

## MINUTES

Silverton Board of Trustees, Silverton Town Hall – March 28, 2011

Call to Order and Roll Call – 7:30 PM

### Call to Order – 7:30 PM:

Mayor: Terrence Kerwin  
Trustees present: Pat Swonger, Jim Lindaman, David Zaroni, Karla Safranski, John Schertz  
Trustees absent: Chris Tookey  
Staff: Jason Wells, Dave Michaelson, Brian Carlson, Gilbert Archuleta  
Others: see “sign-in sheet”; thirty-three in attendance

- I. Public Comment Regarding Consent Agenda or non-Agenda items (0:20)  
None
  
- II. Appointments
  - a. (0:25) Gaige Sippy, Iron Horse Bicycle Classic  
Mr. Sippy provided an overview of the 2011 event, noting that this is the 40<sup>th</sup> anniversary of the race. The event will be held on May 28<sup>th</sup>. Mercy Health Foundation is the primary beneficiary of this event.
  
- III. Trustee Reports \*\*  
(10:17) Trustee Lindaman provided a summary of Finance Committee proceedings, noting approval of payroll and accounts payable, with the exception of two checks; one grant-related payment, which is being held pending clarification of questions relating to the scope of work, and a second which was issued for an incorrect amount, and will be re-issued during the week.  
  
(10:40) Trustee Safranski reviewed developments with MSI’s proposed field-station at the North Star site, noting that CDOT has resolved problems with dynamite storage and public gate-access.  
  
(11:42) Trustee Swonger reviewed a recent meeting with Montrose County and Delta County Commissioners, noting that both entities will join the regional efforts to obtain fiber-optic infrastructure.
  
- IV. Consent Agenda\* (12:38)
  - a. Approval of March 14, 2011 Minutes
  - b. Approval of Accounts Payable
  - c. Approval of Payroll

**Trustee Zaroni motioned to approve the consent agenda; Trustee Schertz seconded, and the motion passed unanimously via roll-call vote.**
  
- V. New Business  
Mr. Wells requested that item “D” be moved to the end of the New Business agenda.
  - a. (13:15) Consideration of Letter to the *Denver Post* Responding to Article of March 23, 2011 re Silverton’s Business Climate  
Trustee Swonger expressed concern that the reply would be buried or not printed. He stated that a response is needed, considering the effort put forth to resolve the issues.  
  
Trustee Zaroni stated that a reply is long overdue. He suggested publishing not only in the Denver Post, but also locally and in the Durango Herald.  
  
Trustee Lindaman suggested submitting the shorter version to the print edition, and the longer version to the online edition.

Trustee Safranski stated that the community is being mis-represented despite the best efforts of staff. She suggested that the shorter version is more likely to be published.

**Trustee Lindaman motioned to submit the short version of the letter to the Durango Herald, Denver Post, and Silverton Standard, and the long version to the Denver Post Online edition; Trustee Zanoni seconded.**

**DISCUSSION:** Trustee Safranski suggested sending the same letter rather than two versions. **The motion was amended to submit the short-version to the four outlets mentioned. The motion passed unanimously via roll-call vote.**

- b. (25:55) First Reading of Ordinance 2011-01- Allowing OHV Use on Certain Streets and Rights of Way

Mr. Wells suggested holding a hearing for this item, as it was noticed as a Public Hearing. He provided background regarding the staging area suggested by the new owners of the Silverton Lakes Campground. He noted that the OHV use will expire after one year. He stated that similar allowances on County roads are required at the County level to enable access to the proposed staging area.

Mayor Kerwin opened the public hearing. Ms. Welty expressed approval of the Ordinance on behalf of the Chamber of Commerce. Ms. Moe expressed support of the Ordinance. Mr. Rhoades asked whether the truck by-pass would be opened to OHV traffic. Mayor Kerwin stated that this is the next step, but is not part of the Ordinance being considered.

Mr. Renowden observed that local residents living in Town must transport their OHVs to a staging area for the purpose of local travel, and requested that the Board consider this shortcoming. Mayor Kerwin replied that the State legislature is currently considering a bill to license OHVs state-wide. The public hearing was closed.

Trustee Swonger noted that the bill is currently before the state Senate.

Trustee Safranski expressed the need for signage and education re backcountry etiquette.

**Trustee Zanoni motioned to approve the first reading of Ordinance 2011-01; Trustee Schertz seconded.**

**Discussion:** Mr. Wells suggested scheduling a report from the Sheriff's Department during the next Board meeting to address enforcement questions. **The motion passed unanimously via roll-call vote.**

- c. (42:20) Discussion re American Tower Cell-Tower Lease Expiration and Future Lease/Easement of Property

Mr. Wells provided background regarding the current lease arrangement for leasing of land for the existing tower. The current lease expires at the end of 2011. American Tower and other parties are separately interested in a perpetual easement in exchange for a lump-sum payment. Revenue sharing is also a possible component of any lease or easement arrangement.

- d. (1:08:10) Proclamation Recognizing the Wrublik Family's Contribution to Community Youth Ski Program

**Trustee Swonger motioned to approve the proclamation; Trustee Schertz seconded, and the motion passed unanimously via show-of-hands vote.**

- e. (50:09) Discussion re Private Property Encroachment on Public Streets and Rights of Way\*\*

Mr. Michaelson mentioned that there are multiple instances of private encroachments into public rights of way. He will research the various instances and will return his findings to the Board for further discussion.

- f. (54:53) Consideration of Silverton School District Grant Support Request for Barn Stabilization Effort.

Mr. Wells reviewed the common practice of different Town entities writing letters in support of their respective grant requests. He raised the question of whether this is effective or prudent when the different Town entities are competing for the same limited pool of grant funds. He observed that the Town's Visitors Center restoration grant application is among five applications from the Town of Silverton during this cycle of State Historic Fund awards.

Mr. Michaelson provided some details on the Barn Stabilization effort.

Trustee Lindaman stated that the Visitors Center repairs are a higher priority than the Barn Stabilization.

Trustee Zanoni recommended that the Town not write a letter of support, and that staff meet with Ms. White and/or the School Board to discuss the dilemma of many applicants pursuing finite resources.

Trustee Swonger suggested that a letter of support will not be a decisive factor in SHF awards, and that awards are considered based on the merits of the projects. He is in favor of writing a letter of support.

Trustee Safranski spoke in favor of providing a letter of support.

Mr. Archuleta stated that previous grants have been refused based on such letters of support, and that a letter in this instance will affect the award of the Visitors Center grant.

**Trustee Swonger motioned to write a letter of support, with the condition that it verifiably does not affect the Town's pending application for Visitors Center repair, and that staff meet with the School Board to discuss the issue; Trustee Safranski seconded, and the motion passed unanimously via show-of-hands vote.**

VI. Unfinished Business\*\*

- a. (1:14:14) Kendall Mountain Interpretive Trail Proposal

**Trustee Swonger motioned to approve the Trail Proposal and signs as presented; Trustee Safranski seconded, and the motion passed unanimously via show-of-hands vote.**

- b. (1:22:07) Mutual Confidentiality Agreements with VRCompliance

**Trustee Swonger motioned to approve the Mutual Confidentiality Agreement with VRCompliance; Trustee Safranski seconded, and the motion passed unanimously via roll-call vote.**

VII. Administrator Report\*\*

- a. Meetings

- i. (1:23:50) Sign Code Working Group

Mr. Michaelson stated that the group of thirteen volunteers has provided clear direction as to sign code revisions after two meetings.

- ii. (1:26:00) Governor's Office of Economic Development Worksession

Mr. Wells summarized the meeting, which was comprised of local representatives William MacDougall, Anthony Edwards, Pete McKay, and Ken Charles. He encouraged everyone to complete the survey distributed by the Governor's office.

- iii. (1:27:28) COG Telecommunications Subcommittee

Mr. Wells is Chair of this Region 9 Subcommittee.

- iv. (1:29:36) Water Rights Engineers re Animas River Filing

This pending filing dates back to 2004. Mr. Michaelson has completed a build-out analysis for San Juan County, which will be the basis for this filing.

- v. (1:31:32) DoLA Reception for New Executive Director

The Executive Director, Mr. Reeves, stated during the reception that the Energy Impact funds are being diverted to the State's General Fund, but that the outlook for a resumption of grant awards is more optimistic in 2013.

- b. Grants

- i. (1:32:32) SHF – Visitors Center Improvements
  - ii. (1:33:03) SHF/Nation Park Service – Survey Work
  - iii. (1:33:46) Trout Unlimited – Potential River Corridor Restoration Grant

Trout Unlimited has approached staff regarding the Division of Wildlife's 'Fishing is Fun' program. This would entail habitat restoration from Lackawana Bridge to Cement Creek, and would be a no-match grant.

Mr. Archuleta expressed concerns about the potential for such a project to alter the Town's water discharge requirements and standards.

- c. Websites

- i. (1:35:42) Molas Campground
  - ii. (1:37:19) Municipal Site

d. Other

i. (1:38:34) Town Hall Boiler Claim

The insurance underwriter is unable to find replacement parts for the existing boiler. They suggested that the Town look into using the boiler from the Pride of the West. A third-party furnace technician suggested that this is a hazardous course of action, as the replacement furnace is as old as the existing Town Hall furnace. This third-party will produce a formal opinion to be forwarded to the furnace underwriter.

ii. (1:40:06) Anvil Mountain Affordable Housing Project

Mr. Michaelson stated that the County has a preliminary plan approval in place. There are a few remaining issues which are being resolved between Mark Mackie and Joann Fagan, and DoLA funds will be released upon resolution of these issues.

iii. (1:41:56) Refuse Services

Mr. Wells reviewed a meeting between staff and Bruin Waste during the previous week. There are remaining arrangements needed to obtain needed transfer station equipment, in particular, compactors. Town Staff is exploring the possibility of purchasing equipment from Silverton Trash, which would reduce the equipment rental fee in a subsequent contract with Bruin Waste.

VIII. Department Reports

a. (1:50:16) Public Works

Mr. Archuleta detailed offers by Mr. Alsup and Mr. Wrublik to donate funds towards school lift tickets, and requested that the Board consider an agreement to reduce the price to \$41.50 to reflect the offsetting donations. He further explained the possibility of individual sponsorships of lift tickets, and that funds received in excess of budgeted funds will carry forward to the next year. This proposal will be presented in writing during the next Board meeting.

b. San Juan County Sheriff

IX. Adjourn – 9:30pm

\*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

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Brian Carlson, Clerk/Treasurer

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Terrence M. Kerwin, Mayor