

**SILVERTHORNE TOWN COUNCIL**  
**Meeting Minutes**  
**Wednesday, August 12, 2009**

**CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:**

Those members present and answering Roll Call were Mayor Dave Koop, Council Members Peggy Long, Vince Lanuza, Rosanne Shaw, Bruce Butler and Ann-Marie Sandquist. Kevin McDonald 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, Planner II Lina Lesmes, Assistant to Town Manager Ryan Hyland and Town Clerk Michele Karlin.

Dahl requested an additional agenda Action Item B. Ordinance 2009-16 Imposing a 90 day Moratorium on Medical Marijuana Dispensaries and Declaring an Emergency.

**STAFF COMMENTS:**

None

**COUNCIL COMMENTS:**

Long inquired about the tree removal at the Raven Golf Course.

Leidal stated Community Service Officer Siderfin has reported that several hundred trees have already been removed and sprayed. He will forward that update to Council.

Long asked about the hay harvest on Smith Ranch.

Batchelder stated the harvesting agreement with Brad Smith has been signed.

**CONSENT CALENDAR:**

**BUTER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM JULY 22, 2009, TOWN HALL ART REMOVAL, RESOLUTION 2009-15, ADOPTING UNIFORM ELECTION CODE, RESOLUTION 2009-16, FEDERAL TRADE COMMISSION REQUIRED RED FLAG IDENTITY THEFT PREVENTION PROGRAM, RESOLUTION 2009-18 ELECTION IGA WITH SUMMIT COUNTY CLERK AND RECORDER, RESOLUTION 2009-19, AND AUTHORIZING TOWN STAFF TO APPLY FOR A GOCO GRANT FOR UPDATING THE MASTER PLAN FOR RAINBOW PARK WAS PASSED BY COUNCIL PRESENT. (MCDONALD ABSENT)**

**CITIZEN COMMENTS:**

None

**PUBLIC PRESENTATIONS:**

**Rob Murphy, General Assistance Manager - Family Intercultural Resource Center**

Murphy reviewed 2008 & 2009 increases in demand for housing assistance, food bank assistance, and general assistance program statistics by Town.

Long asked about the pie chart presented and the percentage of Silverthorne residents assisted.

Murphy reviewed the Silverthorne assistance numbers.

Long asked about the criteria for receiving assistance and do families who receive assistance pay it back?

Murphy stated employees or residents of Summit County are eligible for assistance. A family's stability is considered. Money is obtained by grants, so recipients are encouraged to pay back with money or a donation of time.

Sandquist asked if there are repeat requests.

Murphy stated they have a policy not to give assistance to a family more than once a year.

Butler asked what are the primary reasons FIRC is seeing assistance.

Murphy feels it is job loss, reduction in hours, sickness, or injuries.

Butler asked what types of jobs have been lost.

Murphy stated he has noticed a reduction in temp agency, resort, real estate, construction, and retail jobs.

Buter asked about the dollar amount of assistance given.

Murphy stated rent assistance has a maximum of \$400 and \$400-\$500 for utility assistance.

### **LIQUOR BOARD:**

**A Bold Petroleum, Inc. dba Acorn Food Store – Renewal of 3.2% Beer Retail License**

**B. Local's Liquors LLC dba Local Liquors – Renewal of Retail Liquor Store License**

**LANUZA MOVED TO APPROVE BOLD PETROLEUM, INC. DBA ACORN FOOD STORE – RENEWAL OF 3.2% BEER RETAIL LICENSE AND LOCAL'S LIQUORS LLC DBA LOCAL LIQUORS – RENEWAL OF RETAIL LIQUOR STORE LICENSE MOTION SECONDED. MOTINO PASSED BY COUNCIL PRESENT. (MCDONALD ABSENT)**

### **PUBLIC HEARINGS:**

**A. Minor Subdivision – Vowel Building, a Planned Community, 285 Warren Avenue, Lot 9, Block 2, Enterprise Park Subdivision**

Lina Lesmes, Planner II, presented the project. The Applicant, the Kelly Vowel is requesting approval of a Minor Subdivision. The air-space units are different from condos because the common elements are owned by the association. She reviewed her staff report and recommended approval.

Shaw asked if this application triggers parking lot paving or landscaping.

Lesmes stated no that would be required with a Site Plan submittal.

Long informed Council Members that she is the property manager for the adjacent property. There is no monetary connection to this project. She wanted to disclose the connection.

Dahl reviewed the Conflict of Interest criteria from the Town Code.

Council agreed there is no conflict.

Koop asked the owner about the difference between a condominium and creating the five air-space units with common elements. What is the advantage to a buyer buying airspace vs. a condominium unit?

Koop asked about potential conflicts and how would they would be resolved.

Mark D. Thompson, West, Brown, Huntley & Thompson, P.C, representing the owner, Kelly Vowel, explained the reason behind the condo-minimizing the building into five units with common elements owned by the association.

Long asked what impact this would have on renters.

Thompson stated the association would be responsible for the common areas.

Dahl reviewed the Minor Subdivision process.

**BUTLER MOVED TO APPROVE THE MINOR SUBDIVISION FOR THE VOWEL BUILDING, A PLANNED COMMUNITY. MOTION SECONDED. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (MCDONALD ABSENT)**

**BOARD OF ADJUSTMENT:**

None

**ACTION ITEMS:**

**A. Comprehensive Sign Plan – 249 Adams Avenue, Lot 8R, Block F, Silverthorne Colorado Subdivision**

Lina Lesmes, Planner II, presented the project. The Applicant, Eric Brown, Young Electric Sign Company is requesting approval of a Comprehensive Sign Plan.

**LONG MOVED TO APPROVE THE COMPREHENSIVE SIGN PLAN FOR 249 ADAMS AVENUE. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT (MCDONALD ABSENT)**

**B. Emergency Ordinance 2009-16, an Ordinance imposing a temporary moratorium on the submission acceptance, processing, and approval of any application for a Town of Silverthorne permit or license related to the operation of a business that sells medical marijuana pursuant to the authority granted by article 18, section 14 of the Colorado Constitution; directing the prompt investigation of the Town's regulatory authority over such businesses; declaring the intention of the Town Council to consider the adoption of appropriate Town regulations with respect to such businesses if permitted by law; and declaring an emergency**

Dahl presented Emergency Ordinance 2009-16 for Council's consideration. The moratorium would last for ninety days.

**LANUZA MOVED TO APPROVE ORDINANCE 2009-16 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF SILVERTHORNE PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE 18, SECTION 14 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE TOWN COUNCIL TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW; AND DECLARING AN EMERGENCY. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (MCDONALD ABSENT)**

**DISCUSSION ITEMS:**

Shaw asked about Comprehensive Sign Plan proposed changes.

Liedal stated upcoming changes will be presented to Council.

**LANUZA MOVED TO GO INTO EXECUTIVE SESSION AT 6:47 PM FOR A CONFERENCE WITH THE TOWN ATTORNEY AND TOWN MANAGER UNDER CHARTER SECTION 4.13(c) AND SECTON 24-6-402(4) f C.R.S., SPECIFICALLY TO CONDUCT THE ANNUAL EVALUATION OF THE TOWN MANAGER.**

**HE FURTHER MOVED TO RECONVENE THE COUNCIL MEETING AFTER THE CONCLUSION OF THE EXECUTIVE SESSION FOR THE PURPOSE OF TAKING ANY ACTIONS DEEMED NECESSARY.**

**MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (MCDONALD ABSENT)**

**EXECUTIVE SESSION:**  
**Town Manager's Review**

**EXECUTIVE SESSION CONCLUDED AT 8:30 P.M.: COUNCIL MEETING RECONVENED.**

**INFORMATIONAL:**

- A. **SPORT Meeting Minutes – July 16, 2009**
- B. **EDAC Meeting Minutes – July 21, 2009**
- C. **Planning Commission Meeting Minutes – August 4, 2009**
- D. **May Sales Tax Report**

**SHAW MOVED TO ADJOURN. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (MCDONALD ABSENT) MEETING ADJOURNED AT 8:32 P.M.**

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**DAVE KOOP, MAYOR**

**ATTEST**

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**MICHELE KARLIN, 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.