

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, March 9, 2011

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, and Bruce Butler. Ann-Marie Sandquist was absent. 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.

Butler requested an additional item be added to the Agenda. XI. Discussion Item, the possibility of referring the Summit County Energy Action Plan to the EDAC Committee. Council agreed to add the item.

STAFF COMMENTS:

Batchelder presented additional letters to Council regarding IX, item B. Conditional Use Permit Renewal – Timberline Disposal. In addition there are thank you letters from grant recipients. Breigenzer updated Council on the upcoming events at the Pavilion.

COUNCIL COMMENTS:

Proclamation Declaring Earth Hour

Patrick Paden, 125 Blue Grouse Lane, spoke about his efforts to raise awareness regarding climate change, energy efficiency and natural resource conservation through the Earth Hour event scheduled for March 26, 2011. He asked the Council to proclaim March 26, 2011 from 8:30-9:30 as Earth Hour.

Mayor Koop read the Town of Silverthorne Proclamation declaring March 26, 2011 from 8:30 p.m. to 9:30 p.m. as Earth Hour.

Mayor Koop presented Paden with the signed Proclamation declaring Earth Hour.

CONSENT CALENDAR:

BULTER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM– FEBRUARY 23, 2011, SPORT COMMITTEE GOALS – 2011. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (ANNE MARIE SANDQUIST ABSENT)

CITIZEN COMMENTS:

None.

PUBLIC PRESENTATIONS:

District Attorney Mark Hurlbert – Presentation on Drug Court

District Attorney Mark Hurlbert presented a video outlining a Drug Court program. He addressed the need for a drug court in Summit County.

He introduced Sheriff's Captain Eric Bougerie, Beth Berardinelli Probation Officer, and Dana Christenson, Public Defender to Council.

Drug Court is a specialized court designed to give offenders the responsibility of their substance abuse problem through probation supervision and close judicial oversight. In doing

so, Drug Court encourages public safety and individual responsibility, a reduction in crime and an improvement in the quality of life for the participants and their families.

There are numerous benefits of Drug Court. It frees up jail space, it decreases the number of simple possession cases routed to District Court, and in the majority of cases it allows an offender to overcome a substance abuse problem and become a productive member of the community.

Council members and Mr. Hurlbert discussed how this program is different from those already in place, financial impacts and comparisons, selection of participants, and participant's success rates.

LIQUOR BOARD:

None.

PUBLIC HEARINGS:

A. Preliminary Subdivision Maryland Creek Ranch, 28755 Highway 9

Michael Johnson, Planning Manager, presented the project. The applicant, Tom Everist, Maryland Creek Ranch, LLC, is requesting re-approval of Preliminary Subdivision that would be effective until March 24, 2014.

Tom Everist - Owner/Applicant South Maryland Creek Ranch, representing the project, gave a short project history and background review on the proposed project. He requested approval of the request.

Lanuzza stated some on Council were present for the annexation hearings. He looks at this extension as a win-win situation for the Town and the developer.

Koop agrees with the extension request.

Wade took a tour of the property last spring with staff. He thanked Everist for the vision and pride given to the project. There is a great example set by this development.

Public hearing opened, no comments, public hearing closed.

Butler thanked the applicant for living up to the commitments they have made to the community. This is a first class project. No reason to not grant this request. Is the applicant comfortable with the conditions?

Everist stated yes.

Preaus and Anderson agreed with prior Council comments.

BUTLER MOVED TO APPROVE THE MARYLAND CREEK RANCH PRELIMINARY SUBDIVISION WITH AN EFFECTIVE APPROVAL DATE OF MARCH 24, 2014, WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

- 1. THE PRELIMINARY SUBDIVISION APPROVAL IS EFFECTIVE UNTIL MARCH 24, 2014.**
- 2. THE APPLICANT SHALL, FOLLOWING CONSTRUCTION OF THE TOWN MULTI-PURPOSED TRAIL AND PEDESTRIAN PRESERVE TRAIL, DEDICATE THE APPROPRIATE TRAIL EASEMENTS.**
- 3. FINAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SHALL BE PROVIDED TO THE TOWN WITH THE FIRST FINAL PLAT WITH APPROPRIATE REFERENCES TO ITEMS MENTIONED IN THE ORIGINAL PRELIMINARY SUBDIVISION STAFF REPORT DATED SEPTEMBER 17, 2008.**
- 4. THE APPLICANT SHALL ADDRESS THE FOUR CONDITIONS RECOMMENDED IN THE TOWN ENGINEER'S MEMO OF SEPTEMBER 12, 2008, WHICH IS PART OF THE ORIGINAL PRELIMINARY SUBDIVISION STAFF REPORT DATED SEPTEMBER 17, 2008.**

5. THE APPLICANT SHALL ADDRESS ALL SEVEN (7) ACTION ITEMS SUGGESTED IN THE COLORADO GEOLOGICAL SURVEY LETTER OF SEPTEMBER 11, 2008, WHICH IS PART OF THE ORIGINAL PRELIMINARY SUBDIVISION STAFF REPORT DATED SEPTEMBER 17, 2008. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

B. Conditional Use Permit Renewal – Timberline Disposal, LLC, 371 Brian Avenue

Lina Lesmes, Planner II presented the applicant's request for an extension of the Conditional Use Permit for a Solid Waste Hauling Facility within the C-2 zone district. She reviewed the staff report and recommended denial based on staff findings. She provided an alternate motion for approval.

Lanuza asked staff if they feel the conditions for approval could be met by the applicant.

Lesmes stated yes but that is a question for the applicant.

Butler asked what kind of gates could be operable for the site.

Lesmes deferred to the applicant.

David Whitmer, Timberline Disposal, reviewed with Council the Company's history at this location. The Conditional Use Permit is a new process for them. They have not heard from the Town about any new violations until now. Once the issues were brought to their attention the violations were addressed immediately.

Larry Romine, Timberline Disposal, stated they use the facility to house the trucks and maintain the containers. A mechanic is on site to repair vehicles at night. He addressed the concerns expressed by staff. They corrected all issues brought up by staff.

Council questions.

Preaus asked the applicant if they have been able to maintain the snow storage historically.

Butler asked the applicant since you own the property, can you replace the driveway asphalt.

Romine stated they will plan on replacing the asphalt this year.

Pat Johnson, Attorney for the applicant. Feels the applicant is a rookie at Conditional Use Permit process. There were some misunderstandings on the specifics of the conditions. It has been a learning process for the applicant. A portable fence is being looked at for the rear of the property. The paving issue will be addressed by the applicant. They want to invest in the site and he requested a five year renewal period. The conditions are all doable for the applicant.

Public hearing opened,

Rick Nelson, Ace Installation, stated the owners are very responsible and fix things as addressed.

Public hearing closed.

Preaus stated Council doesn't have issues with the business. There is a Town Code for a reason and the requirements are there for a reason. Staff is required to bring site issues to Council. He doesn't see a problem with the two year renewal. He appreciates the effort Timberline has made to fix the issues addressed.

Butler is sympathetic to property pre-dating the current Town Code, but you did not purchase the property before the rules were in effect. The surrounding properties are similar uses and it will be some time before the types of uses change in that area. He doesn't want to have to have the same conversation in two years time about the same violations. He would like to come to an agreement that works for everyone and extend the renewal for five years. Some uses are difficult on this site. Fencing in the front might address some of the issues. He is willing to hear options.

Wade thanked the applicant for appearing and taking care of the tenant. He would support approving more than two years. .

Lanuzza feels that a one year approval might be a better idea to see if the conditions are met. Anderson thanked the applicant for appearing. He would support a shorter term as the best solution. The issues would be resolved and could be approved for a long term permit.

Koop appreciated the letters of support. He appreciates the tenant appearing and supporting the application. The CUP has been in place for a number of years. Just because there have been no fines does not mean there is compliance. We are business friendly, but we want the conditions to be complied with. He appreciates the efforts being made to improve the site. Snow removal could be a real issue this year. He wants the conditions to be taken seriously and followed through with. He would like the applicant to be more pro-active.

Butler asked the applicant if they feel the conditions can be met by the dates listed.

Applicants feel they can meet an August 1, 2011 deadline for asphalt.

Nelson feels his business's dumpster should be separate from Timberline's. He feels the enclosed dumpster requirement is a change for him as a business owner.

Anderson feels the one year renewal will guarantee full compliance and then a longer approval period can be granted by staff.

Wade asked if the business is in compliance at the end of a one year approval period, it could be approved for renewal at staff level.

Staff stated yes.

Romine reviewed the dumpster and the gate solutions. At the end of the day, there will not be any dumpster outside the fence or building.

Butler stated a one year approval may impede business for the owner and the renter.

Anderson and Lunuzza stated they can live with two years.

LANUZZA MOVED TO APPROVE THE RENEWAL OF THE CONDITIONAL USE PERMIT FOR TIMBERLINE DISPOSAL, INC, LOCATED AT 371 BRIAN AVENUE, BASED ON THE STAFF RECOMMENDED FINDINGS AND CONDITIONS.

FINDINGS:

- 1. THE APPLICATION MEETS ALL THE CRITERIA IN TOWN CODE SECTION 4-4-19 REGARDING CONDITIONAL USE PERMITS.**
- 2. THE CUP RENEWAL IS PERMITTED BY TOWN CODE SECTION 4-4-19.J, SUBJECT TO A MODIFICATION OF EXISTING CONDITIONS AND THE ADDITION OF NEW CONDITIONS.**

CONDITIONS:

- 1. THE CUP IS PERSONAL TO THE APPLICANTS, DAVID WHITMER AND LARRY ROMINE OF TIMBERLINE DISPOSAL, LLC AND NONTRANSFERABLE. SHOULD THE APPLICANTS' OWNERSHIP TERMINATE OR BE TRANSFERRED DURING THE TERM OF THE CUP, THE CUP SHALL EXPIRE.**
- 2. THE CONDITIONAL USE PERMIT HAS A LIFE OF (2) YEARS TO MARCH 9, 2013, UPON WHICH TIME, THE OWNERS WILL BE REQUIRED TO TERMINATE, OR REAPPLY FOR THE PERMIT.**
- 3. NO OUTDOOR STORAGE IS PERMITTED ON THE SITE, UNLESS WITHIN THE DESIGNATED STORAGE AREA AT THE WEST OF THE PROPERTY AS SHOWN ON THE SITE PLAN. ALL OUTDOOR STORAGE OF BINS, CONTAINERS, DUMPSTERS, AND OTHER MATERIALS MUST BE APPROPRIATELY SCREENED WITH A PERMANENT, SOLID, OPAQUE FENCE.**

4. **THE GATE TO THE DESIGNATED OUTDOOR STORAGE AREA MUST BE OPERABLE AND FUNCTIONAL AT ALL TIMES. BOTH GATES, AS SHOWN ON THE SITE PLAN, SHALL BE CLOSED DURING NON-BUSINESS HOURS.**
5. **ALL DUMPSTERS AND BINS SHALL BE LOCATED BEHIND A FENCE OR WITHIN AN APPROVED FOUR-SIDED DUMPSTER ENCLOSURE WITH A ROOF AT THE CLOSE OF BUSINESS.**
6. **A SNOW STORAGE PLAN MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COMMUNITY DEVELOPMENT DEPARTMENT NO LATER THAN APRIL 9, 2011.**
7. **ALL DRIVEWAYS, DRIVE AISLES, AND PARKING FACILITIES MUST BE SURFACED CONCRETE, ASPHALTIC CONCRETE, OR ASPHALT IN ORDER TO MEET SECTION 4-6-10.E.4.K. THIS WORK MUST BE COMPLETED BY AUGUST 1, 2011.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

BOARD OF ADJUSTMENT:

None.

ACTION ITEMS:

A. Ordinance 2011-01, an Ordinance Amending Skate Park Regulations, First Reading

Chief Mark Hanschmidt presented Ordinance 2011-01 for Council's consideration. He reviewed the history of helmet regulations at Rainbow Park. He reviewed his staff memo and recommended approval of Ordinance 2011-01.

Butler asked if weakening our ordinance puts us at risk for liability issues.

Hanschmidt stated not enforcing the rules could be a greater liability.

Koop stated if this is the standard for the state and CIRSA approves it then he supports the request.

Preaus wants the interaction between the Police Department and the skateboarders to be positive.

BUTLER MOVED TO APPROVE ORDINANCE NO. 2011-01, AN ORDINANCE AMENDING TOWN CODE SECTION 2-9-3(2). MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

B. Ordinance 2011-02, an Ordinance Approving Cutthroat Angler Lease, First Reading

Town Attorney Jerry Dahl presented Ordinance 2011-02 for Council's consideration. He reviewed the staff memo and requested approval.

BUTLER MOVED TO APPROVE ORDINANCE NO. 2011-02, AN ORDINANCE APPROVING A LEASE WITH CUTTHROAT ANGLERS, ON FIRST READING AND SET THE SAME FOR PUBLIC HEARING ON SECOND READING FOR 6:00 P.M. ON MARCH 23, 2011 IN THE TOWN COUNCIL CHAMBERS. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (SANDQUIST ABSENT)

DISCUSSION ITEMS:

Referring the Summit County Energy Action Plan to the EDAC Committee.

Butler asked Council if they would support EDAC reviewing the Summit County Energy Action Plan.

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Council supports this request.

EXECUTIVE SESSION:

None.

INFORMATIONAL:

- A. SPORT Committee Meeting Minutes – February 17, 2011
- B. Planning Commission Meeting Minutes – March 1, 2011

BUTLER MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 8:00 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.