

**TOWN OF SILT
REGULAR BOARD OF TRUSTEES MEETING
JUNE 8, 2020 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, June 8, 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

Public Comments – There were no public comments.

Consent Agenda

- 1) Minutes of the May 22, 2020 Emergency Remote Board of Trustees meeting
- 2) Minutes of the May 26, 2020 Board of Trustees meeting
- 3) Renewal of the Hotel & Restaurant liquor license for Miner’s Claim Restaurant

Mayor Pro-tem Knott 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.

Agenda Changes – Administrator Layman informed the Board that staff is working on a collaboration agreement between the Town and Garfield County. He explained that DOLA has allocated money for Corona Virus relief and that the town is working on a list of expenses that would be eligible for reimbursement. He stated that an agreement would be executed with the County in an effort to get our share of the funds.

Trustee Walls asked to discuss the reopening of some sports and recreation in town and that he would like to play an audio clip from the Board of County Commissioners meeting this morning.

River Valley Metropolitan District Fee Sharing Agreement

Administrator Layman stated that the proponents of the proposed River Valley Metro District have presented a proposal to the Town to enter into an Intergovernmental Agreement to proportionally share the costs of designing, constructing and financing the roundabout. Russ Hatle started by thanking the board for their affirmative action at the last meeting and proceeded with his presentation. He went over the revenue sharing agreement that they have requested between the Town and RVMD that would be based on a percentage of the future fees to be paid to the town by the development. The amount they have requested is \$750,000 and under the proposal they have made the taxpayers would pay 58% of the roundabout cost and the town residents would pay 42% towards it.

There was lengthy discussion regarding how the percentages and caps were determined, that an upfront payment of 50% percent to the project by the Town is being requested, extraordinary benefits, money being taken away from our parks fee, setting a precedence for future developers, the need for and the construction of the roundabout, the responsibility of the other development to put in the roundabout before now at no cost to the town, the fact that more than just Silt residents will be using the roundabout, not making any payment until after the roundabout is complete, that the Board has already approved 60-mill for construction and maintenance, the hesitation to give the developer more, a possible cap on how long fees would be shared, a possible sales tax reimbursement and if the \$750,000 set in stone.

Mr. Hatle responded to the questions and concerns of the Board, adding that the fee sharing agreement would not commence until the roundabout is complete. He stated that the entire fee sharing agreement is based on the roundabout and the activity bringing new revenue into the town. Administrator Layman addressed the board about the idea of a fee reimbursement and sales tax combination. Mr. Hatle stated that everything is negotiable and would be happy to look at a cap of six-years. He added that they would be happy to work with staff to arrive at a level of payment that is agreed upon by both parties.

Attorney Sawyer explained how municipal financing works and why it is so important to have more rooftops to attract more businesses that would provide services to those people. He also explained how there will be an increase other demands on the town that additional residents will create. He spoke about the influx of certain one-time fees that the town would receive that would need to be used to subsidize the general fund to provide needed services and to also bank money for infrastructure upgrades that would be required for the new residents, adding that it would be needed for operations and investments for the next ten years.

Administrator Layman stated that staff looked at the future needs of the town and talked about the approximate sales tax and property tax that would be contributed. Trustee Brintnall suggested capturing a portion of use tax and also sales tax from businesses in the new development and placing a cap of six-years. Trustee Seifert stated that he feels that we need to watch our money as he believes that COVID isn't over yet and that we need to watch what we are doing before we make a decision. Mayor Richel stated that he doesn't want to give away fees at all and likes the idea of a tax sharing option instead with a cap of six-years and to negotiate a different value. He added that the sales tax option would help put the burden on the developer to bring in sales tax generating businesses. Mayor Pro-tem Knott also suggested a split agreement of mostly sales tax and some in small fees and take out the park fee so that money doesn't come out of that and gear the fees towards those properties that attract retail as an incentive.

The Board stated that they are still in favor of some type of agreement but not what is being presented tonight. Mr. Hatle was asked to come back with other options as suggested. The Board stated that they are more open to a roundabout contribution of \$300,000 - \$400,000 with additional funding from a combination of approximately 75% in sales tax and 25% in use tax fees.

Mayor Richel asked if there would be any delay in the metro district if this isn't approved tonight and Mr. Hatle stated that he doesn't know how much time they have to qualify the electors and file with the court adding that he would have to evaluate where they stand. He did caution the Board in limiting them in sale tax revenue based on the location of the project.

Second reading of Ordinance No. 11, Series 2020, AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY NEW APPLICATION FOR A TOWN OF SILT PERMIT OR LICENSE RELATED TO A MEDICAL MARIJUANA DISPENSARY OR A RETAIL MARIJUANA DISPENSARY PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 AND ARTICLE XVIII, SECTION 16, RESPECTIVELY, OF THE COLORADO CONSTITUTION; DECLARING THE INTENTION OF THE TOWN BOARD TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES; AND DECLARING AN EMERGENCY

Director Aluisse stated that this ordinance would fill the gap between getting the new ordinances related to Titles 5 and 17 passed before the moratorium expires.

The public hearing was opened at 8:19 p.m. There were no public comments and the hearing was closed at 8:20 p.m.

Trustee Seifert made a motion to approve second reading of Ordinance No. 11, Series 2020, AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY NEW APPLICATION FOR A TOWN OF SILT PERMIT OR LICENSE RELATED TO A MEDICAL MARIJUANA DISPENSARY OR A RETAIL MARIJUANA DISPENSARY PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 AND ARTICLE XVIII, SECTION 16, RESPECTIVELY, OF THE COLORADO CONSTITUTION; DECLARING THE INTENTION OF THE TOWN BOARD TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES; AND DECLARING AN EMERGENCY. Trustee Poston seconded the motion, and the motion carried unanimously.

Declaration of breach of Annexation and Development Agreement for Ferguson Crossing and direction to take legal action to enforce Town's rights

Attorney Sawyer explained how the developer is in breach of their Annexation and Development Agreement with the Town by failing to turn over .0625 shares of capital stock in the Grand River Ditch. These shares were not conveyed to Golden Gate Petroleum upon their purchase of the property and have therefore not been dedicated to the Town. The previous owner had been sent a letter by Attorney Sawyer to turn these shares over to the Town but they have failed to respond. Attorney Sawyer asked that the Board give staff direction to send a final default letter to the previous owner with authority to initiate legal proceedings to enforce the ADA and to

obtain ownership of the partial share of the ditch. He added that the ADA also contains an attorney fee clause that would allow the town reimbursement should they prevail.

Mayor Pro-tem Knott made a motion to direct staff to send a notice of breach of the Annexation and Development Agreement to Ferguson Crossing, LLC regarding the entities failure to dedicate .0625 shares of water in the Grand River Ditch. Trustee Seifert seconded the motion, and the motion carried unanimously.

Plans for the re-opening of Town Hall

Administrator Layman stated that Town Hall opened back up to the public today. He proceeded to go over his memo on the steps and precautions that are being taken in regards to working with our customers, visitors, employees and the conduct of board meetings. Staff has taken the necessary measures to help everyone feel safe and comfortable. When asked if customers were required to wear masks, Administrator Layman stated that they will be asked to, adding that staff would hope that customers would be considerate of the employees so that they are comfortable assisting them as well.

Administrator and Staff report

Mayor Pro-tem Knott commented about the length of time the sprinklers run at Stoney Ridge ballfield.

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

Approval of Silt Urban Renewal Authority amended by-laws

Attorney Sawyer stated that this is a housekeeping item and that this amendment updates the by-laws from the current 2012 version. The revisions address the terms of office, the executive director and meetings. Attorney Sawyer provided a brief explanation of the urban renewal authority and how it works.

Commissioner Knott made a motion to approve the Silt Urban Renewal Authority amended by-laws. Commissioner Walls seconded the motion, and the motion carried unanimously.

Mayor Richel declared adjournment as the Silt Urban Renewal Authority and reconvened as the Board of Trustees

Discussion regarding the reintroduction of sports and recreation

Trustee Walls stated that this discussion is to hopefully help bring back some sense of normalcy due to the pandemic by starting to reintroduce sports again. He played a video from the Board of County Commissioners meeting this morning where a question was asked regarding sports in towns and how we can move forward with certain activities that don't involve close contact with another person as long as social distancing practices are maintained.

Director Aluise stated that the town has applied for a variance with Garfield County Health for team sports and movie night but have yet to receive a response. She added that it is still unknown regarding concerts but that staff will be submitting another plan for them. Trustee Walls stated that he appreciates the work that staff has done to apply for these things so that we as a town can try and move forward. Mayor Pro-tem Knott stated that those who are comfortable with opening up sports again will sign up their kids, adding that he also supports staff moving forward with these allowable activities as long as staff is comfortable in doing them.

Administrator Layman stated that staff is moving forward as they receive guidance from the State and Garfield County so as not to jeopardize the town's position in terms of liability. He added that while the town would like to have a concert, there is the concern that it would attract a large number of people and that we would not be able to handle all of them. It was suggested that if the town were allowed to host a concert that maybe it could issue a limited amount of tickets acceptable to public health and offer them to Silt residents first.

Updates from Board / Board comments

Trustee Flores stated that he feels we are going the right direction on the fee sharing and that staff is doing a tremendous job on this project. Trustee Brintnall thanked staff for continuing to move the town forward. He also reminded people that regardless of their feelings, not to damage other people's property to express their opinions, and to keep an eye on each other and make sure that everyone is safe. Trustee Walls stated that he appreciates what the police department does and by being on the front lines. He added that staff as a whole has done a great job by being ahead of the game by how they are dealing with everything from budgets, to recreation to everything else. He also thanked public works for the job they have done on Flying Eagle park. Trustee Poston thanked staff for their efforts to be ahead of the game in regards to COVID19 and keeping them informed. Trustee Seifert thanked the staff for doing a good job and recognized the board for the major steps they have taken with recent projects on the agenda adding that this board has worked very well together. Mayor Pro-tem Knott agreed with the other Trustees' comments tonight. He also suggested that the town consider creating some type of annual program that involves ideas outside the box that involve our local businesses. Mayor Richel agreed with all and asked that everyone watch out for each other. He also thanked all of the Trustees for being here tonight and for their input and staff for their hard work.

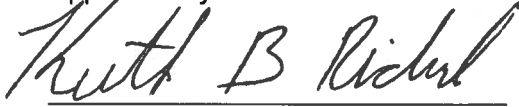
Adjournment

Trustee Seifert made a motion to adjourn. Trustee Brintnall seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 9:03 p.m.

Respectfully submitted,


Sheila M. McIntyre, CMC
Town Clerk



Approved by the Board of Trustees

Keith B. Richel
Mayor