

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, February 10, 2010

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members Peggy Long, Kevin McDonald, Vince Lanuza, Rosanne Shaw, 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, Planning Manager Michael Johnson, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

Batchelder informed Council of the Amended Agenda including Action Item B: re-scheduling the start time of the February 24, 2010 Council Meeting.
Council agreed.

STAFF COMMENTS:

Breigenzer announced the upcoming events at the Silverthorne Pavilion.
Hyland announced that Silverthorne is the host for the 2010 Telemark World Cup Event February 24th. Opening Ceremony begins at 6 p.m., February 24th, at the Silverthorne Pavilion. The Mayor is scheduled to give Welcoming Remarks at 6 p.m. during the Opening Ceremonies and that night's Council Meeting will be starting at 7 p.m.

COUNCIL COMMENTS:

Long requested Consent Calendar, Item C. Resolution 2010-06, A Resolution Authorizing the Purchase of the Two Replacement Slides at the Recreation Center be moved to Action Item, B.
Council agreed.

CONSENT CALENDAR:

SHAW MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM JANUARY 27, 2010, AND RESOLUTION 2010-05, A RESOLUTION TO BECOME AN OFFICIAL CENSUS 2010 PARTNER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

CITIZEN COMMENTS:

Tom Kewler, 440 Palmers Drive, commented on the timing of the snow removal on the sidewalks and streets. He asked what the priority for snow plowing the sidewalks is. He requested coordination of the street plowing and the sidewalk clearing.

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

Harvest Catering, LLC dba Harvest Catering/Silverthorne Pavilion – Transfer of Tavern Liquor License

MCDONALD MOVED TO APPROVE HARVEST CATERING, LLC DBA HARVEST CATERING/SILVERTHORNE PAVILION – TRANSFER OF TAVERN LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

None

BOARD OF ADJUSTMENT:

None

SOUTH MARYLAND CREEK RANCH (SMCR) GENERAL IMPROVEMENTS DISTRICT (GID)BOARD

A. Resolution 2010-01, Exemption from Audit for Fiscal Year 2009

Finance Director Donna Braun presented Resolution 2010-01 to Council for consideration. She reviewed her staff report and requested approval.

SHAW MOVED TO APPROVE RESOLUTION NO 2010-01, A RESOLUTION APPROVING AN EXEMPTION FROM AUDIT FOR FISCAL YEAR 2009 FOR THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL SITTING AS THE SMCR GID BOARD.

ACTION ITEMS:

A. Preliminary Site Plan for a Lowe’s Store at 201 Buffalo Mountain Drive

Mayor Koop reviewed procedures for the meeting and public comment.

Lina Lesmes, Planner II, presented the project. The applicant, Lowe’s HIW, Inc, is requesting approval of a Preliminary Site Plan for an 111,371 square foot Lowe’s store with a 26,568 square foot garden center. She reviewed her staff memo and requested approval with Planning Commission’s recommended conditions.

Council questions

Lanuzza stated with the revised process there are a lot of conditions that have to be addressed by Final Site Plan Review. He feels conditions one through ten are short term conditions that can be met. He has a serious concern whether the long term conditions can be met. The retaining wall is a concern and he doesn’t want it to affect Buffalo Mountain Drive. He doesn’t want to see Buffalo Mountain Drive closed during construction due to safety concerns. He realizes staff is working with the applicant. He asked the applicant and staff what conditions will cause a problem.

Lesmes stated staff feels all conditions can be met by the applicant by Final Site Plan submittal.

Lanuzza again expressed concern about the retaining wall and Karen Berry, State Geological Survey Engineer’s letter addressing the Slope Stability Analysis.

Lesmes feels the point of Karen Berry’s letter is to say we need to study this further, not that the wall can’t happen.

Dan Gietzen, Town Engineer, stated this is a common response from Colorado Geological Survey. The intent is to stabilize the hillside and road when the wall is constructed.

Butler asked about the driveway and large turning vehicles.

Lesmes stated the Town Code has a standard twenty-four foot requirement for driveways. The first submittal by the applicant was wider than that.

Bill Linfield stated the goal is to balance the Town’s standards versus getting the delivery trucks in and out of the site. He reviewed the site map. He reviewed the entrance onto the

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site from Buffalo Mountain Drive. Staff has been working with the applicant on the entryways for customers. Larger trucks would have the option of utilizing a raised curb such as the Frisco roundabout.

Butler asked how that type of driveway would be cleared. This type of raised curb seems problematic.

Linfield stated the applicant is responsible for the maintenance of the entryways.

Butler asked about the evolution from a roundabout to a traffic signal at this intersection.

Linfield stated the Town has been looking at this intersection for years. There was a formal traffic study for this area and surrounding area in 2007. He reviewed the strategy for the proposed roundabout versus a traffic signal. This intersection has a lot of impact to the surrounding intersections and traffic lights. Utilizing a traffic consultant they have determined that there is a need for a signal at Wildercrest and Stephens Way. The short term improvements, that would need to be completed for Lowe's to open, would be reconstruction of Buffalo Mountain Road, Wildercrest Road, and Adams Avenue into a four way signalized intersection and appropriate lanes; a signal at Wildercrest and Stephens; a widening of Stephens Way; lengthen the left turn lane off of Highway 9 to Wildercrest Road to handle the downhill traffic; and left turn lane coming off of Wildercrest Road entering the site. The projected heaviest traffic is reviewed to come up with proposed improvements.

Sandquist asked about the width of existing entrance off of Buffalo Mtn.

Linfield stated it is approximately 30 feet.

Shaw asked about the placement of a sidewalk on Buffalo Mountain Drive.

Linfield reviewed the sidewalk placement.

Long asked why staff is recommending attached sidewalks. She does not support attached sidewalks due to snow removal issues.

Linfield agrees, whenever possible the Town tries to build detached sidewalks. There are two factors staff are considering when recommending attached sidewalks; the path coming down from Wildercrest is attached and there are some grade issues that would make it difficult to build a detached sidewalk. He would also like to see it detached when possible.

Long asked for clarification on the site acreage.

Lesmes reviewed site acreage.

Long questioned the lot coverage calculation.

Lesmes reviewed the calculations on the lot coverage square footage.

Sandquist asked about the retaining wall construction and utilizing the applicant's design team.

She asked staff to address how the Town is covered if there is an issue with the retaining wall.

Lesmes stated the Town is relying on the applicant's engineer to design the retaining wall.

The Town is not hiring a consultant to review their work.

Leidal stated the Town is not hiring a consultant to review another consultant's work. There is a soil analysis that has been done and then an engineering firm will design the retaining wall based on that soils report. This is considered an onsite, private improvement not a public improvement.

Long asked about the detention pond on the CDOT right of way.

Linfield stated the applicant is moving the detention pond back on their site.

Applicant

Ted Anderson, Lowe's Site Development Manager, stated the code requirements will be met on the retaining wall. Lowe's will have a substantial investment in the site improvements and will provide documentation to staff on the retaining wall project. He presented a power point presentation detailing the project; project vicinity, existing site building, and project specifics.

John Jesse, Civil engineer, reviewed the site plan, landscaping, retaining wall height and construction, existing road realignment of Wilderness Road/Buffalo Mountain Drive/Adams Avenue, and traffic improvements.

Anderson reviewed the architectural considerations, building design concepts, architectural elevation, green design and sustainability. The advantage of having a Lowe's is that they have community partnerships, charitable commitments, community outreach, and employee volunteer programs. They are here to listen to the comments and make the final submittal with that input.

Council questions of applicant

McDonald asked about build timeframe.

Anderson stated they would like to be open within a year.

McDonald requested the applicant to go and see City Market's landscaping and the issues they currently have.

Jesse will drive up to City Market to look at the situation.

Butler asked for a review of the traffic flow in and out of the site.

Jesse reviewed the traffic flow in and out of the site on the wall map.

Butler asked about the mountable curbs.

Jesse reviewed the driveways and truck turning movement on the property.

Butler asked for the standards to be upheld, but if it is going to be a long term issue or unsafe he would like it thought out and addressed now. He still does not understand how vehicles will be turning into the site.

Long asked about snow storage location.

Jesse reviewed the snow storage.

Butler feels in the long run this driveway could be an issue. He would like to have it addressed sooner rather than later. He feels Buffalo Mtn. Drive will benefit from the retaining wall installation. He asked for reassurance that the road would not be closed for a long period of time for public safety reasons.

Jesse stated they don't want to shut down Buffalo Mtn. Drive to construct the wall. They will be working from the top down. They realize the need to have road access in case of emergency. He reviewed the construction of the road.

Lanuza asked Jesse about the retaining wall stability.

Jesse stated they are concerned about stability but they feel they can deal with it effectively.

As a company, they have to ensure that it is done correctly.

Long asked about the ground water on the site.

Jesse reviewed the under-drain system behind the retaining wall and the base soil.

Long asked about the location of the detention pond.

Jesse reviewed the detention pond and property drainage.

Long felt the comments from the Lowe's architect were flippant. The building design and architecture is important to all of us. She feels the fencing on the south side of the building is lacking. She hopes the recommendations will be implemented in the next submittal.

Anderson stated they will address concerns and conditions by the next submittal.

Shaw asked about the HVAC shielding.

Anderson reviewed the roof units and color coordination.

Butler asked about the building roof color and energy efficiency. He requested a balance between the two.

Anderson stated a darker roof will be less cost efficient.

Shaw asked about solar panels.

Anderson reviewed the building energy usage.

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Koop stated the wall is fifty-eight feet tall, with a forty foot building in front of it.

Anderson reviewed the geography of the site and the placement of the wall.

Koop would like to have the building meet our standards; this is the gateway to our community.

Anderson stated they will work with staff and he feels the store will look good on the site.

Koop asked the applicant to work with staff on the landscaping. He doesn't like to see so many conditions, but with the new two step process that is the way it is. He feels they all can be met.

Anderson stated traffic is a major concern. With all the traffic studies, there is a clear direction. More engineering detail will be presented at the next meeting.

Public Comment

Randy Smoody, 140 Wildernest Court, stated he is concerned about his work at Sanders True Value Hardware, his home value and traffic.

Dayton Herbranson, True Value Company, Chicago, Illinois, specializes in assisting the independent retailers. He ran a demographic model on Silverthorne when he heard Lowe's was coming to Town. He passed out an analysis of the draw area for Silverthorne. There are fourteen retailers in this draw area doing business, some for a long time and they have invested time and money in their businesses. They bring a personal point of view in small rural communities.

Frank Lilly, 334 Hillside Drive, Silverthorne and President of Summit Independence Alliance, He reviewed two concerns; the Enhanced Sales Tax Incentive Program (ESTP) for funding infrastructure and that Lowe's might not find this a viable market. He has concerns about a public subsidy of a major corporation. There is potential for a net loss in sales tax, due to the loss of small business, and the ESTP rebate. He doesn't feel that ESTP is a win-win situation. The only benefit is the increase in traffic, loss of jobs, lower quality of life, environmental decay, and increased demand on police, fire and road maintenance services. There is a possibility that the store could be abandoned; it has been a growing problem in the nation. A store size cap is the best long term solution. We are not against the open market, and we recognize that this is a proposed development on private land, nor are we against the Town of Silverthorne's collection of much needed sales tax. Developments of this nature must pay its own way without any form of public subsidy.

Katie Roberts, 490 Belford, Frisco, Executive Director of the Summit Independent Business Alliance, asked about a Fiscal Impact Statement from Lowe's. She wants to know the impact to our community, the true impact. This store will displace money and many people in the community.

Dick Humphrey, 68 Salt Lick Circle, Silverthorne. is concerned about traffic from his home on Ryan Gulch Road. He is concerned about his property values and traffic congestion. He understands that there have been traffic studies, but they have all been theory.

Brenda Warren, Breckenridge resident, stated this is a unique building situation, why are they coming here, why don't they go somewhere easier and cheaper. With the majority of the people not wanting them here, why are they coming here?

Ann Brewster, 120 Robin Drive, Silverthorne understands this is a use by right property, but let them pay their own way. She doesn't believe they can staff their stores in a normal economy, nor provide housing in this County.

Dan Young, 786 Tanglewood Lane, Silverthorne- stated this is a visual gateway; we need look at the visual impact coming down from Wildernest Road or I-70. He feels Lowe's is disingenuous in the presentation in regards to elevations. He questioned the presentations and numbers presented by Lowe's.

Jon Karis, Road Upper Blue, would also like to see many different views of the building. He reviewed the negative changes to his childhood home Hawaii with development. The social aspect is important to small town life. There is a decline in connectiveness of a community. Decisions made today will impact the future for our children and community.

Erin Young, 405 Brian Avenue, West of the Blue Townhomes, appreciates the time spent by Council, pursuing economic development in the Town, and streamlining the process. If we have high standards we should take our time. She requested that more time be spent on addressing the conditions before proceeding with the process.

Pat Gooch, Mesa Cortina, Silverthorne - stated he does not want to see the tan roof. There are two hair pin drives coming down from his neighborhood. He feels that there will be a back up of traffic at the bottom of the hill. He would like to see the road/curves widened for the additional traffic. He is an employer in the building materials industry. As a distributor of tile and stone less than two percent of his product comes from China and he doesn't believe Lowe's can say that.

Mike Johnson, 1320 Palmers Drive, Silverthorne, has lived in Silverthorne for twenty-seven years. He asked the Town Council revisit the town goals. The scale of the big boxes will take away from the pedestrian village feel. The perception of people driving by will not be a pedestrian setting. He asked Council to remember that Super Wal-Mart was voted down in the past.

Jeff Gorley, 1641 N. Chipmunk Lane, Silverthorne- attended the SIBA meeting on Monday. Lowe's has presented "acceptable" roads and wall, what does that mean? This decision will affect all the people of Summit County. He moved here five years ago with the knowledge that they would have to drive elsewhere to purchase products. The current business owners and employees live in Silverthorne, their kids attend school, and employees buy houses. What will Lowe's contribute to the community? He encourages his employees to live in town and he helps them accomplish home ownership. Are they going to use the local business professionals? He urged Council to consider the long term consequences to the community when voting on this project. He does not want Silverthorne to have regrets with the decision.

Don Sather, Summit County resident (Frisco) and Bighorn Hardware Store owner in Silverthorne - stated there are many ways to tell the community is split. This decision is so site specific, but the decision goes way beyond ordinances. What happens when there is pollution, will the brown cloud come back? What if the great traffic design does not work? Traditional ways of traffic measurement are questionable. What if the Lowe's entrance does not work? He would like to say "ditto" to all the public comments made when Wal-Mart and Safeway, and Home Depot tried to come here in the past.

Tom Kewler, 440 Palmers Drive, Silverthorne, stated the presenters don't agree on the key problems with the proposal. He shares all the previous concerns made tonight. This is a great community and people support the community. He drove to Denver to visit the new Lowe's at Federal and I-25. That new store is a carbon copy to the one proposed for this location. He has worked in the ski industry for a long time and the bottom line is the only important thing to big corporations. As a former ski patroller and someone who has been involved in snow safety work, he is concerned about the grade above the proposed retaining wall. Landslides and erosion can present problems in this area.

Jill Johnson, 1320 Palmers Drive, Silverthorne has lived here for thirty years. She agrees with previous comments made. She doesn't want to be in this room, listening to all these comments again when the next big box comes. Consider a size restriction so we don't have to have this conversation again.

Don Kennen, 1508 Legend Lake Circle, Silverthorne, did not come to this meeting to stick up for Lowe's. We have discussed every sociological problem there is as if Lowe's has caused them or the small businesses are going to solve them. He has spent a lot of money with local businesses lately and the business owners don't even show up for work. This issue is about Silverthorne but there are people from all over the county speaking. He never sees Breckenridge sending over any of their sales tax money. He attended the Summit Builders meeting with an economist speaker and he said regulation hurts the people on the bottom. He came from a small community that chased every major improvement out of town and today it is about dead. We don't need a metropolis, or every store that comes along. If you are a real business person stand up and meet the challenge.

John Harrington, 382 Hummingbird Circle, resident of Silverthorne for 28 years and he has worked hard to make his business successful. He has done a lot of research. We are not the first community to have problems with Lowe's. He is concerned about becoming a suburb of Denver. When he built his building, he was required to have a break in his roof line. The large roof will be viewed from many directions. That building is not going to hide that sixty foot wall. This is a cookie cutter proposal. We should hold them to a higher standard. They don't put in solar panels, they put in sky lights. He questioned the white roof. Having the gateway to Silverthorne be a Lowe's or Home Depot is a problem, big-box-thorne. He has a huge concern with the traffic study and the retaining wall. Why have they not put in a green roof like what is required in other communities. He asked that no ESTP be granted; everyone else paid for their improvements. He read the statistics on the negative fiscal impact to small communities when big boxes come in.

Public comment closed.

Council comments

Long said a lot of the speakers tonight talked about coming from other places. About 25 years ago the factory stores came to Silverthorne. They were an asset to the town. Silverthorne has worked hard to become what it is. Competition is a beautiful thing. The building is way too large and every tree will have to be taken out. The building design does not meet our Town Code. The snow storage and parking lot calculations do not add up. Traffic congestion is a concern. Street improvements, roundabout versus a stop light, she is not sure how she would feel if she lived in Wilderrest and had to stop at a stop light because someone was shopping. A special district is needed for sidewalks if we are going to get serious about them. She does not support this proposal.

Butler thanked everyone for their comments; he has taken notes. Decreases in property value comments are interesting since there is currently a vacant lot and an abandoned building on this site. He feels the ESTP concerns voiced are valid. It takes a lot of money to bring projects to this point and even more since we have streamlined the process. He understands the traffic concerns, but it will not always be peak traffic in this area. There are going to be challenges on this site; applicant is going in a more positive manner than negative. There needs to be some changes to the architecture before final. The car dealership could benefit from some increased traffic in the area. There is much that has to be done before final, but he is comfortable with what is presented tonight.

Lanuzza has voiced his concerns about traffic and the slope stability. He has heard positive comments about Lowe's coming to town. Sales tax represents 70% of the town's budget; it is unlikely Silverthorne will vote to have property tax. A fiscal impact analysis is needed from Lowe's. The Town has budget problems; we reduced our budget several times in 2009. The Town is always looking for ways to cut expenses without cutting services. Sales tax is not the

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only thing to look at when approving projects. We know it could have an effect on current businesses. As a Town Council, we have a fiduciary responsibility to the Town and its citizens when reviewing projects. Employee housing could be addressed in many ways by Lowe's in their philanthropic programs. Many conditions have to be met before final consideration. He supports this at the preliminary level but he is very clear that might not be his vote at final. He is disappointed that the Lowe's supporters did not show up.

Sandquist agrees with Lanuza's comments. This application was made under the current Town Code, the applicant brings it in for preliminary site plan review and they see where it stands with the public and Council. Tonight is the first night Council has seen the presentation. This is a use by right on this property; no changes in zoning have been requested. There have been some good comments received tonight. She is concerned about the retaining wall and traffic. There will be a traffic issues around this location whenever the site is developed. Council has been looking at this area and traffic for quite some time, we plan for the future. She will support approval tonight but will not have a problem saying no if the conditions are not met at final.

Shaw thanked everyone for their comments. She is concerned about the retaining wall and ground water issues. This site is currently an abandoned building and is an eye sore. It is too big of a building on too small of a site. She will support the approval tonight.

McDonald stated there is a lot to be done before final and the burden is on the applicant. The south side of the building needs some work; this is the gateway to Silverthorne. If this is to be done it needs to be done well and the Town has defined that for the applicant. Traffic is a problem in this area and should be solved. This is a substandard piece of property currently. The retaining wall is an issue but it can be addressed. The truck entrance should be reviewed; be innovative and site specific. Sales tax dollars are not that important to him, the Town is in great shape and we are debt free. He doesn't want to be the social cop and he was not elected for that. He can't decide that Don Sather can't bring a business because Sander's True Value is going to take a big hit or that Jon Harrington can't come in because Neil's Lunceford will take a big hit. He realizes what the issues are and he is sensitive to that because he is a small business owner. He is positive about the project moving this forward.

Koop finds talk of the good old days interesting, products were not readily available anywhere close. There wasn't a Recreation Center or Pavilion. Traffic is an issue and will always be an issue. Everyone that spoke came from somewhere else as did he. The problems we face today are traffic, finance, job and housing issues. He would hate if further development in Wilderndest would dictate development in Silverthorne. Solutions can be found. This was a commercial project submitted by a private firm on a privately owned piece of property. He appreciates the comments made tonight. There are several people present here tonight that pushed for streamlining the process. The project fits the site and the zoning requirements. The building architecture will have to be brought up to our standards.

Lanuza echoed McDonald's comments on the good financial position of the Town. Additional sales tax revenue is not needed for the Town to survive. We are still providing quality services. Sales tax revenue is not the determining factor in this project.

BUTLER MOVED TO APPROVE THE PRELIMINARY SITE PLAN FOR LOWE'S SILVERTHORNE WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

- 1. THE APPLICANT SHALL SUBMIT SPECIFICS ON DESIGN OF THE BUILDING AS IT RELATES TO ENERGY EFFICIENCY, WATER EFFICIENCY, AND SUSTAINABLE CONSTRUCTION PRACTICES.**

2. **THE APPLICANT SHALL WORK WITH THE PUBLIC WORKS DEPARTMENT ON AN APPROPRIATE DRIVEWAY WIDTH THAT MINIMIZES DRIVEWAY WIDTH AND MEETS THE INTENT OF THE CODE.**
 3. **THE APPLICANT SHALL SUBMIT A PARKING MANAGEMENT PLAN AS NOTED IN SECTION 4-6-13-F-3 TO QUALIFY FOR A 15% REDUCTION IN THE PARKING REQUIREMENTS.**
 4. **THE APPLICANT SHALL SUBMIT REVISED LANDSCAPE PLANS WHICH MEET THE REQUIREMENTS OF TOWN CODE SECTION 4-6-14.**
 5. **THE APPLICANT SHALL REVISE THE AREA THAT IS BEING PROPOSED TO REMAIN UNDISTURBED DURING DEVELOPMENT ON THE LANDSCAPING PLAN.**
 6. **THE APPLICANT SHALL REVISE THE LIGHTING FIXTURES TO MEET THE REQUIREMENTS OF SECTION 4-6-16.**
 7. **PRIOR TO SUBMITTAL OF A FINAL SITE PLAN, THE APPLICANT SHALL OBTAIN APPROVAL FROM CDOT FOR ALL PROPOSED IMPROVEMENTS IN THEIR RIGHT-OF-WAY.**
 8. **PRIOR TO THE SUBMITTAL OF THE FINAL SITE PLAN, THE APPLICANT SHALL SUBMIT A DETERMINATION FROM A QUALIFIED WETLAND CONSULTANT THAT THE WETLANDS NO LONGER EXIST ON THE SITE, OR A WETLAND DISTURBANCE PERMIT APPLICATION MUST BE SUBMITTED FOR REVIEW.**
 9. **THE APPLICANT SHALL REVISE THE ARCHITECTURE TO MEET ALL OF THE GATEWAY DISTRICT DESIGN STANDARDS.**
 10. **THE APPLICANT SHALL SUBMIT A MINOR SUBDIVISION PLAT WITH THE FINAL SITE PLAN APPLICATION.**
 11. **THE APPLICANT SHALL ADDRESS ALL OF THE CONDITIONS OF THE PUBLIC WORKS DIRECTOR (EXHIBIT E).**
 12. **THE APPLICANT SHALL ADDRESS ALL OF THE CONDITIONS OF THE TOWN ENGINEER (EXHIBIT F).**
 13. **THE APPLICANT SHALL ADDRESS ALL OF THE CONDITIONS OF THE UTILITIES MANAGER (EXHIBIT G)**
 14. **PRIOR TO THE SUBMITTAL OF THE FINAL SITE PLAN, THE APPLICANT SHALL SUBMIT A GLOBAL STABILITY ANALYSIS ADDRESSING ALL THE COMMENTS OF THE COLORADO GEOLOGICAL SURVEY (EXHIBIT J).**
- MOTION SECONDED. MOTION PASSED BY COUNCIL. (LONG NAY)**

B. Re-scheduling the February 24, 2010 Council Meeting.

Batchelder presented the request to reschedule the February 24, 2010 Council Meeting to a later start time; 7 p.m. The Town of Silverthorne is the sponsor and host city for the 2010 Telemark World Cup and the Opening Ceremony begins at 5 p.m. at the Silverthorne Pavilion and the Mayor is scheduled to give the Welcoming Remarks at 6 p.m.

SANDQUIST MOVED TO RESCHEDULE THE NEXT COUNCIL MEETING FOR FEBRUARY 24, 2010 BEGINNING AT 7 P.M. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

C. RESOLUTION 2010-06, A RESOLUTION AUTHORIZING THE PURCHASE OF TWO REPLACEMENT SLIDES AT THE RECREATION CENTER.

Long questioned the need for the slide replacement when only one bid was received.

Butler asked how problematic it would be to replace the slide in September during the other Recreation Center shutdown, so more bids could be obtained.

Linfield stated staff intends to install the slide during the pool shutdown in May. To replace the slide in September would require another pool shut down. He stated the request for proposal was sent to ten firms but only one replied.

Sandquist asked if staff feels the one bid is competitive.

Linfield can't tell. The one bidder was not aware that they were the only one submitting a bid.

Sandquist stated she does not feel any cost savings would outweigh the closing of the pool in September.

Long feels there should be more than one bid.

McDonald stated if we move this replacement to next May in order to obtain more bids we will still have the same problem.

MCDONALD MOVED TO APPROVE RESOLUTION 2010-06, A RESOLUTION AUTHORIZING THE TOWN TO ACCEPT THE PROPOSAL FROM CHURCHICH RECREATION FOR THE TWO REPLACEMENT SLIDES AT THE RECREATION CENTER. MOTION SECONDED. MOTION PASSED 4-2. (SHAW AND LONG NAY)

DISCUSSION ITEMS:

LONG MOVED AT 9:49 TO GO INTO EXECUTIVE SESSION FOR A CONFERENCE WITH THE TOWN ATTORNEY AND APPROPRIATE STAFF, UNDER CHARTER SECTION 4.13(c) AND SECTION 24-6-402(4)(b) AND (e), C.R.S., SPECIFICALLY TO RECEIVE LEGAL ADVICE AND INSTRUCT NEGOTIATORS CONCERNING THE ESTIP REQUEST OF LOWE'S STORE.

EXECUTIVE SESSION. AND THE MEETING ADJOURNED AT 11:27 P.M. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

EXECUTIVE SESSION:

Legal Advice and Instruct Negotiators Under Charter Section 4.13(c) and Section 24-6-402(4)(b) and (e)CRS, Specifically ESTIP Requests of Lowe's Store

INFORMATIONAL:

A. SPORT Committee Meeting Minutes – January 21, 2010

B. Planning Commission Meeting Minutes – February 2, 2010

LONG MOVED TO ADJOURN THE REGULAR MEETING AND EXECUTIVE SESSION AT 11:27 P.M.

DAVE KOOP, MAYOR

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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.