

**SILVERTHORNE TOWN COUNCIL**  
**Meeting Minutes**  
**Wednesday, November 28, 2007**

**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, Stuart Richardson and Steve Swanson. Staff members present were Town Manager Kevin Batchelder, Attorney Jerry Dahl, Sgt Jake Scott, Administrative Services Director Donna Braun, Recreation Director Tammy Jamieson, Public Works Director Bill Linfield, Community Development Director Mark Leidal, Senior Planner Michael Johnson, Engineer Dan Gietzen and Town Clerk Michele Karlin.

Dahl requested an Executive Session to Instruct Negotiators Concerning the Rainbow Run Easement Agreement be added to the agenda.  
Council agreed.

**STAFF COMMENTS:**

Jamieson updated Council on the events at the Pavilion and Recreation Center.

**COUNCIL COMMENTS:**

Swanson asked about the Currant Way Water Tank progress.  
Linfield reviewed the project status.

**CONSENT CALENDAR:**

Long requested Item D. be moved from Consent Calendar to a Discussion Item.  
Council agreed.

Swanson asked about Item C. The wording is for approving the irrigation line that is already installed. This is an after the fact approval.

Gietzen reviewed the delay in the process.

Long thanked Shaw for her input on the Personnel Policies.

**THE CONSENT CALENDAR INCLUDING THE MEETING MINUTES FROM NOVEMBER 14, 2007, PERSONNEL POLICIES, AND FOX VALLEY RANCH IRRIGATION LINE CROSSING RIGHT-OF-WAY USE AGREEMENT WAS PASSED.**

**CITIZEN COMMENTS:**

Anne Brewster, 120 Robin Drive, commented on the proposed Home Depot. She requested Council read the book Big Box Swindle by Stacy Mitchell. She has provided a three ring binder of local articles regarding Home Depot's disregard for the locales in which they locate and the book for Council to review. She requested Council do a complete due diligence on this item.

**PUBLIC PRESENTATIONS:**

None

**LIQUOR BOARD:**

None

**PUBLIC HEARINGS:**

Mayor Koop opened the combined public hearing on the following agenda items:

- A. Resolution 2007-26 - A Resolution Making Certain Findings of Fact for the Annexation of South Maryland Creek Ranch II Amended and Restated Annexation and Development Agreement**
- B. Ordinance 2007-22, South Maryland Creek Ranch II Annexation - Second Reading Amended and Restated Water Service Agreement**
- C. Ordinance 2007-23, An Ordinance Zoning 61 Acres of Maryland Creek Ranch to South Maryland Creek Ranch PUD - Second Reading**
- D. Final Plan for South Maryland Creek Ranch PUD Major Amendment**

Dahl reviewed the corporate structure issue that came to light at the Work Session. The corporation consents have been given to the proper entities. There will be an additional condition that prior to recordation of the annexation map the applicant shall provide to the Town evidence that the 61 acres is owned by Maryland Creek Ranch, LLC.

Senior Planner Michael Johnson presented Resolution 2007-26, Ordinance 2007-22, Ordinance 2007-23, the Amended and Restated Annexation and Development Agreement, The amended and Restated Water Service Agreement and The Final Plan for South Maryland Creek Ranch PUD Major Amendment for Council's consideration. He reviewed his staff reports, changes made and he requested approval.

Tom Everist, owner/ applicant, thanked staff for their efforts last night and today in preparing the necessary documents to keep this item moving.

Shaw asked about the wildlife impacts and mitigation on page 17 and Section 6.1.2 Housing Layout and Construction Guidelines in the Wildlife Report of the PUD Major Amendment Notebook. She does not see these items addressed in the PUD plan. She is concerned about pets brought to the construction site.

Don Brandes, DSW, Agent of applicant, stated many of the answers will be in the Architectural Guidelines for homeowners, and the CC& R's. There is a weekly pre-construction meeting that addresses any concerns of the Town or surrounding neighbors.

Shaw asked for signage regarding the no pet rule. She asked for clarification on the Fiscal Impact Study.

Braun reviewed the Fiscal Impact, the annual deficit and how it will be handled.

Lanuza thanked the Town staff for all the hard work on this project. He thanked Everist and company for listening to the Planning Commission and Council comments. He has thoughts about the 17,500 square feet Lake House; he asked what are the plans down the road.

Everist stated Council will look at the plans at Sketch review. He assured Council that it will not be one big building. They plan to have six separate buildings around a courtyard. The uses for these buildings are overflow of guests, potential buyers, or rentals. The HOA will be in charge of the future uses.

Lanuza glad to see the additional width of the roads, twenty-four feet is better with the snow we have in this area. The building modification process is very thorough. He is concerned about the 12% grade heated driveway. The holiday lighting should be removed by April 30<sup>th</sup> due to the hazard snow presents to owners. He offered the Eagles Nest Declarations and Covenants as a sample.

Citizen comments, no comments received, public hearing closed.

Council Comments

McDonald stated this is a quality project and the developer has been thoughtful to everyone concerned. He is in favor of the project.

Vince and Long are very much in favor of the project.

Richardson sees where this project fits into the Town. It is a good fit.

Shaw approves of the project and looks forward to the affordable housing progress.

Swanson thanked staff for all the hard work. He is satisfied with the project.

Koop feels there has been a lot of good work done on this project. There are a lot of benefits to the Town. Good job listening to comments and following through.

Council took the following actions.

**A. Resolution 2007-26 - A Resolution Making Certain Findings of Fact for the Annexation of South Maryland Creek Ranch II Amended and Restated Annexation and Development Agreement**

**LONG MOVED TO APPROVE RESOLUTION 2007-26 A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED SOUTH MARYLAND CREEK RANCH II ANNEXATION AND APPROVING THE SOUTH MARYLAND CREEK RANCH AMENDED AND RESTATED ANNEXATION AND DEVELOPMENT AGREEMENT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**B. Ordinance 2007-22, South Maryland Creek Ranch II Annexation - Second Reading Amended and Restated Water Service Agreement**

**LONG MOVED TO APPROVE ORDINANCE 2007-22 AN ORDINANCE APPROVING ANNEXATION OF SOUTH MARYLAND CREEK RANCH II PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE TOWN OF SILVERTHORNE ON SECOND READING, ON THE CONDITION THAT PRIOR TO RECORDATION OF THE ANNEXATION MAP THE APPLICANT SHALL PROVIDE TO THE TOWN EVIDENCE THAT THE 61 ACRES IS OWNED BY MARYLAND CREEK RANCH, LLC. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**LONG MOVED TO APPROVE THE AMENDED AND RESTATED WATER SERVICE AGREEMENT FOR SOUTH MARYLAND CREEK RANCH. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**C. Ordinance 2007-23, An Ordinance Zoning 61 Acres of Maryland Creek Ranch to South Maryland Creek Ranch PUD - Second Reading**

**LONG MOVED TO APPROVE ORDINANCE 2007-23 AN ORDINANCE ZONING 61ACRES OF MARYLAND CREEK RANCH AS SOUTH MARYLAND CREEK RANCH PUD WITH THE STAFF RECOMMENDED CONDITION ON SECOND READING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**D. Final Plan for South Maryland Creek Ranch PUD Major Amendment**

**LONG MOVED TO APPROVE THE FINAL PLAN REVIEW FOR SOUTH MARYLAND CREEK RANCH MAJOR PUD AMENDMENT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**E. Ordinance 2007-18 - Appropriations of Fiscal Year 2008 - Second Reading**

Koop opened the public hearing.

Batchelder presented Ordinance 2007-18 approving the 2008 Budget on second reading to Council. He presented the 2008 Budget to Council. He acknowledged the work done by Braun, Council 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 for their hard work. He requested approval of Ordinance 2007-18 on second reading.

Finance Director Donna Braun presented Ordinance 2007-18 to Council on second reading by PowerPoint. She reviewed her staff memo dated 11-8-07 and requested approval.

Lanuzza asked about the conservative nature of the budget and revenues. We are not including the Angler Mountain development in these estimates. Where is the line drawn to include or exclude developments for budget purposes?

Braun reviewed her process in projecting growth for housing.

Richardson asked if the State gives us the energy impact funds.

Braun stated the Town received about \$2,000.00 this year. It could increase next year. It is based on the number of employees that live in your area.

McDonald asked if the State of Colorado is remitting sales tax quicker to the Town.

Braun stated they continue to working on the issue.

Shaw asked if it is time to drop the sales tax separation of Summit Place Shopping Center in the Sales tax report.

Braun stated staff is planning to drop it at the end of this year.

No public comment, public hearing closed.

**LANUZA MOVED TO APPROVE ORDINANCE NO 2007-18 ON SECOND READING; AN ORDINANCE RECOGNIZING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF SILVERTHORNE, JOINT SEWER AUTHORITY AND SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT BUDGETS FOR THE YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2008 AND ENDING ON THE LAST DAY OF DECEMBER, 2008. MOTION SECONDED MOTION PASSED BY COUNCIL 5-1. (MCDONALD NAY)**

**F. Ordinance 2007-19 - Changes in Rates & Fees - Second Reading**

Koop opened the public hearing.

Finance Director Donna Braun presented Ordinance 2007-19 to Council on second reading. She reviewed her staff memo dated 11-8-07 and requested approval.

No comments, public hearing closed.

Lanuzza agrees with the fees but still has a problem with the measurements of EQR's. He asked Dahl asked for guidance on opposing on one item.

Dahl stated there is no line item veto, so he will have to decide.

**SHAW MOVED TO ADOPT ORDINANCE NO 2007-19 ON SECOND READING. AN ORDINANCE ESTABLISHING FEES, RATES, AND CHARGES. MOTION SECONDED MOTION PASSED BY COUNCIL 5-1. (LANUZA NAY)**

**G. Ordinance 2007-20 - Appropriation Changes for Fiscal Year 2007-Second Reading**

Koop opened the public hearing.

Finance Director Donna Braun presented Ordinance 2007-20 to Council on second reading. She reviewed her staff memo dated 11-8-07 and requested approval.

No comments, public hearing closed.

**MCDONALD MOVED TO ADOPT ORDINANCE NO 2007-20 ON SECOND READING, AN ORDINANCE AMENDING THE 2007 BUDGET AS PRESENTED. MOTION SECONDED MOTION PASSED UNANIMOUSLY.**

Koop declared a recess of the Silverthorne Town Council meeting and convened the South Maryland Creek Ranch General Improvement District Board of Directors.

**H. Ordinance 2007-21 - Setting South Maryland Creek Ranch General Property Tax for Fiscal Year 2008 - Second Reading**

Koop opened the public hearing.

Finance Director Donna Braun presented Ordinance 2007-21 to Council on second reading. She reviewed her staff memo dated 11-8-07 and requested approval.

No comments, public hearing closed.

**LANUZA MOVED TO APPROVE ORDINANCE 2007-21 ON SECOND READING; AN ORDINANCE LEVYING PROPERTY TAXES FOR THE TAXABLE YEAR 2007 ON THE SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT. MOTION SECONDED MOTION PASSED UNANIMOUSLY BY COUNCIL.**

Koop adjourned as the South Maryland Creek Ranch General Improvement District Board of Directors and reconvened the meeting as the Silverthorne Town Council.

**BOARD OF ADJUSTMENT:**

None

**ACTION ITEMS:**

**A. Comprehensive Sign Plan - Vista Auto Group - 171 Blue River Parkway, Lots 1 and 2, Silverthorne Automotive Subdivision**

Senior Planner Michael Johnson presented the applicant's Comprehensive Sign Plan for Council's consideration. He reviewed the staff memo dated 11-21-07 and requested approval.

Richardson asked about the free standing sign and calculation of the square footage.

Johnson stated by code it is only calculated on one side.

Richardson requested that be looked at when staff rewrites the sign code.

Long what happened to the on premise deli?

Hronek stated it is not going in.

**SWANSON MOVED TO APPROVE THE COMPREHENSIVE SIGN PLAN FOR VISTA AUTO GROUP. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

**DISCUSSION ITEMS:**

**Revocable License Agreement To Maintain Angler Mountain Improvements On Silverthorne Property**

Long asked if are we setting our selves up for mandated public improvements in the future. Should this have been put in the PUD.

Dahl stated they come up on a case by case basis and are reviewed that way.

Leidal stated it was put in the PUD. This agreement protects the Town from maintenance in the future.

Long asked if other subdivisions want these types of enhancements in the Town right of way are they eligible under the same type of agreement.

Leidal stated yes, but he asked Council if they are comfortable with these types of agreements.

Koop asked who makes a call on maintenance needs.

Leidal stated the HOA.

Dahl stated the license agreement could be revoked if there are maintenance issues.

Richardson asked about the signage for Angler Mountain and the Ponds.

**SWANSON MOVED TO APPROVE THE REVOCABLE LICENSE AGREEMENT TO MAINTAIN ANGLER MOUNTAIN IMPROVEMENTS ON SILVERTHORNE PROPERTY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.**

Swanson thanked Braun for her guidance through the budget process. He reported on the Transit Board Meeting. They continue recruiting for five positions. The housing shortage is a major concern.

Long informed Council that Silverthorne hosted the Summit County Housing Authority today. She reported on the meeting.

Swanson reported on the pine beetle inspection on his property.

**RICHARDSON MOVED AT 8:13 P.M. TO GO INTO EXECUTIVE SESSION FOR A CONFERENCE WITH THE TOWN ATTORNEY, TOWN MANAGER, COMMUNITY DEVELOPMENT DIRECTOR AND APPROPRIATE STAFF UNDER CHARTER SECTION 4.13(C) AND SECTION 24-6-402(4)(E), C.R.S. SPECIFICALLY TO INSTRUCT NEGOTIATORS CONCERNING THE RAINBOW RUN EASEMENT AGREEMENT.**

**HE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.**

**EXECUTIVE SESSION:**

**Instructing Negotiators Concerning the Rainbow Run Easement Agreement**

**INFORMATIONAL:**

- A. Planning Commission Meeting Minutes - November 20, 2007
- B. SPORT Committee Meeting Minutes - October 18, 2007
- C. Sales Tax Report - September 2007

**EXECUTIVE SESSION CONCLUDED AND MEETING ADJOURNED AT 8:46 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.