

MINUTES

Silverton Board of Trustees, Silverton Town Hall – October 10, 2011

Call to Order and Roll Call – 7:30pm

Call to Order – 7:33 PM:

Mayor Pro-Tem: Terry Kerwin
Trustees present: Jim Lindaman, David Zanoni, John Schertz, Pat Swonger, Karla Safranski, Chris Tookey
Staff: Jason Wells, Gilbert Archuleta, Brian Carlson, Dave Michaelson
Others: Larry Perins, Rose Raab, Paul Joyce, Gary Davis

I. (0:37) Public Comment Regarding Agenda and non-Agenda Items

Mr. Wells requested that a discussion regarding support for the proposed County mil levy increase, and a discussion regarding the Kendall Mountain Concession RFP be added to item IX, Administrator’s Report.

II. (1:08) Appointments

a. Larry Perino, Sunnyside Gold Corp.

Mr. Perino discussed the offer of \$6.5 million from Sunnyside Gold Corporation. He stated that \$5 million would be set aside for operation of a BLM-constructed water treatment plant, and that \$25,000 would be dedicated to planning in a collaborative effort with regional stakeholders. He emphasized that Sunnyside does not feel that the EPA/Superfund process is collaborative in nature. Trustee Safranski stated that the EPA feels that their process is collaborative.

Trustee Swonger asked what would happen to water treatment operations once the \$5 million is exhausted. Trustee Schertz asked for an estimate regarding how long a water treatment plant could be operated with \$5 million. Mr. Perino was unable to provide a definite answer.

Trustee Tookey asked whether Sunnyside is seeking Board-support. Mr. Perino replied that this was not explicitly discussed, but that it would be helpful.

Mr. Archuleta stated that existing discharge permit standards are the result of information provided by the Animas River Stakeholders Group and by Sunnyside, and that without this previous work the Town would be under more strict discharge guidelines.

III. (13:42) Trustee Reports**

Trustee Lindaman reviewed Finance Committee proceedings, noting approval of accounts payable and payroll. He briefly discussed the late filing of the 2010 audit, noting that it has been filed within the State’s extended grace period. He further noted that, pending revised year-end 2011 estimates, the Town may contract to replace the window frames at the Visitors Center.

Trustee Safranski inquired as to the role of committees in approving spending. Mayor Kerwin stated that if a line-item has been budgeted, then its expenditure will typically not be brought before the board, but will instead be approved by staff or committee. He stated that revisions or diversions should typically be brought before the full Board.

IV. (18:47) Consent Agenda*

- a. Approval of September 26, 2011 Minutes
- b. Approval of Accounts Payable
- c. Approval of Payroll

Trustee Zanoni motioned to approve the consent agenda; Trustee Schertz seconded, and the motion passed unanimously via roll-call vote.

V. (19:10) Public Hearing

- a. Second Reading and Public Hearing on Ordinance 2011-04 Allowing the Use of Off-Highway Vehicles on Certain Town Streets and Right of Ways

Ms. Raab asked whether the Ordinance includes access to the truck-bypass. Mr. Wells stated that this it does, and that exhibit B, missing from the Board packet, details this route.

Trustee Schertz motioned to approve Ordinance 2011-04; Trustee Zanoni seconded. DISCUSSION: Trustee Safranski asked the Board to consider signage recommendations made by the Sheriff's Department. Trustee Zanoni asked whether the Town would pay the cost of signs placed in the county. Mr. Archuleta stated that the Town pays only for signs located within Town limits. **The motion passed unanimously via roll-call vote.**

VI. New Business

- a. (23:40) Presentation of Preliminary 2012 Budget (**materials to be distributed Monday, October 10th**)

Mr. Carlson reviewed the budget data, noting an ending General Fund deficit of \$27,000. Mr. Wells observed that partnering funding and county shared services are yet to be decided, and that both a full Board workshop and a Town/County special meeting are required. Mayor Kerwin suggested postponing the Town/County meeting until after the November election. Trustee Safranski requested that Mr. Wells circulate the draft Fire Department agreement. Mr. Lindaman observed that the election may result in an additional \$12,000 to the Town.

- b. (33:13) First Reading of Ordinance 2011-05 – Adopting the 2010 Model Traffic Code

Mr. Wells will make a copy of the full MTC available for inspection. He recommended omitting language pertaining to abandoned vehicles in preference of handling such cases under "general offenses".

Trustee Zanoni discussed the issue of enforcement of fire-hydrant parking regulations, stating that the Sheriff's Department does not cite vehicles parked in a "red" zone, nor do they cite vehicles that drive over a deployed fire hose. He suggested that the Board write a letter requesting enforcement of these aspects of the MTC, signs and painted curbs notwithstanding. Mr. Wells stated that the Sheriff's Department is of the opinion that they can not enforce without either signage or painted curbs. He observed that this opinion is supported by the Manual on Uniform Traffic Control Devices. He suggested that the Board must decide what signage requirements it wishes to impose, and should include this explicit direction in its adoption of the MTC.

Trustee Tookey motioned to approve the first reading of Ordinance 2011-05; Trustee Zanoni seconded, and the motion passed unanimously via roll-call vote.

VII. (46:13) Unfinished Business

- a. Consideration of Ratification of Letter in Support of County's Position on Sheep-Herding Dogs

Mayor Kerwin suggested that the first paragraph be sent to the County, and the remainder be sent to the BLM, including the information from the Denver Post. He and Trustee Safranski will revise the letter accordingly.

VIII. (51:57) Department Reports

- a. San Juan County Sheriff
- b. Silverton Chamber of Commerce

Trustee Swonger inquired as to the increase of relocation-packet requests. Ms. Raab replied that it is the result of revised placement on the Chamber's website.

EXTRA ITEM: Trustee Safranski discussed the seasonal closing of Triangle Service Station, and encouraged the Town to buy from a local provider. Mr. Archuleta stated that he has researched various fuel options, and that Triangle will continue to provide fuel throughout the winter, despite closing its business to regular retail customers.

IX. Administrator's Report

- a. (57:07) Town Hall Boiler Replacement Status **

b. (59:38) Need to Address Town Policy on Removable Storage Containers**

Mr. Wells stated that there have been recent complaints regarding storage containers. He requested direction from the Board via motion, as the containers are not currently allowed per code. Mayor Kerwin suggested that Mr. Michaelson draft regulation for review at the next Board meeting.

Trustee Tookey motioned to direct staff to suspend enforcement of storage container prohibition for those that are currently in place within the Town, maintaining the prohibition for new placement of storage containers, pending review of the Planning Commission and Town/County Planner, or for a period of six months; Trustee Swonger seconded, and the motion passed 6-0 via show-of-hands vote, with Trustee Schertz abstaining.

(1:16:41) ADDED DISCUSSION:

Trustee Safranski motioned to direct staff to draft a resolution in support of the proposed County mil levy increase for adoption at the next Board meeting; Trustee Zaroni seconded, and the motion passed unanimously via roll-call vote.

(1:19:10) ADDED DISCUSSION:

Mr. Wells discussed the RFP for Concessions at the Kendall Mountain Ski Area, noting that it will include retail sales as Gear Exchange will not be operating upstairs. Trustee Swonger asked whether there will be a separate RFP for equipment sales and rentals. Trustee Zaroni asked whether a contractor could sell alcoholic beverages at Kendall. The Board directed Mr. Wells to offer a second RFP for sales and rentals.

Mr. Archuleta stated that daily lift ticket sales will be sold at Kendall, and that season passes will be sold at Town Hall.

Mr. Wells scheduled a Buildings and Grounds Committee meeting for Thursday, October 20, 5pm, at Town Hall to discuss the renewal of Ms. Srebacic's contract.

c. Meetings**

- i. Past: Fire Department; Volunteers for Outdoor Colorado (trails project); Western Slope Town/City Managers
- ii. Upcoming: Public Code Revision Workshop;

d. Executive Session

- i. Update on History Colorado Survey Grant/Negotiations with Silverton Restoration Consulting

Trustee Tookey motioned to enter executive session for the purpose of discussing ongoing negotiations, such session to include the full Board, Mr. Wells, Mr. Michaelson, and Mr. Carlson. Trustee Zaroni seconded, and the motion passed unanimously via show-of-hands vote.

The Board entered executive session at 9:13pm, and returned to regular session at 9:35pm.

Trustee Tookey motioned to direct staff to continue with negotiations with Silverton Restoration Consulting; Trustee Schertz seconded, and the motion passed unanimously via show-of-hands vote.

X. Adjourn 9:37pm

*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