

**TOWN OF SILT
REGULAR BOARD OF TRUSTEES MEETING
MARCH 8, 2021 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, March 8, 2021. Mayor Richel called the meeting to order at 7:06 p.m.

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| Roll call | Present | Mayor Keith Richel Mayor Pro-tem Kyle Knott Trustee Justin Brinrnall Trustee Samuel Flores Trustee Andreia Poston Trustee Jerry Seifert 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, Attorney Michael Sawyer, Planner Mark Chain 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 February 22, 2021 Board of Trustees meeting
2. **Resolution No. 4, Series 2021**, A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF SILT, COLORADO FOR THE 2021 BUDGET YEAR
3. **Resolution No. 6, Series 2021**, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SILT, OF THE COUNTY OF GARFIELD AND THE STATE OF COLORADO AUTHORIZING PARTICIPATION IN THE RURAL JUMP-START PROGRAM ON MARCH 8, 2021
4. **Resolution No. 7, Series 2021**, A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) ENERGY IMPACT ASSISTANCE FUND (EIAF) GRANT IN THE AMOUNT OF \$200,000 FOR A TOTAL PROJECT COST OF \$417,000, IN ORDER TO OFFSET THE COSTS ASSOCIATED WITH THE UPGRADE TO THE TOWN'S WATER/WASTEWATER PLANTS, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

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

Conflicts of Interest – There were no conflicts of interest.

Agenda Changes – There were no agenda changes.

Tilson Infrastructure Proposal for a Wireless Facility discussion – Adam Perlman

Administrator Layman stated that the Town was approached by Tilson Infrastructure who asked if the town would be interested in having a wireless tower located in Silt. The Town would not only lease the property to them monthly but it would also offer the town improved wireless capabilities. Adam Perlman, a representative with Tilson was present to provide the Board with a proposal for a wireless facility. He stated that they would like to partner with the Town and lease a 50' x 50' piece of ground area next to the irrigation tank at the cemetery in which to place their tower. He added that the tower would help to provide the Town with fixed wireless internet access since the town does not have fiber.

Mr. Perlman explained that Tilson would put up the capital to build the site and that they would then approach various carriers to partner with them in order to bring better service coverage and capacity to the area. Mr. Perlman stated that it could take 18 to 24 months to go through the permitting process before they construct the site. He stated that once they have established a site with the Town then they could market that site with various carriers who would in turn pay the Town a monthly lease fee in addition to what the Town would receive from Tilson.

Mr. Perlman stated that they are recommending a fake pine tree at an anticipated maximum height of 50-60 feet. He added that it could be very possible that five years down the road they would need to build another site to assist with additional wireless needs.

Attorney Sawyer stated to Mr. Perlman that if the Board chose to move forward with this proposal there are items that the Town would appreciate feedback on. That if there are any site constraints that would need to be built into an agreement such as the height of tower, that the lease cannot be a perpetual option, that it should contain the possibility to terminate it should Tilson not meet certain agreed upon criteria and that the terms are acceptable to the Town. Attorney Sawyer stated that the applicant would need to demonstrate that they have made applications at both the local and federal levels and that they actually have a carrier, adding that building a tower without a carrier lease does not benefit the Town. He added that if Tilson does not have a carrier in 9 months to a year then the Town should be in a position to terminate the lease, that way the Town could lease the property out to someone else should there be interest.

Mayor Pro-tem Knott asked how the Town would know if \$1000 per-month lease is appropriate and Attorney Sawyer stated that staff would conduct an internal market analysis to make sure that the rent component is competitive.

Mayor Richel stated that the Board was ready to direct staff to continue working with Tilson as there is a need for this type of service. Mr. Perlman stated that he understands the Boards concerns and explained that they have a two-year initial option period in which they would do their due diligence and at which point they could offer a one-time option payment for another year or more so that the Town knows that they are committed to the project. He added once the letter of intent is signed, they could move forward with a lease agreement. He also stated that not all wireless sites are created equal when it comes to a rental amount but that they could work through everything with the Town.

Resolution No. 8, Series 2021, A RESOLUTION OF THE TOWN OF SILT, COLORADO APPROVING A DEVELOPMENT AGREEMENT FOR PROPERTY KNOWN AS LOT 2 OF THE VILLAGE AT PAINTED PASTURES ANNEXATION, LOCATED 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

Attorney Sawyer stated that the Development Agreement before the Board tonight is specific to Lot 2. He added that the Planning Commission has approved a design review application for Lot 2 and that it has been reviewed by both Planner Chain and the Planning Commission and found to be in conformance with the PUD and the ADA that have both already been approved for this property. He also explained that the document identifies the various public improvements for this development adding that the developer anticipates to construct all sight improvements in 2021.

Planner Chain stated that there are no concerns from the Planning Commission. He did say that before any construction begins on the improvements that he would like to see a pre-construction meeting take place.

Doug Pratte, planner for the applicant stated that he had nothing to add and that he supports the Development Agreement and the conditions recommended by the Town. Mayor Pro-tem Knott confirmed that there would be sufficient parking and Planners Pratte and Chain stated that a parking analysis was conducted and that the parking is in conformance with town standards. The Board stated that they want to make sure that the municipal code addresses these types of applications sufficiently and that if it doesn't staff should consider making changes to it.

Mayor Richel asked Attorney Sawyer if there were any concerns with accepting public improvements before they were complete as has happened in the past and Attorney Sawyer stated that he didn't believe so because the public improvements would be securitized and that there is an inspection process that the developer has agreed to. He added that the Town also has the ability to stop issuing building permits and certificates of occupancy if inspection requirements are not being met. He stated that he feels very comfortable that the Town has adequate controls in place.

Trustee Seifert made a motion to approve Resolution No. 8, Series 2021, A RESOLUTION OF THE TOWN OF SILT, COLORADO APPROVING A DEVELOPMENT AGREEMENT FOR PROPERTY KNOWN AS LOT 2 OF THE VILLAGE AT PAINTED PASTURES ANNEXATION, LOCATED 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. Mayor Pro-Tem Knott seconded the motion, and the motion carried unanimously.

First reading of **Ordinance No. 1, Series 2021, AN ORDINANCE OF THE TOWN OF SILT AMENDING TITLE 13, CHAPTER 13.02 OF THE SILT MUNICIPAL CODE REGARDING IRRIGATION WITHIN THE TOWN OF SILT** (*continuance requested by staff to March 22, 2021*)

Mayor Pro-tem Knott made a motion to continue the public hearing for the first reading of Ordinance No. 1, Series 2021, AN ORDINANCE OF THE TOWN OF SILT AMENDING TITLE 13, CHAPTER 13.02 OF THE SILT MUNICIPAL CODE REGARDING IRRIGATION WITHIN

THE TOWN OF SILT until the March 22, 2021 meeting. Trustee Walls seconded the motion, and the motion carried unanimously.

Administrator & Staff comments

Administrator Layman went over his report and touched based on the following items: Rural Jump Start program, that the number of single-family building permits for the year have already exceeded 2020 with at least 20 permits submitted so far, that the interest in the town properties that are for sale has gone up significantly in the last month and that the recycle survey is available right now. He encouraged everyone to take the survey so that the town has a better idea of what to pursue with the new trash contract this year.

Updates from Board / Board comments

The Board thanked staff for all of their hard work and appreciated the work session with the County Commissioners tonight. It was asked if the Trustees could maybe meet with the BOCC every six months and for possibly 90 minutes instead. Mayor Richel stated that it is important for everyone to know that the Board is here to fight for the jobs of our citizens and their livelihood no matter what the industry is that is being attacked.

Executive Session

Mayor Richel made a motion to go into an executive session to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal or other property interest under C.R.S. Section 24-6-402(4)(a). Mayor Pro-tem Knott seconded the motion, and the motion carried unanimously. The Board adjourned to executive session at 8:22 p.m.

At the end of executive session, Mayor Richel made the following statement: “The time is now 8:39 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, Andreia Poston, Sam Walls, Justin Brintnall, Samuel Flores, Michael Churchill, Jeff Layman and Michael Sawyer. 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.

Sales of Town-owned real estate at 1555 River Frontage Road

Administrator Layman stated that the Town has received a full price offer to purchase the land at 1555 River Frontage Road for the construction of a light industrial shop to construct and sell travel trailers. He stated that the purpose of this agenda item is to make a decision as to whether or not to accept the offer of \$220,000 and sell this parcel to Land Ark RV.

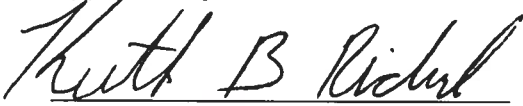
Mayor Pro-tem Knott made a motion to approve the contract for the sale of the town owned real estate at 1555 River Frontage Road with a correction to the address on the contract. Trustee Seifert seconded the motion, and the motion carried unanimously.

Adjournment

Mayor Pro-tem Knott made a motion to adjourn. Trustee Flores seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting 8:44 p.m.

Respectfully submitted,


Sheila M. McIntyre, CMC
Town Clerk

Approved by the Board of Trustees

Keith B. Richel
Mayor

