

**TOWN OF SILT  
REGULAR BOARD OF TRUSTEES MEETING  
MAY 29, 2007**

**COPY**

The Silt Board of Trustees held their regularly scheduled meeting on Tuesday, May 29, 2007 in the municipal council chambers. Mayor Moore called the meeting to order at 7:00 p.m.

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**Roll call**

Present	Mayor Dave Moore Trustee Bobby Hays Trustee Ron Morgan Trustee Meredith Robinson Trustee Tod Tibbetts Trustee Jim Voorheis
Absent	Trustee Doug Williams

Also present were Interim Town Administrator Rick Aluise, Town Clerk Sheila McIntyre, Contract Planner Janet Aluise, Town Attorney Cindy Tester, and members of the public and press.

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**Pledge of Allegiance**

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**Conflicts of Interest**

There were no conflicts of interest.

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**Consent Agenda**

Minutes of the May 9, 2007 Special Board of Trustees meeting  
Minutes of the May 14, 2007 Board of Trustees meeting  
Minutes of the May 16, 2007 Special Board of Trustees meeting  
Minutes of the May 1, 2007 Planning & Zoning Commission meeting  
April 2007 financials

Trustee Robinson asked for two grammatical corrections.

**Trustee Tibbetts made a motion to approve the consent agenda with the corrections as stated. Trustee Morgan seconded the motion, and the motion carried unanimously.**

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**Public Comments**

There were no public comments.

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## **Agenda Changes**

There were no agenda changes.

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### **Camario – Request for extension**

Planner Aluise stated that the developers have requested an extension to June 15, 2007 for recordation, posting of fees and security. The applicant has shown due diligence and staff recommends approval of their request.

**Trustee Morgan made a motion to approve the Camario request for extension for the filing of phase one until June 15, 2007. Trustee Tibbetts seconded the motion, and the motion carried unanimously.**

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Resolution Number 27, Series 2007

Mayor Moore read **Resolution Number 27, Series 2007, A RESOLUTION FORMALLY ADOPTING BY REFERENCE A STUDY TITLED "DEVELOPMENT IMPACT ANALYSIS: EXISTING CONDITIONS & 5-YEAR OUTLOOK" ("STUDIES"), PREPARED FOR AND DELIVERED TO THE TOWN OF SILT ("TOWN") BY RURAL PLANNING INSTITUTE CONSULTING, INC. ("RPI"), IN MARCH 2007**

Administrator Aluise stated that this is an update to the first impact analysis that was done in 2002. He added that a road impact analysis will be prepared by RPI once this report is complete. Present tonight is Andrew Klotz with RPI who proceeded to go through the analysis with a slide show presentation. Mr. Klotz recommended that the Town increase their impact fees and sales tax, and that by increasing impact fees, it will help relieve the pressure on the general fund. Mr. Klotz complimented the Town for their parks, but suggested that the Town increase their park impact fees to use towards facilities. Staff added that the Town does not currently have a "street" impact fee.

**Trustee Tibbetts made a motion to approve Resolution Number 27, Series 2007, A RESOLUTION FORMALLY ADOPTING BY REFERENCE A STUDY TITLED "DEVELOPMENT IMPACT ANALYSIS: EXISTING CONDITIONS & 5-YEAR OUTLOOK" ("STUDIES"), PREPARED FOR AND DELIVERED TO THE TOWN OF SILT ("TOWN") BY RURAL PLANNING INSTITUTE CONSULTING, INC. ("RPI"), IN MARCH 2007. Trustee Robinson seconded the motion, and the motion carried unanimously.**

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### **Re-2 Memorandum of Understanding approval**

Barb Clifton, Attorney for Re-2 stated that in the agreement a procedure has been set up between the Town and the school district for the Town to acquire the Roy Moore property. She added that the agreement states that the property will not be marketed for eighteen months, and that during that period of time, the district will work with the Town on determining how the property can be acquired. If the Town were able to purchase the property, the various fees that are being accumulated by the school district would be credited towards the purchase price. If an agreement is not made, and the Town is unable to purchase the Roy Moore property, the district would then pay their fees due in full to the Town.

Planner Aluise went through the fees listed in the Memorandum of Understanding. Trustee Morgan stated that he is concerned about the appraisal being done at the time of property sale, due to fees possibly changing before then, adding that he feels that we should get a value on the property sooner. Staff added that it was their feeling that the fees would not change considerably between now and eighteen months from now.

Trustee Robinson stated that she feels that in the MOU where it addresses the installation of 3<sup>rd</sup> Street, that the middle school should be included should one be constructed in the future. Ms. Robinson also suggested that the eighteen-month timeline begin in December 2007, the date that the Roy Moore property will actually be vacated. Trustee Tibbetts agreed that a timeline for appraisal should be set so that the Town can make this financial decision and know how much money the district will be asking for. Ms. Clifton stated that the School Board will be meeting on June 12, 2007, and that this MOU will be taken to them, and that if the Trustees are comfortable with the December 1, 2007 date for an appraisal, she will ask the school board for their consideration.

**Trustee Tibbetts made a motion to approve the Garfield School District Re-2 / Town Memorandum of Understanding regarding waiver of fees and offer to purchase Roy Moore elementary School parcel with the addition of an appraisal of the property by December 1, 2007 added to Section 8, with the understanding that the School Board would need to approve that change as well, and in item 12 to add wording that would include the possibility of both residential development and an additional middle school. Trustee Morgan seconded the motion, and the motion carried unanimously.**

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Ordinance Number 8, Series 2007 – Second reading

Mayor Moore read **Ordinance Number 8, Series 2007, AN ORDINANCE ANNEXING TO THE TOWN OF SILT, COLORADO CERTAIN PROPERTY KNOWN AS THE ESTATE OF ROGER MCFARLAND DIXON ANNEXATION, ALSO KNOWN AS THE DIXON ANNEXATION, LOCATED AT THE SOUTHEASTERN CORNER OF RIVER FRONTAGE ROAD AND COUNTY ROAD 311 (TOWN STREET), TOWN OF SILT, COLORADO**

Planner Aluise asked for a continuance of this ordinance because it was discovered that this would require a serial annexation. Two ordinances and plats will need to be provided. This continuance is requested so that the second ordinance can be put on the agenda, and that both can then be approved at the same time. Administrator Aluise explained that one-sixth contiguity is required to annex a piece of property, and that this property cannot meet that requirement without becoming a serial annexation.

**Trustee Tibbetts made a motion to continue the public hearing for Ordinance Number 8, Series 2007, AN ORDINANCE ANNEXING TO THE TOWN OF SILT, COLORADO CERTAIN PROPERTY KNOWN AS THE ESTATE OF ROGER MCFARLAND DIXON ANNEXATION, ALSO KNOWN AS THE DIXON ANNEXATION, LOCATED AT THE SOUTHEASTERN CORNER OF RIVER FRONTAGE ROAD AND COUNTY ROAD 311 (TOWN STREET), TOWN OF SILT, COLORADO until the June 25, 2007 meeting. Trustee Robinson seconded the motion, and the motion carried unanimously.**

Ordinance Number 17, Series 2007 – Second reading

Mayor Moore read **Ordinance Number 17, Series 2007**, AN ORDINANCE OF THE TOWN OF SILT, ZONING AS A PUBLIC UTILITY ZONE THAT PROPERTY KNOWN AS THE SILT ELEMENTARY SCHOOL ANNEXATION, ALSO KNOWN AS THE LARSON PROPERTY, WITHIN THE TOWN OF SILT, GARFIELD COUNTY

Planner Aluise stated that this is the best zoning for this type of use, and that staff recommends approval of this ordinance.

Mayor Moore opened the public hearing at 8:37 p.m.

There were no public comments.

Mayor Moore closed the public hearing at 8:37 p.m.

**Trustee Morgan made a motion to approve Ordinance Number 17, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, ZONING AS A PUBLIC UTILITY ZONE THAT PROPERTY KNOWN AS THE SILT ELEMENTARY SCHOOL ANNEXATION, ALSO KNOWN AS THE LARSON PROPERTY, WITHIN THE TOWN OF SILT, GARFIELD COUNTY. Trustee Hays seconded the motion, and the motion carried unanimously.**

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Ordinance Number 18, Series 2007 – Second reading

Mayor Moore read **Ordinance Number 18, Series 2007**, AN ORDINANCE OF THE TOWN OF SILT, ZONING AS B-2 HIGHWAY BUSINESS DISTRICT THAT PROPERTY KNOWN AS THE DIXON ANNEXATION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY

Planner Aluise asked that this be continued to the June 25, 2007 meeting.

**Trustee Tibbetts made a motion to continue the public hearing for Ordinance Number 18, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, ZONING AS B-2 HIGHWAY BUSINESS DISTRICT THAT PROPERTY KNOWN AS THE DIXON ANNEXATION, WITHIN THE TOWN OF SILT, GARFIELD COUNTY until the June 25, 2007 meeting. Trustee Robinson seconded the motion, and the motion carried unanimously.**

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Ordinance Number 10, Series 2007 – Continued first reading

Mayor Moore read **Ordinance Number 10, Series 2007**, AN ORDINANCE OF THE TOWN OF SILT, COLORADO ADDING A NEW SECTION 12.28 SILT MUNICIPAL CODE REGARDING PAYMENT TO THE TOWN OF SILT FOR UTILITY AND ACCESS EASEMENTS WITHIN TOWN RIGHTS-OF-WAY, TOWN PROPERTY AND TOWN PARKS

Planner Aluise stated that the requested corrections have been made to the ordinance. Attorney Tester suggested changing the title so that it states "easement license fees". Mayor Moore stated that he still feels that the fees are too low. Ms. Tester stated that the fees could be increased if there is a rationale for it.

Mayor Moore opened the public hearing at 8:46 p.m.

There were no public comments.

Mayor Moore closed the public hearing at 8:46 p.m.

Trustee Robinson asked for clarification on the lineal and square footage and how it will be implemented. Planner Aluise explained that it would be at staff's discretion as to how the fees would be determined, and that language could be added to clarify that. Ms. Robinson also asked about adding an annual escalator to the fees. Trustee Morgan suggested raising the fees on items a through g.

**Trustee Tibbetts made a motion to approve Ordinance Number 10, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, COLORADO ADDING A NEW SECTION 12.28 SILT MUNICIPAL CODE REGARDING PAYMENT TO THE TOWN OF SILT FOR UTILITY AND ACCESS EASEMENTS WITHIN TOWN RIGHTS-OF-WAY, TOWN PROPERTY AND TOWN PARKS with the following changes: 1) changing the title by adding the words "of license fees" after "regarding payment", 2) in section 12.28.040, items a through d, change the flat fee from \$500 to \$750, 3) in items e through g, change the flat fee from \$150 to \$300, 4) adding additional verbage to have an annual escalation fee of 6% per year, and 5) adding verbage that states that it will be at the Town's sole discretion to determine whether to assess by lineal footage or square footage. Trustee Morgan seconded the motion, and the motion carried with Mayor Moore voting nay.**

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Ordinance Number 15, Series 2007 – Continued first reading

Mayor Moore read **Ordinance Number 15, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, COLORADO REPEALING AND REPLACING THE CODE OF ETHICS AT SECTION 2.04.110 OF THE SILT MUNICIPAL CODE**

Administrator Aluise went through the changes as requested by the Board. There was brief discussion to add the word "direct" to Financial Interest in the definition section, and change a word in Section A(11).

Mayor Moore opened the public hearing at 9:07 p.m.

There were no public comments.

Mayor Moore closed the public hearing at 9:07 p.m.

**Trustee Tibbetts made a motion to approve Ordinance Number 15, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, COLORADO REPEALING AND REPLACING THE CODE OF ETHICS AT SECTION 2.04.110 OF THE SILT MUNICIPAL CODE with the following changes: in Section A(6) change to "Direct" financial interest, in Section A(11), last sentence, change the "to" to "with", and in Section E add "direct" in front of financial interest in both the title and in the body of section(1). Trustee Robinson seconded the motion, and the motion carried unanimously.**

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Ordinance Number 19, Series 2007 – First reading

Mayor Moore read **Ordinance Number 19, Series 2007**, AN ORDINANCE ANNEXING TO THE TOWN OF SILT, COLORADO CERTAIN PROPERTY KNOWN AS THE RALEY RANCH PROJECT ANNEXATION, ALSO KNOWN AS THE PAINTED PASTURES ANNEXATION, LOCATED NORTH OF STATE HIGHWAY 6 AND EAST OF LYON RESIDENTIAL PLANNED UNIT DEVELOPMENT, WITHIN THE TOWN OF SILT, GARFIELD COUNTY (and associated ADA)

Present tonight are Planner Mark Hogan, Toby Guccini, the owners representative and Tim Thulson, Attorney with Balcomb and Green. Planner Aluise went through the Annexation and Development Agreement. Ms. Aluise stated that the parkland dedication is a little different with this applicant. They are asking to dedicate a portion of the required parkland with additional property that they have purchased in Peach Valley. Should they not be able to provide the additional parkland, the Town would then keep the fee in lieu, calculated at \$49,648.16 per acre. Staff does support this offer, as the Peach Valley property could eventually contain a sports complex once it is annexed into the Town.

The applicants stated that they hope to begin construction this fall on the actual project, and the roundabout construction will be determined by CDoT and their engineers, and will probably take place in the spring of 2008. Staff recommends approval of both the annexation and the ADA.

Mayor Moore opened the public hearing at 9:28 p.m.

There were no public comments.

Mayor Moore closed the public hearing at 9:28 p.m.

The applicant stated that staff has been very helpful and also gave the Board an update on future land use applications that will ultimately annex the Rew property, east of Davis Point.

**Trustee Tibbetts made a motion to approve Ordinance Number 19, Series 2007, AN ORDINANCE ANNEXING TO THE TOWN OF SILT, COLORADO CERTAIN PROPERTY KNOWN AS THE RALEY RANCH PROJECT ANNEXATION, ALSO KNOWN AS THE PAINTED PASTURES ANNEXATION, LOCATED NORTH OF STATE HIGHWAY 6 AND EAST OF LYON RESIDENTIAL PLANNED UNIT DEVELOPMENT, WITHIN THE TOWN OF SILT, GARFIELD COUNTY and the Annexation and Development Agreement as presented. Trustee Morgan seconded the motion, and the motion carried unanimously.**

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Ordinance Number 20, Series 2007 – First reading

Mayor Moore read **Ordinance Number 20, Series 2007**, AN ORDINANCE OF THE TOWN OF SILT, COLORADO, ZONING AS R-2 GENERAL RESIDENTIAL ZONE DISTRICT, CERTAIN NEWLY ANNEXED LAND COMMONLY KNOWN AS THE RALEY PROJECT ANNEXATION, ALSO KNOWN AS PAINTED PASTURES SUBDIVISION WITHIN THE TOWN OF SILT, GARFIELD COUNTY

Planner Aluise stated that public notice requirements were not met on this item, and that it will come back before the Board on June 25, 2007.

Ordinance Number 12, Series 2007 – First reading

Mayor Moore read **Ordinance Number 12, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, COLORADO ADOPTING CHAPTER 17.77 OF THE SILT MUNICIPAL CODE RELATED TO THE LAND USE REGULATION OF EXTRACTION OF SAND, GRAVEL AND OTHER AGGREGATE PRODUCT WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO**

Planner Aluise stated that this ordinance was written as a request of the Board, as there is currently no code regarding this. Ms. Aluise commented that this ordinance will give the Town more control with stricter guidelines, and will specifically give the Board control over the reclamation of land. Specific reclamation points will be negotiated at the time of annexation, and included in ADA's. Ms. Aluise explained that the Board has total control on the Special Use Permit applications, and can impose specific conditions on a site-by-site basis.

Trustee Hays suggested weed control on the entire site, and added that revegetation should take place on all dirt piles as part of the dust abatement plan. There was brief discussion of enforcement of the reclamation plan by the Town. When asked about a time frame to reclaim, Ms. Aluise stated that this can be addressed during the annexation process. Trustee Robinson asked about the emergency response costs, and if it should have the word "fire" removed from the district language.

Mayor Moore opened the public hearing at 9:57 p.m.

There were no public comments.

Mayor Moore closed the public hearing at 9:57 p.m.

**Trustee Tibbetts made a motion to approve Ordinance Number 12, Series 2007, AN ORDINANCE OF THE TOWN OF SILT, COLORADO ADOPTING CHAPTER 17.77 OF THE SILT MUNICIPAL CODE RELATED TO THE LAND USE REGULATION OF EXTRACTION OF SAND, GRAVEL AND OTHER AGGREGATE PRODUCT WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO, editing section 17.77.070 so that it states "a plan for weed control for the entire site", and in section 17.77.230 editing the verbage so that it states all districts instead of specifying just the fire district. Trustee Morgan seconded the motion, and the motion carried unanimously.**

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### **Town Administrator Reports**

Administrator Aluise stated that the police department has submitted information regarding the purchase of an additional vehicle. The Town has anticipated the replacement of one vehicle this year, and staff would like authorization from the Board to spend up to \$25,000 for another vehicle.

**Trustee Morgan made a motion to authorize Administrator Aluise to purchase a new vehicle for the police department, not to exceed \$25,000. Trustee Tibbetts seconded the motion, and the motion carried unanimously.**

**Trustee Morgan made a motion to extend the Board of Trustees meeting until 11:00 p.m. Trustee Tibbetts seconded the motion, and the motion carried unanimously.**

Administrator Aluise stated that Officer Al Walker will be leaving the police department to accept a position elsewhere. Mr. Aluise gave a brief update on the roundabout.

The Board asked for an update on Fifth Street, and Attorney Tester stated that she is working with the attorney for Silt Building LLC to resolve the issues regarding the building. Ms. Tester will bring this topic back in its entirety at a later date. Planner Aluise added that the building permit was issued today for the building.

The Board asked for an update on the Garfield County lawsuit. Ms. Tester stated that the Town will have to attend mandatory mediation, adding that a court date has not been set as of yet.

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Mayor Moore adjourned for a break at 10:13 p.m. and reconvened at 10:20 p.m.

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### **Personnel Hearing**

Kyra Markiecki and her representative, Attorney Richard Dally are present tonight. Trustee Robinson stated that in regards to ex parte communications, that Kyra had contacted her, but that no discussions took place. Ms. Tester stated that she has worked with Mr. Dally in the past, but has not had a direct working relationship with him. Mayor Moore stated that he as well has had dealings with Mr. Dally.

Mayor Moore proceeded with a statement and went through the guidelines for the hearing and the problem resolution. The employee has the right to present evidence and arguments in her favor on a point by point basis. No other discussion of any kind shall be received or entertained unless directly related to the five issues raised. No other employee or issue can be brought up that is not related to the five issues before the Board tonight. Legal advice will only be allowed for advice on particular matters and neither attorney can directly participate in cross examination in any way.

Mayor Moore read each title of each item to be addressed as stated in the memorandum dated May 14, 2007:

- Failure to obtain credentials;
- Failure to follow directives and understand the job;
- Chronic absenteeism;
- Disruptive behavior in the work place; and
- Violation of the complaint procedures and due process.

The Board may only listen and cannot ask questions of the employee. It is up to Ms. Markiecki to make her arguments point by point. At the end of the informal town process, the Board will take the appeal under advisement and shall consider all relevant evidence, and make a final decision in writing. The Board will engage in this in executive session. After executive session, the Board will make a decision. The Town will provide the decision in writing, and the Town Attorney will give it to the employee as soon as possible.

**Trustee Morgan made a motion to convene as the Personnel Board. Trustee Tibbetts seconded the motion, and the motion carried unanimously.**

Attorney Dally asked for clarification of the section of the Employee Handbook that will be addressed, and Ms. Tester stated that it will be Section 716 in conjunction with Section 405. There was discussion on whether a Confidential Memorandum from the Town Administrator to the Board of Trustees regarding a specific personnel issue dated May 22, 2007 should be considered tonight. Mayor Moore stated that it would not, and that it is the May 14, 2007 memo that has brought Ms. Markiecki here tonight. The Town Attorney also stated that the Confidential Memorandum regarding a specific personnel issue was not part of this proceeding, and it would remain confidential, as required by Colorado State Statutes. Mr. Moore added that this discussion would have been addressed the night of May 14, 2007, should Ms. Markiecki not have asked for an extension until tonight. Ms. Markiecki also specifically requested via her attorney to hold the hearing in open session rather than executive session. Mayor Moore asked Ms. Markiecki to answer point by point the five items listed in the memorandum dated May 14, 2007:

**1 – Failure to obtain credentials** – Ms. Markiecki stated that even though she didn't take any college courses, she did in fact over the last few years attend budgeting and payroll seminars provided by CML, CGFOA and GFOA. She added that she has CPE credits by attending these seminars. She was never informed that there was a time limit for taking college accounting classes. She added that regarding her grade from the one class that she did take, that it was a "B". Ms. Markiecki stated that she realizes that she doesn't have the accounting credentials, but she feels that it didn't impair her job skills. She added that she acknowledges the need to acquire the credentials, and that she has made an effort to inquire about a class on-line through CMC.

**2 – Failure to follow directives and understand the job** – Ms. Markiecki stated that there wasn't a failure to audit the tax records with Garfield County, adding that she had written to John Gorman, and that to her knowledge she thought it was resolved. She added that the Community Development Director had talked to someone in the assessor's office about looking at the building permit spreadsheets, and that she wasn't directed to go to Garfield County and sit down with them to go over the information. Ms. Markiecki added that she wasn't sure what Rick wanted her to do.

Regarding the \$135,000 entry for the grant, she stated that she didn't have a chance to read the information given to her by Administrator Aluise, adding that it was her fault that she didn't read it. She added that she had told Rick that she received the check and created a revenue account for the grant, and Administrator Aluise told her that it was a liability because it was a loan. Ms. Markiecki stated that she did go into Caselle and change the entry, feeling that it wasn't a detrimental error that she couldn't reverse.

**3 – Chronic absenteeism** – Ms. Markiecki admitted to absenteeism, but that it is not chronic, and that she has had some health issues. She believes that the period of time that this refers to is after her maternity leave, where there were times when her daughter and son were each sick, and that she injured her knee in a skiing accident. She realizes throughout the years that she has missed more work due to being the main parent. She also admitted that there were days where she was so depressed that she could not bring herself to get out of bed and come to work. Ms. Markiecki added that she realizes that taking antidepressants alone wasn't going to help her depression, and that about a month ago she started seeing a therapist.

**4 – Disruptive behavior in the work place** – Ms. Markiecki stated that she has not falsified any records and hasn't committed any disruptive behavior. Regarding gossiping, she's not really sure what she was being accused of gossiping about. She added that she is not aware of any complaints filed against her. Ms. Markiecki stated that she was upset and did quote that she hated her job, and that she did not like the people that she was working with, and that she made these statements out of frustration. She added that she has not been written up for gossiping or for absenteeism. Ms. Markiecki stated that her absenteeism was written in one of her recommendations in her evaluation, and that it was going to weigh heavily on her year-end bonus and raise for 2008. She added that she was well aware of it, and that it needed to be addressed as soon as possible.

Ms. Markiecki stated that she feels that employees are not getting adequate support by the Human Resource office, and that staffs' hands are tied because of the particular issues she has had with a couple of coworkers.

Attorney Dally stated that he felt it was not fair to tell this employee that she cannot identify what and who caused her reactions. Ms. Tester explained that Ms. Markiecki is entitled to speak her mind and her peace, and those other individuals who might be part of that discussion also have a right to speak their mind and peace. Ms. Tester added that this matter was asked to be held in open session by Ms. Markiecki. Should she choose to go into more detail, it would have to be held in executive session, with proper notice to those that might be involved with the gossip. Ms. Tester offered Ms. Markiecki and her attorney the opportunity to stop the proceedings, provide statutory legal notice to other employees, allow those employees the opportunity for legal representation, as afforded to Ms. Markiecki, and to continue the hearing in executive session another day. Ms. Markiecki and her attorney declined the offer.

**Trustee Morgan made a motion to extend the meeting to 11:30 p.m. to give Ms. Markiecki time to respond to the five issues at hand. Trustee Tibbetts seconded the motion, and the motion carried unanimously.**

Ms. Markiecki stated that the feelings for her job, her coworkers and the job environment were made at an emotional moment fueled by a hostile work environment in the office, and that she has apologized. She was very upset and regrets making them. She added that as far as gossip, she doesn't feel that she has gossiped, and was not only looking out for herself, but for other employees.

**5 – Violation of the complaint procedures and due process** – Ms. Markiecki stated that she doesn't believe that the Town has provided the employees with adequate information or support, adding that it is very confusing on who reports to who when there is a problem. She stated that the Charter and Employee Handbook have never been fully discussed with staff until recently when it was made public that staff was going to Board members, and avoiding administration. Ms. Markiecki stated that she did talk with the Human Resource Director, and that she did not follow the proper protocol by going to her direct supervisor, feeling that it was pointless. She believes that there is a conflict in this matter by trying to talk to her supervisor, and that it is very unfair that the employees are put in a position that they cannot talk with Board members. Ms. Markiecki added that there should be more communication between staff and the Board. She added that she feels there is a lot of hostility within the office, and that the Board should know. Ms. Markiecki feels that the Town has not given adequate support to the employees, so that they know who to talk to, and that only recently a memo came out that stated the proper protocol.

Ms. Markiecki stated in closing that she appreciates the Town of Silt giving her the opportunity to be the Treasurer, and feels that hands on experience has really helped. She stated that it has been documented that she doesn't understand the accounting principals, which is a "load of crap", that she knows the software, and that she would need to know the accounting in order to run the software. She added that she is sorry that it has come to this, and that she was never given an opportunity for progressive discipline, it just went to termination. Ms. Markiecki stated that she didn't have anything else to say and thanked the Board for the opportunity to speak.

Ms. Tester thanked Ms. Markiecki and her attorney for coming tonight.

**Trustee Morgan made a motion to reconvene as the Board of Trustees and to go into executive session Trustee Morgan made a motion to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and for a conference with the Town Attorney, for the purpose of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b). Trustee Tibbetts seconded the motion, and the motion carried unanimously. The Board adjourned to executive session at 11:14 p.m.**

At the end of executive session, Mayor Moore made the following statement: "The time is now 12:21 a.m., and the executive session has concluded. No formal action was taken in executive session. The participants in the executive session were: Dave Moore, Bobby Hays, Ron Morgan, Meredith Robinson, Tod Tibbetts, Jim Voorheis, Cindy Tester and Sheila McIntyre. 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."

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**Trustee Tibbetts made a motion to terminate Kyra Markiecki as the Town Treasurer, and instruct the Town Attorney to communicate that fact to Ms. Markiecki and her attorney. Trustee Hays seconded the motion, and the motion carried with Mayor Moore voting nay.**

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### **Planning & Zoning**

There were no Planning & Zoning comments.

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### **Town Attorney**

There were no Town Attorney comments.

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### **Board Comments**

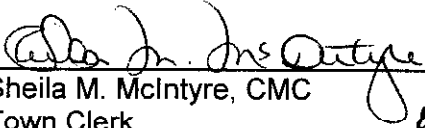
There were no Board Comments.

**Adjournment**

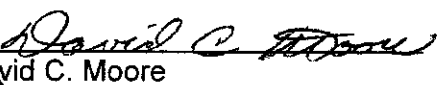
**Trustee Tibbetts made a motion to adjourn. Trustee Voorheis seconded the motion, and the motion carried unanimously. Mayor Moore adjourned the meeting at 12:24 a.m.**

Respectfully submitted,

Approved by the Board of Trustees

  
Sheila M. McIntyre, CMC  
Town Clerk



  
David C. Moore  
Mayor