

**TOWN OF SILT
REGULAR BOARD OF TRUSTEES MEETING
NOVEMBER 14, 2022 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, November 14, 2022. Mayor Richel called the meeting to order at 7:03 p.m.

Roll call

Present

Mayor Keith Richel
Mayor Pro-tem Kyle Knott
Trustee Justin Brintnall
Trustee Chris Classen
Trustee Samuel Flores
Trustee Derek Hanrahan
Trustee Jerry Seifert

Also present were Town Administrator Jeff Layman, Town Clerk Sheila McIntyre, Town Treasurer Amie Tucker, Public Works Director Trey Fonner, Community Development Manager Nicole Centeno, Chief of Police Mike Kite, Town Attorney Michael Sawyer, Planner Mark Chain and members of the public.

Pledge of Allegiance and Moment of Silence

Public Comments – Derek Grangroth who lives in the Panoramic Subdivision was present to get an update of their subdivision tying onto the Town's water system. Director Fonner and Attorney Sawyer explained where things stand right now and Attorney Sawyer stated that staff still needs to have further discussions. He added that the Town would probably not be able to provide water right now as we are in the process of designing a new water treatment plant and that the existing plants capacity would be at its limit once the lots that have already been approved have built out. Attorney Sawyer stated that a new plant could be as many as four years out and that staff has reached out to the States water rights administration and it is possible that the town's water rights would not be able to serve Panoramic Subdivision. He added that it would probably take some time to get all of the answers and that it is doubtful that this would be ready by the next agenda. Residents of Panoramic were encouraged to attend the meeting when this is back on the agenda.

Consent Agenda

1. Minutes of the October 24, 2022 Board of Trustees meeting
2. Approval of the 7-Party Memorandum of Understanding Regarding Garfield County Senior Programs 2023
3. Approval of the Intergovernmental Agreement for Garfield County Senior Programs Traveler Services for 2023
4. Approval of the Fermented Malt Beverage liquor license renewal for Golden Gate Petroleum
5. **Resolution No. 24, Series 2022, A RESOLUTION OF THE BOARD OF TRUSTEES APPOINTING LORI MALSBURY AS THE DEPUTY TOWN CLERK / DEPUTY TOWN TREASURER OF THE TOWN OF SILT, COLORADO**

6. **Resolution No. 21, Series 2022, A RESOLUTION APPROVING THE SPECIAL USE PERMIT TO ALLOW FOR A FABRICATION OF MARBLE AND STONE BUSINESS TO OPERATE IN UNITS 6 & 7 OF 401 MAIN STREET, WITHIN 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.

Conflicts of Interest – There were no conflicts of interest.

Agenda Changes – There were no agenda changes.

Resolution No. 20, Series 2022, A RESOLUTION OF THE TOWN OF SILT BOARD OF TRUSTEES ADOPTING THE UPDATED GARFIELD COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (HMP) 2022 – Chad Whiting

Chad Whiting, Sergeant with the Garfield County Sheriff's office was present to go over the updated Multi-Jurisdictional Hazard Mitigation Plan that provides a set of actions to reduce risk from natural hazards through education and outreach programs, the development of partnerships and implementation of preventative activities such as land use or watershed programs. Mr. Whiting also stated that it opens up grant funding for mitigation problems and also in the case of an actual event, it would offer post disaster grants as well. He stated that not only is the County involved in this plan but also Colorado River Fire in addition to the other municipalities in the area. This plan helps everyone to be on the same page and could be revisited every year if needed.

Mayor Pro-tem Knott made a motion to approve Resolution No. 20, Series 2022, A RESOLUTION OF THE TOWN OF SILT BOARD OF TRUSTEES ADOPTING THE UPDATED GARFIELD COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (HMP) 2022. Trustee Seifert seconded the motion, and the motion carried unanimously.

Garfield County Education Center and Outdoor Classroom Presentation – Carla Farrand

Present tonight was Carla Farrand, Garfield County Director for CSU Extension. Ms. Farrand went through her presentation that highlighted how Garfield County, CSU Extension and other community organization are partnering to build the Garfield County Education Center in Rifle. CSU Extension empowers Coloradans to address important and emerging community needs using dynamic, science-based educational resources. The Garfield County Education Center places youth at the center of community connection by creating a resource and hub that doesn't currently exist in Garfield County. Ms. Farrand asked for the Board's support and that they provide a letter to Great Outdoors Colorado to request grant assistance.

The Board expressed their support for this project and also stated that they would like to discuss donating \$5000 towards their project during budget discussions. Staff was directed to provide a letter of support.

Resolution No. 22, Series 2022, A RESOLUTION APPROVING THE SPECIAL USE PERMIT TO ALLOW FOR A FABRICATION OF MARBLE AND STONE BUSINESS IN UNIT 1B OF 401 MAIN STREET, WITHIN THE TOWN OF SILT, COLORADO

Community Development Manager Centeno went over her staff report that would allow for a marble fabrication shop at 401 Main. Owner, Luis Gallego was present to answer questions. Ms. Centeno stated that the applicant has agreed to install the metal winged fencing that was required by the other marble shop that went before the Board at the last meeting. Staff recommends approval with the conditions listed.

The public hearing was opened at 7:47 p.m. There were no public comments and the hearing was closed at 7:48 p.m.

Mayor Pro-tem Knott made a motion to approve Resolution No. 22, Series 2022, A RESOLUTION APPROVING THE SPECIAL USE PERMIT TO ALLOW FOR A FABRICATION OF MARBLE AND STONE BUSINESS IN UNIT 1B OF 401 MAIN STREET, WITHIN THE TOWN OF SILT, COLORADO with the staff recommendations 1-4. Trustee Hanrahan seconded the motion, and the motion carried unanimously.

Amendment to Development Agreement Lot 2, Village at Painted Pastures Site Plan

Attorney Sawyer went through his report stating that a request had been made by the developer to amend Exhibit B of the Development Agreement for Lot 1. The developer is asking to extend the period of completion of the access drive across Lot 1 to April 2023. There was brief discussion by the Board about the developer not getting things completed in a timely fashion and that the Board would be willing to approve just one extension.

Trustee Brintnall made a motion to approve the Amendment to Development Agreement Lot 2, Village at Painted Pastures Site Plan. Trustee Classen seconded the motion, and the motion carried unanimously.

Amendment to Subdivision Improvements Agreement the Village at Painted Pastures

Attorney Sawyer stated that this agreement has the same issue. This amendment pertains to the right-in, right-out access onto Highway 6. The developer is asking for an extension to complete this work to May 2023. Once again, the Board was willing to approve this amendment with just one extension.

Trustee Seifert made a motion to approve the Amendment to Subdivision Improvements Agreement the Village at Painted Pastures. Trustee Classen seconded the motion, and the motion carried unanimously.

First reading of Ordinance No. 15, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO AMENDING CHAPTER 13.06 OF THE TOWN CODE PERTAINING TO THE UNLAWFUL DISCHARGE OF CERTAIN REGULATED MATERIALS IN THE TOWN AND TO REQUIRE THE INSTALLATION AND INSPECTION OF BACKFLOW PREVENTER DEVICES

Attorney Sawyer went through his report stating that this ordinance addresses questions that had come up earlier this year in regards to the enforcement of the town's backflow prevention requirements. He went on to explain that the State has a law that anytime there is a potential for contamination at a particular user, that the user must maintain a backflow prevention device. Attorney Sawyer stated that he has taken the model ordinance provided by the State to update the current code from 1991. The new code would allow the town to do inspections on a periodic basis.

Inspection priorities are related to commercial users who have a greater ability to introduce contaminants into the town's water system. The Town also has the ability to require an inspection of those parties who use town domestic water to irrigate their properties. Director Fonner stated that those who do have backflow preventors must have them tested yearly. There was discussion about maintaining the list and sending out letters for compliance. He added that multi-family units as well as additional dwelling units would also need to comply. There was brief discussion on the process that the water department is currently using to inspect backflows.

The public hearing was opened at 8:10 p.m. There were no public comments and the hearing was closed at 8:11 p.m.

Trustee Classen made a motion to approve the first reading of Ordinance No. 15, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO AMENDING CHAPTER 13.06 OF THE TOWN CODE PERTAINING TO THE UNLAWFUL DISCHARGE OF CERTAIN REGULATED MATERIALS IN THE TOWN AND TO REQUIRE THE INSTALLATION AND INSPECTION OF BACKFLOW PREVENTER DEVICES. Trustee Seifert seconded the motion, and the motion carried unanimously.

Administrator & Staff Reports

Administrator Layman stated that the Main Street Trick or Treat event was a success. He added that the Town is looking for volunteers to help decorate Main Street for the tree lighting next week. Mr. Layman also commented about the passage of the Charter amendments at the recent election.

Director Fonner stated that it is his understanding that Panoramic Subdivision purchases approximately 50,000 gallons from our bulk water system each month.

Updates from Board / Board comments

There were comments regarding the good turnout in voters at the election, how great the events were on Halloween, the hill above the Stoney Ridge sign that keeps dropping small rocks on the path and if staff could send a letter to the owner of 401 Main Street reminding him of his obligation to inform his tenants on what they need to do to be compliant with town code.

Water Plant Update

Administrator Layman provided an update on the water plant and shared the urgency to put in motion the process to move forward. Staff has recommended "sole sourcing" with Dewberry as

they have performed well for the Town thus far and have gone above and beyond to assist the Town in moving this process forward, including helping with the Project Needs Assessment, a technical document required by the State. They have also shown themselves to be knowledgeable, reliable and trustworthy. If the Town were to issue an RFQ, it could slow the process by weeks, if not months, and cause the Town to miss the loan application deadline of January 2023.

Administrator Layman went over the letter from Dewberry highlighting the preliminary project schedule and the tasks that lay ahead of the Town to move forward on this process. The section on the engineering fees was also discussed along with the following:

- the potential use of an additional settling pond,
- the expected life span of the new plant,
- what is considered the high-end of the range for the new plant (NTU's),
- ability to accommodate the current wells, and
- the continued use of the existing chlorine disinfecter

Administrator Layman explained the loan forgiveness process that staff has been going through up to this point and the monies and low interest loans that are available that the Town can apply for to assist with the approximate cost of \$28 million for a new plant. He added that the sooner the Town could apply for money, the more forgiveness money we may be able to get, hence the rush to move forward. He added that the Bipartisan Infrastructure Law funding would be distributed for five consecutive years and that the Town might be eligible later on for more funding. Administrator Layman stated that the Town would be getting a loan and that staff would do as much as they can to get grants to assist with the cost. It was stated that Jim Mann is working on the finance side to try and understand the impact on the water rates.

There was discussion regarding the history of the plant and how we got to where we are today and the increase in water rates that the citizens would have to incur in order to cover the debt. The Board stated that when the new plant is constructed, the building doesn't need to be anything fancy to help save on costs. Administrator Layman asked that the Board approve the contract tonight so that it can be signed tomorrow due to the timeline of getting the appropriate people scheduled (survey, Geotech, etc.) and to have the necessary info from them ready for the January 17, 2023 deadline. There was additional discussion regarding the CMaR process, whether or not we were choosing the correct plant, the costs that would need to be passed on to the citizens and the \$5 million cap in liability protection as stated in the Dewberry contract.

Attorney Sawyer went over the three modifications to the contract regarding:

- Allowing the Town to use the construction plans in the future
- Allowing either party to terminate the contract with a 30-day's notice
- Allowing the Town to present evidence of an offset if a claim is made for payment of fees

Mayor Richel made a motion to approve the contract with Dewberry for the water treatment plant in the amount \$1,861,040 with the three modifications as stated by Attorney Sawyer in his report regarding Section 4 – allowing the town to use the construction plans in the future, Section 14 – to allow either party to terminate the agreement within 30-day's notice and Section 18 – to allow the town to present evidence of an offset if a claim is made for payment of fees.

Those items would need to be resolved to the Attorneys satisfaction. Mayor Pro-tem Knott seconded the motion, and the motion carried unanimously.

Executive Session

No executive session took place.

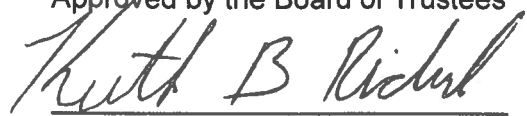
Adjournment

Mayor Pro-tem Knott made a motion to adjourn. Trustee Brintnall seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting at 9:26 p.m.

Respectfully submitted,



Sheila M. McIntyre, CMC
Town Clerk

Approved by the Board of Trustees


Keith B. Richel
Mayor

