

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, September 14, 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, Sgt Tim Osborn, Administrative Services Director Donna Braun, Recreation Director Joanne Breigenzer, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

STAFF COMMENTS:

Batchelder presented Finance Director Donna Braun with the Government Finance Officers Association's Distinguished Budget Presentation Award for the Town's 2011/2012 biennial budget. This award is specifically for Ms. Braun in her role as the Director of Administrative Services. This marks the 9th consecutive two-year budget cycle for which Silverthorne has received this award.

Council thanked Braun for her work on the Biennial Budget.

Breigenzer updated Council on the Community Room completion. She reviewed the upcoming events at the Recreation Center. She introduced Bob Mayerle as the potential SPORT Committee member.

COUNCIL COMMENTS:

Richardson asked if Silverthorne had considered putting in a bid for next year's Us Pro Challenge bike race. He asked about the progress on the Swift Skedaddle Snowshoe and the Forest Service permit.

Batchelder stated staff will look into the criteria for bidding on the US Pro Challenge.

Breigenzer stated staff continues to work with the Forest Service on the Swift Skedaddle Snowshoe.

Preaus presented Breigenzer with a signed cow bell from Elia Viviani, Stage 5 winner, of the US Pro Challenge.

CONSENT CALENDAR:

BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM AUGUST 24 AND SEPTEMBER 6, 2011, SPORT COMMITTEE APPOINTMENT – BOB MAYERLE, TOWN POLICY REGARDING CLUSTER MAILBOXES, AND RESOLUTION 2011-12 – AWARDING THE TOWN CORE ECONOMIC FEASIBILITY TO THE LARAMIE CO. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

CITIZEN COMMENTS:

None

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

None

PUBLIC HEARINGS:

A. Conditional Use Permit - JH Mountain Services, 205 & 207 Warren Avenue, Lot 2-A, Block 2, Enterprise Park Subdivision

Lina Lesmes, Planner II, presented the project. The applicant, Kamil Petrik, is requesting approval for a Conditional Use Permit for the use of Equipment Rental in a C-2 Zone District. She reviewed the staff memo and requested denial. Planning Commission recommended approval of the Conditional Use Permit with six conditions of approval. She reviewed the suggested conditions of approval.

Sandquist asked for clarification on violations on the property from 2009.

Lesmes reviewed the past violations.

Richardson asked for clarification on "rental equipment". What equipment can be rented at the site?

Lesmes stated only Budget Rental trucks.

Public hearing opened.

Kamil Petrik, Owner/Applicant, JH Mountain Services, addressed the previous conditions of approval. The fence and striping were completed on September 1. Staff was aware at the time of the site visit that the cars were parked outside of the designated area temporarily due to asphalt patching. He plans to have directional parking signs made to avoid issues. The parking space striping has turned out to work well on the site, so that people know where to park in designated spots. With the striping it is easier to pull out the Budget Rental trucks, very convenient.

Council comments.

Lanuzza asked Petrik if he can meet the six conditions and continue to do so in the future. He supports the CUP with the Planning Commission recommended conditions. He asked about after hour truck drop off.

Petrik stated yes he can meet the conditions; he has a designated person to deal with the Budget Rental Truck business. He coordinates the pickup and drop off of the trucks to minimize the on street parking.

Butler expressed his concern about the changes being made to this CUP over a period of time. He asked how many trucks will be located on the lot on a regular basis.

Petrik stated no more than ten trucks. He was not aware he needed a CUP for the truck rental; he thought it was covered under his existing CUP with autos.

Council Comments.

Lanuzza will approve the CUP with the six conditions and the five year term. The Town does not want to monitor the site; he wants the applicant to keep it in compliance.

Sandquist agreed with Lanuzza. She thanked Planning Commission for their thorough review of the project. She agrees with Peggy Long, on not having a time limit for any CUP because it can be revoked at any time for violations.

Butler does want to see the business do well. He supports the five year CUP approval. If everything is good after five years it will be approved at staff level.

Richardson asked if the two CUPs for this site can be combined.

Dahl stated there are two separate CUP's with separate conditions.

Preaus thanked Planning Commission for their discussion on the length of the time. He suggested the applicant review his compliance with the CUP periodically so there are no violations or issues with the renewal. He agrees with the five year CUP.

Anderson supports approval of the CUP.

Koop asked the applicant to keep up with the conditions of approval over time. He agrees with the five year approval of the CUP. A CUP can be revoked at any time if there are violations.

Kamil expressed concern about his neighbors parking outside of his lots.

Koop urged him to continue conversations with the Police Department if he has concerns.

LANUZA MOVED TO APPROVE THE CONDITIONAL USE PERMIT FOR JH MOUNTAIN SERVICES TO ALLOW THE USE OF "EQUIPMENT RENTAL" IN THE C-2 ZONE DISTRICT, WITH THE PLANNING COMMISSION RECOMMENDED CONDITIONS.

- 1. THE CUP IS PERSONAL TO THE APPLICANT, KAMIL PETRIK OR JH MOUNTAIN SERVICES AND NONTRANSFERABLE. SHOULD THE APPLICANT'S OWNERSHIP, LEASE OR SUBLEASE TERMINATE OR BE TRANSFERRED DURING THE TERM OF THE CUP, THE CUP SHALL EXPIRE.**
- 2. THE TERM OF THE CUP SHALL BE 2 YEARS, UNLESS SOONER TERMINATED OR REVOKED FOR FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE CONDITIONS HEREOF, OR AS A RESULT OF ACTION BY THE TOWN TO ENFORCE THE CONDITIONS OF THE PERMIT OR REQUIREMENTS OF THE TOWN CODE.**
- 3. ALL PARKING SPACES REQUIRED UNDER SECTION 4-6-10 THAT PROVIDE PARKING FOR CUSTOMERS, EMPLOYEES, AND COMPANY-OWNED VEHICLES SHALL BE STRIPED, IN COMPLIANCE WITH SECTION 4-6-10.D.7.**
- 4. ALL PARKING AND VEHICLE STORAGE AREAS SHALL BE MAINTAINED, INCLUDING THE SURFACING AND STRIPING, IN COMPLIANCE WITH SECTION 4-6-10.G.**
- 5. NO LOADING, UNLOADING OR TEMPORARY PARKING IN TOWN RIGHT-OF-WAY IS ALLOWED.**
- 6. ALL EQUIPMENT RENTALS SHALL OCCUR WITHIN THE DESIGNATED VEHICLE STORAGE AREA, AS SHOWN ON THE APPROVED SITE PLAN. EQUIPMENT RENTAL AND AUTO STORAGE ARE NOT PERMITTED IN REQUIRED PARKING SPACES.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

BOARD OF ADJUSTMENT:

None.

ACTION ITEMS:

- A. Site Plan Modification - Sav-O-Mat, 299 Blue River Parkway, Block A, Lots 4 – 7, Silverthorne Colorado Subdivision**

Lina Lesmes, Planner II, presented the project. The Applicant, Lombardi Land Consultants, is requesting approval of a Site Plan Modification for site improvements and building upgrades for the existing Sav-o-Mat gas station and convenience store. She reviewed her staff memo dated September 8, 2011 and recommended approval with the Planning Commission recommendations ten conditions.

Richardson asked about the canopy lighting, is it going to be changed.

Lesmes stated the lighting conditions only address the convenience store.

Richardson asked about development of lots three and four and future access.

Lesmes stated staff is only assuring access into the current developed lots.

Butler asked why the license agreement was pulled.

Lesmes stated the applicant wanted more time for his attorney to take another look at the agreement.

Preaus asked what area the license agreement covered.

Lesmes reviewed the area covered by the license agreement.

Anderson asked if there is any impact to the parking lot to the Factory Stores.

Lesmes stated no that will remain the same.

Butler asked about drainage on the site. How has that been addressed?

Linfield stated due to constrains on the current site, staff felt it was important to address water quality and less detention. A storm ceptor manhole will be installed on the site to address water quality. As long as the unit is maintained the unit will work. Approved site plans must be maintained. Butler asked how the Town is assured the system is maintained.

Linfield stated there will have to be periodic inspections.

Butler asked if maintenance of the system needs to be part of the conditions of approval.

Linfield stated if any of the site plan improvements are not maintained the applicant would be notified.

Anderson asked for an explanation of how the drainage system works.

Linfield reviewed the drainage system. There are several units in Summit County that work well.

Richardson asked about the sign.

Lesmes stated the applicant is considering a sign variance request. The applicant is still working with staff on the signage.

Sandquist asked if this application is approved will the sign be moved.

Lesmes stated if the variance is not approved the applicant would have to propose a sign that meets Town requirements.

Buzz Calkins, Owner/Sav-o-Mat, stated the license agreement was continued so his attorney could review the document.

Sandquist asked about the drainage system and the maintenance plan.

Calkins has no experience with these systems, so he is not sure what will be needed but will make sure it is maintained.

Lanuzza asked the applicant to coordinate testing and communication with staff on the maintenance of the unit.

Richardson asked if there is data provided on the remediation on the site.

Calkins stated the State of Colorado does reporting quarterly and he doesn't see a problem with Council viewing that data.

Preaus appreciates the applicant addressing the issues on the site but there is a pattern of everything coming down to the last minute, changes are made or items are pulled from consideration. He asked the applicant to do what he can to avoid this.

Calkins stated he had no control over the remediation system.

Citizen Comments.

Bob Mayerle, 301 Lagoon Lane, asked if the drainage system over flows, what happens. He is concerned about particulates making their way to the Blue River.

Koop stated he has limited experience with this type of system. He reviewed the drainage system.

Council comments.

Sandquist is glad to finally see this application. The site is looking better and she is happy there is an agreement on the curb. She encouraged cooperation with staff on the License Agreement and signage. She is concerned that the drainage system continues to be maintained and monitored. She supports the modification.

Preaus requested condition number five, regarding lighting condition say " site", not convenience store.

Butler is disappointed the building fascia is not being changed. He has concerns about approving the Site Plan Modification, without all the pieces in place. The License Agreement is very important to this project. How this collection and drainage system works needs to be addressed. There is not a good track record for maintaining the site and that is a huge problem. He could

support approval if he had all the pieces before him, so he could review all the conditions of approval. He cannot support approval in this form tonight.

Anderson has the same concerns with the project as Butler does. He is not comfortable with the applicant not knowing about the drainage system.

Koop asked Dahl about possible motions.

Dahl stated Council has the option of continuing the site plan and license agreement to a specific date, continue site plan and license agreement to a date not to exceed by so many days, or continue site plan and license agreement until specific information is provided to staff. Since this isn't a Public Hearing a specific continuation date does not need to be provided, unless Council chooses to.

Preaus clarified that the sticking point for Butler and Anderson is the need for the license agreement, and the engineering of the site drainage.

Butler wants to see all the pieces laid out so he can see how everything is going to work together.

Anderson feels he needs more information.

Butler feels the applicant should understand how the drainage system works. He wants to be reassured that it will be maintained properly.

Sandquist stated the License Agreement is listed in the conditions of approval, so if it is not completed the applicant would not be in compliance.

Lanuza is skeptical about this project going forward because of prior delays. Not sure how we determine the drainage system is working at this location.

Koop would like to see this application submitted complete. He generally does not favor continuances but in this instance it will be an opportunity to get more information and review it all together.

Anderson asked for a timeline on completion.

Calkins stated they will get started next spring. He has pulled permits on another project in Denver and he can't do both at the same time. It's not fair that he didn't get the license agreement until last Friday; it didn't give him enough time to review it by Tuesday. The reason it has taken so long is that Silverthorne requires more than any other municipality. This process has been completely foreign to him. Council is asking him to spend a lot of money to bring this project up to Code, which is not the case with any other municipality.

Butler asked Calkins if no other municipality expects a site to be clean, and provide drainage.

Sandquist feels non compliance is why we are where we are with this project. The licensing agreement has been discussed with Calkins a number of times since last fall. Council would like to see this project proceed. They would like to see the business look good and make money for the applicant. There is not a lot of compliance on this site.

Anderson does not want the project to take steps back. There is a feeling that there is not enough information provided tonight. He needs more answers to questions put out by Council. He asked how we move forward.

Koop reviewed the options for motions.

Lanuza feels the license agreement should be worked out soon. The drainage issue shouldn't be difficult either. Nothing major should come up. A short continuance might help.

Preaus stated if the applicant is not going to build until spring, a continuance should not impose too much of a problem. He would like to see the application presented with all the information as a package at a later date. He would like to see the sign variance included.

Anderson asked Council if they support having the Site Plan Modification, sign variance, and drainage submitted all at once. He asked the applicant if he could live with a continuation.

Lanuza wants to see the project completed and he requested everyone work together.

SANDQUIST MOVED TO CONTINUE THE SAV-O-MAT, INC., SITE PLAN MODIFICATION FOR A TIME NOT TO EXCEED THIRTY DAYS. THE SIGN ISSUES, MAINTENANCE PLAN FOR CEPTOR,

AND LICENSING AGREEMENT SHALL ALL BE PRESENTED AT THAT TIME. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Revocable License Agreement – Sav-O-Mat, 299 Blue River Parkway - PULLED

C. Approval of License Agreement with Willow Creek Highlands HOA Regarding Cluster Mailboxes

Bill Linfield, Public Works Director, presented the License agreement with the Willow Creek Highlands HOA, allowing for installation and maintenance of cluster mailboxes in Eveningstar Court.

Lanuza asked about the cluster box location and the snow plowing. How many participants are there?

Linfield reviewed the plowing of the site and the need for hand shoveling by the HOA if necessary. So far there are twenty participants.

Anderson is concerned about how this will look in the neighborhoods.

Koop stated it will be interesting to see how it will work.

SANDQUIST MOVED TO AUTHORIZE THE MAYOR TO SIGN THE LICENSE AGREEMENT WITH THE WILLOWCREEK HIGHLANDS HOA ALLOWING FOR INSTALLATION AND MAINTENANCE OF CLUSTER MAILBOXES IN EVENINGSTAR COURT. MOTION SECONDED. MOTION PASSED BY COUNCIL. (ANDERSON NAY)

D. Resolution 2011-11 Bid Award – Segment 5a Blue River Trail, a Portion of Segment 5 of the Blue River Trail –

Bill Linfield, Public Works Director, presented Resolution 2011-11 for Council's consideration. He reviewed his staff memo and recommended approval.

Preaus stated he is generally opposed to only one bid but this sounds like a good price.

Sandquist is excited about getting started on this Segment. She hopes the litigation is worked out soon and wants the citizens to know the Town is working on the issues.

Koop hopes to continue the work with Segment 5B. He is looking forward to working this out.

ANDERSON MOVED TO APPROVE RESOLUTION 2011-11, AWARDED CONSTRUCTION OF SEGMENT 5A OF THE BLUE RIVER TRAIL TO BETONE CIVIL CONSTRUCTORS OF SILVERTHORNE COLORADO IN AN AMOUNT OF NOT TO EXCEED \$48,734.40. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

LANUZA MOVED TO GO INTO EXECUTIVE SESSION AT 7:45 P.M. 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 AND FURTHER ADJOURN THE MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

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:

- A. Planning Commission Meeting Minutes – September 6, 2011
- B. SPORT Committee Meeting Minutes – August 18, 2011

EXECUTIVE SESSION CONCLUDED AND MEETING AND ADJOURNED AT 9:14P.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.