

**TOWN OF SILT  
REGULAR BOARD OF TRUSTEES MEETING  
SEPTEMBER 12, 2022 – 7:00 P.M.**

The Silt Board of Trustees held their regularly scheduled meeting on Monday, September 12, 2022. Mayor Richel called the meeting to order at 7:01 p.m.

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| <b>Roll call</b> | Present | Mayor Keith Richel<br>Mayor Pro-tem Kyle Knott<br>Trustee Justin Brinnall<br>Trustee Chris Classen<br>Trustee Samuel Flores<br>Trustee Jerry Seifert |
|                  | Absent  | Trustee Derek Hanrahan   |

Also present were Town Administrator Jeff Layman, Town Clerk Sheila McIntyre, Town Treasurer Amie Tucker, Public Works Director Trey Fonner, 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 August 22, 2022 Board of Trustees meeting
2. Renewal of Retail Marijuana License – High Q

**Trustee Seifert made a motion to approve the consent agenda as presented. Trustee Classen 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** – There were no agenda changes.

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**Middle Colorado Watershed Council (MCWC) project updates – Paula Stepp**

Paula Stepp and Dawn Randolph with Middle Colorado Watershed Council were both present to provide the Board with an update on the projects that MCWC has been involved in that directly benefit the Town of Silt and the local region. Ms. Stepp proceeded to go through her power point presentation that touched on the recently completed boat ramp in Silt, the Silt River Preserve and the post fire restoration impacts on downstream communities due to the Grizzly Creek Fire.

Ms. Randolph explained that they are all volunteers and thanked the Town of Silt for being a partner with them. Ms. Stepp asked the Board for their support again in 2023 the amount of \$2500. She also asked for a Trustee to consider sitting on the MCWC Board to represent the Town and help give perspective.

**Mayor Richel suggested increasing the level of support with MCWC to \$3000. There was consensus to consider an increased amount during budget discussions.**

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Continued **Resolution No. 16, Series 2022**, A RESOLUTION OF THE TOWN OF SILT, COLORADO APPROVING THE SECOND AMENDED AND RESTATED ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE DIXON ANNEXATION (FORMERLY KNOWN AS DIVIDE CREEK CENTER) AND NOW KNOWN AS RISLENDE, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

Attorney Sawyer went through his staff presentation and reported back on the few requested changes from the last meeting regarding:

- Active parkland dedication
- Access to River and the surface material
- Undergrounding of utilities

There was brief discussion about the usability of the dedicated parkland and the trail to the river. Mayor Richel stated that he still feels like the town is giving up too much and would still like to see the tunnel under County Road 331. He added that he believes that the Town would end up paying to have one installed sometime in the future.

**Mayor Pro-tem Knott made a motion to approve Resolution No. 16, Series 2022, A RESOLUTION OF THE TOWN OF SILT, COLORADO APPROVING THE SECOND AMENDED AND RESTATED ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE DIXON ANNEXATION (FORMERLY KNOWN AS DIVIDE CREEK CENTER) AND NOW KNOWN AS RISLENDE, WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO. Trustee Brintnall seconded the motion, and the motion carried with Mayor Richel and Trustee Classen voting nay.**

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Continued second reading of **Ordinance No. 13, Series 2022**, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, AMENDING ZONING ORDINANCE NO. 9, SERIES OF 2013, AND ESTABLISHING PLANNED UNIT DEVELOPMENT ZONING FOR ANNEXED LAND FORMERLY KNOWN AS DIVIDE CREEK CENTER AND NOW COMMONLY KNOWN AS RISLENDE PLANNED UNIT DEVELOPMENT

Attorney Sawyer went through his staff presentation and touched on the continued discussion regarding the parking space requirements.

The public hearing was opened at 7:41 p.m. There were no public comments and the hearing was closed at 7:42 p.m.

**Trustee Classen made a motion to approve second reading of Ordinance No. 13, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, AMENDING ZONING ORDINANCE NO. 9, SERIES OF 2013, AND ESTABLISHING PLANNED UNIT DEVELOPMENT ZONING FOR ANNEXED LAND FORMERLY KNOWN AS DIVIDE CREEK**

**CENTER AND NOW COMMONLY KNOWN AS RISLENDE PLANNED UNIT DEVELOPMENT. Trustee Seifert seconded the motion, and the motion carried unanimously.**

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**Resolution No. 17, Series 2022, A RESOLUTION VOIDING RESOLUTION NO. 12, SERIES OF 2022 WHICH ALLOWED THE SPECIAL USE PERMIT FOR AN EMPLOYEE HOUSING UNIT AT LOT 94, SILT TRADE CENTER, WITHIN THE TOWN OF SILT COLORADO**

Attorney Sawyer went through his staff presentation stating that the PUD requires that requests for residential dwelling units must be approved through a Special Use Permit. He added that the applicant has changed their mind and would not be moving forward with the accessory structure. Since only a certain number of residential units are allowed in the Silt Trade Center, staff feels that it is best to void the prior resolution that approved the unit for record keeping purposes.

**Mayor Pro-tem Knott made a motion to approve Resolution No. 17, Series 2022, A RESOLUTION VOIDING RESOLUTION NO. 12, SERIES OF 2022 WHICH ALLOWED THE SPECIAL USE PERMIT FOR AN EMPLOYEE HOUSING UNIT AT LOT 94, SILT TRADE CENTER, WITHIN THE TOWN OF SILT COLORADO. Trustee Brintnall seconded the motion, and the motion carried unanimously.**

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**First reading of Ordinance No. 14, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, APPROVING THE SALE OF TOWN OWNED PROPERTY LOCATED ON HIGHWAY 6 & 24 EAST OF THE KUM & GO SERVICE STATION AND PROPERTY UNNEEDED FOR ANY GOVERNMENTAL PURPOSE**

Attorney Sawyer provided his staff presentation stating that the Town has received the final signed lease between the contract purchaser and Family Dollar for this Town owned property next to Kum & Go, and that based upon the requirements of the Charter, requires an ordinance to sell the property.

The public hearing was opened at 7:50 p.m. There were no public comments and the hearing was closed at 7:51 p.m.

**Mayor Pro-tem Knott made a motion to approve first reading of Ordinance No. 14, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, APPROVING THE SALE OF TOWN OWNED PROPERTY LOCATED ON HIGHWAY 6 & 24 EAST OF THE KUM & GO SERVICE STATION AND PROPERTY UNNEEDED FOR ANY GOVERNMENTAL PURPOSE. Trustee Brintnall seconded the motion, and the motion carried with Trustees Flores and Classen voting nay.**

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**Resolution No. 18, Series 2022, A RESOLUTION OF THE TOWN OF SILT BOARD OF TRUSTEES TO AUTHORIZE THE TOWN ADMINISTRATOR TO APPROVE THE SALE AND EXECUTE CLOSING DOCUMENTS AND DEED FOR TOWN OWNED PROPERTY LOCATED AT 1007 HIGHWAY 6 & 24**

Attorney Sawyer stated that this resolution allows the Town Administrator to sign the closing documents for the property just discussed as required by the title company.

**Mayor Pro-tem Knott made a motion to approve Resolution No. 18, Series 2022, A RESOLUTION OF THE TOWN OF SILT BOARD OF TRUSTEES TO AUTHORIZE THE TOWN ADMINISTRATOR TO APPROVE THE SALE AND EXECUTE CLOSING DOCUMENTS AND DEED FOR TOWN OWNED PROPERTY LOCATED AT 1007 HIGHWAY 6 & 24. Trustee Brintnall seconded the motion, and the motion carried Trustee Flores voting nay.**

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Continued first reading of **Ordinance No. 11, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO AMENDING CHAPTER 12.12 OF THE TOWN CODE TO ALLOW THE TOWN TO REQUIRE THE INSTALLATION OF CONDUIT AS A CONDITION OF AN EXCAVATION PERMIT** (*staff requests a continuance to the September 26, 2022 meeting*)

Attorney Sawyer stated that staff is making progress and have been talking with other municipalities who have similar provisions in their code. Staff asks to bring this back for full review at the next meeting.

**Trustee Seifert made a motion to continue first reading of Ordinance No. 11, Series 2022, AN ORDINANCE OF THE TOWN OF SILT, COLORADO AMENDING CHAPTER 12.12 OF THE TOWN CODE TO ALLOW THE TOWN TO REQUIRE THE INSTALLATION OF CONDUIT AS A CONDITION OF AN EXCAVATION PERMIT until the September 26, 2022 meeting. Trustee Classen seconded the motion, and the motion carried unanimously.**

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#### **Request to Purchase Out of Town Water Taps – 353 E Vista Drive – Joshua Wilson**

Director Fonner stated that Joshua Wilson is currently going through the County to subdivide his property in the Sunrise Subdivision. While going through the process the County asked him to contact the Town as to the possibility of obtaining water taps. His request is to obtain 3 water taps, one for each lot. The third lot would be serviced by a well already in place and Mr. Wilson would only connect to the Towns' system in the event of a well failure. The rates for the taps would be 3-times the current tap rate and 2-times the monthly water rate.

Director Fonner stated that the tap fees would be collected at the time the properties sell and that the only fee that would be requested up front would be when Mr. Wilson is approved for the subdivision through the County, he would then have to pay to the Town a water rights in-lieu-of fee. Mr. Wilson would also be providing documentation that only single-family residences would be allowed on those three lots and that should a person want to add an additional dwelling unit, they would need to come before the Board for approval.

Attorney Sawyer went over his conditions of approval as follows:

- 1 – That the applicant agrees to have as a condition of approval with the County that at the time of recordation of the subdivision plat, he would pay to the Town his water rights dedication
- 2 – That since the Town is only approving taps for potable water and not irrigation a condition that no outdoor irrigation can take place with water provided by the Town of Silt
- 3 – That water services would be limited to 3 single-family residences and no accessory dwellings unless modified by the Board.

There was discussion regarding whether or not the Town had sufficient water to support the three additional taps.

**Mayor Pro-tem Knott made a motion to approve the purchase of out-of-town water taps for 353 E Vista Drive for Joshua Wilson with the following conditions: 1) that Mr. Wilson at the time of County approval and the plat is recorded he pay the fee in-lieu-of for the water rights, 2) that the water only be allowed for domestic use and not irrigation, and 3) that the water only be use for single-family residences and no ADU's. Trustee Seifert seconded the motion, and the motion carried unanimously.**

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### **Administrator & Staff Comments**

Director Fonner provided an update on the Panoramic Mesa Subdivision that is located in the County who had approached the town as they are now under the State Drinking Water Enforcement Act. Staff stated that this group would be approaching the Board in the future requesting to tie onto the Town's water system after they have had a chance to look at all of their options.

There was additional discussion regarding the adequacy of the Town's water plant and its ability to provide water to another 19 homes along with all of the current lots in town that are waiting to be developed. Attorney Sawyer stated that staff would need to speak with our water engineers for them to weigh in. He also stated that if the town were to be open to their proposal, there is additional due diligence that needs to be done and that Panoramic Mesa would need to be contacted and made aware that if they want the Town to determine the feasibility of serving them, they would need to put some money down because the Town is going to have to have engineers look into this. Staff was also asked to compile a list of developable lots in town that would require water taps.

There was additional discussion regarding the incredible potential cost of new water and waste/water plants along with places the Town could go to apply for grant money as well as acquire loans.

Administrator Layman highlighted the communication information that was provided in the staff report adding that Community Development Manager Centeno has also been trying to get information out in Spanish as well. He added that the Farmer's Market is done for the season and that the reception was good. He also reminded everyone of the concert this Friday at the Stoney Ridge Pavilion.

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

The Board thanked staff for all of their hard work.

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### **Executive Session**

**Mayor Richel made a motion to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiation and instructing negotiators under CRS Section 24-6-402(4)(e) – 1555 River**

Frontage Road. Mayor Pro-tem Knott seconded the motion, and the motion carried unanimously. The Board adjourned to executive session at 8:44 p.m.

At the end of executive session, Mayor Richel made the following statement: "The time is now 9:15 p.m., and the executive session has concluded. No formal action was taken in the executive session. The participants in the executive session were: Keith Richel, Kyle Knott, Jerry Seifert, Justin Brintnall, Sam Flores, Chris Classen, Jeff Layman, Sheila McIntyre, Amie Tucker, Trey Fonner, Michael Sawyer and Joe Carpenter entered at 8:46 p.m. 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.


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**Adjournment**

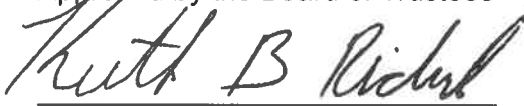
Mayor Pro-tem Knott made a motion to adjourn. Trustee Brintnall seconded the motion, and the motion carried unanimously. Mayor Richel adjourned the meeting at 9:16 p.m.

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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