

**TOWN OF SILT  
REGULAR BOARD OF TRUSTEES MEETING  
JANUARY 11, 2021 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, January 11, 2021. Mayor Richel called the meeting to order at 7:02 p.m.

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<b>Roll call</b>	Present	Mayor Keith Richel Mayor Pro-tem Kyle Knott Trustee Justin Brintnall Trustee Andreia Poston Trustee Jerry Seifert Trustee Samuel Flores Trustee Sam Walls
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Present remotely were Town Administrator Jeff Layman, Town Clerk Sheila McIntyre, Public Works Director Trey Fonner, Town Treasurer Amie Tucker, Police Chief Mike Kite, Town Attorney Michael Sawyer and members of the public.

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**Pledge of Allegiance and Moment of Silence**

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**Public Comments** – There were no public comments.

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**Consent Agenda**

1. Minutes of the December 14, 2020 Board of Trustees meeting
2. **Resolution No. 1, Series 2021**, A RESOLUTION DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES PER C.R.S. SECTION 24-6-402(2)(C)
3. **Resolution No. 2, Series 2021**, A RESOLUTION OF THE BOARD OF TRUSTEES APPOINTING RESOURCE ENGINEERING, INC. AS THE TOWN WATER ENGINEER AND MICHAEL SAWYER AS THE TOWN WATER ATTORNEY OF THE TOWN OF SILT, COLORADO

**Mayor Pro-tem Knott made a motion to approve the consent agenda as presented. Trustee Brintnall seconded the motion, and the motion carried unanimously.**

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**Conflicts of Interest** – There were no conflicts of interest.

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**Agenda Changes** – Trustee Walls stated that after the 5-Star Program discussion he would like to discuss creating a resolution to deem Silt as a COVID19 sanctuary town.

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## **Rifle Animal Shelter update**

Administrator Layman stated that in the fall of 2019 Heather Mullin with the Rifle Animal Shelter came before the Board to ask for financial support to help replace their current facility. The Board then determined during budget discussions that they would contribute \$10,000 at the time of ground breaking.

Present tonight was Heather Mullin who thanked the Board for their support and consideration to contribute to their capital campaign. She stated that they have raised almost all of their funding and that construction has begun. She added that the ground breaking ceremony would take place later but that they have already started putting in utilities and water lines and plan to have construction completed in October 2021.

**Trustee Seifert made a motion to approve the \$10,000 funding to the Rifle Animal Shelter. Trustee Poston seconded the motion, and the motion carried unanimously.**

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## **Revenue Sharing Agreement with River Valley Metropolitan District**

Attorney Sawyer stated that there have been ongoing discussions with the Painted Pastures developers and the River Valley Metropolitan District to craft a revenue sharing agreement to help pay for certain public improvements, specifically the roundabout. The agreement provides:

- Reimbursement of 50% of Vista (Village at Painted Pastures) use tax and fees of approximately \$121,000
- 25% of use tax and fees up to \$100,000 associated with other Painted Pastures development over six years

Attorney Sawyer clarified that the town cannot collect reimbursement of use tax for the roundabout as it was not annexed into the town through prior Painted Pastures annexations. He also stated that the term of the agreement is six years and that it is compliant with TABOR.

Present tonight was Russ Hatle who stated that they have been in discussions with staff. He stated that their board has met and approved this agreement so they have no further comments.

Mayor Richel asked if the agreement would need to come before the Board every year and Attorney Sawyer explained that it would not but that staff would make an appropriation in the budget each year for the funds pursuant to the agreement. He added that this agreement is for reimbursements and that the town would not have to pay if nothing has been collected. He also stated that payments would be made quarterly to the district.

Mayor Pro-tem Knott asked about the prior discussion regarding the developer contributing up to \$200,000 to the overpass project and Attorney Sawyer stated that if funds were not used for reimbursement, the town could use those funds towards the overpass.

**Mayor Pro-tem Knott made a motion to approve the Revenue Sharing Agreement with River Valley Metropolitan District as presented. Trustee Walls seconded the motion, and the motion carried with Trustee Flores voting nay.**

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**Second reading of Ordinance No. 17, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, AMENDING SECTION 17.42.060 OF THE SILT MUNICIPAL CODE REGARDING USES REQUIRING A SPECIAL USE PERMIT AND SITE PLAN IN COMMERCIAL DISTRICTS**

Attorney Sawyer went through the purpose of the ordinance in that it gives the town regulatory authority over landscape improvements in town rights of way. It would also ensure that plans brought to the town for review would be consistent with the plans that the town has prepared and adopted.

The public hearing was opened at 7:23 p.m. There were no comments and the hearing closed at 7:23 p.m.

**Trustee Seifert made a motion to approve second reading of Ordinance No. 17, Series 2020, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, AMENDING SECTION 17.42.060 OF THE SILT MUNICIPAL CODE REGARDING USES REQUIRING A SPECIAL USE PERMIT AND SITE PLAN IN COMMERCIAL DISTRICTS. Mayor Pro-tem Knott seconded the motion, and the motion carried unanimously.**

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**I-70 Interchange and Pedestrian Bridge update**

Director Fonner stated that this is based off of the MMOF grant that the town received to help design a pedestrian bridge to span the railroad and I-70 corridor. Staff has chosen the engineering firm of Rocksol and KLJ to design the project. Staff has already met with them along with CDoT to discuss the scope of the project and expectations. Staff hopes to have a contract in place with the engineering firm by the end of January.

Director Fonner stated that the project is anticipated to cost somewhere in the neighborhood of \$12-13,000,000. Administrator Layman stated that Rocksol and KLJ would also assist with obtaining grants for the project and that there has also been talk on the federal level that additional infrastructure money could be made available to help with projects like these.

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**Garfield County's 5-Star Program Application**

Administrator Layman went through his staff report and explained that the County Commissioners had voted to implement a 5-Star program that would allow restaurants to maintain their capacities under the "Orange" level of State restrictions, rather than those of the "Red" level and that the County is asking the Town for a letter of support. He added that the Commissioners were prompted to act based on information that they had received that State Liquor was telling restaurants that their liquor licenses were in jeopardy should they continue to act under Garfield County's health orders rather than those of the State.

Administrator Layman explained that this is a voluntary program that is tailored after Mesa County's program and that it recognizes businesses that have gone above and beyond to keep their community safe by certifying that they are taking safety measures beyond what is required by the State. Participants in the program would be allowed to operate at the same capacity even if the County moves to a level with a lower capacity. He added that participants would be able to enter the program or opt out at any time.

Businesses who join the program would have an auditor meet with them and they would jointly create a checklist of necessary guidelines that they would need to follow. Administrator Layman suggested training an employee to be an auditor. He also clarified that businesses would have to apply with the County once the County becomes qualified should they want to participate. He went on to explain that the Town would have a seat on the administrative committee if we participate to handle complaints received on any restaurant.

Mayor Pro-tem Knott stated that he is not in support of the 5-Star program and feels that the longer we push these types of COVID programs the longer it will take to get over this. He added that governments roll is to protect people's rights, not to tell them what to do. Trustee Walls stated that he feels that the only thing that has changed with this program is that now there would be a QR code that would be put on the door of a business that would allow people to scan it should they have a complaint to file against them. He added that businesses seem to be bearing the majority of the punishments. Mayor Richel stated that he does not support this letter but does support our businesses in town and feels this could cause them to fail.

Administrator Layman stated that if the town does not select someone to be trained to be an auditor then should one of our businesses choose to participate, they would be at the mercy of someone from another community auditing them.

Jennifer Gerstner with Burning Mountain Pizza stated that the Board has already voiced many of her same concerns. She stated that she feels it would be good to have an auditor from the town to assist with screenings. She stated that she also has concerns about gathering personal contact information from everyone who comes in, especially during the lunch hour and that it would probably require another employee, the costs associated with additional ventilation systems that could run thousands of dollars and the other requirements that have been added on top of the COVID plan that they already had to have in place before they could even reopen. She thanked the Town for all of their continued support.

Christian Harra with Miner's Claim stated he thinks we should have someone who is qualified and understands what the expectations are of the 5-Star program. He stated that he doesn't feel we are going backwards and feels strong that the County and Health Department will continue to support the restaurants. He also thanked the Town for going above and beyond to help the local restaurants.

**There was a consensus to have a local person become trained to be an auditor and not to send a letter of support to the program.**

Administrator Layman asked for clarification to have a seat on the administrative committee and the Board asked if he would be comfortable doing it even though we are not sending a letter of support and he stated that he would. Mr. Layman will pursue deciding who could be trained for the auditor position and Mayor Richel stated that he would do it if there were no staff members available to take it on.

**Mayor Pro-tem Knott made a motion that the town not send a letter supporting the Garfield County 5-Star Certified Variance Program. Trustee Walls seconded the motion, and the motion carried Trustee Brintnall voting nay.**

## **COVID19 Sanctuary Town discussion (discussion added during agenda changes)**

Trustee Walls stated that he would like the Board to consider passing a resolution declaring Silt as a sanctuary town, and that we as a municipality need to start pushing back a little bit because we are falling under the thumb of tyranny. Trustee Walls read parts of a sample resolution that he would like the Board to consider. He added that the continued mandates and orders are infringing on the rights of our business owners to lawfully operate their businesses. He stated that he feels that the Board is setting themselves up for personal lawsuits. He recommended that the Board reach out to the Attorney to prepare a resolution condemning the unconstitutional limitations imposed upon their freedoms by the Governor of Colorado.

There was lengthy discussion regarding the effects that something like this could have on our citizens and that by standing up and pushing back, it could send a message that we don't want to place restrictions on our businesses any longer. Trustee Poston stated that she doesn't believe that the State is acting in an extreme matter and doesn't feel that this is a necessary step to take yet, adding that the town still have some flexibility. She stated that should it get to that point, then she would consider moving forward with something like this. Trustee Seifert stated that he was also against becoming a sanctuary town and that we need to be careful as to how much we fight back. He stated that the virus is still out there and the vaccines are on hold for now and that a lot can still happen. Trustee Flores stated that he is tired of all of this too, but that we have to put our personal feelings aside and do what is best for the community. Trustee Poston reminded everyone that the towns revenues were good last year and that the town is on track to stay that way which shows that the town is still functioning well. Trustee Seifert suggested that businesses have a say should the town consider becoming a sanctuary town. Trustee Walls thanked the Board for their opinions and that this discussion can be picked up again in another couple of months if there is a need.

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### **Administrator & Staff reports**

Administrator Layman went over his report and pointed out his budget message and to contact him if anyone has questions or concerns. Mayor Richel asked for an update on the property next to the Silt River Preserve and if staff had spoken with AVL. Administrator Layman stated that he has spoken with them and that they have assigned a person to do some due diligence on the property and to see what kind of coalition of interested parties is out there to purchase the property.

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### **Updates from Board / Board comments**

The Board thanked staff for their hard work and for the great discussion between them tonight. They all acknowledged their ability to voice their own opinions while still being respectful of each other and to find a common ground. They all agreed that they just want what is best for the citizens of Silt.

Mayor Richel asked that everyone get out and support our local businesses.

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**Executive Session**

Mayor Richel made a motion to go into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) – Town Administrator evaluation. Mayor Pro-tem Knott seconded the motion, and the motion carried unanimously. The Board adjourned to executive session at 8:52 p.m.

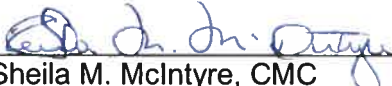
At the end of executive session, Mayor Richel made the following statement: “The time is now 9:12 p.m., and the executive session has concluded. No formal action was taken in executive session. The participants in the executive session were: Keith Richel, Jerry Seifert, Kyle Knott, Andrea Poston, Sam Walls, Justin Brintnall, Samuel Flores, Michael Churchill and Jeff Layman. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record”. No objections were stated.

Mayor Pro-tem Knott made a motion to approve the Town Administrator’s quarterly bonus of \$2000. Trustee Brintnall seconded the motion, and the motion carried unanimously.

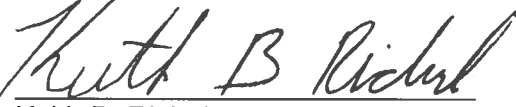
**Adjournment**

Mayor Pro-tem Knott made a motion to adjourn. Trustee Seifert seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 9:14 p.m.

Respectfully submitted,

  
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Sheila M. McIntyre, CMC  
Town Clerk

Approved by the Board of Trustees

  
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Keith B. Richel  
Mayor

