

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, August 26, 2009

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members Peggy Long, Rosanne Shaw, Bruce Butler and Ann-Marie Sandquist. Kevin McDonald, and Vince Lanuza 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..

STAFF COMMENTS:

Breigenzer reminded Council that the final Pavilion lawn concert will be held August 28, 2009. Braun reminded Council that Town Hall and Public Works will be closed on September 4th in an effort to address the budget shortfall.

COUNCIL COMMENTS:

Shaw reported to Council on the Summit Stage Meeting..

CONSENT CALENDAR:

LONG MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MEETING MINUTES FROM AUGUST 12, 2009, RESOLUTION 2009-21, JSA TREATMENT PLANT IMPROVEMENT PROJECT, RESOLUTION 2009-22, A REFERENDUM TO PARTICIPATE IN THE MEDICARE-ONLY PORTION OF THE FICA TAX, AND RESOLUTION 2009-23, AUTHORIZING THE TOWN MANAGER TO SIGN A GRANT AGREEMENT WITH GOCO FOR SEGMENT FOUR OF THE BLUE RIVER TRAIL. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND MCDONALD ABSENT)

CITIZEN COMMENTS:

Bonnie Kirschenbaum, President of the National Repertory Orchestra, thanked Council for the three free uses of the Silverthorne Pavilion, through the grant process. She reviewed their successful year.

PUBLIC PRESENTATIONS:

None

LIQUOR BOARD:

A. Fiesta Jalisco Numero Uno LLC dba Fiesta Jalisco – Renewal of Hotel & Restaurant Liquor License

BUTLER MOVED TO APPROVE FIESTA JALISCO NUMERO UNO LLC DBA FIESTA JALISCO – RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND MCDONALD ABSENT)

PUBLIC HEARINGS:

A. Conditional Use Permit, Minor Subdivision and Site Plan Modification, United Rental, 191 Adams Avenue

Community Development Director Mark Liedal presented the applicant's request to continue their Conditional Use Permit until September 23, 2009. He reviewed his staff report and requested continuing the CUP until September 23, 2009.

SHAW MOVED TO CONTINUE THE UNITED RENTAL CONDITIONAL USE PERMIT, MINOR SUBDIVISION, AND THE SITE PLAN TO SEPTEMBER 23, 2009. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND MCDONALD ABSENT)

BOARD OF ADJUSTMENT:

None

ACTION ITEMS:

A. Comprehensive Sign Plan – Alpine Earth Center, 998 Blue River Parkway, Lot 19R, Silverthorne Subdivision #1

Lina Lesmes Planner II presented the applicant's Comprehensive Sign Plan. She reviewed her staff report and requested approval.

Long asked if a letter from the building owner is needed to process this application. Is he acknowledging the activities on his property?

Leidal stated John Harrington is a co-applicant on this application.

Long asked if Mr. Harrington understands the terms of this permit.

Dahl stated if the applicant signs the application he is saying he consents to the terms.

Long is distressed with Mr. Harrington's activities on his property for the last fifteen years. He has forgotten the Town has Sign codes and design standards. She does not appreciate the old vehicle parked at the entrance of his business being used as a sign. He needs to come into compliance.

Liedal stated approving the Sign Plan is a step in the right direction in getting issues resolved. Getting a Comprehensive Sign Plan for the site has been a challenge but once it is in place it can be enforced. Code Enforcement spends a lot of time dealing with these issues.

Long is frustrated the Town continually spends time on enforcement at this location and we don't ever get anywhere. She feels it is an unfaithful show by the applicant to apply and not make an effort by being in compliance on the site.

Leidal stated those sentiments' can be forwarded on to the applicant if this is approved.

Long stated just for the record, she is irritated.

Sandquist asked how the Cup in the Corner doing at this location.

Lilly Morrissey, Cup in the Corner co-owner, stated they just opened in June. It is really important to their business to have a sign located along the highway.

Koop stated without the approval of the Comprehensive Sign Plan the Town does not have many choices for enforcement.

Liedal stated the parameter of the Comprehensive Sign Plan is spelled out and enforceable.

BUTLER MOVED TO APPROVE THE COMPREHENSIVE SIGN PLAN FOR THE ALPINE EARTH CENTER LOCATED AT 998 BLUE RIVER PARKWAY. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND MCDONALD ABSENT)

B. Resolution 2009-20, November 3, 2009 TABOR Election Question

Finance Director Donna Braun presented Resolution 2009-20 for Council's consideration. She reviewed her staff memo and requested approval.

Long asked about the length of time or permanence of the ballot question. There is nothing that would prohibit a citizen from bringing forward an initiative in the future to bring this question back to a vote.

Dahl stated any citizen can take out an initiative to send the question back to the electorate. The Constitution and Town Charter support the initiative process.

Shaw asked can any municipality put this type of question to the voters.

Braun stated over 230 towns in the State have permanently exempted themselves from the revenue restriction of TABOR.

Long believes in TABOR at the State level but at the local level it's too restrictive. This type of TABOR question can be brought back to the voters at any time by way of initiative.

Butler fundamentally objects to the permanence of the ballot question. TABOR is a misfit for our revenue model, but we don't know what will happen down the road, it should have a sunset date. Silverthorne is a wonderful example/model how TABOR exemption works well. He has no problem extending it through 2020. It is a burden for the citizens to put together an initiative to repeal it.

Koop stated this is not a change from the way we have operated for the last fifteen years, we are just asking citizens to continue the revenue limitation exemption. The citizens really like the way this works and it will continue to work well, if the voters support it again. Permanent is an exercise in semantics, at anytime an initiative can be brought forward by the citizens if needed or desired.

Butler objects to the language of permanence.

SHAW MOVED TO APPROVE RESOLUTION 2009-20, A RESOLUTION SUBMITTING A BALLOT QUESTION TO THE REGISTERED VOTERS OF SILVERTHORNE, CONCERNING THE TOWN'S EXEMPTION FROM THE TAXPAYERS BILL OF RIGHTS REVENUE LIMITATIONS. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LONG, SANDQUIST AND SHAW AYE) (BUTLER NAY) (LANUZA AND MCDONALD ABSENT)

C. Ordinance 2009-15, An Ordinance Amending Town Code Section 4-6-14, Landscaping Requirements, First Reading

Planner II Lina Lesmes presented Ordinance 2009-15 for Council's consideration. She reviewed her staff report and requested approval.

Council likes the changes made to the ordinance.

BUTLER MOVED TO APPROVE ORDINANCE 2009-15, AN ORDINANCE AMENDING SECTION 4-6-14, LANDSCAPING REQUIRMENTS, OF THE TOWN CODE, ON FIRST READING. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND MCDONALD ABSENT)

D. Ordinance 2009-17, An Ordinance Rezoning Real Property from R-15 to PUD, First Reading

Planner II Lina Lesmes presented Ordinance 2009-17 for Council's consideration. She reviewed her staff report and requested approval.

SHAW MOVED TO APPROVE ORDINANCE 2009-17, AN ORDINANCE REZONING REAL PROPERTY FROM RESIDENTIAL 15 TO PLANNED UNIT DEVELOPMENT ON FIRST READING. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LANUZA AND MCDONALD ABSENT)

DISCUSSION ITEMS:

None

EXECUTIVE SESSION:

None

INFORMATIONAL:

- A. **Planning Commission Meeting Minutes – August 18, 2009**
- B. **June Sales Tax Report**

LONG MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 6:42 P.M.

DAVE KOOP, MAYOR

ATTEST

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.