

MINUTES

Silverton Board of Trustees, Silverton Town Hall – February 14, 2011

Finance Committee Meeting – 7:00 PM

Call to Order and Roll Call – 7:30 PM

Call to Order – 7:30 PM:

Mayor: Terrence Kerwin
Trustees present: Pat Swonger, Chris Tookey, Jim Lindaman, David Zanoni, Karla Safranski, John Schertz
Staff: Brian Carlson, Gilbert Archuleta, Jason Wells
Others: Rose Raab, Larry Raab, Cindy Bryant, Melissa Gillon, Charles Smith

I. Public Comment Regarding Consent Agenda or non-Agenda items (0:19)

Mr. Wells asked that the Public Hearing, Item V.A, be moved to VII.A – New Business, stating that notice requirements have not been met.

II. Appointments

a. Jim Lokey re: Molas Lake Park Snowmobile Races (1:10)

Mr. Lokey provided an overview of the event to be held on March 4, 5, and 6, 2011. He stated that this is his ninth year as the coordinator for the snowmobile race, and that the race has been conducted since 1998. He estimated attendance of 200 to 300, and 40-50 race participants.

Trustee Safranski asked whether there is an entry fee for racers, and whether the buildings at Molas Lake Park will be used. Mr. Lokey answered yes to the entry fee and no to the use of buildings. Trustee Safranski asked whether there is an agreement with the ambulance services. Mr. Lokey replied that there is such an agreement, and that such services will be present for the duration of the races.

There were no objections to this event among the Board.

b. Judy Kuhlman re: Hardrockers Holidays (6:05)

Mr. Ernie Kuhlman spoke on behalf of the event, requesting the second weekend in August, and requesting permission to hang a banner on the 14th Street/Animas River Bridge.

Trustee Zanoni suggested that the second weekend in August be reserved indefinitely for this event.

There were no objections to this event among the Board.

c. Rodger Wrublik re: Silverton Multi-Day Challenge (8:57)

Mr. Wrublik presented details of this running event, which is to be held from August 30 through September 17, 2011. The event consists of six separate running competitions: a 1,000 mile run, a six-day run, a 72-hour run, a 48-hour run, and a 24-hour run. He stated that race proceeds in the amount of \$3,000 were donated to the Silverton School last year for Kendall Mountain ski passes. He stated that a similar donation will be made this year, but will be expanded to include all Silverton School students' ski passes and equipment rentals.

Mayor Kerwin asked where the races are to be held. Mr. Wrublik replied that it is limited to the one-mile course along Kendall Mountain, and does not entail any use of Kendall facilities, nor will it interfere with any booked events at that facility. He further stated that he will provide portable toilets and showers, and that this event will use the large tent at Kendall. He further stated that flagpoles and flags are to be erected, as in 2010, and that additionally he will erect additional signage of cultural or historic nature along the trail, which is consistent with BLM-approved use of the property.

There were no objections to this event among the Board.

Mr. Wrublik stated that he will likely have plans for 2012 Snowscape and Ski Joring in time for the next Board Meeting. He will request that Snowscape be held during the second weekend of February, and Ski Joring during

Item IV.A - Consent Agenda

the third weekend in February, with various events scheduled during the week. He emphasized the need for early planning and marketing. He suggested that the “kicksled rodeo” be held during snowscape rather than during ski joring. He finally thanked Mr. Wells and Mr. Michaelson for their volunteer efforts during the weekend.

III. Trustee Reports **

(16:25) Trustee Lindaman reviewed Finance Committee proceedings, noting approval of payroll and accounts payable, with the exception of a check issued as a refund for a 2010 business license. Staff is to review this payment with the payee.

(17:05) Trustee Zanoni reviewed Buildings and Grounds Committee proceedings regarding the booking conflict between Hardrockers Holidays and a wedding party. He stated that there remains some needed negotiation remaining with the wedding party, but that the booking conflict is resolved.

(18:11) Trustee Swonger reviewed a work-session with staff for the purpose of correcting and revising the EQR system of refuse-billing. He stated that part of this effort involves inclusion of numerous county properties which are not currently being billed for refuse services.

Mayor Kerwin observed that a previous Administrator, Mr. Erickson, never felt that he “got the system down” even after fourteen years of employ with the Town.

(20:31) Trustee Zanoni reviewed a Public Works Committee meeting with representatives from Bruin Waste. He stated that Bruin’s observation was that the Town should be entirely “in” the trash business, or entirely “out” of it, whereas the current position is neither one nor the other. Bruin will be presenting proposals regarding operation of the transfer station and the commercial pickup route. He stated that Mr. Fullmer is being very cooperative, allowing both the Town and Bruin Waste to continue to use his equipment.

IV. Consent Agenda* (22:32)

- a. Approval of January 24, 2011 minutes
- b. Approval of Accounts Payable
- c. Approval of Payroll
- d. Liquor License Renewal: Brown Bear Café
- e. Liquor License Renewal: Gold King Dining

Trustee Zanoni motioned to approve the Consent Agenda; Trustee Tookey seconded, and the motion passed unanimously via roll-call vote.

V. Public Hearing

- a. Use Subject to Review – Charles Smith Weekly Rental Application, 1351 Reese Street
MOVED TO VII.A, NEW BUSINESS

VI. Old Business (23:05)

- a. Discussion re: Performance Bond for Vidion Cable Franchise Agreement

Trustee Swonger recused himself from proceedings, and addressed the Board from the general audience.

Mr. Wells provided an overview, noting that the Franchise Agreement was approved via Ordinance in 2010, but that the provision requiring bonding has not yet been met by Vidion.

Trustee Swonger stated that he will post a cash bond, and requested a September 30, 2011 deadline. He stated that he has made cash outlays for repairs and upgrades, and that the extended deadline will enable him to recoup this cash outlay during the busier summer season. He further stated that the franchise fee payments to the Town are current.

Trustee Lindaman observed that the Franchise agreement was made one year ago, and stated that Vidion should have provided notice to the Board last year.

Trustee Tookey asked whether Trustee Swonger has any concerns regarding operating without a bond. Trustee Swonger replied that his primary concern is payment of the franchise fee, which is current. Trustee Lindaman observed that bonding has purposes in addition to the securing of franchise fee payments, including abandoned infrastructure.

Trustee Safranski asked whether bonding by September 30, 2011 is a certainty. Trustee Swonger replied that this deadline will very likely be met, owing to the improved cash flow during the summer season.

Trustee Zanoni suggested that the bonding be secured via installment payments, beginning now. Trustee Swonger reiterated that current cash flow is inadequate to meet a cash-bond requirement.

Trustee Safranski motioned to extend the cash bond payment deadline for Vidion Cable to September 30, 2011, with the condition that Vidion's franchise fee payments to the Town are current, and that if this condition is not met, the entire cash bond will become immediately due; Trustee Tookey seconded, and the motion passed 6-0 via roll-call vote, with Trustee Swonger abstaining.

VII. New Business

a. (34:31) Discussion re: Charles Smith Weekly Rental Application

Mr. Michaelson provided an overview of the application, and reiterated that the notice requirements were not met in time for a Public Hearing, owing to an extended absence. This item will be presented as a Public Hearing during the February 28, 2011 Board Meeting. He observed that the requirement for two off-street parking spaces is not met, as this property is on a single lot. He suggested that this deficiency is mitigated by the fact that the property owners will not be present in Town when the property is rented, and that there would therefore be little or no impact on available parking. He asked whether the Board would entertain allowing on-street parking. He referred to past precedent allowing a variance to this requirement.

Trustee Lindaman observed that such variance requests have in the past gone first to the Board of Variance, and then to the Town Board. Mr. Michaelson replied that it is the Town Board that ultimately waives this standard.

Mayor Kerwin asked whether the proposed twenty weeks of rental would occur during the summer, thereby minimizing the impact of additional street parking. Mr. Smith stated that his target rental-market is a couple or a small family, and that his house-rules will limit occupancy to four persons, thereby limiting the need for parking to one or two spaces. Mayor Kerwin asked whether Mr. Smith would consider limiting the rental period to May 15th through October 15th. Mr. Smith was agreeable to this but requested time to consider it, and requested that Thanksgiving weekend be included in this available rental period. He stated that snow-route ordinance will be posted in the home.

Trustee Tookey stated that the revision to the weekly rental standards, revised by the Planning Commission via Ordinance 2006-04 in 2006, includes an allowance for on-street parking, found in item "G" in the existing standards.

Trustee Zanoni reiterated the need for the property owners to notify tenants of snow-route parking restrictions. Mr. Wells suggested adding this requirement to existing standards.

b. (48:43) Execution of Town-County IGA for Emergency Services Management

Mr. Wells provided an overview of the IGA, the purpose being to include both the Town and County under a single Emergency Management plan.

Mayor Kerwin questioned whether the IGA can or should extend from one year to the next, or in perpetuity, without any Board action, as stated in item 3c. Trustee asked whether the agreement can be included in the 2012 Town/County Shared Services IGA.

Trustee Zanoni observed that the EMS is funded by the County, and inquired as to whether this IGA obligates the Town to provide funding. Trustee Swonger observed that there is no explicit mention of cost-sharing. He further inquired about reporting requirements expressed in item 2G. Mr. Wells stated that these tasks are assumed by the EMS on behalf of the Town. Mayor Kerwin noted that item 3D allows for the Town to exit from this agreement. Mr. Wells observed that the final management plan will come before the Board for final approval.

Trustee Tookey motioned to approve the Town-County IGA for Emergency Services Management; Trustee Schertz seconded, and the motion passed unanimously via roll-call vote.

- c. (55:05) Discussion re: Blair Street Historic District, Street Signs and Directional Signs

Ms. Bryant displayed sign-samples to the Board, which will be hung on existing poles by May 1st, 2011. Trustee Tookey suggested that a train be included in the design of the signs placed on 10th street, so as to indicate the direction of the Depot.

Trustee Zanoni asked who maintains the Blair Street park. Ms. Raab stated that this is done by the Silverton Chamber, with assistance from John Cook.

- d. (1:09:45) Contract Renewal – John Schertz, Furnace Tending

Mr. Wells informed the Board of needed revisions to the furnace tending contract to include payment to the contractor for ash disposal. This will include ash removal for Town Hall, the Hospital Building, and the County Building.

Trustee Zanoni observed that the commercial tenants in the Hospital Building are effectively receiving free refuse service.

Trustee Swonger asked whether coal ash constitutes hazardous material, and whether this represents additional liability to the Town.

Mr. Wells further detailed changes to late payment penalties, as well as a waiver of liability to the contractor in the event of a furnace failure.

Trustee Tookey motioned to approve the Furnace Tending contract with John Schertz; Trustee Swonger seconded, and the motion passed 6-0 via roll-call vote, with Trustee Schertz abstaining.

- e. (1:21:28) Consideration of SWCCOG Resolution Concerning the San Juan Generating Station (N.M.)

Mr. Wells stated that the next COG meeting will be March 4th, and that this item will be presented again on the February 28 Town Board agenda.

VIII. Administrator Report**

- a. Refuse Services (1:25:30)

Mr. Wells stated that the Town must wait to see the outcome of Mr. Fullmer's bankruptcy proceedings before determining a course regarding refuse services. He stated that a temporary arrangement with Bruin is working well at the moment, but may change when the volume increases during the summer months. He solicited direction from the Board as to the Town's role in refuse services. Trustee Zanoni emphasized the need to determine ownership of the cardboard compactor.

- b. Snowscape Festival (1:35:17)

Trustee Safranski suggested categorizing this event as a "classic" annual event, and reserving February dates indefinitely.

- c. Town Hall Boiler Status (1:37:47)

Mr. Wells informed the Board that a Travelers' claims adjuster made a site visit to Town Hall earlier in the day, and that his report is now forthcoming.

- d. Website Development Status (1:39:36)

Mr. Wells provided an overview of a conference call with Colorado Interactive, SIPA's contractor. Mr. Michaelson is overseeing this project. He noted that the Molas Lake site will be separately developed by a contractor, and linked to the final Town site.

- e. Meetings (1:41:23)
i. SWCCOG
ii. Colorado City and County managers Association

Mr. Wells informed the Board that he has submitted his name for election to the CCCMA Board.

- iii. City of Ouray Ouray County Telecom Presentations (1:43:14)
f. Other

Mr. Michaelson noted that there are currently five sign-code work-group volunteers.

IX. Adjourn 9:19 pm.

*The following items on the Board of Trustees Agenda are considered routine by the Town Administrator and shall be approved or adopted by motion and majority vote of the Board of Trustees unless the Mayor or a Trustee specifically requests during "Approval of Agenda" that such item be considered under the regular business of the Board. In such event, the item shall be removed from the "Consent Agenda" and Board action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading "Consent Agenda" will appear in the Board minutes in their proper order.

**There are no written materials to accompany this agenda item

Brian Carlson, Clerk/Treasurer

Terrence M. Kerwin, Mayor