sheila McIntyre, Chief of Police Levy Burris, Community Development Director Janet Aluise, Town Attorney Lee Leavenworth and members of the public and press.

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**Pledge of Allegiance and Moment of Silence**

Mayor Moore welcomed County Commissioners John Martin, Mike Sampson, Tom Jankovsky, County Attorney Andrew Gorgey and County Clerk Jean Alberico.

**Board of County Commissioners**

Commissioner Martin stated that the County had received a request for discretionary money from the Town of Silt. Mr. Martin explained that the County has used money from the Energy Impact fund in the past to give to other municipalities to assist with infrastructure, and that this fund will be used towards Silt's request as well. He added that this fund is not funded by taxpayer's money. The Commissioners stated that this money would be provided to the town and not the Urban Renewal Authority should it be formed by resolution tonight.

Commissioner Jankovsky stated that he is comfortable with helping Silt with the funding of infrastructure improvements even though he is not in favor of Urban Renewal Authorities.

Commissioners Sampson stated that the County is capable and wants to help Silt and encouraged the town to look at other options as well. Mr. Sampson suggested that the Town also explore Federal Mineral Leasing funding as a source of money.

Commissioner Martin commented on the Federal Mineral Leasing funding as well, and encouraged the town to get educated on this funding source.

Prior to the motion the commissioners stated that the County would require an IGA between them and the town regarding what the specific infrastructure improvements are and the cost associated with them so that the County can account for the money both internally and externally as well as with DOLA.

**Commissioner Sampson made a motion to grant from the Garfield County Oil & Gas Mitigation fund the sum of \$1,000,000 for the purpose of infrastructure improvements to**

**be worked out later with an Intergovernmental Agreement. Commissioner Jankovsky seconded the motion, and the motion carried unanimously.**

The Board thanked the Commissioners for their generous donation to the Town of Silt.

The Board adjourned for a break at 6:50 p.m. and reconvened at 7:02 p.m.

**Consent Agenda**

- 1) Minutes of the January 9, 2012 Board of Trustees meeting

**Trustee Breslin made a motion to approve the consent agenda. Trustee Fernandez 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.

**Resolution No. 9, Series 2012, A RESOLUTION OF THE BOARD OF TRUSTEES MAKING LEGISLATIVE FINDINGS DETERMINING AN AREA WITHIN THE TOWN OF SILT TO BE A BLIGHTED AREA AND APPROPRIATE FOR INCLUSION IN AN URBAN RENEWAL PROJECT AND FURTHER ADOPTING THE BLIGHT STUDY PREPARED BY THK ASSOCIATES, INC. IN DECEMBER 2011**

Mayor Moore stated that both Resolution Nos. 9 and 10 would be discussed simultaneously with the public hearing covering both resolutions. Attorney Leavenworth explained to the approximate 60 people in the audience what an Urban Renewal Authority is, what it can do and the benefit it can provide property owners. He also explained tax increment financing associated with a URA.

Director Aluise went through the PowerPoint presentation provided by THK Associates. The board explained the benefits of creating a URA and that the properties in a blighted area would be provided with economic tools that could be used to improve their properties. There was a brief explanation as to who can sit as the Board of Authority for the Urban Renewal Authority.

The public hearing opened at 7:54 p.m. for both Resolution Nos. 9 and 10, Series 2012.

*Tod Tibbetts asked for clarification on the Economic Development Revolving fund and Urban Renewal Authority fund that will be set up, and asked where the revenues will come from for those funds. Mr. Tibbetts also commented on the fact that people only had this one notice regarding the blight study to decide if they want their property to participate in this process.*

*Les Simms stated that he has property listed on the blight study but there is no definition. He asked if this was intended for his Main Street Plaza project, which is actually three separate parcels. He asked if he could request to be removed from the list at a later date once he gets*

more information so that he can determine if he wants to be on the list or not. Attorney Leavenworth stated that people would need to let the board know tonight if they want their properties removed from that list but would then have to wait until the next blight study to be included if they changed their minds. Mr. Simms also asked how the URA could work for his shovel ready project. He added that he feels like being backed into a corner to make a decision tonight without having all of the information, otherwise he would have to wait until the next blight study is done.

Fred Cooke voiced his support for the URA as a property owner as well as a developer who has participated in other URA's. He stated that it is a great tool to enhance economic development.

Peggy Tibbetts asked why this isn't being put on the ballot. Even though it does not need to be, she added that the board has had months to study this information but the citizens have not. Ms. Tibbetts asked for clarification on who would sit on the URA board. She stated that she feels this should go to a vote of the people.

Clyde Christensen asked when the election is in regards to the members who will be sitting on the URA Board of Authority. He also asked if the town had secured any loans towards the URA projects, and if there were any agreements with grocery stores yet.

Becky Ross asked for clarification on Tax Increment Financing and if it will be an extra tax on citizens. Attorney Leavenworth explained that the citizen's taxes would not change.

Keith Gilstrap stated in theory this is a wonderful process but does not agree with the term "blight". He read a letter from his Attorney Larry Green formally objecting to the inclusion of his property within any urban renewal area that may be designated by the Town of Silt as a result of the blight study.

Chris Rayne asked if the people of the Town of Silt would have any influence on the way the money is spent as well as which areas are blighted. He voiced his concerns on which areas are being considered blighted while other areas are not even though it appears they should be. Attorney Leavenworth explained that properties must have at least one statutory factor to be considered as blighted. Mr. Rayne questioned that no conditions were found in the Silt Trade Center, feeling that the study is incomplete. He added that maybe the town should wait on the blight study and just make it easier to do business within the town in order to get more revenue.

Bill McCune asked why his property is on the list. It was determined that his property was removed as he is located in the County.

Cody Anderson stated that he wanted to know what the towns intentions are with his property. He added that he has no objection to having his property included in the blight study.

Gerry Siefert asked for clarification on the revenues regarding the TIF, and how it would affect Burning Mountains Fire Protection District. It was also explained how it would work if a person develops their property themselves without the involvement of the URA.

Ken Kuhns commented about promoting those areas that do not fall within the urban renewal area and trying to assist them at the same time so as not to create an unequal situation. He added that this could create some resentment from existing businesses.

Robin Robinson asked for clarification on the process that the town would take to do projects in town and how property owners would be notified. The board explained that there would need to be an end user before any development would take place.

*Dianne Capps stated her concern that her building qualifies for condemnation. The town stated that her building has been designated as a historic structure and that no one wants to condemn it.*

*Aubrey Krabbe stated that he is a part owner of the property and if he can vote on behalf of the other owner. It was explained that no vote is to be taken, and that his property cannot be taken off the blight study as it meets five of the blight factors.*

*Kenneth Tucker just asked for confirmation that the URA will have the power to be able to create a source of revenue that the current board cannot, which in turn could help bring more business into the Town of Silt.*

*John Colson asked for clarification on how sales taxes can come into play.*

*Lex Lively asked if the authority could require him to change his existing building so that it comes into architectural uniformity with the other buildings along Main Street. Attorney Leavenworth stated that they would not.*

*Glen Ault asked what would happen if the URA built a grocery and then the store left who would be responsible for paying for it. The options were explained and the board stated that there is no connection to the general fund should something like this happen.*

The public hearing closed at 9:18 p.m.

The board members all expressed the benefits of creating the URA and their support of it. They also thanked everyone for attending tonight.

**Mayor Pro-tem Aluise made a motion to approve Resolution No. 9, Series 2012, A RESOLUTION OF THE BOARD OF TRUSTEES MAKING LEGISLATIVE FINDINGS DETERMINING AN AREA WITHIN THE TOWN OF SILT TO BE A BLIGHTED AREA AND APPROPRIATE FOR INCLUSION IN AN URBAN RENEWAL PROJECT AND FURTHER ADOPTING THE BLIGHT STUDY PREPARED BY THK ASSOCIATES, INC. IN DECEMBER 2011 with the following conditions: 1 – that property number 63 owned by Gilstrap LLLP be excluded from the THK Associates Blight Study dated December 2011 as amended in January 2012; 2 – that the property owned by Les Simms aka Clem LLC include all three contiguous properties that he owns in his subdivision; and 3 – to amend Exhibit A of the resolution to add all rights-of-way, alleys and utility easements contiguous on all sides to the blighted properties. Trustee Taylor seconded the motion, and the motion carried unanimously.**

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**Resolution No. 10, Series 2012, A RESOLUTION OF THE BOARD OF TRUSTEES CREATING THE SILT URBAN RENEWAL AUTHORITY AND DESIGNATING THE BOARD OF TRUSTEES AS THE BOARD OF COMMISSIONERS OF THE AUTHORITY**

There was brief discussion regarding a drop-dead date in Section 4. Mayor Moore stated that he feels it is not the intent to have the Board of Trustees be the URA board as well. He added that new board members might not understand the Urban Renewal Authority.

**Mayor Pro-tem Aluise made a motion to approve Resolution No. 10, Series 2012, A RESOLUTION OF THE BOARD OF TRUSTEES CREATING THE SILT URBAN RENEWAL AUTHORITY AND DESIGNATING THE BOARD OF TRUSTEES AS THE BOARD OF**

**COMMISSIONERS OF THE AUTHORITY, deleting the last sentence in Section 4. Trustee Taylor seconded the motion, and the motion carried with Mayor Moore voting nay.**

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Mayor Moore adjourned for a break at 9:45 p.m. and reconvened at 9:55 p.m.

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**Resolution No. 5, Series 2012, A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS FOR A PORTION OF THE 132-ACRE SITE KNOWN AS THE SILT RIVER PRESERVE ANNEXATION #1**

The public hearing opened at 9:55 p.m. There were no public comments and the public hearing closed at 9:55 p.m.

**Trustee Taylor made a motion to extend the meeting until 10:30 p.m. Mayor Pro-tem Aluise seconded the motion, and the motion carried unanimously.**

**Trustee Taylor made a motion to approve Resolution No. 5, Series 2012, A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS FOR A PORTION OF THE 132-ACRE SITE KNOWN AS THE SILT RIVER PRESERVE ANNEXATION #1. Trustee Breslin seconded the motion, and the motion carried unanimously.**

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**Resolution No. 6, Series 2012, A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS FOR A PORTION OF THE 132-ACRE SITE KNOWN AS THE SILT RIVER PRESERVE ANNEXATION #2**

The public hearing opened at 9:57 p.m. There were no public comments and the public hearing closed at 9:57 p.m.

**Trustee Taylor made a motion to approve Resolution No. 6, Series 2012, A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS FOR A PORTION OF THE 132-ACRE SITE KNOWN AS THE SILT RIVER PRESERVE ANNEXATION #2. Mayor Pro-tem Aluise seconded the motion, and the motion carried unanimously.**

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**First reading of Ordinance No. 1, Series 2012, AN ORDINANCE AMENDING 17.44.020 OF THE SILT MUNICIPAL CODE TO ALLOW FOR FLEXIBILITY AT COMMERCIAL SITE PLAN REVIEW AND BUILDING PERMIT REGARDING THE SITING OF A BUILDING ON A LOT WITHIN THE B-2 AND B-3 ZONE DISTRICTS WITHIN THE TOWN OF SILT, COLORADO, SPECIFICALLY RELATED TO FRONT YARD SETBACKS**

Director Aluise explained that this ordinance changes the front yard setbacks from the current twenty-five feet to ten-feet or less depending on site plan review by the board.

The public hearing opened at 10:00 p.m. There were no public comments and the public hearing closed at 10:00 p.m.

**Mayor Pro-tem Aluise made a motion to approve Ordinance No. 1, Series 2012, AN ORDINANCE AMENDING 17.44.020 OF THE SILT MUNICIPAL CODE TO ALLOW FOR FLEXIBILITY AT COMMERCIAL SITE PLAN REVIEW AND BUILDING PERMIT REGARDING THE SITING OF A BUILDING ON A LOT WITHIN THE B-2 AND B-3 ZONE DISTRICTS**

**WITHIN THE TOWN OF SILT, COLORADO, SPECIFICALLY RELATED TO FRONT YARD SETBACKS. Trustee Fleming seconded the motion, and the motion carried unanimously.**

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First reading of **Ordinance No. 2, Series 2012, AN ORDINANCE AMENDING SECTION 17.13 APPENDIX A AND SECTION 17.41 OF THE SILT MUNICIPAL CODE TO ALLOW ADDITIONAL PERMITTED AND SPECIAL USES WITHIN THE DOWNTOWN MIXED USE OVERLAY ZONE DISTRICT WITHIN THE TOWN OF SILT, COLORADO**

Director Aluise explained that this ordinance makes the code less restrictive and allows additional home occupations in the downtown mixed-use district.

The public hearing opened at 10:03 p.m. There were no public comments and the public hearing closed at 10:03 p.m.

**Mayor Pro-tem Aluise made a motion to approve Ordinance No. 2, Series 2012, AN ORDINANCE AMENDING SECTION 17.13 APPENDIX A AND SECTION 17.41 OF THE SILT MUNICIPAL CODE TO ALLOW ADDITIONAL PERMITTED AND SPECIAL USES WITHIN THE DOWNTOWN MIXED USE OVERLAY ZONE DISTRICT WITHIN THE TOWN OF SILT, COLORADO. Trustee Breslin seconded the motion, and the motion carried unanimously.**

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#### **December 2011 financials and balance sheets**

Administrator Woods went over the December 2011 financials.

**Mayor Pro-tem Aluise made a motion to approve the December 2011 financials and balance sheets. Trustee Taylor seconded the motion, and the motion carried unanimously.**

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#### **Updates from Board / Board Comments**

The board thanked the public for attending again tonight adding that it is a hard subject to understand but that tonight was very educational. Mayor Moore stated that he feels that the board should get a raise.

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#### **Adjournment**

**Trustee Taylor made a motion to adjourn. Trustee Fleming seconded the motion, and the motion carried unanimously. Mayor Moore adjourned the meeting at 10:15 p.m.**


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Respectfully submitted,

Approved by the Board of Trustees

  
Sheila M. McIntyre, CMC  
Town Clerk



  
David C. Moore  
Mayor