

**MINUTES OF SPECIAL MEETING
SILVERTHORNE TOWN COUNCIL
MARCH 31, 2011**

The special meeting of the Silverthorne Town Council was called to order by Mayor Dave Koop at 6:00 pm on Thursday, March 31, in the Town Council Chambers, 601 Center Circle, Silverthorne, Colorado. Present were Mayor Koop, Councilmembers Butler, Preaus, Sandquist, Lanuza, Wade and Anderson. Staff present were Town Manager Kevin Batchelder, Town Attorney Gerald Dahl, Public Works Director Bill Linfield, Assistant to the Town Manager Ryan Hyland and Senior Planner Michael Johnson.

Motion by Sandquist to go into executive session for a conference with the Town Attorney, Town Manager and appropriate staff under Charter Section 4.13(c) and Section 24-6-402(4)(b) and (e), CRS, specifically to receive legal advice and instruct negotiators concerning the Sav-o-Mat property at 299 Blue River Parkway, Silverthorne, Colorado.

Motion seconded by Lanuza. Motion adopted unanimously.

Executive Session commenced: 6:03pm.

Executive Session concluded: 7:42pm; Mayor Koop declared a five minute recess.

Meeting reconvened following recess.

Motion by Preaus to approve the request of Bradley Petroleum, Inc. for a waiver from Site Plan requirements in Town Code Chapter 4, Article VI, Site Plan, for the limited purpose of construction of such facilities as are necessary to install and operate the ground water remediation system required by the Colorado Department of Labor and Employment – Division of Oil and Public Safety for the property located at 299 Blue River Parkway, based upon a finding that the request is on behalf of the Colorado Department of Labor and Employment – Division of Oil and Public Safety, a governmental or quasi-governmental entity, as required by Code Section 4-1-8, and as demonstrated by recent correspondence from the Division.

Motion seconded by Sandquist. Motion adopted unanimously.

Motion by Butler to direct the Town Manager to send the following correspondence regarding the Sav-o-Mat property at 299 Blue River Parkway:

- To the Colorado Department of Labor and Employment – Division of Oil and Public Safety, including the following points:

- Advising the Division of the Town Council's grant of a waiver from Town site plan requirements for the limited purpose of permitting construction of such facilities as are necessary to install and operate the ground water remediation system required by the Division for the property at 299 Blue River Parkway.
 - Urging the Division to act promptly to obtain construction and operation of the groundwater remediation system and to impose all fines and other enforcement measures within its power in the event the owner of the property fails to do so.
 - Requesting the Division to review and comment on the site plan being submitted to the Town by the owner of the property.
- To Bradley Petroleum, Inc., including the following points:
 - Advising the owner that the waiver from Town site plan requirements is for the limited purpose of construction of such facilities as are necessary to install and operate the ground water remediation system required by the Colorado Department of Labor and Employment – Division of Oil and Public Safety.
 - Advising the owner that the Town expects the owner to immediately construct and commence operation of the groundwater remediation system.
 - Advising the owner that the Town expects that the owner will promptly finalize its site plan application for the property, and will promptly respond to Town Staff requests regarding the submission and processing of the same.
 - Advising the owner that the Town expects the owner to adhere to a schedule to be set by the Town for processing and action on the site plan application, and in the event the application is approved, to adhere to the schedule for construction of and otherwise completing the elements of that site plan.

Motion seconded by Sandquist. Motion adopted unanimously.

Motion by Butler to direct the Town Manager to cause the placement of barriers on Town property adjacent to the 299 Blue River Parkway site for the protection of Town property and to close access to the site on the south.

Motion seconded by Anderson. Voting Aye: Butler, Preausand Anderson Voting Nay: Sandquist, Lanuza, Wade. Mayor Koop broke the tie by voting Nay; motion failed.

Motion byWade to direct the Town Manager to cause the placement of a blocking mechanism on Town property on the east side of the 299 Blue River Parkway site, allowing for limited access to the site on the south.

Motion seconded by Sandquist. Voting Aye: Butler, Preaus, Sandquist, Lanuza and Wade. Voting Nay: Anderson. Motion approved.

Motion by Butler to adjourn, seconded by Sandquist. Motion adopted unanimously and meeting adjourned at 8:14 pm.

Respectfully submitted:

Gerald Dahl, Town Attorney

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