

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, August 10, 2011

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members David Anderson, Vince Lanuza, David Preaus, Bruce Butler, Stuart Richardson and Ann-Marie Sandquist. Staff members present were Town Manager Kevin Batchelder, Attorney Jerry Dahl, Sergeant Tim Osborn, Administrative Services Director Donna Braun, Recreation Director Joanne Breigenzer, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Planning Manager Michael Johnson, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

STAFF COMMENTS:

Breigenzer announced the Silverthorne Pastimes is available for fall programs and August 18th is registration day. She also informed Council the Summit Daily News notified the Town that the Silverthorne Recreation Center was awarded first place in the "Best of Summit" health club category, and Rainbow Park playground was voted number one playground. Braun reminded everyone of the Annual Community Picnic, August 17th at the Pavilion.

COUNCIL COMMENTS:

Preaus reported on the Boys Night Out event at the Pavilion; he thanked staff for a great event.

CONSENT CALENDAR:

BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM – JULY 27, 2011, RESOLUTION 2011-09, A RESOLUTION AUTHORIZING TOWN STAFF TO APPLY FOR A GOCO GRANT FOR AN UPDATE OF THE PARKS, TRAILS, AND OPEN SPACE MASTER PLAN, AND RESOLUTION 2011-10, A RESOLUTION AUTHORIZING THE TOWN TO PURCHASE A REPLACEMENT CATERPILLAR 906 SIDEWALK LOADER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

CITIZEN COMMENTS:

State Representative Millie Hamner

Ms. Hamner introduced herself and she reviewed her year in the legislature.

Lanuza asked about the small business navigator.

Hamner replied.

Butler commented on CDOT's presentation at the work session and their decision to delay the design work for the Silverthorne interchange and how their budget issues are impacting this project. He asked Ms. Hamner to look into the CDOT budget issues including the indirect rate, presented to Council at the work session.

Sandquist asked Hamner to speak on Silverthorne's behalf regarding the need for the I-70 interchange in Silverthorne.

Tony Notaro, Silverthorne Discount Liquors, spoke on behalf of himself and the other tenants at the 191 Blue River Parkway building. He commented on the marijuana dispensary located at this location and the negative effect it has had on his and the other tenants businesses. He introduced the business owners for the property. There have been negative impacts to his business and others, due to flooding from the dispensary above their businesses and odors

that drive away customers. He outlined the negative financial impact to all the businesses in the building. He talked about moving his business and the improbability of that happening. That would not solve the problems that are created by the dispensary at this location. He inquired, what can Council do? He requested Council reconsider allowing this type of business in Silverthorne.

Butler asked about the landlord's view on these problems.

Rob Monnaville stated the landlord ignores the water leaks and only cares if the rent is paid.

Preaus thanked them for presenting this information to Council.

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

- A. Bold Petroleum, Inc. dba Acorn Food Store – Renewal of 3.2% Beer Retail Liquor License**
- B. Chipotle Mexican Grill – Renewal of H & R Liquor License**
- C. Pizza Hut, Pizza Hut of SE KS – Renewal of 3.2% Beer Retail Liquor License**
- D. Summit Co. BPOE #2561 – Renewal of Club Liquor License**

Koop asked for public comments; none.

LANUZA MOVED TO APPROVE BOLD PETROLEUM, INC. DBA ACORN FOOD STORE AND PIZZA HUT, PIZZA HUT OF SE KS, RENEWAL OF 3.2% BEER RETAIL LICENSES, CHIPOLTE MEXICAN GRILL, RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE, AND SUMMIT COUNTY BPOE #2561 – RENEWAL OF CLUB LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

None

BOARD OF ADJUSTMENT:

None

ACTION ITEMS:

A..... Ordinance 2011-05, An Ordinance Approving the Conveyance of Real Property and the Purchase of Real Property Within the Newly Platted Cottonwood Subdivision, First Reading

Zach Margolis, Utility Manager presented Ordinance 2011-05 for Council's consideration. He reviewed his staff report and requested approval.

BUTLER MOVED TO APPROVE ORDINANCE NO. 2011-05, AN ORDINANCE APPROVING THE CONVEYANCY OF REAL PROPERTY AND THE PURCHASE OF REAL PROPERTY WITHIN THE NEWLY PLATTED COTTONWOOD SUBDIVISION, ON FIRST READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Revocable License Agreement - Kestrel Lane Neighborhood Park

Richardson disclosed his tie with the Eagles Nest HOA and prior discussions regarding the neighborhood park. He asked Council if they feel there is a conflict of interest on this matter.

Lanuza stated he and Anderson participated in the same conversations as members of the Eagles Nest HOA.

Dahl stated two issues would indicate a conflict of interest as outlined by the Home Rule Charter. He reviewed Home Rule Charter section 3.9 with Council.

Council did not find that there was a conflict of interest.

Planning Manager Michael Johnson presented the Revocable License Agreement to install a neighborhood park on an unused portion of the Town Right of Way. He reviewed his staff report and requested approval.

Koop asked who holds the liability insurance for the park.

Johnson stated the HOA.

Darrell Roepke, Hideaway Townhomes Subdivision HOA representative, stated there is a need for this park in their subdivision. They would like to irrigate, plant grass, and install playground equipment. The Hideaway will be the responsible party for the park. They have already talked to the insurance company about insurance coverage.

Butler stated this is a great example of cooperative efforts in the community.

SANDQUIST MOVED TO APPROVE THE REVOCABLE LICENSE AGREEMENT PERMITTING THE KESTREL LANE NEIGHBORHOOD PARK. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

Council asked staff look into the issues at 191 Blue River Parkway.

RICHARDSON MOVED TO GO INTO EXECUTIVE SESSION AT 6:42 PM. FOR A CONFERENCE WITH THE TOWN ATTORNEY AND APPROPRIATE STAFF, UNDER CHARTER SECTION 4.13(c) AND SECTION 24-6-402(4)(b), C.R.S., FOR THE PURPOSE OF RECEIVING LEGAL ADVICE REGARDING LOMAS V. SILVERTHORNE LITIGATION.

HE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (PREAUS AND KOOP ABSENT)

EXECUTIVE SESSION:

Executive Session under for a conference with the Town Attorney and appropriate staff under Charter Section 4.13.c and CRS 24-6-402(4)(b) for the purpose of receiving legal advice concerning the Lomas v. Silverthorne litigation.

INFORMATIONAL:

SPORT Committee Meeting Minutes – July 21, 2011

EXECUTIVE SESSION CONCLUDED AND MEETING ADJOURNED AT 7:52 P.M.

DAVE KOOP, MAYOR

ATTEST

MICHELE MILLER, TOWN CLERK

Town of Silverthorne Town Council Meeting Minutes

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.