

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, May 12, 2010

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members David Anderson, Darrick Wade, Vince Lanuza, David Preaus, Bruce Butler and Ann-Marie Sandquist. Staff members present were Town Manager Kevin Batchelder, Attorney Jerry Dahl, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Recreation Director Joanne Breigenzer, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Planner II Lina Lesmes, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

STAFF COMMENTS:

Batchelder pointed out two additional pieces of information on the agenda and two thank you letters. Summit Combined Housing Authority's letter correcting the amount requested from the SCHA to \$40,000 and a revised Exhibit B. on the Water Lease contract for the Well Augmentation IGA. There is a thank you letter from the garden group, recognizing Becky Hodgell and Ryan Hyland for all their hard work. He reviewed the thank you letter addressed to the Mayor regarding the design, construction and maintenance of the Blue River Path. Breigenzer updated Council on the Recreation Center summer Pastimes brochure. She introduced citizen volunteer Stephanie Roller-Brunner and her children who sat on the focus group and helped select the playground equipment.

COUNCIL COMMENTS:

None

CONSENT CALENDAR:

BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MEETING MINUTES FROM – APRIL 28, 2010, RESOLUTION 2010-15, AUTHORIZATION TO PURCHASE PLAYGROUND EQUIPMENT, REPLAT – CABINS AT ANGLER MOUNTAIN RANCH FILING NO. 1 – SECOND AMENDMENT, A REPLAT OF THE CABINS AT ANGLER MOUNTAIN RANCH FILING NO. 1, FIRST AMENDMENT AND REPLAT – FEAVEL LOT LINE VACATION – LOTS 19 & 20, EAGLES NEST GOLF COURSE FILING NO. 2. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

Sandquist asked when the new playground equipment, surface, and border would be installed at the park.

Breigenzer stated staff is shooting for a July 4, 2010 completion date.

CITIZEN COMMENTS:

None

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

None

PUBLIC HEARINGS:

A. Ordinance 2010-02, An Ordinance Vacating Portions of Buffalo Mountain Drive, Colorado Hwy 9, and Adams Avenue – Second Reading

Public hearing opened

Lina Lesmes, Planner II presented Ordinance 2010-02 for Council's consideration. She reviewed her staff report and requested approval.

Public hearing closed.

BUTLER MOVED TO APPROVE ORDINANCE NO. 2010-02, AN ORDINANCE TO VACATE PORTIONS OF ADAMS AVENUE, COLORADO STATE HWY 9, AND BUFFALO MOUNTAIN DRIVE RIGHT-OF-WAY, AS DESCRIBED IN EXHIBIT B, ON SECOND READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

BOARD OF ADJUSTMENT:

None

ACTION ITEMS:

B. MINOR SUBDIVISION, SITE PLAN MODIFICATION, CONDITIONAL USE PERMIT AND WETLAND DISTURBANCE PERMIT – BUFFALO MOUNTAIN METRO DISTRICT – 100 ADAMS AVENUE

Planner II Lina Lesmes presented the Buffalo Mountain Metro District's request for a minor subdivision site plan modification and wetland disturbance permit. The applicant is proposing to redevelop the maintenance and water treatment facility on the site, and consolidate its land holdings in the area. She reviewed her staff report and requested approval with the Planning Commission recommended conditions.

Council questions.

Lanuza asked if the applicant has agreed with the Planning Commission conditions.

Lesmes stated the applicant will address that in their public presentation.

Sandquist asked staff if there is an alternate location for the dumpster.

Lesmes stated the applicant will address the dumpster location in their presentation.

Randy Hodges, project Architect, stated the applicant agrees with the first three conditions of approval, but would like Council to reconsider conditions four and five. They feel the location of the dumpster does comply with the Design District Guidelines. The sand storage building and the movement of the sand, conflict with a different dumpster location. The dumpsters are to be located to the side of the sand storage building. There is extensive landscaping to screen the dumpster. He does not think there is a better location on the site for the dumpster. He thinks the building meets the guidelines. He reviewed the building height, appearance of the building, set back, and landscaping. He asked Council to reconsider conditions four and five.

Council Comments.

Butler stated there have been two other proposed projects under the Gateway Design District and they did not meet the requirements. He sees this proposal as an improvement to the site. He does not have a problem with dropping conditions four and five.

Sandquist agrees with Butler's comments. She appreciates the Planning Commission's review of the project. She supports dropping conditions four and five.

Lanuza usually does not want to vote against the conditions imposed by the Planning Commission but in this case he would agree to drop conditions four and five.

Koop stated the Planning Commission has done their job well. They are supposed to compare projects to land use, and the Town Code and they did that well. The proposed landscaping proposed will grow in time and screen the site.

Anderson agrees with the elimination of the last two conditions because he feels it is in the spirit of the Code.

LANUZA MOVED TO APPROVE THE MINOR SUBDIVISION, SITE PLAN MODIFICATION, CONDITIONAL USE PERMIT AND DISTURBANCE PERMIT APPLICATION FOR THE BUFFALO MOUNTAIN METRO DISTRICT WITH PLANNING COMMISSION RECOMMENDED CONDITIONS ONE THROUGH THREE.

- 1. ALL PARKING SPACES LOCATED IN FRONT OF THE WATER PLANT BUILDING SHOULD BE PROVIDED WITH CURB, BUMPER, OR WHEEL STOPS.**
- 2. THE CUP IS PERSONAL TO THE APPLICANT, BUFFALO MOUNTAIN METRO DISTRICT, AND IS NONTRANSFERABLE. UNDER ANY OTHER CIRCUMSTANCE, SHOULD THE APPLICANT'S OWNERSHIP TERMINATE OR BE TRANSFERRED DURING THE TERM OF THE CUP, THE CUP SHALL EXPIRE.**
- 3. THE RESIDENTIAL UNIT IS FOR RENTAL EMPLOYEE HOUSING ONLY. ALL PERSONS RENTING THE UNIT MUST BE EMPLOYED BY THE BUFFALO MOUNTAIN METRO DISTRICT, OR BE A CONTRACTOR OF THE BUFFALO MOUNTAIN METRO DISTRICT AND THEIR IMMEDIATE FAMILY.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

Gary Drescher, thanked staff for all their efforts. This process has worked exactly like it is supposed to.

C. APPROVAL OF SUMMIT REVOLVING LOAN FUND REQUEST

Town Manager, Kevin Batchelder presented the Summit County Housing Authority (SCHA) request for the four Towns and County to each consider a second round of funding for their Down Payment Assistance Program. He reviewed his staff report and recommended approval. The two issues to consider are the impact to the budget, and whether to continue the restriction to the Lower Blue Basin.

Jennifer Kermode, Summit Combines Housing Authority, reviewed the three loans made to the Lower Blue area in the last two years. The average cost of those homes was \$256,000. She requested Council approve the request for the additional \$40,000.

Sandquist asked if funding requests are still coming in, even in this economy.

Kermode stated there is an increase in demand for this type of loan fund. They have lost several of the other types of down payment assistance loans. They expect the demand to increase over the summer. They currently have funds left for one more loan.

Butler supports this type of down payment assistance program. He asked if the restriction to the Lower Blue is a problem.

Kermode stated it has not been a problem. Frisco is considering restrictions also. If applicants apply for funds in the Lower Blue and the funds are gone, then there would not be any loans available to them.

Kermode reviewed how restrictions work within the county.

Sandquist asked if Frisco is the only other jurisdiction restricting their contribution.

Kermode stated yes.

Koop stated the loan program is a success and it gets people into new homes.

Kermode stated this program is very compatible with first time home owner's loans.

Koop stated it is a loan that is paid back. It is a good program to help people get started.

Sandquist asked if we need to rethink the Lower Blue restriction to the funds.

Anderson feels we should reconsider the restriction.

Koop likes to keep Town of Silverthorne money addressing the local area need. If the loans weren't being used it would be different. The loan is currently working as proposed. We do have workers and homes in the price range here in our area.

Butler asked if the Town keeps the restriction to the Lower Blue and there is a future need for a change to that restriction would it have to come before Council?

Batchelder stated yes.

Preaus stated it would be nice to review the restrictions and look down the road at what the Town might need on the Smith Ranch property. It would be nice to open it for the entire County if there isn't a current need in Silverthorne.

Kermode stated once the funds are paid back, the program can fund itself, but the funds are still restricted.

Koop feels the set up is good currently and feels it can be reviewed as things change

Anderson asked if this is a lump sum payment of the \$40,000.

Staff stated yes.

SANDQUIST MOVED TO APPROVE \$40,000 IN FUNDING FOR THE DOWN PAYMENT ASSISTANCE PROGRAM, FROM THE HOUSING 5A FUND, WITH ELIGIBLE PROPERTIES BEING RESTRICTED TO THE LOWER BLUE BASIN. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

D. IGA BETWEEN SILVERTHORNE AND SUMMIT COUNTY FOR THE COUNTY WELL AUGMENTATION PLAN

Gerald Dahl, Town Attorney, presented the IGA for Council's consideration. The IGA provides Silverthorne's consent to certain well augmentation contracts up to a cumulative total of twenty acre feet per year, which Summit County would enter into for wells within the Silverthorne Objection Area. He reviewed his staff report and recommended approval of the IGA between Summit County and Town of Silverthorne.

Council questions.

Sandquist asked about the 20 acre feet of depletions, is that over a year's time or calendar year.

Dahl stated that usage would be over a calendar year.

Koop asked about the purchase of the outdoor water use.

Dahl stated their well permit is for inside water use and an additional contract could grant them outdoor water use.

SANDQUIST MOVED TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN SUMMIT COUNTY, COLORADO AND THE TOWN OF SILVERTHORNE, PROVIDING FOR SILVERTHORNE'S CONSENT TO AUGMENTATION CONTACTS WITHIN THE SILVERTHORNE OBJECTION AREA IN THE COUNTY'S AUGMENTATION PLAN DECREED IN CASE NO. 95 CW 122, FOR A COMBINED TOTAL OF NO MORE THAN 20-ACRE-FEET PER YEAR OF DEPLETIONS. MOTION SECONDED. MOTION PASSED BY COUNCIL.

E. OLD DILLON RESERVOIR ENLARGEMENT PROJECT

Gerald Dahl, Town Attorney, presented to Council the series of agreements concerning the enlargement of the Old Dillon Reservoir. The Town has previously entered into an intergovernmental agreement with Summit County and Dillon for this purpose. It is now time to move forward with additional design and permitting of the enlargement, but there is no commitment for construction at this time. He reviewed the revised voting handout, Exhibit B. with acceptable changes proposed by the County.

Council comments.

Lanuza is surprised that TOS has an equal vote even if we are the lowest contributor.

Dahl reviewed the voting scheme.

Anderson asked if Dahl is comfortable with all spreadsheet and voting rights outlined.

Dahl stated he and staff have reviewed this agreement and the voting spreadsheet thoroughly.

Dahl reviewed the Operating Agreement for the Old Dillon Reservoir. Staff is recommending Bill Linfield be appointed as the Old Dillon Reservoir Board Member with any interested Councilperson, Kevin Batchelder and Zach Margolis as alternates.

Staff is recommending Zac Margolis for the Operating Committee.

Sandquist asked if there is anyone from Council interested in sitting on the Board.

Butler and Lanuza recommended Mayor Koop as the alternate member of the Board of Directors.

Council agreed.

Butler thanked all of staff and Dahl for all the hard work required on this item.

BUTLER MOVED TO APPROVE THE OLD DILLON RESERVOIR CONSORTIUM SECOND SUPPLEMENT AND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT AMONG SUMMIT COUNTY, TOWN OF DILLON AND TOWN OF SILVERTHORNE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

PREAUS MOVE TO APPROVE THE AGREEMENT ESTABLISHING THE OLD DILLON RESERVOIR WATER AUTHORITY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

LANUZA MOVED TO APPROVE THE OLD DILLON RESERVOIR OPERATING AGREEMENT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

BUTLER MOVED TO APPOINT BILL LINFIELD AS THE SILVERTHORNE MEMBER OF THE BOARD OF DIRECTORS OF THE AUTHORITY, TO APPOINT MAYOR DAVE KOOP, AND KEVIN BATCHELDER AND ZACH MARGOLIS TO SERVE AS ALTERNATE SILVERTHORNE MEMBERS OF THE BOARD OF DIRECTORS, AND TO APPOINT ZACH MARGOLIS AS THE SILVERTHORNE MEMBER OF THE OLD DILLON RESERVOIR OPERATIONS COMMITTEE, SUCH APPOINTMENTS TO CONTINUE AT THE PLEASURE OF THE COUNCIL. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION:

None

INFORMATIONAL:

Planning Commission Minutes –May 4, 2010

BUTLER MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 7:17 P.M.

DAVE KOOP, MAYOR

ATTEST

MICHELE MILLER, TOWN CLERK

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.