

MINUTES

Silverton Board of Trustees, Silverton Town Hall – May 9, 2011

Call to Order – 7:30 PM:

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

I. Public Comment Regarding Consent Agenda and non-Agenda Items

Trustee Safranski asked whether errors in recorded minutes, such as a motion incorrectly attributed to a Trustee should be corrected. Mayor Kerwin stated that he did not find such inaccuracies to be worth worrying about, but that other Trustees may feel differently.

Trustee Lindaman asked whether the Planner would be providing monthly reports. Mr. Wells stated that this would be provided, and that the Building Inspector and Code Enforcer would be providing quarterly reports.

II. Appointments (1:29)

a. Willy Tookey, County Administrator

i. Status of Governor’s “Bottom-Up Economic Development Plan”

Mr. Tookey provided an overview of the Governor’s plan, and stated that Region 9 has submitted its five highest priorities to the State. These will be posted on May 16th for a ten-day comment period, and will then be forwarded to the Governor.

ii. Impact of Diminished Assessed Values on FY 2012

Mr. Tookey reviewed the property assessment and estimated a \$65,000 decrease in property taxes to the Town in 2012. He further estimated a \$220,000 decrease in property taxes to the County in 2012. Trustee Safranski emphasized the need to begin early on the 2012 budget process.

III. Trustee Reports (23:40)

Trustee Lindaman reviewed Finance Committee proceedings, noting approval of accounts payable and payroll. He further recommended that there be no re-allocation of the Booking-Agent budget, and that any unspent funds be retained and directed toward needed computer-network cabling work at Town Hall.

Trustee Swonger announced that the Administrative Law Judge has ruled against Silverton in the PUC dispute against Qwest. He will provide a written summary for the May 23rd Board Meeting.

Trustee tookey briefly mentioned the EMS group meeting.

IV. Consent Agenda* (27:12)

a. Approval of April 25, 2011 Minutes

b. Approval of Accounts Payable

c. Approval of Payroll

d. Revision of “Taste of Silverton” Street Closure from 3pm-9pm to 3pm-10pm

e. Liquor License Renewal – The Bent Elbow

Mr. Carlson noted needed revisions to the April 24, 2011 minutes, specifically the date of the Taste of Silverton road closure, and that Mr. Raab was not issued a citation but instead was issued a warning, and clarification of the number of licensed dogs.

Trustee Swonger motioned to approve the consent agenda, with the revisions to the April 24th minutes; Trustee Safranski seconded, and the motion passed unanimously via roll-call vote.

V. Public Hearing (29:20)

a. Special Events Liquor License – Silverton Public Radio/Silverton Jamboree

b. Special Events Liquor License – Silverton Public Radio/Mountain Man Softball Tournament

- c. Special Events Liquor License – Silverton Public Radio/Iron Horse Bicycle Classic

The Softball Tournament is pulled from this public hearing, and will be presented during the May 23rd meeting.

Trustee Schertz motioned to approve the Silverton Jamboree Special Events Liquor License; Trustee Tookey seconded, and the motion passed unanimously via roll-call vote.

Trustee Schertz motioned to approve the Silverton Public Radio/Iron Horse Special Events Liquor License; Trustee Tookey seconded, and the motion passed unanimously via roll-call vote.

VI. Public Hearing (34:30)

- a. Use by Special Review: Educational Institution in the R-1 Zone; 740 Reese Street, Applicant: Eileen Fjerstadt

Mr. Michaelson provide background on the application, which was submitted by Eileen Fjerstadt for the purpose of housing an “educational institution”, per Town code, at the specified address. He noted that the building inspector has concerns regarding ADA accessibility and fire suppression. Mr. Michaelson and Mr. Wells have contacted the planning departments of both Aspen and San Miguel counties. Mr. Michaelson suggested three conditions of approval; a fire inspection, the use of vans or other car-pooling to reduce the parking impact, and a common-sense approach to notifying neighbors of events that run past 10pm.

Trustee Zanoni asked whether the vacant lots would be accessible for parking during the winter months. Ms. Fjerstadt replied that she has talked with the property owners and that they are agreeable to some kind of arrangement.

Trustee Swonger asked whether this is a temporary arrangement for MSI. Ms. Bidwell replied that while MSI is looking for a permanent facility, this is a long-term plan, and it fits their average group-size perfectly.

Mr. Wells stated that approval would be conditional upon fire inspection recommendations. He also asked about MSI’s presence in Silverton during the summer. Ms. Bidwell replied that there will be five university groups over five weeks, and that they will reside both at the Silverton Hostel and at Ms. Fjerstadt’s home. There will also be long-term researchers arriving in July. She estimated 500 user nights over five months.

Trustee Swonger motioned to approve the Use Subject to Review application, conditional upon fire department and staff conditions; Trustee Safranski seconded, and the motion passed unanimously via roll-call vote.

VII. New Business (44:13)

- a. Consideration of Lease Agreement with Silverton Lakes Campground to Temporarily Convey Portions of the Town’s Streets and Right-of-Ways to the Same

Mr. Wells provided an overview of the lease agreement, noting that ROWs cut across the property in such a way that is inconsistent with the use of the property. He noted that the agreement is a simplified version of the draft-lease with MSI, but shortened to three years. He further noted that the owner’s counsel has requested that the arbitration clause be stricken, as there is already a mediation clause.

Trustee Schertz asked whether there must be a monetary exchange. Mr. Wells affirmed this, and suggested its inclusion.

Trustee Safranski asked whether the lease would be nullified if the nature of the business changes or is discontinued. Trustee Swonger stated that this agreement is consistent with past agreements on that land, and that the operation of an OHV staging area is a kind of community service. He stated his reluctance to “tie the hands” of the property owner with such a nullification clause.

Mr. Wells emphasized the need to enact a long-term solution, such as a re-plat, that is favorable to both parties, so as to eliminate the need for such negotiations in the future.

Trustee Schertz motioned to approve the lease agreement, noting the inclusion of the consideration clause of \$1 for the term of the lease, the removal of the arbitration clause, and the date-revision on the last page; Trustee Zanoni seconded, and the motion passed unanimously via roll-call vote.

- b. Consideration of Refuse Services Agreement with Bruin Waste Management (58:25)

Mr. Wells provided a summary of the agreement, noting a five-year contract term.

Trustee Schertz motioned to approve the Services Agreement with Bruin Waste Management; Trustee Zanoni seconded, and the motion passed unanimously via roll-call vote.

Trustee Swonger thanked Trustees Schertz and Zanoni for their work during committee meetings.

Trustee Zanoni asked whether staff has heard from Valley Proteins regarding disposal of used cooking oil. Mr. Carlson replied that he is waiting to hear from them regarding the scheduling of a visit to town.

c. Adjustment of Town Refuse Rates

Trustee Swonger explained the need to revert to 2009 refuse rates in order to accommodate the new contract. He further explained that only construction waste will incur an additional charge to customers.

Mr. Carlson stated that there will be a Resolution to revise refuse rates presented at the May 23, 2011 meeting. Mr. Michaelson stated that Russell Engineering will undertake a review of the Town's EQR billing calculations. This will be part of a revision of the development standards, which is paid for by unspent DOLA grant funds.

d. Presentation of Results fro CIRSA Annual Loss Control Audit (1:08:20)

Mr. Wells noted that the Town's score has improved since last year. He noted that CIRSA suggested a pedestrian walkway in front of the Pride of the West as a public safety measure. He will discuss this with the property owners.

VIII. Unfinished Business (1:10:22)

a. Blair Street Banners

Trustee Tookey motioned to approve the Blair Street Association Banners; Trustee Swonger seconded, and the motion passed unanimously via show-of-hands vote.

b. Sign Code Committee Update

Mr. Michaelson stated that the committee recommendations will be presented to the Planning Commission on May 24th for adoption and/or recommendations, and will be back before the Board in June or July.

IX. Administrator's Report

a. Meetings

Mr. Wells noted that the Region 9 COG project RFP will close on May 20th.

b. Grants

c. Websites

i. Demo of Molas Lake Campground Website

d. Road Closures

i. Taste of Silverton Modification

Mr. Wells noted an extension of the road closure request to 10pm from 9pm.

ii. Junglemobile / Bike Safety Rodeo

Mr. Wells noted that this closure was approved by Sheriff Kurtz, and will take place on May 20th on 11th Street between Reese and Snowden.

e. Services Vehicle Availability (1:22:00)

Mr. Wells noted that the Code Enforcer lacks a vehicle to make field/site visits, and asked whether there are any options or vehicles available from the County.

OTHER: Mr. Wells stated that Mr. Cook has requested placement of stop signs along Blair Street. Mayor Kerwin noted that both CDOT and CIRSA are opposed to moveable signs.

OTHER: Mr. Wells suggested entering into a services agreement with San Juan Development Association.

OTHER: Mr. Wells stated that MSI is interested in continuing the Americorp/Vista Volunteer program. This is a no-match grant requiring public-entity sponsorship.

OTHER: Mr. Wells announced that a private foundation has donated \$1,000 toward the youth ski program.

OTHER: The Finance Committee recommendation regarding Ms. Srebacic's unspent budget was discussed.

Trustee Schertz motioned to retain the excess/unspent funds in the General Fund; Trustee Tookey seconded. DISCUSSION: Mr. Wells observed that this leaves no support for prospective event-holders, and suggested that a portion of these funds be retained for Ms. Srebacic's hourly support. **The motion was tabled, and will be revisited after staff puts their recommendations in writing.**

f. Summer Intern

X. Department Reports

a. Chamber of Commerce

b. Library

XI. Adjourn (9:10pm)

*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