

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, November 12, 2008

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Dave Koop, Council Members Peggy Long, Kevin McDonald, Vince Lanuza, Rosanne Shaw, Bruce Butler and Ann-Marie Sandquist. Staff members present were Town Manager Kevin Batchelder, Attorney Jerry Dahl, Sgt. Tim Osborn, Administrative Services Director Donna Braun, Recreation Interim Director Joanne Breigenzer, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Planner II Lina Lesmes, Planner II Susan Lee, Ryan Hyland Assistant to Town Manager, and Town Clerk Michele Karlin.

STAFF COMMENTS:

Batchelder updated Council on the fundraiser for Tammy Jamieson with the Spring Creek Bluegrass Band performing at the Pavilion.

Linfield reported on the phone calls from Three Peak's residents regarding the light fixture that was knocked down at Golden Eagle and Hwy 9 this summer. He has contacted Xcel Energy six times requesting this light be repaired; Public Works feels it is a safety concern. He will continue to follow up with Xcel Energy.

Long asked if a formal complaint could be filed with Public Utilities Commission.

Linfield stated he would not file a formal complaint without Council's consent.

Council requested a formal complaint be filed.

COUNCIL COMMENTS:

Lanuza stated he would be attending a resort meeting at the library.

Koop reported on a conversation he had with a local contractor that attended the Police Academy. He felt he learned a lot and it was time well spent.

Butler did a ride along with Sgt. Scott and he appreciated their hospitality.

CONSENT CALENDAR:

THE CONSENT CALENDAR INCLUDING THE MEETING MINUTES FROM – OCTOBER 22, 2008, RESOLUTION 2008-33 – A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A CONTRACT FOR SUPPLY OF A FIXED BASE AUTOMATED METER READING SYSTEM, AND REPLAT – ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES, THIRD AMENDMENT, A REPLAT OF A PORTION OF TRACT Z, ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES WAS PASSED.

CITIZEN COMMENTS:

None.

PUBLIC PRESENTATIONS:

None.

LIQUOR BOARD:

- A. Summit Cancer Support Group/Outlets at Silverthorne – 11-22-08, Special Events Permit.**

BUTLER MOVED TO APPROVE THE SPECIAL EVENT PERMIT FOR THE SUMMIT CANCER SUPPORT GROUP SPECIAL EVENT NOVEMBER 22, 2008 AT THE FACTORY STORES, 135-A STEPHENS WAY AND 246-O RAINBOW DRIVE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Dancorp Inc., dba Porky's Liquor – Renewal of Retail Liquor Store License

C. Seven Eleven Store No. 23963 – Renewal of 3.2% Beer Retail License

SHAW MOVED TO APPROVE THE RENEWALS FOR DANCORP, INC., DBA PORKY'S LIQUOR – RENEWAL OF RETAIL LIQUOR STORE LICENSE AND SEVEN ELEVEN STORE NO. 23963 – RENEWAL OF 3.2% BEER RETAIL LICENSE OFF PREMISE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

A. Ordinance 2008-11; an Ordinance Amending the Town Code, Chapter 4, Article IV, Sections 9, 10, and 13 Concerning Zoning Districts and Standards and Chapter 4, Article VI, Section 2, Concerning Site Plan General Requirements, Second Reading.

Public hearing opened.

Susan Miller Lee, Planner II, presented the project. The applicant, the Town of Silverthorne, is requesting approval to amend the Town Code, Chapter IV, Sections 9, 10 and 13 concerning Zoning District and Standards and Chapter 4, Article VI, Section 2 concerning Site Plan General Requirements.

Lanuzza asked Staff if Council could still review maximum heights

Lee stated Council could still review building heights through the District Design standards.

Butler thanked all involved in this process.

Public hearing closed.

LONG MOVED TO APPROVE ORDINANCE NO. 2008-11, AN ORDINANCE AMENDING CHAPTER 4, ARTICLE IV, SECTIONS 9, 10, AND 13 CONCERNING ZONING DISTRICTS AND STANDARDS AND CHAPTER 4, ARTICLE VI, SECTION 2 CONCERNING SITE PLAN GENERAL REQUIREMENTS ON SECOND READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Ordinance 2008-10; an Ordinance Amending the Town Code, Chapter 4, Article IV, Concerning Parking Standards, Second Reading.

Public hearing opened.

Lina Lesmes, Planner II, presented the project. The applicant, the Town of Silverthorne, is requesting approval to amend the Town Code, Chapter 4, Article IV, concerning Parking Standards. She reviewed her staff report and requested approval of Ordinance 2008-10.

Public hearing closed.

LONG MOVED TO APPROVE ORDINANCE NO. 2008-10, AN ORDINANCE AMENDING CHAPTER 4, ARTICLE VI, SECTION 4-6-13, CONCERNING PARKING REQUIREMENTS, AND CHAPTER 4, ARTICLE IV, SECTION 4-4-13, CONCERNING THE RIVERFRONT MIXED USE ZONE DISTRICT ON SECOND READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

C. Ordinance 2008-13, 2009 Budget – Second Reading

Batchelder presented Ordinance 2008-13, approving the 2009 Budget on second reading to Council. He presented the 2009 Budget to Council. He acknowledged the work by Braun and Staff to make this budget come together. He reviewed the staff report highlighting the projected revenues and expenditures for the nine funds. He thanked all involved in the Budget process for their hard work.

Braun presented a power point presentation summarizing the 2009 Budget. A contingency budget will be prepared as next year progresses due to the current economic times.

Lanuzza complimented Braun on her work. Services will not be cut back on.

Shaw thanked Council members for their financial input.

Public hearing opened, no comments, public hearing closed.

Koop stated we are on the roller coaster ride of the sales tax revenue again. Silverthorne has had tough times before. This is a conservative budget. Good financial planning by Council and Staff.

MCDONALD MOVED TO APPROVE ORDINANCE 2008-13 ON SECOND READING AN ORDINANCE RECOGNIZING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF SILVERTHORNE, JOINT SEWER AUTHORITY AND THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT BUDGETS FOR THE YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2009 AND ENDING ON THE LAST DAY OF DECEMBER, 2009. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

D. Ordinance 2008-14, 2009 Rate Changes –Second Reading.

Finance Director Donna Braun presented Ordinance 2008-14, establishing fee rates and charges effective 2009. She reviewed her staff memo dated 10-15-08 and requested approval.

McDonald asked when the water rate study will be completed.

Braun stated it should be completed in January and Council can act on the results at that time.

Lanuzza stated he has always been against water rates being based on EQRs. Since Council does not have a line item veto, he will vote against Ordinance 2008-14.

Sandquist stated this Council has commissioned the water rate study and she awaits the results. She shares Lanuzza's concerns.

SHAW MOVED TO APPROVE ORDINANCE 2008-14 ON SECOND READING, AN ORDINANCE ESTABLISHING FEES, RATES AND CHARGES. MOTION SECONDED. MOTION PASSED BY COUNCIL. (LANUZA NAY)

E. Conditional Use Permit - Cortina Suites- 301 and 311 Adams Avenue, Lot 1R, Block G.

Public hearing opened.

Susan Miller Lee, Planner II presented the project. The Owners, Terry Robinson and Mary Hatfield, are seeking approval of transfer of ownership of the Conditional Use Permit into their names. She reviewed her staff report and requested approval with Planning Commission conditions.

Koop asked about condition number two– aren't all CUP's indefinite.

Lee stated no there is a one year minimum, but that can be changed with conditions.

Shaw asked how this came up after seven years.

Terry Robinson, Applicant, stated Chris Peterson was part of the original LLC and later was bought out. It was just a bookkeeping item that never was dealt with. Their refinancing by the bank brought the issue forward.

Public hearing closed.

LANUZA MOVED TO APPROVE OF THE CONDITIONAL USE PERMIT FOR TERRY ROBINSON AND MARY HATFIELD TO ALLOW FOUR (4) RESIDENTIAL APARTMENTS IN THE C-1 ZONE DISTRICT WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

1. THE CUP IS PERSONAL TO THE APPLICANT, TERRY ROBINSON AND MARY HATFIELD AND NONTRANSFERABLE. SHOULD THE APPLICANT'S OWNERSHIP TERMINATE OR BE TRANSFERRED DURING THE TERM OF THE CUP, THE CUP SHALL EXPIRE.

2. THE TERM OF THE CUP SHALL BE INDEFINITE, UNLESS SOONER TERMINATED OR REVOKED FOR FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE CONDITIONS HEREOF, OR AS A RESULT OF ACTION BY THE TOWN TO ENFORCE THE CONDITIONS OF THE PERMIT OR REQUIREMENTS OF THE TOWN CODE.

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

F. Ordinance 2008-16 - An Ordinance Approving the Purchase of Real Property (Smith Ranch Parcel) and Declaring an Emergency.

Town Attorney Gerald Dahl presented Ordinance 2008-16 for Council's consideration. He reviewed his staff report and requested approval as an emergency ordinance. This is a follow up to the agreement with Red Peak Village.

Public hearing opened.

Long stated it is only an emergency ordinance because there is not a second Town Council meeting in November and the Town wants to save \$18,000 in interest.

Brian Edney, 125 Two Cabins Drive, asked what will be the final price of the property.

Braun stated the estimated cost will be just under 3.6 million with water rights.

McDonald stated that comes to about \$20,000 per developable lot and the Town feels that is very affordable.

Public hearing closed.

Long stated the Town tried to negotiate with Red Peak Village and it did not come together so we will proceed as the agreement outlines.

Butler stated a lot of work went into this agreement and he supports the ordinance.

Koop supports this ordinance. He supports saving \$18,000 in interest by passing this Ordinance in November instead of December.

LONG MOVED TO APPROVE ORDINANCE 2008-16 AN ORDINANCE APPROVING THE PURCHASE OF REAL PROPERTY AND DECLARING AN EMERGENCY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

Council convened as the South Maryland Creek Ranch (SMCR) General Improvements District (GID) Board

SOUTH MARYLAND CREEK RANCH (SMCR) GENERAL IMPROVEMENTS DISTRICT (GID) BOARD

A. Ordinance 2008-02, an Ordinance Setting the SMCR GID Property Tax Mill Levy for Taxable Year 2008 – Second Reading.

Finance Director Donna Braun presented Ordinance 2008-2 setting the property tax mill levy for South Maryland Creek Ranch. She reviewed her staff report and requested approval.

Public hearing opened, no comment, public hearing closed.

Butler stated it is not often you vote for taxes and rebates in the same ordinance.

BUTLER MOVED TO APPROVE ORDINANCE 2008-2 ON FIRST READING AN ORDINANCE LEVYING PROPERTY TAXES FOR THE TAXABLE YEAR 2008 ON THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

Council reconvened as the Town Council.

BOARD OF ADJUSTMENT:

None

ACTION ITEMS:

A. Sketch PUD & Sketch Site Plan – Ptarmigan Affordable Housing, 757 Anemone Trail, Lot 31, Ptarmigan Trail Estates Subdivision #1.

Susan Miller Lee, Planner II presented the project. The Owner, Ptarmigan Housing, LLC, is requesting approval of a Sketch PUD and Sketch Site Plan to construct four duplexes. She reviewed her staff report and requested approval with conditions.

McDonald asked about building one and the setback.

Lee reviewed the map and building one's setback.

McDonald asked if the applicant could work with the change.

Joanna Hopkins applicant representative stated they can work with that.

Long asked about lot coverage.

Lee reviewed the lot coverage and site coverage.

Lanuzza complemented Lee's thorough staff report.

Hopkins presented a color rendering of the proposed Ptarmigan Affordable Housing, LLC. She reviewed the changes from the previous project presentation.

Shaw stated this is submittal is quite an improvement.

Long stated the units fit on the area better and the placement of the units is pleasing.

Hopkins reviewed the solar panel maintenance.

Butler felt the first presentation was a struggle, even though he voted for it. He thanked the applicant for their efforts; it is a much better product this time.

Shaw stated it looks like it will be low maintenance.

LONG MOVED TO APPROVE THE PTARMIGAN AFFORDABLE HOUSING SKETCH PUD AND SITE PLAN WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

- 1. PRIOR TO FINAL SITE PLAN SUBMITTAL, THE APPLICANT SHALL REVISE THE PLANS TO RESOLVE THE PUD SETBACK REQUIREMENTS FOR BOTH THE BUILDING 1 FRONT SETBACK INFRINGEMENTS AND THE SIDE SETBACK WIDTH, WHICH SHALL BE FIVE FEET.**
- 2. PRIOR TO FINAL SITE PLAN SUBMITTAL, THE APPLICANT SHALL COMPLY WITH TOWN ENGINEER'S RECOMMENDED CONDITIONS PER THE ATTACHED MEMO.**
- 3. PRIOR TO FINAL SITE PLAN SUBMITTAL, THE APPLICANT SHALL REVISE THE PLANS.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Ordinance 2008 -12 – 2008 Budget Appropriations, First Reading.

Finance Director Donna Braun presented Ordinance 2008-12 for Council's consideration. She reviewed her staff report dated 10-21-08 and requested approval.

Lanuza asked about the real estate transfer tax revenue.

Braun reviewed Angler Mtn. Ranch Real Estate Transfer tax revenue.

McDonald asked about the closing date of the Smith Ranch property.

Braun stated staff anticipates closing next week.

Stuart Richardson asked if there could be an expanded repayment schedule.

Braun stated it could go to six years. She will wait to see.

Long respects Braun's conservative budgeting nature. We have an amazing asset balance and very little debt. That says a lot about the Town's policies. We are in a healthy situation.

Koop appreciates the forward thinking and conservative nature of the town's decisions.

LONG MOVED TO APPROVE ORDINANCE 2008-12, AN ORDINANCE AMENDING THE 2008 BUDGET AS PRESENTED ON FIRST READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

C. Resolution 2008 – 34 - Adoption of the 2009 -2010 Budget.

Finance Director Donna Braun presented Resolution 2008-34 for Council's consideration. She reviewed her staff report and requested approval.

LONG MOVED TO ADOPT RESOLUTION 2008-34, A RESOLUTION ADOPTING A BUDGET FOR THE PURPOSE OF DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEARS ENDING DECEMBER 31, 2009 AND 2010. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

D. Ordinance 2008-15 - An Ordinance Amending Silverthorne Town Code, Chapter 4, Article VIII, Environmental Guidelines Concerning Solid Fuel Burning Devices, First Reading

Lina Lesmes, Planner II presented on first reading Ordinance 2008-15. She reviewed her staff report and requested approval.

Marsha Johnson, citizen asked about the previous delay, and request pellet stoves also be considered.

Long stated Council is open to other types of stoves but have requested more information first.

SHAW MOVED TO APPROVE ORDINANCE 2008-15, AN ORDINANCE AMENDING CHAPTER 4, ARTICLE VIII, DIVISION 1, SECTION 4-8-2, CONCERNING SOLID FUEL BURNING DEVICES, ON FIRST READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

Council discussed the Citizens' Turf Committee's artificial turf request.

EXECUTIVE SESSION:

None

INFORMATIONAL:

A. Planning Commission Meeting Minutes – November 4, 2008

B. SPORT Committee Meeting Minutes -October 16, 2008

SHAW MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 8:10 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.