

**SILVERTHORNE TOWN COUNCIL**  
**Meeting Minutes**  
**Wednesday, February 23, 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 and Ann-Marie Sandquist. Darrick Wade was absent. 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, Assistant to the Town Manager Ryan Hyland and Town Clerk Michele Miller.

**STAFF COMMENTS:**

None.

**COUNCIL COMMENTS:**

Butler asked if the Police Department tip line has produced any leads on the graffiti in Town. Hanschmidt stated the Tip Line has not produced any leads but the Police Department continues to work on the case.

Sandquist commented on the great attendance at the Blue River Trail Segment 5 meeting.

**CONSENT CALENDAR:**

**BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM JANUARY 26, 2011 AND SPORT COMMITTEE APPOINTMENTS. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (WADE ABSENT)**

**CITIZEN COMMENTS:**

Derrick Fowler, 371 Hummingbird, provided Council with pictures of the runoff off from I-70 into the Blue River. Water from the highway is draining directly from the highway into the Blue River. He asked for help and guidance from Council to address the runoff issues.

Council and staff discussed options for correcting the runoff from I-70 into the Blue River. Council directed staff to work with CDOT in finding a solution.

**PUBLIC PRESENTATIONS:**

None.

**LIQUOR BOARD:**

**A. Diamond Shamrock Corner Store #4142 – 3.2% Beer Liquor License Renewal**

**B. JJ Chinese Seafood Restaurant – Beer & Wine Liquor License Renewal**

**BUTLER MOVED TO APPROVE DIAMOND SHAMROCK CORNER STORE #4142 – RENEWAL OF 3.2% BEER RETAIL LIQUOR LICENSE AND JJ CHINESE SEAFOOD RESTAURANT – RENEWAL OF BEER & WINE LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (WADE ABSENT)**

**PUBLIC HEARINGS:**

None.

**BOARD OF ADJUSTMENT:**

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**ACTION ITEMS:**

**A. Preliminary Site Plan - Our Lady of Peace Church - Our Lady of Peace Church, Located on an Unsubdivided Tract of Land, Generally Located in Section 1, T5S, R78W, of the 6<sup>th</sup> PM in Summit County, Colorado**

Lina Lesmes, Planner II, presented the project. The applicant is requesting approval of a Preliminary Site Plan approval of the Our Lady of Peach Church. The property is located on an unsubdivided tract of land generally located in Section 1, T5S, R78W, of the 6<sup>th</sup> PM, Summit County, State of Colorado. She reviewed the staff memo and recommended approval with the Planning Commission recommended conditions.

Butler asked about the number of landscaping/shrubs required by the Town Code. He questioned the need for that many trees and shrubs on the site.

Koop stated survivability of landscaping is a concern for this area.

Leidal stated the question of how many trees on a site has come up with other larger developments.

Sandquist stated 218 trees sounds like a lot but when they are dispersed over this large of a development they aren't too many. The Council can review the landscaping required by the Town Code again if necessary.

Lanza stated this condition for approval is the easiest to meet out of all of them.

Sandquist asked about the access road negotiations with the Smiths, have those started yet?

Lesmes stated access will be addressed between Preliminary and Final Review.

Rick Nearman, Eidos Architects, replied they have started discussions with the Smiths regarding the access and construction easement. He reviewed the design of the church, setbacks, building heights, building materials, landscaping, water runoff on the site, and the bike path. They are working on a License Agreement with the Town for the Church to maintain the road until the development to the west is created.

Lanza asked about the easement to the Smith property, which sounds very crucial to the project.

Neirman stated it is and they will continue to work with the landowner.

Koop asked if the berm is in the correct location. He remembered a past issue with the berm and its location.

Leidal stated this will be a Town road and staff will work with the applicant and the Smiths as to its placement.

Preaus asked for clarification regarding the need for the deceleration lane. When does the cost come into play for the Church?

Linfield stated CDOT determines the cost based on use of that intersection. This issue will be resolved by Final Site Plan Review.

Neirman stated they have started a discussion with CDOT regarding the access.

Leidal stated all these issues will be addressed by Final Review.

Public hearing opened, no comment, public hearing closed.

**Council Comments.**

Sandquist stated this is a nice clean application with all issues being resolved. It's great to see cooperation on the project.

Lanza stated the Planning Commission has imposed conditions and the applicant has agreed to them. Nice application.

Butler questioned the condition regarding the bike path. He asked if it will create more problems than it solves. This is an organized well presented project.

Koop stated the space for the path is limited but the wetlands need to be protected.

Preaus likes the project and is looking forward to seeing it completed.

Koop stated this is a good looking project and fits in the location nicely. He appreciates the previous comments being taken into account with the current presentation.

**LANUZA MOVED TO APPROVE OF THE OUR LADY OF PEACE CHURCH PRELIMINARY SITE PLAN, WITH THE PLANNING COMMISSION RECOMMENDED CONDITIONS:**

- 1. APPLICANT SHALL SUBDIVIDE THE CHURCH PROPERTY AND ENTER INTO A SUBDIVISION IMPROVEMENTS AGREEMENT CONCURRENT WITH THE FINAL SITE PLAN.**
- 2. APPLICANT SHALL ADDRESS THE CONDITIONS AS ENUMERATED IN THE TOWN ENGINEER'S MEMO DATED FEBRUARY 10, 2011.**
- 3. ALL ENCROACHMENTS INTO THE WETLAND BUFFER AREA WILL BE REMOVED FROM THE FINAL SITE PLAN.**
- 4. RELOCATION OF THE CHANGEABLE COPY SIGN TO MEET SETBACK REQUIREMENTS.**
- 5. INCREASE SHRUB COUNTS ON THE LANDSCAPING PLAN TO MEET TOWN CODE REQUIREMENTS.**
- 6. THE APPLICANT SHALL DETACH THE "ROUTE 9 TRAIL" IN ALL AREAS THAT DO NOT IMPACT WETLAND AND WETLAND BUFFERS.**

**MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (WADE ABSENT)**

**DISCUSSION ITEMS:**

None

**SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION AT 6:39 P.M. FOR A CONFERENCE WITH THE TOWN ATTORNEY, TOWN MANAGER AND APPROPRIATE STAFF UNDER CHARTER SECTION 4.13 (C) AND SECTION CRS 24-6-402(4)(b), SPECIFICALLY TO RECEIVE LEGAL ADVICE CONCERNING: A.) SEGMENT FIVE OF THE BLUE RIVER TRAIL AND THE CROWLEY LITIGATION, AND B.) REIDY V. TOWN OF SILVERTHORNE LITIGATION.**

**SHE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (WADE ABSENT)**

**EXECUTIVE SESSION:**

**Executive session under CRS 24-6-402(4) (b), for a conference with the Town Attorney, Town Manager and appropriate staff for the purpose of receiving legal advice concerning: A) Reidy v. Silverthorne and B) Crowley v. Silverthorne**

**INFORMATIONAL:**

- A. SPORT Committee Meeting Minutes – January 20, 2011**
- B. Planning Commission Meeting Minutes – February 15, 2011**
- C. December 2010 Sales Tax Report**

**MEETING AND EXECUTIVE SESSION ADJOURNED AT 7:33 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.