

**SILVERTHORNE TOWN COUNCIL**  
**Meeting Minutes**  
**Wednesday, October 26, 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, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Recreation Director Joanne Breigenzer, Public Works Director Bill Linfield, Planning Manager Michael Johnson, Planner II Lina Lesmes, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

**STAFF COMMENTS:**

Breigenzer updated Council on the Pumpkinfest going on at the Pavilion October 30<sup>th</sup>  
Braun informed Council that the Silverthorne Town Hall is being used as a Summit County Election Service Center until Election Day November 1, 2011.

**COUNCIL COMMENTS:**

None

**CONSENT CALENDAR:**

**BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM OCTOBER 12, 2011, RESOLUTION 2011-13, INDEPENDENT AUDITING SERVICE AWARD AND RESOLUTION 2011-14, SPECIAL EVENT LIQUOR LICENSES APPROVED BY LOCAL LICENSING AUTHORITY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**CITIZEN COMMENTS:**

None

**PUBLIC PRESENTATIONS:**

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

**A. Ordinance 2011-01, An Ordinance Setting the South Maryland Creek Ranch GID Property Tax Mill Levy for Taxable Year 2011, First Reading**

Finance Director Donna Braun presented South Maryland Creek Ranch Ordinance 2011-01 for Council's consideration. She reviewed her staff memo and requested approval.

Richardson asked about the property evaluation amount, it seems low.

Braun stated the County Assessor determines that amount.

**LANUZA MOVED TO APPROVE ORDINANCE NO. 2011-01 ON FIRST READING, AN ORDINANCE LEVYING PROPERTY TAXES FOR THE TAXABLE YEAR 2011 ON THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**LIQUOR BOARD:**

**A. Rock Bottom Restaurant, Inc. dba Old Chicago Silverthorne – Renewal of H & R Liquor License**

**B. P & J, Inc. dba Sunshine Café – Renewal of H & R Liquor License**

**PREAUS MOVED TO APPROVE ROCK BOTTOM RESTAURANT, INC. DBA OLD CHICAGO SILVERTHORNE AND P & J, INC. DBA SUNSHINE CAFÉ - RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSES. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**C. National Repertory Orchestra – Special Events Permit November 19, 2011**

**BUTLER MOVED TO APPROVE NATIONAL REPERTORY ORCHESTRA, SPECIAL EVENTS PERMIT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**PUBLIC HEARINGS:**

**Ordinance 2011- 06, an Ordinance Approving an Amendment to the Silverthorne Town Center LLC Ground Lease, Second Reading**

Town Manager Kevin Batchelder presented Ordinance 2011-06 for Council's consideration. This ordinance is a result of a request by Mr. Peter Cudlip to have Council consider changing the monthly lease payment date for the Town Center from the first of the month to a date later in the month. He reviewed his staff report and requested approval.

Council questions.

Richardson asked if Mr. Peter Cudlip is current on his payments.

Batchelder stated not at this time, there are penalty and late fees owed from the past year. Staff has a meeting with Cudlip next week.

Richardson would like to continue this matter.

Butler feels the extra twenty-five days will help Cudlip collect rents from his tenants and then remit his payment to the Town.

Sandquist feels changing the date will assist in avoiding future delinquencies.

Anderson asked how much is owed in late fees.

Braun stated it is approximately \$2,000.

Koop stated if the date is changed then we could hopefully avoid more late fees.

Anderson asked if the late payments are due to financial stress or an unwillingness to pay the late fees.

Braun stated staff is unsure of the reason but staff can discuss it with Cudlip next week.

Lanuzza stated Council reviewed the request to waive the late fee earlier this year and decided against that. The change of the due date made sense.

Anderson would like to see some good faith from Cudlip in bringing this account current before approving this ordinance.

Lanuzza said we are past the 25<sup>th</sup> of the month, so waiting two weeks shouldn't be a problem.

Public hearing opened, no comment, public hearing closed.

Lanuzza stated the ordinance just changes the due date and does not waive any late fees.

Anderson questioned whether continuing the matter until after staff meets with Cudlip would be a good idea. Then staff can have a conversation regarding the past due amount.

Council discussed possible motions.

Butler is committed to moving the date to assist Cudlip.

Anderson stated at some point past due amounts can be declared a default.

**SANDQUIST MOVED TO CONTINUE ORDINANCE NO 2011-06, AN ORDINANCE APPROVING AN AMENDMENT TO THE SILVERTHORNE TOWN CENTER LLC. GROUND LEASE UNTIL NOVEMBER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**BOARD OF ADJUSTMENT:**

None

**ACTION ITEMS:**

**A. Site Plan Modification - Global Collision Center, 191 Adams Ave., Lot 1, United Rental Subdivision**

Planner II Lina Lesmes presented the applicant's request for a Site Plan Modification. She reviewed her staff memo dated October 21, 2011 and requested approval with the Planning Commission's recommended conditions

Council Questions.

Richardson asked about the paint shop and venting. The dumpster does not handle bumpers and other metals, how will that be dealt with? Is there a light management plan for the site?

Lesmes stated the applicant can address the paint shop and dumpsters on site. The applicant submitted a photometric plan as required by the Code.

Sandquist asked about the sidewalk.

Lesmes stated the sidewalk issue will be dealt with at the permitting process.

Preaus asked about the black glass.

Lesmes stated it is opaque glass.

Todd Weber, Architect, reviewed the lighting changes being made on the site.

Richardson asked about the venting in the paint shop.

Weber reviewed the usage of water base paint on the site. They are using the self contained venting units; there are no roof top units.

Richardson asked about the old car parts.

Weber stated most parts stored inside and then they are recycled. There is minimal waste.

Council Comments.

Butler thanked the applicant for all the changes being made to the site. He asked the applicant if the conditions of approval are acceptable.

Applicant stated yes.

Koop stated this is a good design. This site is in a visible location, this is an improvement to the site and he hopes that they continue to maintain it.

Preaus thanked the applicant for coming forward with the changes.

**RICHARDSON MOVED TO APPROVE THE GLOBAL COLLISION CENTER SITE PLAN MODIFICATION WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS, AND BASED ON THE STAFF REPORT DATED OCTOBER 20, 2011:**

- 1. THAT CONDITIONAL USE PERMITS BE OBTAINED FOR THE PROPOSED 'AUTO STORAGE' AND 'CAR WASH AND POLISH' USES.**
- 2. THAT A PARKING MANAGEMENT PLAN BE SUBMITTED, AS REQUIRED BY SECTION 4-6-10.F.3, TO QUALIFY FOR THE 15% IN REQUIRED PARKING FOR THE SITE.**
- 3. THAT A SIDEWALK BE INSTALLED ALONG ADAMS AVENUE, OR THAT CASH IN LIEU BE PROVIDED FOR ITS CONSTRUCTION, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- 4. THAT ALL LIGHT FIXTURES MEET THE SETBACK REQUIREMENTS NOTED IN SECTION 4-6-13.E.3.F.**
- 5. THAT THE ROOF TOP MECHANICAL AND ROOF MEMBRANE COLORS BE SPECIFIED, AND THAT THEY MEET STANDARD 4.5.5 OF THE TOWN CORE PERIPHERY DISTRICT DESIGN STANDARDS.**

- 6. **THAT ALL THE REQUIREMENTS OF THE TOWN ENGINEER BE MET (EXHIBIT C).**
- 7. **THAT ALL THE REQUIREMENTS OF THE LAKE DILLON FIRE PROTECTION DISTRICT BE MET (EXHIBIT D).**

**MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**B. Angler Mountain Ranch Filing No. 3 Site Improvements Agreement – Sixth Amendment**

Planning Manager Michael Johnson presented the applicant's request for the Sixth Amendment to the Angler Mountain Ranch Filing N., 3 Site Improvements Agreement. He reviewed his staff memo and requested approval.

Tim Crane, applicant, reviewed their efforts to move the project along and the delays they have faced.

Richardson asked if sixty days after the CDOT approval might work as a deadline.

Butler has no problem with the request.

**BUTLER MOVE TO APPROVE THE SIXTH AMENDMENT TO THE SITE IMPROVEMENTS AGREEMENT FOR ANGLER MOUNTAIN RANCH FILING NO. 3. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**C. Ordinance 2011- 08, An Ordinance Approving the 2012 Budget, First Reading**

Kevin Batchelder, Town Manager, presented Ordinance 2011-08 approving the 2012 Budget on second reading to Council. He acknowledged the work by Braun, the directors and staff to make this budget come together. He thanked Council for their hard work and effort in putting this budget together. All have done a remarkable job with the budget. Batchelder provided an overview of the proposed 2012 Budget and the current efforts to deal with the tough economic climate.

Anderson asked if health care premiums went up this year.

Braun stated there is no increase in the line item.

Braun summarized the revenues and expenditures for some of the nine funds. She reviewed some of the changes made since the 2010 Biennial budget.

Anderson asked about the original 1,400 required EQR purchase scheduled for 2013, is that balance the same.

Braun reviewed the water needs of Dillon and Mesa Cortina and the selling of the EQRs.

Richardson asked if Maryland Creek has purchased any EQRs.

Braun stated no. We are utilizing only about seventy-five percent of our capacity.

Linfield stated we have enough EQR's for the next twenty years.

Richardson asked when we calculate expense is that calculated with the EQRs we have?

Linfield reviewed expenses, operation, and infrastructure.

Sandquist thanked staff for their efforts. She is impressed with the health insurance cost going down. We have a great wellness program.

Butler thanked everyone for their efforts. He does prefer merit increase to COLA's but he understands it has been a while since there have been raises. He hopes the employees remember this is a good place to work and they have good job security. Hopes they value what the Town of Silverthorne has to offer.

**ANDERSON MOVED TO APPROVE ORDINANCE NO. 2011-08 ON FIRST READING; AN ORDINANCE RECOGNIZING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF SILVERTHORNE, JOINT SEW AUTHORITY AND THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT BUDGETS FOR THE YEAR BEGINNING ON THE FIRST DAY OF JANUARY,**

**2012 AND ENDING ON THE LAST DAY OF DECEMBER, 2012. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**D. Ordinance 2011-09, 2012 Rate and Fee Changes, First Reading**

Finance Director, Donna Braun, presented Ordinance 2011-09 establishing fees, rates and charges effective 2012. She reviewed her staff memo dated October 20, 2011, briefly explained each rate change and requested approval.

Butler asked for a forecast on rate increase at the Recreation Center.

Breigenzer doesn't feel there will be an increase next year. They feel they provide value for the daily admission.

Sandquist stated everyone knows the Recreation Center is subsidized; it does not pay for itself. The Town needs to decide what percentage we want to subsidize it.

Preaus would also like to decide how much the Town subsidizes the Recreation Center.

Braun stated 35% of the Recreation Center is subsidized.

**SANDQUIST MOVED TO ADOPT ORDINANCE NO. 2011-09 ON FIRST READING; AN ORDINANCE ESTABLISHING FEES, RATES AND CHARGES. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**D. Ordinance 2011-07, An Ordinance Amending Chapter 3, Article VIII of the Silverthorne Town Code Entitled Flood Damage Prevention, First Reading**

Dan Gietzen, Town Engineer presented Ordinance 2011-07 for Council's consideration. The ordinance updates the Town's existing floodplain regulations to come into compliance with the new FEMA digital mapping that becomes effective November 16, 2011.

Richardson asked if the website will have a button directing citizens to the site.

Gietzen stated he is looking into it.

**BUTLER MOVED TO APPROVE ORDINANCE 2011-07, AN ORDINANCE AMENDING CHAPTER 3, ARTICLE VIII OF THE SILVERTHORNE TOWN CODE ENTITLED "FLOOD DAMAGE PREVENTION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**DISCUSSION ITEMS:**

**Authorization to Enter Agreement with Ice Castles at Silverthorne**

Joanne Breigenzer presented Ice Castle's request to host artwork on the Pavilion Lawn this winter. She reviewed her staff memo and recommended giving the proposal a try. She introduced Ryan Davis, Ice Castles operations and Brent Christenson, Ice Castle artist.

Anderson asked if there is a theme for the project. Is there a series of projects? How long does it take to construct. What is the duration of event?

Brent stated there is not really a theme. There are a series of structures. It takes a couple of weeks to construct and it lasts approximately twenty-two weeks.

Butler asked about the sculpture melting and drainage on site.

Christenson reviewed the melting procedure.

Preaus supports this effort to bring people to Town. He is not sure about the location. He requested advertisements and publicity around the ice sculptures in Breckenridge.

Anderson supports the project.

Butler is in favor and willing to give it a try.

Sandquist asked about publicity.

**ANDERSON MOVED TO ENTER INTO AN AGREEMENT WITH ICE CASTLES AT SILVERTHORNE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION AT 7:32 P.M. UNDER FOR A CONFERENCE WITH THE TOWN ATTORNEY AND APPROPRIATE STAFF 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 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 – October 18, 2011**
- B. **August 2012 Sales Tax Report**

**EXECUTIVE SESSION CONCLUDED AND MEETING AND ADJOURNED AT 8:47 P.M.**

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**DAVE KOOP, MAYOR**

**ATTEST**

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**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.