

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, July 14, 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, 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 a generous donation to the Recreation Center from the Jones Family. They have donated a new AAI Elite Balance Beam and a set of AAI Elite Uneven Bars for the gymnastics program. She also reviewed the upcoming events for the Recreation Center and Pavilion.

COUNCIL COMMENTS:

Koop appreciates the Jones family's donation to the Gymnastics program. The gymnastics program is a great program offered by the Recreation Center.

CONSENT CALENDAR:

LANUZA MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MEETING MINUTES FROM JUNE 23, 2010. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

CITIZEN COMMENTS:

None

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

A. Suncor Energy Sales, Inc. dba Shell – Renewal of 3.2% Beer Liquor License

Public hearing opened, no comment, public hearing closed.

SANDQUIST MOVED TO APPROVE SUNCOR ENERGY SALES INC. DBA SHELL RENEWAL OF 3.2% BEER RETAIL LIQUOR LICENSE (OFF PREMISE). MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

None

BOARD OF ADJUSTMENT:

None

ACTION ITEMS:

A. Preliminary Site Plan – Carquest Auto Parts, 120 W. 6th St., Lot 1, Summit Motor Sports Subdivision

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Lina Lesmes, Planner II, presented the applicant's request for approval of their Preliminary Site Plan of a 6,375 square foot Carquest Auto Parts Store. She reviewed the staff report and requested approval with the Planning Commission conditions.

Mike Houx, BHH Architects, stated they have no problems with meeting the Planning Commission recommended conditions listed in the Staff report. There have been a lot of questions asked about the wildlife that resides on the lot. The Division of Wildlife has a relocation program and has been contacted about this situation.

Butler stated this seems to be a good project. He asked about the timeline for the project?

Houx stated they plan to come back for Final Review in September.

Lanuza asked if CDOT approval will cause an issue.

Houx stated no, they are used to working with CDOT on these types of issues.

Council comments.

Lanuza likes the improvement to the site.

Sandquist feels like this is an appropriate use for the site. She appreciates the sidewalks and the applicant working with staff.

Butler stated this is a good use of the lot.

Koop feels this is a good match for the location and surrounding uses. It is a nice building design.

BUTLER MOVED TO APPROVE CARQUEST AUTO PARTS PRELIMINARY SITE PLAN WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

1. THAT THE LENGTH OF SOUTH BUILDING FAÇADE HAVE AT LEAST 50% TRANSPARENT MATERIALS AS REQUIRED BY STANDARD 4.3.6 OF THE TOWN CORE DISTRICT DESIGN STANDARDS.

2. THAT ALL OF THE CONCERNS OF THE REFERRAL AGENCIES BE ADDRESSED TO THEIR SATISFACTION (SEE EXHIBITS C-F).

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Appointment of Planning Commissioners

Community Development Director Mark Leidal reviewed his staff memo outlining the need to fill the four vacancies on the Planning Commission. Town Council interviewed the candidate on July 13, 2010. He asked for a vote by Council to appoint the Planning Commission members.

Koop thanked all the applicants for their interest.

LANUZA MOVED TO APPOINT RUSS CAMP, TANYA SHATTUCK, BRIAN WRAY AND PEGGY LONG TO THE PLANNING COMMISSION AS REGULAR MEMBERS WITH A TERM TO EXPIRE JULY, 2013 AND TO FURTHER APPOINT STAN KATZ AND ROBERT KIEBER TO THE PLANNING COMMISSION AS ALTERNATE MEMBERS WITH A TERM TO EXPIRE IN JULY, 2011. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT.

C. Appointment of Economic Development Advisory Committee (EDAC) Committee Members

Assistant to the Town Manager Ryan Hyland reviewed his staff memo outlining the need to fill the five vacancies on EDAC. Town Council interviewed the candidate on July 13, 2010. He asked for a vote by Council to fill the EDAC vacancies.

Sandquist stated this committee has been a great asset to the Town and she appreciates the level of interest.

Butler feels Silverthorne is fortunate for all the volunteer committees and the volunteers that step forward.

SANDQUIST MOVE TO APPOINT CURT KRAMPERT TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AND TO REAPPOINT EDDIE O'BRIAN, MARK HOGAN, LARRY LUNCEFORD AND KEN GANSMANN, ALL WITH TERMS TO EXPIRE IN JUNE, 2012. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT.

D. Request for Road Paving – Hunter's Knob Road, Patty Memsic

Patty Memsic, 345 Game Trail Road, addressed the unpaved portion of Hunters Knob and her desire to have that section of road paved by the Town. She reviewed the history of her property ownership in the area. She feels the unpaved road is an oversight by Intrawest and the Town. She has waited for five years for this road to be paved. In the packet she presented to Council there are letters from the neighbors affected by the dirt road and their request for paving, letters from realtors noting the decrease in their property values and a map of the area. She requested the road be paved as soon as possible.

Sandquist asked Memsic about her property's access to Hunters Knob.

Memsic reviewed her properties access to Hunters Knob.

Lanuzza asked what it would cost to pave that section of road.

Public Works Director Bill Linfield obtained an estimate of just under \$13,000. He gave Council a brief summary of the history of Game Trail Road and Hunter's Knob Road from his staff report dated July 12, 2010. A road was never built there originally. There was a stub that was platted to eventually connect to development to the north. In the year 2000, when it was platted, the developer was not required to pave it for numerous reasons. It was merely there to allow for a future road extension if ever needed. Road stubs like this one exist in other locations in Town; they allow for future extensions. Since this was platted, the Town has approved a minor subdivision and has allowed SMCR to build some infrastructure. Due to the downturn in the economy this development did not proceed as intended. Under the current circumstances SMCR is under no obligation to pave this section of Hunters Knob until they have a final plat approved. The property owner immediately to the north of the Memsic residence, Leslie Arnold, does not intend to pave onto her property.

Lanuzza asked if Three Peaks has private roads and driveways in Silverthorne that are put in by the developer.

Linfield stated there are private driveways in Three Peaks that serve more than one home that were put in by the developer.

Wade asked if Lot 38 proposed a house where would they have access from.

Linfield stated they would have temporary access in the right-of-way until the road is paved. This type of situation has happened in the past and it will again in the future as developments occur. There are and have been stubs in Three Peaks, Willowbrook, Ranch Road and Angler Mountain. If the SMCR had not come in with a development proposal, the right of way would still be grass.

Sandquist asked if SMCR had not come in and Ms. Arnold developed her property, would she have had access to the right of way by a license agreement.

Linfield stated yes.

Anderson asked if the Town had ever intended to develop that street. If he was owner of lot 38 he would expect the road to be paved.

Linfield stated it was a conscious decision to not pave that street until the development was built to the north. The right of way was put there to allow for a future connection if the Town ever needed one. The stub is there if a developer wishes to connect to the Town with a second access.

Anderson asked if this is an Intrawest issue or the Town's issue.

Linfield stated the Town chose not to pave it.

Anderson asked if the policy is that we don't pave stubs until there is future development.

Linfield stated when a future development needs the access then they will pay for the paving.

Joanne Hopkins, South Maryland Creek representative, stated SMCR did not originally disturb this area.

Memsic stated she came to the Town when she built her home. Originally the access to her home was from Game Trail and she had it moved to Hunters Knob. Intrawest promised her a paved street.

Anderson asked Memsic if she believes the Town is responsible for paving the road.

Memsic stated that is what she is trying to figure out.

Hopkins knows that SMCR has not proceeded as expected. They are making efforts to clean up and re-vegetate the area. They are not willing to pave the road at this time.

Anderson asked Dahl, is the Town legally bound to pave that street.

Dahl stated no.

Memsic asked who owns that property on the side of her home and lot 38.

Linfield stated it is the Town of Silverthorne's right of way.

Dahl stated the Town is not obliged to pave or develop any Town owned right of way. When there is future development there are conditions placed on the developer to make these improvements.

Anderson thinks that it is being presumptive to assume that paving the road would be a condition for the future development. Wouldn't that be a Council action?

Dahl stated it would be a plat condition not a negotiation. The Town has every right to make sure there is a second access for the SMCR development.

Anderson feels we are unnecessarily bringing SMCR into this discussion since there is no timeframe for their development. That does not address the current situation.

Lanuza asked if there is anything that can be done to the road at a minimal cost that would make the road in a better condition.

Linfield reviewed the ownership of the Arnold property, Town of Silverthorne and South Maryland Creek and the width of the road.

Butler stated he drives through a lot of construction on his commute every day. It is clear that the Town and SMCR do not have a legal obligation to build the road. He suggested utilizing recycled asphalt millings as a reasonable solution for the problem. It would cut down on the dust and give any potential buyer the indication that the road would be eventually developed. It is not 100% of what everyone wants but it could be a compromise.

Sandquist does not want the Town to pay for paving the road. She is open to Butler's suggestion. She stated the Town does not have the budget for this type of unbudgeted item.

Koop stated mag chloride on top of the asphalt millings would be a good idea. Until there is a final development to the north he does not see the need for an engineered surface. He requested an estimate for this type of solution.

Linfield stated there are millings stored on Town property and they could be put down by staff and it would be only be time and equipment use. It would look better and be dust free. This road has not been final designed and he fears it would be torn out and redone in the future.

Lanuza asked how far this product would go.

Linfield it could be placed up to the north end of Three Peaks Property.

Anderson asked Memsic if this was a plausible solution to her.

Memsic stated she guesses so. She asked if Council had looked at the road. It has been destroyed by the trucks driving on it.

Linfield stated it is not a road, it is a construction access.

Butler stated it can be done with speed, which is a concern and it can improve the dust issue, and improve the road condition. It would convey to potential buyers that the road would be developed in the future.

Linfield stated if anyone wants to view the product it has been installed on Ruby Ranch Road behind Kum and Go.

Preaus asked where we stop with the product if Lot 38 develops.

Linfield that area is in the SMCR right-of-way and it is only a matter of time before it will be paved.

Dahl asked for the Council to memorialize this in the form of a motion.

Bulter asked since there are other similar issues all over Town. Is it necessary to make a motion and since we could be setting precedent.

Dahl stated a consensus by Council is as good as a motion. It is a social policy. The Town does not have an obligation to develop Town property.

BUTLER MOVED TO DIRECT LINFIELD TO APPLY MILLINGS AS PRESCRIBED. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

DISCUSSION ITEMS:

Tobacco Product and Youth Access- Summit Prevention Alliance

Hannah Olfzewsk and Kari Read, Summit Prevention Alliance, presented the Summit Prevention Alliance's Initiative, seeking a grant to support efforts for the implementation of ordinance in Summit County that would restrict youth access to tobacco products. The State has grant money available to help SPA implementation or to support an ordinance designed to restrict youth access to tobacco.

Council discussed licensing of tobacco products, impact to retail establishments, enforcement, and grant timeframe.

LANUZA MOVED AT 7:38 PM TO GO INTO EXECUTIVE SESSION FOR A CONFERENCE WITH THE TOWN ATORNEY AND APPROPRIATE STAFF, UNDER CHARTER SECTION 4.13(c) AND SECTION 24-6-402(4)(b) AND (e), C.R.S., SPECIFICALLY TO TAKE LEGAL ADVICE AND INSTRUCT NEGOTIATORS CONCERNING THE ESTIP REQUEST OF LOWE'S STORE.

HE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. 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 Request of Lowe's Store

INFORMATIONAL:

Planning Commission Meeting Minutes – July 6, 2010

MEETING AND EXECUTIVE SESSION ADJOURNED AT 9:40 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.