

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR JANUARY 28, 2015 - 6:00 P.M.**



- I. CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA**
- II. PLEDGE OF ALLEGIANCE**
- III. STAFF COMMENTS 1**
- IV. COUNCIL COMMENTS**
- V. CONSENT CALENDAR**
 - A. Town Council Meeting Minutes, January 14, 2015 7
 - B. Resolution 2015-03; a Resolution Designating Representatives for the Town of Silverthorne dba Silverthorne Pavilion Liquor License Application 11
- VI. CITIZENS' COMMENTS***
- VII. LIQUOR BOARD**
 - A. Town of Silverthorne dba Silverthorne Pavilion – Transfer of Tavern License 13
- VIII. PUBLIC HEARINGS**
 - A. Minor Subdivision – Ox Bow Ranch, NW ¼ of Section 26, T4S, R78W..... 27
 - B. Minor Subdivision – South Maryland Creek Ranch, 1st Amendment 35
- IX. ACTION ITEMS**
 - A. Resolution 2015-02, a Resolution Approving a Contract for Legal Services with Hayes, Phillips, Hoffman, Parker, Wilson & Carberry, P.C. 45
 - B. Ordinance 2015-01; an Ordinance amending Chapter 4, Article VI, Section 4-6-2(h), concerning the Design Districts – 1st Reading..... 75
- X. DISCUSISON ITEMS**
- XI. INFORMATIONAL**
 - A. SPORT Committee Meeting Minutes, December 18, 2014 99
 - B. Planning Commission Meeting Minutes, January 20, 2015 101
 - C. November 2014 Sales Tax Review..... 111
- XII. ADJOURNMENT**

* Citizens making comments during Citizen's Comments or Public Hearings should state their name and address for the record, be topic specific, and limit comments to 3-5 minutes. Council may add citizen Comment items as an Action Item by motion; however, the general policy is to refer citizen comments for review and recommendation. Public presentations must be pre-arranged a week in advance with the Town Manager and limited to 10 minutes.

**COUNCIL WORK SESSION:
TOPIC:**

**JANUARY 27, 2015 – 6:00 P.M.
JOINT PLANNING COMMISSION /TOWN
COUNCIL MEETING**

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2015**

*The Council Work Sessions are held every 2nd and 4th Tuesday of each month and begin at 6:00 p.m. with open discussions. The following issues will be addressed from 6:15 p.m. until completed. Additional items to be discussed will be scheduled as time permits.
"OPEN" indicates a topic has not yet been selected.*

FEBRUARY 10 JOINT SPORT/TOWN COUNCIL MEETING

FEBRUARY 24 OPEN

MARCH 10 WILDFIRE COUNCIL

MARCH 24 OPEN

FUTURE WORK SESSION DISCUSSION ITEMS:

January 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Rec Center Hours: 10:00 am—6:00 pm	2 Summit Music & Arts Concert—Pavilion	3
				TOS Holiday		
4	5	6 EDAC Planning Commission	7	8	9	10
11	12	13	14	15	16 Payroll	17 Country Western Dance—Pavilion
18	19	20 Work Session Planning Commission	21 Council Meeting Court	22 SPORT Meeting	23 Employee Appreciation Party— Pavilion	24 Brewer's Rock for Rescue—Pavilion
25 Twilight Skate— North Pond Park	26	27 Work Session	28 Council Meeting	29	30 Payroll	31

February 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Planning Commission	4	5	6 Father Daughter Date Night —Pavilion PM	7
8	9	10 Work Session	11 Council Meeting	12	13 Payroll	14 Pond Hockey Tournament—North Pond
15 Pond Hockey Tournament—North Pond	16 President's Day	17 Work Session	18 Court	19 SPORT Meeting	20 Valentine's Comedy—Pavilion	21 Pond Hockey Tournament—North Pond
22	23 Pond Hockey Tournament—North Pond	24 Planning Commission	25 Council Meeting	26	27 Country Western Dance—Pavilion Payroll	28
	23	24 Work Session	25	26	27	28
No School - Winter Break						

March 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 EDAC Meeting Planning Commission	4	5	6 Stargazing Snowshoe—Angler Mountain Trail Payroll	7
8	9	10 Work Session	11 Council Meeting	12	13	14
15	16	17 Planning Commission	18 Court	19 SPORT Meeting	20 Country Western Dance—Pavilion Payroll NO SCHOOL	21
22	23	24 Work Session	25 Council Meeting	26	27	28 Girl Scout Water Fun Day—Rec Center
29	30	31 Planning Commission				

April 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Registration for Summer Programming— 12:00 noon	3 Payroll	4
5	6	7	8	9	10 Payroll	11
		Work Session	Council Meeting			
No School—Spring Break						
12	13	14 Planning Commission	15 Court	16 SPORT Meeting	17 Country Western Dance—Pavilion Payroll	18
19	20	21	22	23	24	25
		Work Session	Council Meeting			
26	27	28	29	30		

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Susan Schulman, Executive Assistant to the Town Manager 
DATE: January 22, 2015 for Meeting of January 28, 2015
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the January 28, 2015 Town Council Agenda and Meeting. This includes:

1. Administrative Services Update
2. Public Safety Update
3. Public Works Update
4. Community Development Update
5. Recreation & Culture Update

ACTION REQUIRED

No action is required; these items have been submitted for informational purposes.

Administrative Services – January 22, 2015

2015/2016 Budgets – The Town does a two-year budget cycle every two years. In 2014, we produced the 2015 and 2016 budgets. As part of the two-year budget process we produce a Biennial Budget Document. The 2015 and 2016 Biennial Budget Document is currently being written. The goal is to have it completed by the beginning of February. The 2015 Budget in Brief document is available on our webpage and at the Town Hall front desk.

Fiscal Year 2014 – While the calendar says 2014 is long-gone; we still are working on 2014 financials and will be for most of the first part of 2015. In January we are working on paying the last of 2014 invoices and collecting revenues due to the Town from 2014. We should have all the 2014 invoice paid by the first accounts payable run in February. While most 2014 revenues will be received in January, the Town's largest revenue source, sales taxes, will not be completely paid until we receive the County portion of December's sales taxes in early February. By all appearances we'll finish the year with higher revenues than budgeted and lower expenditures than budgeted.

Other 2014 related items are the reconciliation of the Town's bank statements and the many line items that require review. From there we'll move to preparing for the annual audit which is scheduled for the middle of March.

Fiscal Year 2015 – While we continue closing out 2014 we must move forward with 2015! There are many asset management projects (AMP) scheduled for 2015. We're meeting with the various AMP committees (i.e. building, parks etc..) to understand what projects weren't completed in 2014 and what we need to get completed in 2015. We'll be preparing project lists and timelines for the capital and AMP projects so to help track and delegate.

Payroll – The start of a new year also has our payroll and human resource people working hard! The 2014 W2's have been mailed and will be available to employee on the employee portal as well. There are several year-end reports that need to be completed and submitted as well.

The second payroll cycle of 2015 took place this week. The 2015 market adjustment changes to employee profiles have been completed. Additionally, the capping of the personal time earned changes has been put in place. There are a few issues for those who are grandfathered but we're working to fix those issues prior to the next payroll.. By February all of the first of the year activity should be completed.

Pavilion Liquor License – Our staff has been taking the lead on applying for the Pavilion Liquor License which has transferred the current license holder's licenses, All Seasons Catering, to the Town of Silverthorne. The next step is to retain the permanent license. The permanent license will be in front of the Liquor Board at this coming Council meeting. Once our board approves the license then we'll await the State's approval. We do have approval to serve even though the State hasn't given official approval yet. The Town took over the concession duties at the Pavilion on the 15th of January.

Court – The first 2015 session of court took place this last Wednesday. Court is held monthly and generally on the third Wednesday of the month. Some court statistics from 2014 include: 2,071 tickets and a court docket total of 275 cases.

Public Safety – January 22, 2015

Incidents – On 01-09-15 multiple officers were dispatched to a fraud at the Outlets at Silverthorne. It was reported there was an unknown male passing fake fifty-dollar bills at several different stores. Our officers arrived quickly and immediately coordinated with security and the store clerks. This coordinated effort helped in the quick apprehension of the suspected fraudster by other incoming officers. Once the suspect was apprehended a search of him and his property revealed multiple pieces of evidence linking him to the crime he was suspected of. The suspect was booked on multiple felony counts and the case was forwarded to the Secret Service since the crime involved counterfeited bills.

On 01-12-15 a citizen came to the police department to complain about the odor coming from his neighbor's marijuana grow. It turned out we have had contact with this person in the past, but there was nothing criminal, that we could prove, about his grow. Several other neighbors had also complained about this particular person, but with the current state and local laws, there was not anything we could do to prevent this person from growing marijuana. With our hands tied, Officer Baldwin decided to try another method and went after the homeowner's insurance company to try and get the grow shut down in another way. With amendments 20 and 64 this may become more of a problem in the future and Officer Baldwin will work with the Community Development Department to try and get some codes in place to address this issue.

On 01-15-15 Sergeant Higby and Officer Futro responded to a dispute at a business in town. Another contractor was replacing some glass for the business when a customer was going through their drive through to get some food. Even though the drive through was open the contractor started swearing at the customer and threatened her. The customer said she was going to call the owner of the business, who was already on scene, and interrupted her telling her the same thing the first employee said. After investigating what occurred the video corroborated what the customer had said and the contractor was cited for harassment.

In addition to the above officers handled 8 motor vehicle accidents, took a theft complaint, handled three harassment cases, arrested two people with warrants, worked a reckless driving complaint, looked into two civil disputes, one other dispute, had another fraud case, took a subject into protective custody for intoxication, took three lost and found reports, had numerous other agency assists, and completed many business and area checks. Officers also issued multiple traffic citations and warnings.

Feedback from the community – Sergeant Higby, and Officers Fliszar and Futro received a letter from Lake Dillon Fire Recue thanking them for their handling of a fire scene in Town.

Department Training – Multiple members of the department attended a marijuana laws class, put on by the State Attorney General, to cover the ever changing laws surrounding amendments 20 and 64. Sergeant Higby attended a driver's safety class teaching her the

skills to drive in these treacherous mountain conditions.

Staffing – Officer Mazone has left to pursue his career at the Summit County Sheriff's Office, which leaves us with one position open. The advertisements have been placed and we are in the process of collecting and reviewing the applications. Officer Quintana has passed his training program and has been released to solo status. Officer Siderfin continues to do well in his training program.

Public Works – January 22, 2015

Streets – We are busy plowing, sanding and working on various ice issues around Town. We are also working with CDOT to begin installation of new street name signs on some of the main roads in Town, starting at Wildernd Road/Rainbow Drive next week. The new signs will meet new size and reflectivity standards. All of our street name signs will have to comply by the end of the year, so we will be replacing all signs this year.

North Pond – We have 16 inch ice depth now at North Pond, so we will be able to use some larger equipment to plow as needed. The largest we use is a pickup plow. We are keeping the full area plowed that will be needed for the pond hockey tournament next month.

Parks – Holiday lights will remain on until the end of January. Parks staff does the daily cleaning at Willow Grove, Tot Lot, and North Pond restrooms, as well as all sidewalk and path plowing.

JSA – The nutrient removal project continues with expected completion late next summer. Lots of activity going on inside the plant, both by our contractor as well as by our own staff.

Utilities – Utility staff is busy with various maintenance work to all of our systems, as well as working with contractors on the various construction projects around Town.

Projects – The tennis courts at Rainbow are out to bid with the bid opening next week. We will present the results to Council in February. The Pool Pak replacement project will go out to bids within the next two weeks.. Design of the pool pump and filtration room is underway and that will go to bids in early March. Both the Pool Pak and the pool pump room projects will take place in late August thru September during a 5 week pool shutdown.

Traffic signal maintenance agreement – WL did their quarterly service and some repairs on our two signals on Wildernd Road last week.

Community Development – January 22, 2015

Blue River Trail – The wetland mapping for Segment 6 has been completed and the ACOE reviewed and approved the delineation. The design has been modified and the next step would be to acquire the necessary easements.

Angler Mountain Ranch – Staff has had meetings with the developer concerning the continuation of the development of Anger Mountain Ranch and the public infrastructure.

Xcel Substation – An agreement is in place for the road restoration of Bald Eagle Road. The overhead lines have been removed across Smith Ranch and the substation is on line.

District Design Standards – Lina Lesmes has been meeting with a subcommittee made up of EDAC and Town Council members to discuss revisions to the District Design Standards. These standards will set the guidelines for development within the Town commercial districts. Planning Commission has also reviewed these draft standards.

South Maryland Creek Ranch – Staff and Town Council has met with the applicant concerning the proposed Major PUD Amendment for South Maryland Creek Ranch. The applicant has submitted for the Major PUD Amendment.

Lake Dillon Theatre – A design charrette was held at OZ Architecture in Denver for the design of the Lake Dillon Theatre.

Promotion and Recruitment – Matt Gennett has been promoted to Planning Manager and will oversee the day to day planning operations within the Department. The Community Development Department will then be recruiting for a Planner I/Community Service Officer.

Current Applications – The following is a list of applications which have been submitted to the Community Development Department and are currently being processed (ex parte rules apply):

- South Maryland Creek Ranch – Major PUD Amendment
- Ox Bow Replat
- SMCR Replat
- Foxfield Townhomes – PUD

Recreation and Culture – January 22, 2015

Recreation Center – Renee Rogers, Fitness Coordinator, has been busy kicking off the year with a focus on fitness in our community. You may have seen the article in the Summit Daily News regarding the County-wide Holiday Trimmings Challenge, which was sponsored by the PANTS (Physical Activity and Nutrition Team) coalition. Renee led the challenge, on behalf of PANTS. Teams attempted to maintain their weight throughout the holidays. The contest had a very high completion rate, with 141 people out of 145 finishing the challenge.

Gymnastics programs continue to draw about 250 children per week to the Recreation Center. With 11 toddler class options, 5 after school class options, competitive team programs and open gym formats, there is a lot to choose from. We even offer Saturday birthday parties for 6 and under. Our great staff is led by Head Coach Ben Way and Sports and Athletics Coordinator, Mindy Nicholds.

Futbol Conexion starts January 17. This program, run by High Country Soccer Association, focuses on at risk youth ages 9-14 years old in the community. The program brings them together to play a game of common interest, soccer; however, they also focus on making good decisions in life and for their bodies. There are about 40 youth invited to attend and on average, the program sees 30 each Saturday during the 6 week session at Silverthorne

Recreation Center. Futbol Conexion is run with the support of both the Sheriff's office and the Town of Silverthorne.

Donated 5-punch passes to Healing Waters fundraiser, Dillon Valley Elementary reading rewards, and Brewer's Rock for Rescue. The value of each pass is \$60. Liz Hodson, Administrative Assistant, completed the 2014 punch pass donation summary, and last year donations totaled just under \$3,000. This program is an effective way for the Town to respond to donation requests from non-profits while also promoting our facility.

SPORT – The SPORT Committee has begun their goal setting process for 2015. A joint meeting with Council and SPORT will take place during the February 10th Council work session meeting. At that time, SPORT will present their proposed goals to Council and be available to discuss any other items at Council's request.

Pavilion – Brewers Rock for Rescue will take place at the Silverthorne Pavilion on Saturday, January 24th from 5:00 p.m. to 9:00 p.m. There will be twenty breweries on site providing samples of their awesome craft beer, as well as live music provided by Oakhurst and Euforchestra. Summit County Search and Rescue Group will host a silent auction and will be selling commemorative event t-shirts. All proceeds from the silent auction and t-shirt sales will go to benefit Summit County Search and Rescue group. We have secured a handful of sponsors for this event, including Turner Morris and Krystal 93 and are working on a stage sponsor for the event. Tickets are \$25 in advance and \$35 at the door and we are encouraging people to get their tickets in advance, as tickets are limited and we do anticipate this event selling out.

Upcoming Pavilion Events:

- Jan 21 Zumba
- Jan 22 Yoga
- Jan 23 TOS Employee Party
- Jan 24 Brewers Rock for Rescue
- Jan 26 Life Line Screening
- Jan 27 Yoga
- Jan 28 Zumba
- Jan 29 Yoga
- Jan 31 Wedding
- Feb 3 Yoga
- Feb 4 Zumba
- Feb 5 Yoga
- Feb 6 Father Daughter Dance
- Feb 10 Yoga
- Feb 11 Zumba
- Feb 12 Cutthroat Healing Waters
- Feb 12 Yoga
- Feb 13 Lake Dillon Theatre Company Annual Gala
- Feb 14 Valentines Comedy
- Feb 15 Après Ice, part of the Colorado Pond Hockey Tournament

Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Susan Schulman, Executive Assistant to the Town Manager 
DATE: January 22, 2015
SUBJECT: Town Council Meeting Minutes from January 14, 2015

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from January 14, 2015.

STAFF RECOMMENDATION: Staff recommends approval of the Minutes from the meeting.

PROPOSED MOTION: Included in the Consent Calendar motion.

ATTACHMENTS:
Meeting Minutes

MANAGERS COMMENTS:

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, January 14, 2015

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members Russ Camp, Derrick Fowler, Peggy Long, Stuart Richardson and Ann-Marie Sandquist. Council Member Jon Bird was absent. Staff members present were, Town Manager Ryan Hyland, Sergeant Tim Osborn, Administrative Services Director Donna Braun, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Senior Planner Matt Gennett, Planner II Lina Lesmes, Pavilion Coordinator Blair McGary and Executive Assistant Susan Schulman.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Cook reported that the Recreation Center was very busy over the holiday season – Thanksgiving through New Year’s Day – setting some visitor records with several days seeing over 1,500 visitors and 1 day seeing over 2,000 visitors.

McGary reported that there were 200 people at the January 2, 2015, Summit Music & Arts Concert at the Pavilion which will likely become an annual event. She further reported that the Liquor License will transfer to the Pavilion on January 15, 2015. A new point-of-sale system is in and thanks to Joanne Cook and Donna Braun and Administrative Services staff for their help. Tickets are on sale at the Rec Center for Brewer’s Rock for Rescue – January 24, 2015, from 5:00 p.m. to 9:00 p.m. at the Pavilion, and this event is anticipated to sell out.

COUNCIL COMMENTS:

Richardson reported that he attended a Summit Stage Transit Board (SSTB) Meeting today and that the Stage reported 1.9 million riders in 2014. On New Year’s Eve the Stage reported 1,300 riders with transportation hours extended to 2:00 a.m. The SSTB has \$600,000 in reserves and is applying for a State Grant to keep buses tuned.

Fowler thanked Chief Hanschmidt for the Adopt-An-Angel program which was amazingly well organized; had a large amount of toys and was well attended by volunteers and families needing assistance.

Butler would like to recognize Chief Hanschmidt at the next Council meeting he attends to thank him for his work with the Adopt-An-Angel program.

CONSENT CALENDAR:

SANDQUIST MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE REVISED MINUTES FROM DECEMBER 10, 2014. MOTION SECONDED BY CAMP. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (BIRD ABSENT)

CITIZENS’ COMMENTS:

Doug Jones, 747 Boise Drive, Silverthorne Colorado, reported to Council that odors from his neighbor’s marijuana grow operations are wafting into his yard, where his daughter plays. Jones is working with a Silverthorne police officer on this situation but he wants Council to be

aware of the problem. Mayor Butler noted Jones' concerns and will monitor the situation. Long thanked Jones for bringing the situation to Council's attention.

PUBLIC PRESENTATIONS:

NONE.

LIQUOR BOARD:

A. Old Chicago

B. Bamboo Garden

Discussion by Long and Sandquist regarding several liquor violations at Old Chicago; Sergeant Osborne replied that Old Chicago is now in compliance.

SANQUIST MOVED TO APPROVE OLD CHICAGO AND BAMBOO GARDEN – RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSES. MOTION SECONDED BY LONG. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (BIRD ABSENT)

C. Silverthorne Pavilion

CAMP MOVED TO APPROVE TOWN OF SILVERTHORNE DBA SILVERTHORNE PAVILION TEMPORARY LIQUOR PERMIT. MOTION SECONDED BY RICHARDSON. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (BIRD ABSENT)

PUBLIC HEARINGS:

NONE.

BOARD OF ADJUSTMENT:

NONE.

ACTION ITEMS:

NONE.

DISCUSSION ITEMS:

Mayor Butler reported that the following issues were discussed the January 2015 Mayors', Managers' & Commissioners' meeting:

- 1) Ballot Measure 5A issues including ability to poll public on sales tax or impact fee, and other potential funding for affordable housing.
- 2) Vapor Smoking Devices – Breckenridge and Frisco are making vapor smoking devices part of no smoking bans, including how they are displayed and where they are sold.
- 3) Final phase of Highway 9 and easing the concern that small projects will take a back seat to 1-70 projects. Bill Linfield commented that CDOT has selected the contractor to complete Highway 9 between Silverthorne and Kremmling; they want to complete the work in 2 summer seasons.

EXECUTIVE SESSION:

ANN-MARIE SANDQUIST MOVED, AT 6:30 P.M., TO GO INTO EXECUTIVE SESSION FOR A CONFERENCE WITH THE TOWN ATTORNEY AND APPROPRIATE STAFF, UNDER CHARTER SECTION 4.13(c) AND CRS 24-6-402(4)(b) AND (e), TO RECEIVE LEGAL

**ADVICE AND TO INSTRUCT NEGOTIATORS REGARDING THE BLUE RIVER TRAIL,
CULTURAL ARTS AND THE SILVERTHORNE TOWN CENTER.**

**SHE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION
OF THE EXECUTIVE SESSION. MOTION SECONDED BY CAMP. MOTION PASSED
UNANIMOUSLY BY COUNCIL PRESENT. (BIRD ABSENT)**

INFORMATIONAL:

- A. SPORT Committee Meeting Minutes, November 21, 2014
- B. September 2014 Sales Tax Report
- C. EDAC Meeting Minutes, January 6, 2015

**SANDQUIST MOVED TO ADJOURN THE EXECUTIVE SESSION AT 9:30 P.M. MOTION
SECONDED BY CAMP. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.
(BIRD ABSENT)**

BRUCE BUTLER, MAYOR

ATTEST

SUSAN SCHULMAN, EXECUTIVE ASSISTANT

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.

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
FROM: Michele Miller, MMC, Town Clerk
DATE: January 22, 2015 for meeting of January 28, 2015
SUBJECT: Resolution 2015-3 - Designating staff members as representatives for the Town of Silverthorne dba Silverthorne Pavilion Liquor License application.

SUMMARY: The Liquor Board is being asked to grant a liquor license transfer to Town of Silverthorne, dba Silverthorne Pavilion. The State of Colorado Department of Revenue, Liquor Enforcement Division, has requested a Resolution designating staff members be submitted with the liquor license transfer application.

STAFF RECOMMENDATION: Staff recommends approval of the Resolution 2015-03

PROPOSED MOTION:

I MOVE TO APPROVE THE CONCENT CALENDAR.

ATTACHMENT: Resolution 2015-03

MANAGERS COMMENTS:

**TOWN OF SILVERTHORNE, COLORADO
Resolution No. 2015-03**

A RESOLUTION APPOINTING THE TOWN MANAGER AND THE ADMINISTRATIVE SERVICES DIRECTOR, OF THE TOWN OF SILVERTHORNE, COLORADO AS REPRESENTATIVES WITH THE STATE OF COLORADO, DEPARTMENT OF REVENUE, LIQUOR ENFORCEMENT DIVISION.

WHEREAS, The Town of Silverthorne desires to apply for a Tavern Liquor License to run the Silverthorne Pavilion Concessionaire.

WHEREAS, the Town of Silverthorne, Colorado, has funded this project in the 2015 budget and subsequent appropriations, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

1. The Town Manager and the Administrative Service's Director are designated as representatives for the Town of Silverthorne dba Silverthorne Pavilion's liquor license.
2. They are authorized to sign application documents and annual liquor license renewals for the Town of Silverthorne dba Silverthorne Pavilion's liquor license.
3. As employees of the Town of Silverthorne they are responsible for the payments of invoices for the Town of Silverthorne dba Silverthorne Pavilion's liquor license, through the Administrative Services Department.

INTRODUCED, READ AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE THIS 28th DAY OF JANUARY, 2015.

TOWN COUNCIL
TOWN OF SILVERTHORNE, COLORADO

ATTEST:

Bruce Butler, Mayor

Michele Miller, Town Clerk

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: January 22, 2015 for meeting of January 28, 2015
SUBJECT: Liquor License for Local Authority Consideration

SUMMARY: The Liquor Board is asked to grant a liquor license transfer to Town of Silverthorne, dba Silverthorne Pavilion.

BACKGROUND:

A. Town of Silverthorne dba Silverthorne Pavilion – Transfer of Tavern Liquor License

The applicant submitted a complete transfer application for Town of Silverthorne dba Silverthorne Pavilion, December 15, 2014. A temporary permit was granted by the liquor authority for Town of Silverthorne dba Silverthorne Pavilion on January 14, 2015 to allow the owner to continue business under the previous liquor license (All Seasons Catering) for 120 days or until the transfer was complete. The background investigation has been completed by the Police Department and is attached. The Police Department has verified all employees of Town of Silverthorne Pavilion have completed a TIP's training program or are enrolled in a TIP's program. The employees and owner have 60 days to become TIP's certified after the issuance of the liquor license. The owner's fingerprints have been sent into the Colorado Bureau of Investigation.

DISCUSSION:

Financial Implications: Each individual liquor license applicant is required to submit both local licensing fees and state licensing fees as set forth by the Colorado Liquor Enforcement division. These fees are submitted with the application materials.

STAFF RECOMMENDATION: Staff recommends approval of the transfer. Please contact the Town Clerk's office with any questions or if you want to view more detail from the liquor application.

PROPOSED MOTION:

I MOVE TO APPROVE THE TOWN OF SILVERTHORNE DBA SILVERTHORNE PAVILION'S TRANSFER OF TAVERN LIQUOR LICENSE.

ATTACHMENTS: Liquor license renewal application and Police Department Memo.

MANAGERS COMMENTS:



601 Center Circle • P.O. Box 1167 • Silverthorne, CO 80498
(970) 262-7320 • Fax (970) 262-7315

DATE: January 22, 2015
TO: Michele Miller
FROM: Officer A.J Futro
SUBJECT: Background check for a liquor license transfer – Town of Silverthorne dba Silverthorne Pavilion

The Town of Silverthorne dba Silverthorne Pavilion is requesting a transfer of the Tavern License at 400 Blue River Parkway.

All staff has sixty (60) days after opening to successfully complete TIPs or ServSafe alcohol education curriculum. Almost all Silverthorne Pavilion staff has already completed the training.

Based on the background information on the Silverthorne Police Department, we have no objections to the approval of this Liquor License transfer

Reviewed by

Chief of Police
Mark Hanschmidt

01-22-15
Date

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

(a) Been denied an alcohol beverage license?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

or
Waiver by local ordinance?
Other: _____

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership Lease Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord	Tenant	Expires

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
N/A				

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted?

Number of additional Optional Premise areas requested. (See license fee chart)

15. Liquor Licensed Drug Store applicants, answer the following:
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy?
If "yes" a copy of license must be attached. N/A

16. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?

(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?

(c) How long has the club been incorporated? N/A

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

17. Brew-Pub License or Vintner Restaurant Applicants answer the following:
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) N/A

18a. For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)

Last Name of Manager McGary	First Name of Manager Elizabeth Blair	Date of Birth
--------------------------------	--	-------------------

18b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

Type of License	Account Number

19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

20. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% of more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Ryan Hyland	383 W Coyote Dr, Silverton		Town Mgr	
Donna Braun	109 LoneWolf Dillon		Accountant	

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature	Printed Name and Title	Date
----------------------	------------------------	------

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority <u>12-15-14</u>	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) <u>1-28-15</u>
--	---

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date 1-1-15
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business Town of Silverthorne, ^{DBA} Silverthorne Pavilion				
2. Your Full Name (last, first, middle) Hyland, Ryan, Joseph			3. List any other names you have used.	
4. Mailing address (if different from residence)				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current 383 W. Coyote Dr.		Silverthorne, CO, 80498	3/2007	present
Previous				
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Town of Silverthorne	601 Center Circle, Silverthorne, CO 80498	Town Manager	9/2006	present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

In 1996, while attending the University of Colorado, I received a deferred sentence for possession of a fake ID.

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Denver, Colorado		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
l. Height 6'	m. Weight 160	n. Hair Color Brown	o. Eye Color Brown	p. Sex Male	q. Race White	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 10652.00

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

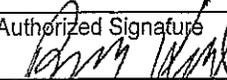
Type: Cash, Services or Equipment	Source	Amount
Equipment, glasswear	TOS-1 st Bank account	2958 ⁰⁰
Application fees		1100 ⁰⁰
Liquor inventory		2594 ⁰⁰

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature 	Title Town Manager	Date 12/18/2014
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INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business

Town of Silverthorne, DBA Silverthorne Pavilion

2. Your Full Name (last, first, middle)

Braun, Donna Lee

3. List any other names you have used.

Donna Fey, Donna Fey Braun

4. Mailing address (if different from residence)

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	109 Lone Wolf Ct	Dillon, Co 80435	12/1998	present
Previous				

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Town of Silverthorne	601 Center Circle, Silverthorne Co, 80438	Director of Administrative Services	10/1993	Present

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.

Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)
 Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)
 Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential.
 The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth [Redacted]	b. Social Security Number SSN [Redacted]	c. Place of Birth Chicago, Illinois	d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, State where		f. When	g. Name of District Court
h. Naturalization Certificate Number		i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number
k. Permanent Residence Card Number			
l. Height	m. Weight	n. Hair Color Brown	o. Eye Color Hazel
p. Sex F	q. Race White	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 60652

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Equipment, glassware	Tos-1 st Bank Account	2958 ⁷⁵
Application fee		1100 ⁰⁰
Liquor Inventory		2594 ⁰⁰

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
None				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <u>[Signature]</u>	Title Director of Administrative Services	Date 12/18/14
--	--	------------------

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business
Town of Silverthorne, ^{DBA} Silverthorne Pavilion

2. Your Full Name (last, first, middle)
Elizabeth Blair McGary

3. List any other names you have used.
Elizabeth Blair Collier

4. Mailing address (if different from residence)
PO Box : 4841 Frisco, CO 80443

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

	STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current	<i>738 Lagoon Drive Unit E</i>	<i>Frisco, CO 80443</i>	<i>10/06</i>	<i>current</i>
Previous				

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
<i>Town of Silverthorne</i>	<i>601 Center Circle, Silverthorne, CO 80498</i>	<i>Pav + Marketing Coordinator</i>	<i>11/08</i>	<i>current</i>

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
<i>Jared McGary</i>	<i>husband</i>	<i>bartender</i>	<i>Dillon Dam Brewery</i>

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.
 Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.
 Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

1999 - DWI
2006? - deferred dv charge

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth Lynchburg, Va		d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where N/A				f. When N/A		g. Name of District Court N/A	
i. Naturalization Certificate Number N/A		l. Date of Certification N/A		j. If an Alien, Give Alien's Registration Card Number N/A		k. Permanent Residence Card Number	
1. Height 5'7"	m. Weight 150	n. Hair Color blond	o. Eye Color blu	p. Sex F	q. Race white	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

14. Financial Information.

a. Total purchase price \$ _____ (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ _____

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ total 5200

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source	Amount
Equipment, classroom	TOS - 1 st Bank checking	2958.75
Application fees	account	1100
liquor inventory		2594

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
None				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature <i>Blair Kelly</i>	Title Pavilion + Marketing Coord	Date 12/19/14
--	-------------------------------------	------------------

AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

Pursuant to the requirements of 12-47-303(3)(b), Colorado Revised Statutes, Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- Paid in full. There are no outstanding accounts with any Colorado Wholesalers.
- Licensee hereby certifies that the following is a complete list of accounts for alcohol beverages that are unpaid:

Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the: Licensee Applicant

- Licensee unavailable to certify disposition of accounts for alcohol beverages - Inventory list attached. Transfer by operation of law - Regulation 47-304.
- Applicant will assume full responsibility for payment of the outstanding accounts as listed above.
- No alcohol beverage inventory transferred or sold.

Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its agent, or a company, corporation, partnership or other business entity to be formed by the Applicant.

Dated this 8th day of January, 2015.

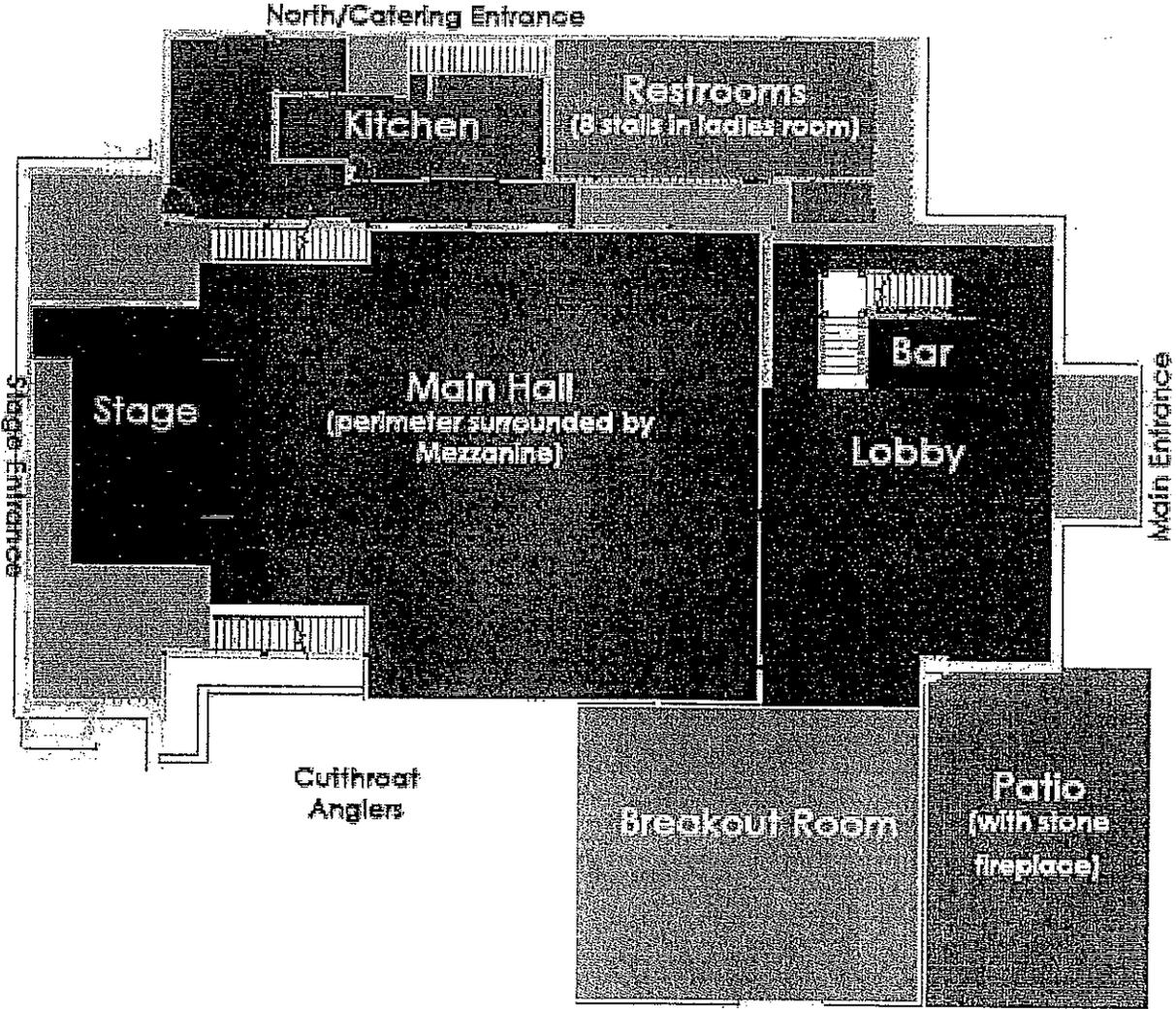
Seller:

All Seasons Catering
Licensee & License Number
All Seasons Catering
Trade name
Cara Miller
Signature
President
Position
Cara Miller
Print Name

Buyer:

Town of Silverthorne
Applicant
Silverthorne Pavilion
Trade name
Ryan Hyland
Signature
Town Manager
Position
Ryan Hyland
Print Name

Exhibit B
Permitted Area



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Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager 
Mark Leidal, AICP, Assistant Town Manager 
FROM: Matt Gennett, AICP, Planning Manager 
DATE: January 22, 2015, for the meeting of January 28, 2015
SUBJECT: Minor Subdivision – Ox Bow Ranch (PT2014-6)

SUMMARY: The applicant is requesting approval of a Minor Subdivision to create two tracts of land, Tract A and Tract B, from the larger existing lot in order to facilitate a land exchange to resolve a lot line discrepancy with the owner of South Maryland Creek Ranch. As part of the approval process, an Amended Development Agreement between the Town and Ox Bow Ranch, LLP, has been included as Exhibit D to the attached staff report. The amendment updates the property's boundary in keeping with the requested Minor Subdivision.

PREVIOUS COUNCIL ACTION: In March of 1980, the Town Council approved an Annexation Agreement to annex the Ox Bow Ranch into the Town of Silverthorne with an R-2 zoning designation. On December 8, 1982, the Town Council approved a Development Agreement for Ox Bow Ranch that superseded the Annexation Agreement approved in 1980 and changed the zoning from R-2 to PUD.

BACKGROUND: Over the past three years, Ox Bow Ranch and South Maryland Creek Ranch (SMCR) have endeavored to resolve a property line discrepancy related to the location of a fence line. Ox Bow Ranch and SMCR have arrived at a mutually beneficial land exchange that will resolve the discrepancy over the fence line. The subject Minor Subdivision is the first in a series of plats to accomplish this land exchange and will allow Ox Bow Ranch to exchange Tract B for a commensurate amount of land from SMCR that comprises the property delineated by the fence line to the east of Ox Bow Ranch.

DISCUSSION: Please see attached Staff Report.

PLANNING COMMISSION RECOMMENDATION: Planning Commission, by a vote of 7-0, recommends approval of the Minor Subdivision for Ox Bow Ranch.

PROPOSED MOTION: *"I move to approve the Minor Subdivision and associated Amended Development Agreement for Ox Bow Ranch."*

ATTACHMENTS:
Staff Report and Exhibits

MANAGER'S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

From: Matt Gennett, AICP, Planning Manager *MG*
Thru: Mark Leidal, AICP, Assistant Town Manager
Date: January 22, 2015, for the meeting of January 28, 2015
Subject: Minor Subdivision – Ox Bow Ranch (PT2014-23)
Owner/Applicant: Ox Bow Ranch, LLP, represented by Joanna Hopkins

Proposal: The applicant is requesting approval of a Minor Subdivision to create two tracts of land, Tract A and Tract B, from the larger existing lot in order to facilitate a land exchange to resolve a lot line discrepancy with the owner of South Maryland Creek Ranch. *(Please see the attached exhibits for further information.)*

Legal Description: Township 4, Range 78, Section 26, Quarter 2 / Ox Bow Ranch
(Please see Exhibit C for complete metes and bounds legal description)

Site Area: 61.11 acres

Zone District: Ox Bow Ranch PUD

Site Conditions: Operating ranch with one residence

Adjacent Uses: North: South Maryland Creek Ranch/Open Space
South: Blue River Parkway/CDOT R-O-W
East: South Maryland Creek Ranch/Open Space
West: Eagles Nest Golf Course, Filing No. 2/Residential

PREVIOUS COUNCIL ACTION: In March of 1980, the Town Council approved an Annexation Agreement to annex the Ox Bow Ranch into the Town of Silverthorne with an R-2 zoning designation. On December 8, 1982, the Town Council approved a Development Agreement for Ox Bow Ranch that superseded the Annexation Agreement approved in 1980 and changed the zoning from R-2 to PUD.

BACKGROUND: Over the past three years, Ox Bow Ranch and South Maryland Creek Ranch (SMCR) have endeavored to resolve a property line discrepancy related to the location of a fence line. Ox Bow Ranch and SMCR have arrived at a mutually beneficial land exchange that will resolve the discrepancy over the fence line. The subject Minor Subdivision is the first in a series of plats to accomplish this land exchange and will allow Ox Bow Ranch to exchange Tract B for a commensurate amount of land from SMCR that

STAFF COMMENTS:

Minor Subdivision Plat – According to Town Code Section 4-5-11, a Minor Subdivision must comply with the following standards:

- (1) *Consistency with the Town Comprehensive Plan and other master plans.* The subject Minor Subdivision is in conformance with the applicable policies and goals of the 2014 Comprehensive Plan Update. Staff finds the Minor Subdivision of Ox Bow Ranch consistent with the Comprehensive Plan.
- (2) *Consistency with this Code and other minimum standards established by the Town.* The proposed subdivision complies with this Article and all other provisions of this Chapter, the Engineering Standards and other applicable standards adopted by the Town. Staff finds the proposed Minor Subdivision to be consistent with Town Code, Engineering Standards, and other applicable standards.
- (3) *Consistency with Zone District Standards or Planned Unit Development Guide, if applicable.* The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide. No Planned Unit Development Guide or zone district standards exist for the Ox Bow Ranch PUD.
- (4) *All public notice requirements have been fulfilled.* All public noticing requirements of Town Code Section 4-7-3, *Public Hearing Notice Requirements*, have been complied with in full with this Minor Subdivision application.
- (5) *Agreements.* A subdivision improvements agreement and/or other agreements have been executed by the applicant. At this time, there will be no public improvements such as water, sewer, or paved roads as part of this Minor Subdivision proposal. An amendment to the Development Agreement between Ox Bow Ranch, LLP, and the Town, reflecting the changes to the property's boundaries that will occur as a result of this Minor Subdivision is included with this report as Exhibit D.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission, by a vote of 7-0, is recommending approval of the Minor Subdivision for Ox Bow Ranch.

Suggested Motion: *"I move to approve the Minor Subdivision for Ox Bow Ranch."*

Alternative Motion: Should the Town Council find that the application does not meet the subdivision requirements, staff recommends the following motion:

"I move to deny the Minor Subdivision for Ox Bow Ranch, with the finding that it does not meet Town Code Section 4-5-3 Suitability of land for subdivision."

EXHIBITS:

Exhibit A: Letter from the Applicant

Exhibit B: Reduced copy of the Ox Bow Ranch Minor Subdivision plat

Exhibit C: Full legal description

Exhibit D: Amended Development Agreement between Ox Bow Ranch and the Town

November 6, 2014

Matt Gennett
Senior Planner
Town of Silverthorne
601 Center Circle
Silverthorne, CO 80498

RE: OxBow/South Maryland Creek Ranch Land Exchange – Minor Subdivision Application

Dear Matt:

As you know, we have been working together with Maryland Creek Ranch, LLC to resolve a fenceline issue between the Ox Bow and South Maryland Creek Ranch ("SMCR") properties. We feel that we have arrived at a solution that benefits both of us and with your guidance, we have prepared the attached plat creating the exchange parcel and a larger remainder parcel, as well as an Amendment to Development Agreement for the Ox Bow property reflecting the new parcels that will be created by the Ox Bow and SMCR subdivisions and exchange of parcels.

The minor subdivision process requires a letter of authorization designating a project representative to process this application. I hereby authorize Joanna Hopkins to represent Ox Bow Ranch, LLP on this minor subdivision application.

Thank you for your continued assistance.

Sincerely,

OxBow Ranch, LLP

State of Colorado – County of CITY & DENVER
Subscribed and sworn before me this
17 day of November, 2014

Jo Ann Arnold
Jo Ann Arnold
General Partner

Lorraine Salazar
Notary Public
My Commission Expires MARCH 7, 2017

LORRAINE J. SALAZAR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134014310
MY COMMISSION EXPIRES MARCH 7, 2017

Ox Bow Legal Description

A TRACT OF LAND BEING A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89 DEGREES 38 MINUTES 21 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 26 A DISTANCE OF 716.41 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 9; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE COURSES:

- (1) SOUTH 23 DEGREES 20 MINUTES 42 SECONDS EAST A DISTANCE OF 1279.12 FEET;**
- (2) SOUTH 22 DEGREES 07 MINUTES 59 SECONDS EAST A DISTANCE OF 472.78 FEET;**
- (3) 274.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 09 DEGREES 20 MINUTES 03 SECONDS, A RADIUS OF 1687.10 FEET AND A CHORD WHICH BEARS SOUTH 28 DEGREES 00 MINUTES 42 SECONDS EAST 274.55 FEET DISTANT;**

THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST A DISTANCE OF 269.09 FEET; THENCE SOUTHERLY ALONG AN EXISTING FENCE LINE FOR THE FOLLOWING THREE COURSES:

- (1) SOUTH 06 DEGREES 35 MINUTES 27 SECONDS EAST A DISTANCE OF 205.00 FEET;**
- (2) SOUTH 68 DEGREES 01 MINUTES 06 SECONDS WEST A DISTANCE OF 147.42 FEET;**
- (3) SOUTH 30 DEGREES 34 MINUTES 01 SECONDS WEST A DISTANCE OF 497.77 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF U.S. GOVERNMENT LOT 15 IN SAID SECTION 26:**

THENCE NORTH 89 DEGREES 35 MINUTES 56 SECONDS WEST ALONG SAID NORTH LINE OF GOVERNMENT LOT 15 A DISTANCE OF 262.05 FEET; THENCE NORTH 27 DEGREES 38 MINUTES 30 SECONDS WEST A DISTANCE OF 376.08 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST A DISTANCE OF 470.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 26; THENCE NORTH 00 DEGREES 17 MINUTES 58 SECONDS EAST ALONG SAID WEST LINE OF SAID SECTION 26 A DISTANCE OF 2207.13 FEET TO THE POINT OF BEGINNING, CONTAINING 61.023 ACRES, MORE OR LESS.

AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to Development Agreement ("Amendment") is made and entered into as of the ___ day of _____, 2014, by and between OX BOW RANCH, LLP, formerly known as Ox Bow Ranch Company, a general partnership, ("Ox Bow") and the TOWN OF SILVERTHORNE, a Colorado municipal corporation ("Town").

WHEREAS, Ox Bow and Silverthorne are the parties to the Development Agreement dated December 8, 1982 and recorded December 15, 1982, at Reception No. 249360, Summit County, Colorado ("Agreement").

WHEREAS, Ox Bow was the owner of the property described in the Agreement, which property has been subdivided into Tracts A and B, Ox Bow Ranch, according to the Plat thereof recorded on the ___ day of _____, 2014 at Reception No. _____, Summit County, Colorado (individually "Tract A" and "Tract B").

WHEREAS, to resolve a property line issue between Ox Bow and Maryland Creek Ranch, LLC ("MCR"), the owner of the property to the north and west of the Ox Bow property, MCR has transferred to Ox Bow Tract Q, South Maryland Creek Ranch according to the Plat thereof recorded on the ___ day of _____, 2014 at Reception No. _____, Summit County, Colorado ("Tract Q") and Ox Bow has transferred to MCR Tract B.

WHEREAS, Ox Bow and the Town desire to amend the Agreement to remove Tract B from the Agreement, to add Tract Q to the Agreement, and to confirm that Tract A remains subject to the Agreement.

NOW, THEREFORE, Ox Bow and the Town, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. Tract B shall be removed from the Agreement and the terms, covenants and conditions of the Agreement no longer shall apply to Tract B in any way.
2. Tract Q is hereby subjected to all terms, covenants and conditions of the Agreement.
3. Tract A is and shall remain subject to all terms, covenants and conditions of the Agreement.
4. Except for the removal of Tract B and the addition of Tract Q as herein provided for, all other terms, covenants and conditions of the Agreement shall remain in full force and effect and shall apply fully to Tract A and Tract Q.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first above written.

TOWN OF SILVERTHORNE
a Colorado municipal corporation

By: _____
Bruce Butler, Mayor

ATTEST:

Michele Miller, Town Clerk

OX BOW RANCH, LLP
formerly known as Ox Bow Ranch Company
a general partnership

By: Joann Arnold
Joann Arnold, General Partner

STATE OF COLORADO)
CITY OF) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 17 day of NOVEMBER, 2014 by Joann Arnold as General Partner of Ox Bow Ranch, LLP, formerly known as Ox Bow Ranch Company, a general partnership.

Witness my hand and official seal.

My Commission Expires: MARCH 7, 2017

Lorraine Salazar
Notary Public

LORRAINE J. SALAZAR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134014310
MY COMMISSION EXPIRES MARCH 7, 2017

Town of Silverthorne
Town Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager
FROM: Matt Gennett, AICP, Planning Manager *MG*
DATE: January 22, 2015, for the meeting of January 28, 2015
SUBJECT: Minor Subdivision – South Maryland Creek Ranch – First Amendment
(PT2014-6)

SUMMARY: The applicant is requesting approval of a Minor Subdivision to subdivide a tract of land, Tract Q, from a larger existing tract, Tract 1R, in order to facilitate a land exchange that will resolve a lot line discrepancy with the owner of Ox Bow Ranch.

PREVIOUS COUNCIL ACTION: On December 14, 2005, Town Council approved both the Annexation, and associated Annexation Agreement, and PUD zoning for South Maryland Creek Ranch (SMCR) PUD. On December 14, 2005, Town Council approved Ordinance No. 2005-17 creating the SMCR General Improvement District. A Sketch Subdivision of South Maryland Creek Ranch was approved by Town Council on November 9, 2005. The Sketch Subdivision approval has since expired due to inactivity on the Preliminary Subdivision submittal. The South Maryland Creek Ranch Minor Subdivision was approved by Town Council on June 28, 2006. On September 12, 2007, the Town Council approved the Sketch Plan for the South Maryland Creek Ranch Major PUD Modification which proposed 83 residential units on 416 acres. On November 14, 2007, the Town Council approved on first reading Ordinance No. 2007-23, an ordinance zoning 61 acres of the Maryland Creek Ranch to South Maryland Creek Ranch PUD. On November 28, 2007, the Town Council approved Ordinance No. 2007-23 on second reading, an ordinance zoning 61 acres of Maryland Creek Ranch to South Maryland Creek Ranch PUD.

Maryland Creek Ranch (MCR) Sketch Subdivision and Sketch Disturbance Permit Application (DPA) for the 416 acre property, was approved by Town Council on February 13, 2008. A Preliminary Subdivision and Preliminary DPA were approved on September 24, 2008. On June 24, 2009, Town Council re-approved the Preliminary Subdivision and DPA and granted a one-year extension to the MCR Preliminary Subdivision and DPA, extending the Preliminary approval to September 24, 2010. Staff approved a six month extension of the Preliminary Subdivision and DPA from September 24, 2010, to March 24, 2011.

On March 9, 2011, the Town Council reapproved the Preliminary Subdivision for MCR with an extended three-year effective date of approval. The reapproved Preliminary Subdivision expired on March 24, 2014.

On October 22, 2014, the Town Council approved the Fourth Amendment to the Amended and Restated Annexation and Development Agreement for SMCR, which extended certain deadlines by one year. On October 22, 2014, the Town Council approved the Second Amendment to the Amended and Restated Water Service Agreement for SMCR to extend a deadline by one year. On October 22, 2014, the Town Council approved the Fifth Amendment to the Subdivision Improvements Agreement for SMCR to extend a deadline commensurate with the completion of required improvements.

Town of Silverthorne
Town Council Agenda Memorandum

BACKGROUND: Over the past three years, South Maryland Creek Ranch (SMCR) and Ox Bow Ranch have tried to resolve a property line discrepancy related to the location of a fence line. SMCR and Ox Bow Ranch have arrived at a mutually beneficial land exchange that will resolve the discrepancy over the fence line. The subject Minor Subdivision is the second in a series of plats to accomplish this land exchange and will allow SMCR to exchange Tract Q for a commensurate amount of land from Ox Bow Ranch that comprises the property delineated by the fence line to the east of Ox Bow Ranch.

DISCUSSION: Please see attached Staff Report.

PLANNING COMMISSION RECOMMENDATION: Planning Commission, by a vote of 7-0, recommends approval of the Minor Subdivision for South Maryland Creek Ranch – First Amendment.

PROPOSED MOTION: *“I move to approve the Minor Subdivision for South Maryland Creek Ranch – First Amendment.”*

ATTACHMENTS:
Staff Report and Exhibits

MANAGER’S COMMENTS:

Town of Silverthorne, Colorado
Town Council Staff Report

From: Matt Gennett, AICP, Planning Manager *MG*
Thru: Mark Leidal, AICP, Assistant Town Manager *ML*
Date: January 22, 2015, for the meeting of January 28, 2015
Subject: Minor Subdivision – South Maryland Creek Ranch – First Amendment (PT2014-23)

Owner/Applicant: South Maryland Creek Ranch, LLC, represented by Joanna Hopkins

Proposal: The applicant is requesting approval of a Minor Subdivision to subdivide a tract of land, Tract Q, from a larger existing tract, Tract 1R, in order to facilitate a land exchange to resolve a lot line discrepancy with the owner of Ox Bow Ranch. *(Please see the attached exhibits for further information.)*

Legal Description: South Maryland Creek Ranch

Site Area: 416 acres

Zone District: South Maryland Creek Ranch PUD

Site Conditions: Undeveloped, partially improved with road alignments and water lines

Adjacent Uses: North: Maryland Creek Ranch/Open Space
South: USFS Land/Open Space
East: USFS Land /Open Space
West: Ox Bow Ranch/Ranchland and Open Space

PREVIOUS COUNCIL ACTION: On December 14, 2005, Town Council approved both the Annexation, and associated Annexation Agreement, and PUD zoning for South Maryland Creek Ranch (SMCR) PUD. On December 14, 2005, Town Council approved Ordinance No. 2005-17 creating the SMCR General Improvement District. A Sketch Subdivision of South Maryland Creek Ranch was approved by Town Council on November 9, 2005. The Sketch Subdivision approval has since expired due to inactivity on the Preliminary Subdivision submittal. The South Maryland Creek Ranch Minor Subdivision was approved by Town Council on June 28, 2006. On September 12, 2007, the Town Council approved the Sketch Plan for the South Maryland Creek Ranch Major PUD Modification which proposed 83 residential units on 416 acres. On November 14, 2007, the Town Council approved on first reading Ordinance No. 2007-23, an ordinance zoning 61 acres of the Maryland Creek Ranch to South Maryland Creek Ranch PUD. On November 28, 2007, the Town Council approved Ordinance No. 2007-23 on second

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BACKGROUND: Over the past three years, South Maryland Creek Ranch (SMCR) and Ox Bow Ranch have tried to resolve a property line discrepancy related to the location of a fence line. SMCR and Ox Bow Ranch have arrived at a mutually beneficial land exchange that will resolve the discrepancy over the fence line. The subject Minor Subdivision is the second in a series of plats to accomplish this land exchange and will allow SMCR to exchange Tract Q for a commensurate amount of land from Ox Bow Ranch that comprises the property delineated by the fence line to the east of Ox Bow Ranch.

STAFF COMMENTS:

Minor Subdivision Plat – According to Town Code Section 4-5-11, a Minor Subdivision must comply with the following standards:

- (1) *Consistency with the Town Comprehensive Plan and other master plans.* The subject Minor Subdivision is in conformance with the applicable policies and goals of the 2014 Comprehensive Plan Update. Staff finds the Minor Subdivision of SMCR consistent with the Comprehensive Plan.
- (2) *Consistency with this Code and other minimum standards established by the Town.* The proposed subdivision complies with this Article and all other provisions of this Chapter, the Engineering Standards and other applicable standards adopted by the Town. Staff finds the proposed Minor Subdivision to be consistent with Town Code, Engineering Standards, and other applicable standards.
- (3) *Consistency with Zone District Standards or Planned Unit Development Guide, if applicable.* The proposed subdivision complies with all of the provisions of the

- (3) *Consistency with Zone District Standards or Planned Unit Development Guide, if applicable. The proposed subdivision complies with all of the provisions of the applicable Zone District or Planned Unit Development Guide. An application to amend the approved Planned Unit Development Guide for SMCR is currently in process and contemplates the land exchange that is the subject of this Minor Subdivision.*
- (4) *All public notice requirements have been fulfilled. All public noticing requirements of Town Code Section 4-7-3, Public Hearing Notice Requirements, have been complied with in full with this Minor Subdivision application.*
- (5) *Agreements. A subdivision improvements agreement and/or other agreements have been executed by the applicant. At this time, there will be no public improvements such as water, sewer, or paved roads as part of this Minor Subdivision proposal. An amendment to the development agreement reflecting the changes to the property boundaries will be brought to Council for review and approval.*

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by a vote of 7-0, is recommending approval of the Minor Subdivision for South Maryland Creek Ranch – First Amendment.

Suggested Motion: *“I move to approve the Minor Subdivision for South Maryland Creek Ranch – First Amendment.”*

Alternative Motion: Should the Town Council find that the application does not meet the subdivision requirements, staff recommends the following motion:

“I move to deny the Minor Subdivision for South Maryland Creek Ranch – First Amendment, with the finding that it does not meet Town Code Section 4-5-3, Suitability of Land for Subdivision.”

EXHIBITS:

Exhibit A: Letter from the Applicant

Exhibit B: Reduced copy of the SMCR Minor Subdivision plat


S O U T H
MARYLAND CREEK
R A N C H

November 21, 2014

Matt Gennett
Senior Planner
Town of Silverthorne
601 Center Circle
Silverthorne, Colorado 80498

**RE: SOUTH MARYLAND CREEK RANCH
MINOR SUBDIVISION**

Dear Matt:

For several years, the OxBow Ranch and South Maryland Creek Ranch (SMCR) have been working toward correcting a historic fenceline issue along the southeast boundary line of SMCR. With your assistance, we have created a series of minor subdivision plats to correct the fenceline as well as the subsequent property boundary changes. OxBow has submitted plats of their respective property boundary changes to their west property line under separate cover.

The minor subdivision submittal requirements specify that I submit a notarized letter of authorization designating a project representative to process this application. I hereby authorize Joanna Hopkins to represent South Maryland Creek Ranch and this minor subdivision.

As always, you can contact me directly (605.373.1154) with any questions or concerns regarding this submittal.

Sincerely,

South Maryland Creek Ranch, LLC

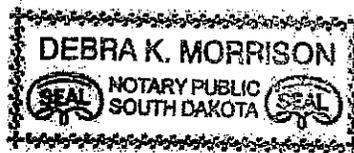


Tom Everist
Manager

State of South Dakota – County of Minnehaha
Subscribed and sworn before me this
21st Day of November, 2014



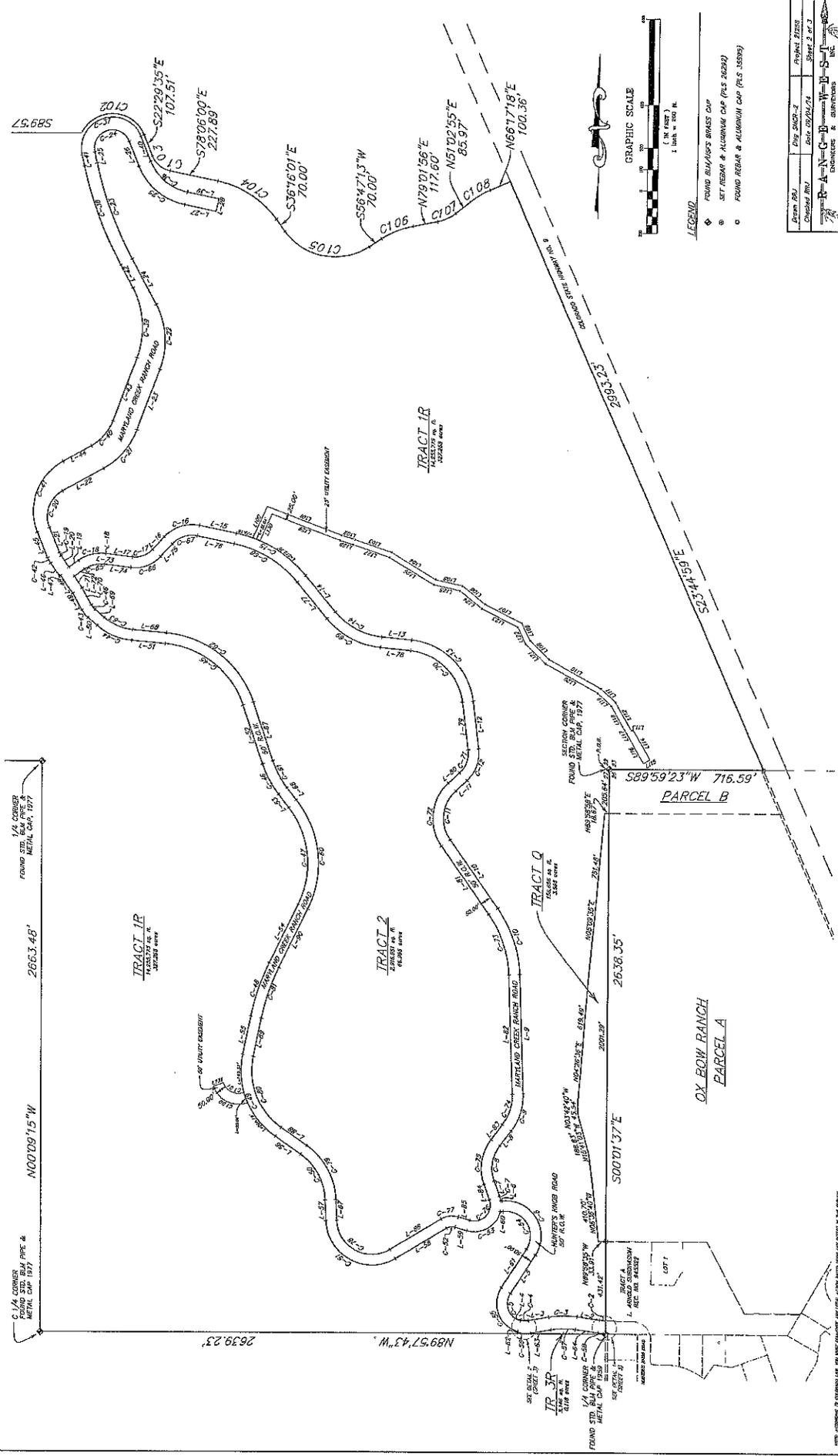
Notary Public
My Commission Expires 12/23/2014



SOUTH MARYLAND CREEK RANCH—FIRST AMENDMENT

A REPLAT OF SOUTH MARYLAND CREEK RANCH ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 2006 AT RECEPTION NO. 825793 AND OF THE 61.00 ACRES ADJACENT THERETO PART OF SECTIONS 22, 23 & 27, T.4S., R.78W. OF THE 6TH P.M. TOWN OF SILVERTHORNE, SUMMIT COUNTY, COLORADO

SHEET 2 OF 3

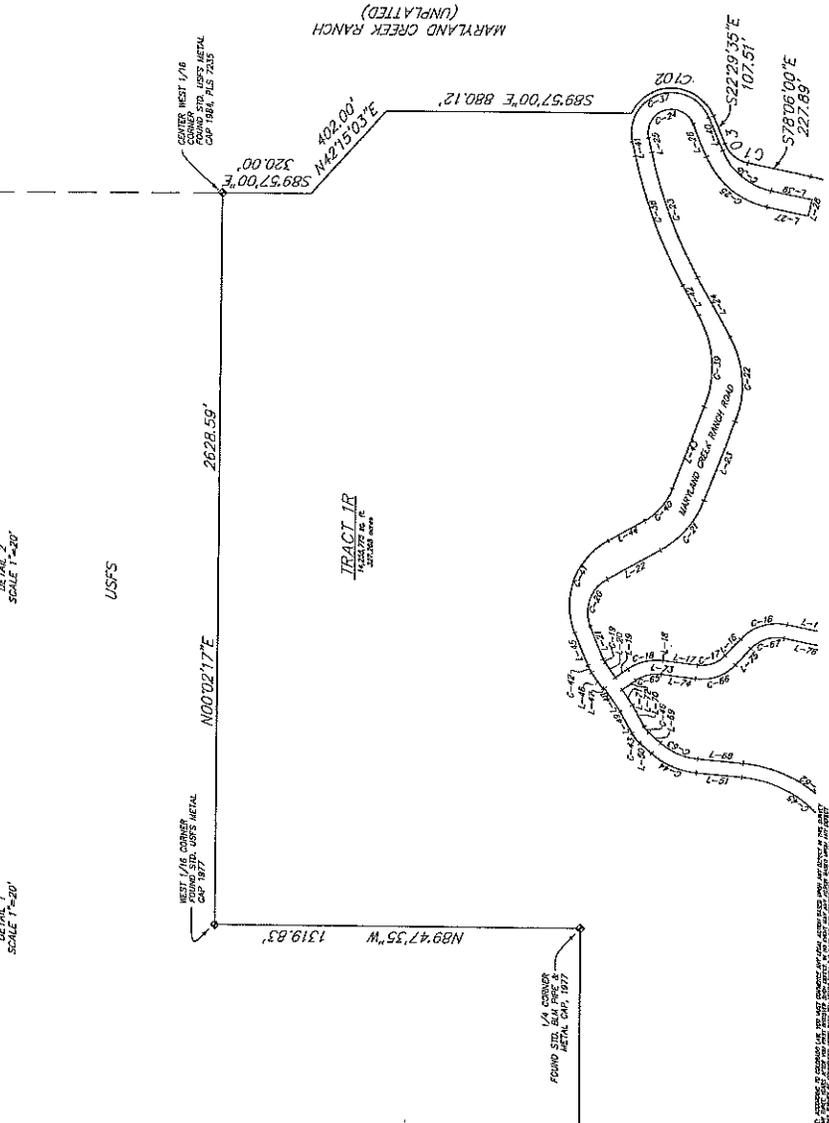
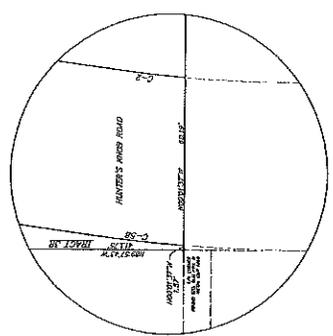
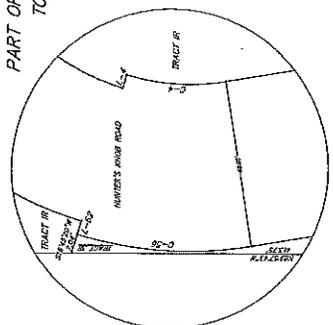


Drawn BY	Dwg. NO.	Scale	Project
Checked BY	Date		Sheet
 W.D. JONES INC. ENGINEERS & SURVEYORS P.O. Box 589 Silverthorne, CO 80453 970-486-8281			

THIS PLAT IS A REPLAT OF A PREVIOUS PLAT AND DOES NOT REPRESENT A NEW SURVEY. THE BOUNDARIES AND CORNERS SHOWN HEREON ARE THE RESULT OF THE SURVEY BY THE SURVEYOR AND ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN HEREON.

SOUTH MARYLAND CREEK RANCH—FIRST AMENDMENT

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SHEET 3 OF 3



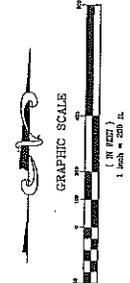
LINE	LENGTH	BEARING	AREA	PERIMETER
1	1319.83	N89°47'35"W	1319.83	1319.83
2	2628.59	N00°02'17"E	2628.59	2628.59
3	1319.83	S89°57'00"E	1319.83	1319.83
4	1319.83	S00°00'00"E	1319.83	1319.83

LINE	LENGTH	BEARING	AREA	PERIMETER
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- LEGEND**
- ◆ FOUND BRASS BRASS CAP
 - SET REBAR & ALUMINUM CAP (PLS SEE) 2002
 - FOUND REBAR & ALUMINUM CAP (PLS SEE) 2002

Drawn By: [Name] Date: 02/24/11 Project: 21259
 Checked By: [Name] Date: 02/24/11 Sheet: 3 of 3
 R-A-N-C-B-T-S-I
 ENGINEERS & SURVEYORS
 P.O. Box 239
 Silverthorne, CO 80488 303-466-4281

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Town of Silverthorne
Council Meeting Memorandum

TO: Mayor and Town Council
FROM: Ryan Hyland, Town Manager 
DATE: January 21, 2015, for Meeting of January 28, 2015
SUBJECT: Resolution 2015-02, A Resolution Approving a Contract for Legal Services with Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, P.C. (HP²WC)

SUMMARY: The Town of Silverthorne recently conducted a Request for Proposal process to identify legal firms interested in providing legal services for the Town. The Town advertised the opportunity locally and statewide and received submittals from ten firms, and four were selected for interviews. Interviews were conducted on January 7, 2015, by Town Manager Ryan Hyland, Assistant Town Manager Mark Leidal, Mayor Bruce Butler, Mayor Pro-tem Ann-Marie Sandquist, Council Member Peggy Long, and Council Member Russ Camp. Two finalists were selected and follow up interviews were conducted on January 12, 2015, by Ryan Hyland and Mark Leidal. The Town Manager's recommendation is to contract with Matt Mire of HP²WC, and the attached Resolution and Contract for Legal Services have been prepared with the understanding, based upon the Town Council discussion at the January 13, 2015, Work Session, that the Town Council wishes to act upon this recommendation.

BACKGROUND: The Silverthorne Town Charter provides the following information with respect to the Town Attorney: The Town Manager shall recommend, and the Council shall appoint, a Town Attorney. The Town Attorney shall serve at the pleasure of the Council and may be terminated at any time by a majority vote of the entire membership of the Council. He or she shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town and shall advise the Council and Town officials in matters relating to their official powers and duties and shall perform such other duties as required by the Charter, by the Town Manager, or as the Council may direct. The Town Attorney's client shall be the Council.

PREVIOUS COUNCIL ACTION: On November 12, 2014, Town Council accepted the resignation, effective December 31, 2014, of prior Town Attorney Gerald Dahl.

DISCUSSION: As the attached submittal demonstrates, Matt Mire and the HP²WC firm bring a wealth of experience on all municipal topics, and of particular relevance to Silverthorne's current needs, experience in all forms for land use, development, redevelopment and urban renewal. Town staff is looking forward to partnering with Mr. Mire as we work to successfully implement many of the concepts set forth in the 2013 Urban Renewal Plan and 2014 Comprehensive Plan.

Town of Silverthorne
Council Meeting Memorandum

STAFF RECOMMENDATION: Approve Resolution 2015-02.

PROPOSED MOTION: *"I move to approve Resolution 2015-02, a resolution approving a Contract for Legal Services with Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, P.C."*

ATTACHMENTS:

- 1) Resolution 2015-02
- 2) Contract for Legal Services
- 3) Town of Silverthorne RFP for Legal Services
- 4) RFP Submittal from Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, P.C.

**TOWN OF SILVERTHORNE, COLORADO
TOWN COUNCIL**

RESOLUTION NO. 2015-02

A RESOLUTION APPROVING A CONTRACT FOR LEGAL SERVICES WITH HAYES, PHILLIPS, HOFFMANN, PARKER, WILSON & CARBERRY, P.C.

WHEREAS, the Town of Silverthorne's Charter establishes a position of Town Attorney to serve the Town's legal needs; and

WHEREAS, the Town Attorney shall serve at the pleasure of the Council and may be terminated at any time by a majority vote of the entire membership of the Council; and

WHEREAS, the Town Attorney shall be the legal representative of the Town and shall advise the Council and Town officials in matters relating to their official powers and duties and shall perform such other duties as required by the Charter, by the Town Manager, or as the Council may direct; and

WHEREAS, the Town Attorney's client shall be the Council; and

WHEREAS, the Town is currently without a Town Attorney due to the December 31, 2014, resignation of former Town Attorney Gerald Dahl, and;

WHEREAS, the Town of Silverthorne conducted a Request for Proposals for legal services and ten firms responded, with four being interviewed; and

WHEREAS, the Town Manager is recommending a contract be signed with J. Matthew Mire, a member of the Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry legal firm.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

That the Town of Silverthorne approves the Contract for Legal Services between the Town of Silverthorne and Hayes, Phillips, Hoffman, Parker, Wilson & Carberry, P.C.

INTRODUCED, READ AND ADOPTED ON THE 28th DAY OF January 2015.

TOWN COUNCIL
TOWN OF SILVERTHORNE, COLORADO

By: _____
Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

Date: _____

CONTRACT FOR LEGAL SERVICES

THIS CONTRACT FOR LEGAL SERVICES is made this ____ day of January, 2015, by and between Hayes, Phillips, Hoffmann, Parker, Wilson & Carberry, P.C. ("Attorneys") and the Town of Silverthorne, Colorado (the "Town").

RECITALS

- A. The Town wishes to contract with Attorneys for legal services.
- B. Attorneys are authorized to practice law in the State of Colorado, and have the expertise to provide legal services to the Town.

AGREEMENT

- 1. Attorneys shall furnish all legal services required by the Town. Attorneys shall at all times comply with applicable law and the Colorado Rules of Professional Conduct.
- 2. Attorneys have checked for any conflicts, and at this time, no conflicts exist. Attorneys will immediately notify the Town Manager of any conflict situation that may arise.
- 3. Attorneys will supply secretarial and other support staff services necessary to render the services to the Town as required by this Contract.
- 4. Attorneys will supply office furniture, law books, fixtures, and telephone service necessary to render the services to the Town as required by this Contract.
- 5. Throughout the term of this Contract, Attorneys shall maintain professional liability insurance in an amount no less than \$2,000,000.00.
- 6. Attorneys are acting as independent contractors. Therefore, the Town will not be responsible for payroll taxes, health or life insurance, or vacation or sick time. The position contracted for herein shall not be a full-time position.
- 7. Attorneys agree to:
 - a. As directed, attend meetings of the Town Council and other Town commissions and committees;
 - b. As directed, attend meetings and conferences with Town staff;
 - c. Perform all duties required by the policies of the Town and by state and federal law;
 - d. Provide timely attention to and advice with regard to compliance with all applicable law;
 - e. As directed, represent the Town in its dealings with others; and

f. As directed, represent the Town in litigation in which it may be involved.

8. The Town shall pay for the services provided under this Contract at the following rates, payable monthly following receipt of itemized billing statements from Attorneys:

\$195/hour for general counsel services performed by a director/of counsel attorney.

\$170/hour for any legal services performed by an associate attorney.

\$225/hour for litigation services performed by a director/of counsel attorney.

\$95/hour for work performed by a paralegal.

Travel time at ½ of the regular rate.

9. In addition to payment for legal fees, the Town will reimburse Attorneys for all filing fees, expert witness fees, deposition costs, reproduction costs, computer research costs and similar fees incurred by Attorneys on behalf of the Town; provided that extraordinary costs must be pre-approved by the Town Manager.

10. This Contract may be terminated by either party hereto upon 30 days written notice.

11. At any time after 5 years following the termination of this Contract, Attorneys may destroy all files related to Attorneys representation of the Town, unless prior to that time the Town requests, in writing, return of the files to the Town.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

TOWN OF SILVERTHORNE

ATTEST:

Ryan Hyland, Town Manager

Michele Miller, Town Clerk

**HAYES, PHILLIPS, HOFFMANN,
PARKER, WILSON & CARBERRY,
P.C.**

By: _____

J. Matthew Mire



Town of Silverthorne

Request for Proposals: Town Attorney Services

Submit to:

Town of Silverthorne
Town Manager
Ryan Hyland
PO Box 1309
Silverthorne, Colorado 80498
and via e-mail to ryan.hyland@silverthorne.org

Questions:

Ryan Hyland
Town Manager
office (970) 262-7319
cell (970) 409-8985

Publication Date:

Monday, November 24, 2014

Deadline:

Friday, December 12, 2014, at 5:00 p.m.

RFP Summary: The Town of Silverthorne and the Silverthorne Urban Renewal Authority are currently seeking the services of a municipal attorney, or attorneys, to fulfill the duties and responsibilities described in this Request for Proposals (RFP) for the Town Attorney position. The Town is inviting individual attorneys, or firms, to respond for the purpose of providing the Town with the needed legal services listed in the request.

The legal services sought include the traditional legal services required by a municipality that operates its own Police Department, Recreation and Culture Department, Finance and Administrative Services Department, Public Works

Department, Water and Wastewater Utility, and Community Development Department. The Town Attorney is a contract position appointed by the Town Council. The members of the Town Council also sit as the Silverthorne Urban Renewal Authority, and legal services are also needed for that entity. The Town Attorney's client shall be the Town Council and Urban Renewal Authority Board.

Town of Silverthorne Organizational Summary: Incorporated in 1967, Silverthorne is a Home Rule municipality located in Summit County. The Town's Home Rule Charter was approved by voters in 1994. A seven-member Town Council, including a Mayor and six council-members, is elected at large for four-year overlapping terms. The Town Council appoints members to the Planning Commission and other citizen committees including the Silverthorne Parks, Open Space, Recreation and Trails (SPORT) Committee, Silverthorne Economic Development Committee (EDAD), Police Advisory Committee, and the Silverthorne Public Art Committee.

Silverthorne's Mayor, Bruce Butler, is in his first term which began in April of 2014. Mayor Butler previously served as a Town Council Member for six years. Silverthorne's Town Manager, Ryan Hyland, was hired in February 2014, and has been with the organization for 8 years, previously serving as Assistant to the Town Manager and Assistant Town Manager. Silverthorne is fortunate to have a team of five Department Directors who have all been with the Town for many years, bringing a great deal of experience and expertise to the organization. The Town of Silverthorne currently employs 86 full-time and 128 part-time employees. The Town contracts with Hill and Robbins for representation on all water rights issues. The Town, via membership in the Summit County Telecommunications Consortium, contracts with Kissenger & Fellman for representation on cable franchise matters.

The Town recently adopted a 2015 budget with a General Fund of just over \$10 million. The 2015 budget continues a tradition of conservative budgeting, and the Town is in a strong financial position and enjoys the distinction of being debt free. In 1994, Silverthorne voters approved a ballot measure which exempted the Town's revenues from TABOR limitations until 2013, and in 2009 the exemption was made permanent by Silverthorne voters. The Town does not collect a property tax, and is therefore heavily reliant on sales tax as a revenue source.

Town of Silverthorne Community Summary: The Town of Silverthorne is located in the Rocky Mountains, approximately 70 miles west of Denver, at an elevation of 8,730 feet. Silverthorne is situated along the Blue River in a valley below peaks of 12,000 and 13,000 feet and is surrounded on two sides by National Forest and Wilderness Areas. Silverthorne's population is nearing 4,000, and in contrast to other communities in Summit County, the majority of the homes in Silverthorne are occupied by full-time

residents. Silverthorne is a growing community with a wide range of housing stock from mobile home units to multi-million dollar residences.

Some of the amenities that define Silverthorne's reputation in the County, and statewide, include shopping opportunities at the Outlets at Silverthorne, the Blue River and its Gold Medal fishing designation, the Blue River Trail, the Raven at Three Peaks Golf Course, the Silverthorne Pavilion event venue, and the 62,000 sq. ft. Silverthorne Recreation Center. Silverthorne's reputation as a regional shopping destination has also recently been enhanced with the addition of Lowe's and Murdoch's, who join Target, the Outlets, and three car dealerships, as anchors of the retail community. Hampton Inn and Suites and the Baker's Brewery are currently under construction and will soon bring new lodging and restaurant opportunities to the community. Silverthorne's code does allow for medical and retail marijuana, and the Town currently has one establishment that provides these services.

Town of Silverthorne – Current Goals and Initiatives: A significant emphasis has been placed on economic development efforts in recent years, particularly the development of a vibrant pedestrian friendly downtown, or Town Core, as it is referred to in Town plans. The Town and Urban Renewal Authority have been active participants in several land acquisitions, including ownership partnerships with outside parties, sale of Town land, and sales tax rebate agreements with new retailers and restaurants. The Town adopted a new Comprehensive Plan in 2014, and an Urban Renewal Plan was adopted in 2013. Discussions with CDOT regarding the opportunity to reconfigure the downtown portion of Hwy 9 have begun. The Town also recently completed an update of the Parks, Open Space and Trails plan. Adding to the already significant number of recreational offerings continues to be a goal of the Town. Affordable housing remains a topic of discussion and the Town has land-banked 50 acres for future development. The Town is currently in discussions with the Lake Dillon Theatre Company regarding the opportunity to build a new facility to house their operation in Silverthorne. In 2015 Town Council will review a request from a developer for additional density on a previously approved, but yet to be built, residential development. The request is for 240 units of density, on property previously approved for 80 units. The developer is also requesting the use of a metro district for financing. This will be one of the more significant land use discussions during the first quarter of 2015.

SCOPE OF SERVICES

General Qualifications:

Any attorney(s) hired or contracted by the Town for legal counsel must meet the following minimum requirements:

- graduation from an accredited law school with a Juris Doctor degree in law;
- five (5) years of experience as a practicing municipal attorney; and
- a license to practice law in Colorado, with a State Bar Association membership (in good standing).

Specific Qualifications:

Provided below are specific areas that are considered the duties of the Town Attorney position. For the purpose of filling the Town Attorney position, the Town will consider qualifications submitted by:

- individual attorneys that meet the duties and requirements listed under all four areas below and are applying for the Town Attorney position in its entirety; or
- law firms with qualified attorneys on staff that specialize in the duties and requirements listed under all four areas below, and will jointly fulfill the requirements of the Town Attorney position.

General Municipal Legal Counsel

For the purpose of providing general legal counsel to the Town, the Town Attorney(s) will be required to:

- Attend all Town Council Meetings (regular meetings are the second and fourth Wednesdays at 6:00pm), and attend other meetings as assigned by the Mayor or Town Council.
- The Town Council holds Work Sessions on the second and fourth Tuesdays of each month, and attendance at these meetings may be necessary from time to time depending on the nature of the discussion topic.
- Act as legal advisor to and counsel for the Mayor, Town Council, Town Boards/Commissions, Town Department Heads, or Town employees when so requested.
- Provide guidance on personnel matters including employee disciplinary matters.
- Draft, review, or present all agreements, bonds, contracts, ordinances, resolutions, staff reports, and other written instruments pertinent to Town functions or that will be considered by Town Council or the Town Manager and provide a legal opinion as to the consequences of such documents.
- Have experience in land use rights in Colorado and the ability to draft, review, and present legal documents relating to acquisitions, easements, variances, rights-of-way, and other land uses.

- Have experience in general municipal procedures involving: Town Council procedures under the Colorado Open Meetings Law, the Colorado Open Records Act, liquor and marijuana licensing, and municipal election law.
- Research and submit legal opinions on municipal or other legal matters as requested by the Mayor, Town Council and/or Town employees.
- Assure compliance with all ordinances, state or federal laws, and call attention to any legislative matters or changes that may affect the Town.
- Hold office hours at Town Hall prior to Town Council meetings and/or other times upon the request of the Mayor, Town Council or Town Staff.

Litigation

- Ability to provide sound strategies related to litigation and manage, conduct and/or oversee pre-trial, trial and post-trial proceedings in all courts.
- Assist Town in obtaining services outside of counsel if needs arise on complex issues of a specific nature.

Land Use

For the purpose of providing legal counsel on specific land use issues, the Town Attorney(s) will be required to:

- Enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
- Have experience in community development in Colorado and the ability to negotiate, draft, review, and present legal agreements and documents relating to:
 - Development agreements
 - Land dedications
 - PUD's and complex legal land use agreements
 - Subdivision documents
 - HOA and ownership documents
 - Appeals to City Council
 - Charter Amendments
 - Revisions to existing codes
 - Annexation agreements
 - Oil and gas rules and regulations
 - Water Rights Dedications

Urban Renewal Authority Legal Counsel

- Attend all Silverthorne Urban Renewal Authority meetings. (Urban Renewal Authority meetings are held as needed, and are generally scheduled on the same evenings as

Town Council meetings, beginning immediately upon conclusion of the Town Council meeting.

- The Urban Renewal Attorney will be expected to advise the Urban Renewal Authority in all legal matters associated with carrying out the Silverthorne Urban Renewal Authority Plan.
- Experience required in real estate and development agreements related to Urban Renewal activities, and experience in eminent domain actions.

ADDITIONAL QUALIFICATION REQUIREMENTS

The following items should be addressed as part of your submitted qualifications:

1. Describe your experience with Home Rule cities and towns and municipal law generally and specifically with regard to municipal elections, municipal land use regulations, real property, contracts, zoning law, constitutional issues (state and federal) affecting municipalities, municipal finance, and any other areas you believe are relevant to the Town's decision.
2. Provide a list of the specific Home Rule municipalities who you have worked with, as a City or Town Attorney, in the past five years.
3. Please provide a list of any other attorneys in your firm who may provide services under this request and list the services they may provide.
4. Describe any knowledge or experience that makes you, or any attorney(s) in your firm, particularly qualified to fulfill the Town Attorney duties.
5. Please disclose any potential conflicts of interest that may arise in the performance of Town Attorney duties by you or any member of your law firm.
6. The Town is soliciting talent and expertise first and foremost. While cost to the Town is important, the selection will not be based solely on cost. Please detail and explain your required fees to perform the requested services.
7. If you propose to bill for services at an hourly rate, provide the current hourly rate for each attorney and for each employee of your firm who may work on Town matters. Or, state specifically whether you will work on a fixed fee (retainer) basis and, if so, how you propose that such a fee be determined. Please specify how your hourly or fixed fees will be based. Please disclose any other applicable billable rates and expenses, such as, travel mileage, photocopying and postage.
9. Please provide a minimum of three municipal client references.

10. Please provide the name of your professional liability insurance carrier and workers' compensation carrier and the limits of your insurance.

11. Please provide your last annual report and documentation indicating the current financial structure of your practice/firm including evidence that your practice/firm is financially sound.

12. Describe your philosophy for servicing a Town and commitment to customer service and quality assurance.

SELECTION PROCESS

Timeline for the selection process:

Friday, December 12	Final deadline for proposals.
Friday, December 19	Internal review of proposals and finalists selected.
Monday, December 22	Finalists contacted by Town to schedule interviews.
Wednesday, January 7	Interviews conducted by Town Manager, Directors, and available Town Council members.
Thursday, January 8	Final selection and notification to all candidates.
Wednesday, January 14	Contract for legal services approved at Town Council Meeting/First Town Council meeting for new Town Attorney.

The Town reserves the right to modify the schedule as necessary and will notify those participating in the RFP of any changes. The Town reserves the right to accept or reject any and all proposals and to waive any informalities or irregularities in said proposals.

OTHER TERMS AND CONDITIONS

1. The Town reserves the right to undertake its own investigation to evaluate a candidate. The Town shall have the sole discretion to accept or reject any submittal.
2. The Town reserves the right to solicit or recruit any attorney(s) or legal firms directly to request qualifications.

3. All submittals become the property of the Town upon receipt and will not be returned to the candidate. Selection or rejection of the candidate's qualifications will not affect this right.
4. The Town operates under the public disclosure laws, as part of normal procedures. Proprietary information must be identified and will be protected as far as possible.
5. Cost of submitting the qualifications, attendance at an interview, or any other such costs are entirely the responsibility of the candidate and shall not be reimbursed in any manner by the Town.
6. Failure to conform to directions under this RFP may lead to the rejection of a submittal. The submittals should contain all information necessary to evaluate the qualifications of a candidate or firm.
7. The successful candidate shall not, at any time, permit any individual employed by the Town to benefit because of a financial interest in the candidate's firm, any affiliate of the successful candidate, or any subcontractor.

RFP RESPONSES

All responses must be submitted in the form set forth in this RFP. Please submit one (1) signed original and one (1) electronic copy. The original submittal must be delivered to:

Ryan Hyland
Town Manager

By hand or Federal Express:

601 Center Circle
Silverthorne, Colorado 80498

By US Postal Service:

PO Box 1309
Silverthorne, Colorado 80498

The electronic copy (PDF format) shall be submitted to: ryan.hyland@silverthorne.org by the deadline.

Information concerning this RFP may be found at: www.silverthorne.org under the Business tab. Posted on the website will be the RFP, plus any questions, answers, clarifications, schedule changes, or other important information related to the RFP.


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 J. Matthew Mire

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 Vail, CO 81658
 Telephone: (970) 390-4941
 Facsimile: (303) 825-1269

Ryan S. Malarky
 Kelly L. Donlon
 Elizabeth R. Cross
 Charissa A. Johnston
 B. Brittany Scantland Lall
 T. Damien Zumbrennen

John E. Hayes (Retired)

December 12, 2014

Ryan Hyland, Town Manager
 Town of Silverthorne
 PO Box 1309
 Silverthorne, CO 80498
 Via email to: ryan.hyland@silverthorne.org

**Re: Proposal for Town Attorney, Town of Silverthorne and Silverthorne Urban
 Renewal Authority**

Dear Mr. Hyland:

Please accept this letter and the accompanying materials as our response to the Request for Proposals for the position as the Town Attorney for the Town of Silverthorne and as general counsel for the Silverthorne Urban Renewal Authority. We believe that you will find our qualifications and experience consistent with the needs of the Town of Silverthorne and the Silverthorne Urban Renewal Authority.

General Qualifications

Hayes, Phillips, Hoffmann & Carberry, P.C. (formerly Hayes, Phillips & Maloney, P.C.) was formed in 1985 with the specific goal of providing legal services to Colorado local governments. We currently represent over 25 different local governments in Colorado in various capacities, from general counsel to special counsel to hearing officer. We have worked very hard to develop a reputation for quality, full-service representation at reasonable rates, and we believe we have succeeded in this regard.

J. Matthew Mire would act as the primary Town Attorney, with Kendra L. Carberry providing assistance. In addition, M. Patrick Wilson, who will be joining our firm on January 1, 2015, would act as primary litigation counsel. Mr. Mire has 15 years of experience practicing municipal law in Colorado, and Ms. Carberry has 18 years of experience practicing municipal

law in Colorado. Mr. Wilson has similar experience in local government litigation. We have included the résumés of Mr. Mire, Ms. Carberry and Mr. Wilson, along with a firm résumé.

General Municipal Legal Counsel. As the primary Town Attorney, Mr. Mire would attend Town Council meetings and work sessions, and would hold office hours as requested by the Town. As the Vail Town Attorney for the past 15 years, Mr. Mire has vast experience acting as the legal advisor to elected Town officials, Boards/Commissions, Department Heads and employees. Mr. Mire also regularly advises the Town of Vail on personnel matters, including employee discipline, and also drafts contracts, ordinances, resolutions, easements, variances, legal memoranda and other legal documents for the Town of Vail. Mr. Mire is quite familiar with the Colorado Open Meetings Law and the Colorado Open Records Act and advises his client regularly on their implementation. Ms. Carberry provides similar legal guidance and support for the Towns of Winter Park, Superior, Platteville and Mountain View. In addition, Ms. Carberry serves as a liquor and marijuana licensing officer for the Town of Dillon and the City of Golden, so she has particular familiarity with these areas of the law. Finally, Ms. Carberry is available to cover Town Council meetings, work sessions and office hours at any time Mr. Mire is not available.

Litigation. Mr. Wilson, who has almost 20 years of litigation experience in Colorado, has handled the Town's litigation for several years, and would continue to do so. In addition, Ms. Carberry regularly handles litigation on behalf of a number of the firm's general counsel clients, including the Town of Vail, and also provides special counsel litigation services to municipalities such as the Cities of Colorado Springs and Englewood, so she would be available to assist with litigation.

Land Use. Mr. Mire and Ms. Carberry are both quite experienced in land use and zoning law, including development agreements, subdivision documents, appeals, annexations and planned unit developments. During Mr. Mire's tenure as Town Attorney for the Town of Vail, the Town of Vail has undergone an unprecedented period of public and private redevelopment totaling over \$2 billion, and requiring many creative solutions to variety of complex land use issues. This redevelopment involved detailed contract negotiations (including urban renewal) and the creation of various public/private partnerships. Recently, Ms. Carberry successfully negotiated all agreements associated with the Superior Town Center, a 185-acre mixed-use development which employs a variety of financial incentives, including tax increment financing.

Urban Renewal Authority. Ms. Carberry has represented the Vail Reinvestment Authority for six years and the Superior Urban Renewal Authority for ten years, and she has advised both clients on many issues relating to urban renewal authorities, including plan amendments, development projects and agreements, tax increment financing and related issues. Mr. Mire represented the Vail Reinvestment Authority prior to Ms. Carberry, and Mr. Mire and Ms. Carberry currently work together on several projects for the Vail Reinvestment Authority.

Specific Qualifications

1./2. Experience with Home Rule Municipalities. Our firm has represented home rule municipalities since its inception in 1985. Currently, we represent eight home rule municipalities: the Towns of Vail, Winter Park, Parker, Mountain View and Kiowa, and the Cities of Northglenn, Manitou Springs and Black Hawk. We regularly advise these home rule municipalities regarding elections, land use/zoning, contracts and constitutional issues. Specifically in the areas of elections and land use/zoning, we have successfully defended our clients' local authority on numerous occasions.

3. Other Attorneys. As noted above, Mr. Mire would act as the primary attorney, with Ms. Carberry acting as the alternate and Mr. Wilson acting as litigation counsel. Our firm has two other partners, Corey Y. Hoffmann (with 19 years experience in municipal law, specializing in litigation and urban renewal) and Jefferson H. Parker (with 11 years experience in municipal law, specializing in employment law), each of whom are available to assist as necessary. In addition, we have six associate attorneys, Ryan S. Malarky, Kelly L. Donlon, Elizabeth R. Cross, T. Damien Zumbrennen, Charissa A. Johnston, and B. Brittany Scantland Lall.

4. Particular Qualifications. Our firm specializes in local government law. Occasionally we represent private clients, but generally only on issues related to local government law. Because we represent a number of municipalities, we can offer substantial savings to each of them. For example, when new legislation is passed, we can draft a template memorandum or ordinance for all of our municipal clients, thus drastically reducing the cost to each to research and draft that memorandum or ordinance. We also create template service agreements, personnel policies, election forms and similar documents, substantially reducing our clients' legal fees.

5. Potential Conflicts of Interest. We have carefully examined our current client list and see no potential conflicts of interest.

6./7. Fees. We propose a rate of \$225 per hour for litigation partner work, \$195 per hour for general counsel partner work, \$170 per hour for associate work, and \$95 per hour for paralegal work. We do not charge for secretarial work. Additionally, we bill for actual costs incurred, such as filing fees, copying and computerized legal research. We charge travel time at 50% of our regular rate. We typically bill our time on or before the 6th day of each month, with payment being due on or before the last day of the month within which the billing is sent. Our bills detail the date upon which the work was accomplished, the name of the attorney, a description of the work, the time spent on the work, and the total amount due for the particular work accomplished. At the Town's request, we will provide separate accounting for specific activities (such as meetings, litigation, and work for particular departments).

8. Omitted.

December 12, 2014

Page 4

9. References. A list of our clients is included in the attached firm résumé. We would encourage you to contact any of our clients to discuss our efficiency, professionalism and loyalty. Following are three references with contact information.

Stan Zemler, Town Manager, Town of Vail

75 S. Frontage Road

Vail, CO 81657

(970) 479-2106

szemler@vailgov.com

Andy Daly, Mayor, Town of Vail

75 S. Frontage Road

Vail, CO 81657

(970) 479-1860

adaly@vailgov.com

Drew Nelson, Town Manager, Town of Winter Park

P.O. Box 3327

Winter Park, CO 80482

(970) 726-8081

dnelson@wpgov.com

10. Professional Liability Insurance. Though no member of this firm has been involved in any disciplinary proceeding or professional malpractice case, our malpractice insurance is with National Union Fire Insurance Company with limits of \$2,000,000. We also carry worker's compensation insurance, general liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 general aggregate; and auto liability insurance with limits of \$1,000,000.

11. Annual Report. We have included a copy of last our annual filing with the Colorado Secretary of State. Our firm has been in business continuously since 1985, and we can state with absolute certainty that our firm is financially sound. We would be glad to discuss this in more detail in person.

12. Service Philosophy. Our philosophy is to provide legal services in a prompt, professional and economical manner. Regarding customer service, we believe that communication is key, and therefore, we strive to maintain open lines of communication with our clients at all times. For example, our policy is to return all email and telephone calls within 24 hours. Most importantly, we remember that we are not elected officials and that we do not make policy – instead, our responsibility is to provide accurate legal advice so that the elected officials of the Town can properly implement the Town's chosen policies.

December 12, 2014
Page 5

If you have any questions relating to this submission or need additional information, please do not hesitate to contact one of us by telephone or email. Thank you for the opportunity to submit this response to your Request for Proposals.

Very truly yours,



J. Matthew Mire
jmm@hphclaw.com



Kendra L. Carberry
klc@hphclaw.com

Encls.



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Kendra L. Carberry
Jefferson H. Parker

Of Counsel
Herbert C. Phillips
J. Matthew Mire

Fairplay Office
675 Main Street
P.O. Box 1046
Fairplay, CO 80440
Telephone: (719) 836-9005
Facsimile: (719) 836-9010

Ryan S. Malarky
Kelly L. Donlon
Elizabeth R. Cross
Charissa A. Johnston
B. Brittany Scantland Lall
T. Damien Zumbrennen

John E. Hayes (Retired)

RÉSUMÉ OF HAYES, PHILLIPS, HOFFMANN & CARBERRY, P.C.

Hayes, Phillips, Hoffmann & Carberry, P.C. (formerly Hayes, Phillips & Maloney, P.C.) is a law firm with its primary office in downtown Denver and satellite offices in Fairplay and Vail. Specializing in local government law, the firm has a combined total of more than 90 years of experience among its attorneys, including particular expertise in the following areas:

1. Acting as general counsel to the following local governments: the Cities of Northglenn, Black Hawk, Cripple Creek, Victor and Manitou Springs; the Towns of Vail, Superior, Hudson, Foxfield, Elizabeth, Kiowa, Winter Park, Mountain View, Fairplay, Gilcrest, Buena Vista, Callhan, Platteville and Alma; and the Counties of Park and Morgan.
2. Acting as general counsel to the following special districts: the Alameda Water & Sanitation District; the Superior Metropolitan District No. 1; the Superior Metropolitan Interchange District; the Parker Water & Sanitation District; the Health Services District of Northern Larimer County; the Fremont Sanitation District; and the North Lincoln Water & Sanitation District.
3. Acting as general counsel to the following other public entities: the Wheat Ridge Urban Renewal Authority; the Superior Urban Renewal Authority; the Northglenn Urban Renewal Authority; the Vail Reinvestment Authority; the Church Ditch Water Authority; and the Table Mountain Animal Center d/b/a Foothills Animal Clinic.
4. Acting as special counsel to the following public entities: the Towns of Parker and Avon; the Cities of Colorado Springs, Fort Collins, Lakewood, Longmont, Golden, Englewood, Thornton and Aurora; El Paso County; Douglas County; the City & County of Denver; the Upper Black Squirrel Creek Groundwater Management District; and the Denver Public Schools ProComp Trust.
5. Acting as hearing officer for the following public entities: the City & County of Denver (tax); the City of Golden (liquor/marijuana licensing); the City of Aurora (tax); Denver International Airport (concessions); the City of Lakewood (campaign finance); the City of Fort Collins (land use, employment); and the Town of Dillon (liquor/marijuana licensing).

6. Litigation of land use and annexation matters, including the well-known *Margolis* and *Eggert* cases, and representation of municipal clients in several land use, governmental immunity and eminent domain cases of first impression, including *Grynberg v. City of Northglenn*, *Town of Parker v. Colorado Division of Parks*, and *Town of Parker v. Norton*.

7. Defense of local governments, including law enforcement officials, against civil rights suits brought under 42 U.S.C. § 1983.

8. Employment law, including defense of wrongful discharge cases, collective bargaining, the Fair Labor Standards Act and other federal regulation, and development of policies, procedures, contracts and ordinances to help the public employer avoid liability.

9. Election law, including TABOR compliance and initiative, referendum and recall.

10. Negotiation and drafting of development agreements.

11. Drafting legislation, both state and local, and lobbying and testifying before legislative committees.

12. Municipal court prosecution.

Among the publications authored by the firm's lawyers, the following include some of the articles most pertinent to local governments.

K. Carberry, *Redistricting – A Municipal Perspective*, Colorado Municipalities (Vol. 88, No. 1, February 2012).

K. Carberry, *Redistricting: A Municipal Perspective*, The Colorado Lawyer (Vol. 31, No. 2, February 2002).

K. Carberry, D. Atencio and A. McGihon, *Colorado Election Law Update* (published by the National Business Institute, July 2001).

In the area of continuing legal education, the firm's lawyers participate regularly in every Colorado Municipal League seminar on municipal law. Firm members have also received regional and national recognition for their expertise through several speaking invitations. The many addresses given by the firm's lawyers include the following:

C. Hoffmann, *Survey of Municipal Law*, Colorado Municipal League Seminar on Municipal Law (October 2012).

C. Hoffmann, *Special Issues in Eminent Domain*, Colorado Municipal League Seminar on Municipal Law (October 2011).

C. Hoffmann, *Medical Marijuana: Issues to Consider Regarding Local Control*, Colorado Municipal League Annual Conference (June 2010).

C. Hoffmann, *Eminent Domain, Legislative Authority and Abandonment, or how to Contract Regarding the Power of Eminent Domain While Retaining the Necessary Legislative Discretion*, CLE International (August 2007).

C. Hoffmann, *A Primer on Local Government Regulation of Land Use and Development* Rocky Mountain Land Use Institute (March 2006 and April 2005).

C. Hoffmann, *The Municipal Clerk as Hearing Officer*, Master Municipal Clerks Academy (September 2004).

C. Hoffmann, *Land Use Planning and Eminent Domain in Colorado*, National Business Institute (July 2003).

C. Hoffmann, *Special Issues in Eminent Domain*, Colorado Municipal League Annual Seminar on Municipal Law (October 2003).

K. Carberry, G. Wilson and S. Roy, *Open Meetings & Open Records – 10 Tough Questions*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, C. Hoffmann and T. Haas-Davidson, *Counties: Love the One(s) You're With*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, *Rules of the Game – When a Municipal Clerk Acts in a Quasi-Judicial Capacity*, Colorado Municipal Clerks' Association Annual Conference (November 2010).

K. Carberry, R. Gregory, B. Ortiz and V. Matheson, *Wild Urbanism – Coyotes, Prairie Dogs and Chicken Coops*, Colorado Municipal League Annual Conference (June 2010).

K. Carberry, S. Light and K. Aviles, *Revenue Sharing Perks and Pitfalls – Yes it Can Work!*, Colorado Municipal League Annual Conference (June 2009).

K. Carberry and J. Parker, *Residential Door-to-Door Solicitation*, Colorado Municipal League Annual Seminar on Municipal Law (October 2007).

K. Carberry and K. Harrington, *Top Ten Reasons to Hate the Colorado Open Records Act and the Colorado Open Meetings Law*, Colorado Municipal League Annual Conference (June 2005).

K. Carberry, *Special District 2002 Election Workshop*, Colorado Department of Local Affairs (October and November 2001).

K. Carberry, *Legislative Redistricting at the State and Local Levels: Implications for Municipalities*, Colorado Municipal League Annual Seminar on Municipal Law (October 2001).



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Charissa A. Johnston
B. Brittany Scantland Lall
T. Damien Zumbrennen

John E. Hayes (Retired)

RÉSUMÉ OF J. MATTHEW MIRE

POSITIONS:

Town Attorney, Town of Vail (2001-present)

General counsel to the Town of Vail, advising the Town Council, officials, reviewing agencies, boards and commissions in all matters related to their official powers and duties. Responsible for all phases of redevelopment in the Town of Vail, including developer agreements, land use documents and developer financing. Additional responsibilities include drafting all Town leases, contracts, ordinances and resolutions.

General Counsel, Vail Housing Authority (2001-present)

General Counsel, Timber Ridge Affordable Housing Corporation (2001-present)

General Counsel, Vail Local Marketing District (2001-present)

General Counsel, Vail General Improvement District (2007-present)

General Counsel, Vail Reinvestment Authority (2003-2008)

Associate Attorney, Lasater & Allen, P.C., Denver, CO (1999-2001)

Defense of municipal liability, construction defect, product liability, civil rights, premises liability, business liability, UM/UIM, insurance bad faith and personal injury cases in state and federal court and arbitration. Managed substantial caseload. Primary client contact on all matters. Trained and supervised support staff and associate attorneys.

Attorney, Peak Law Office – J. Matthew Mire, LLC, Colorado Springs, CO (1997- 1999)

Operated private practice with small staff and partnered with boutique firm specializing in civil and criminal litigation. Represented variety of individual and business clients in civil litigation, including the state and federal district courts and civil rights hearings.

PUBLICATIONS:

Case Note, *Albuquerque v. Browner*, Energy Law Journal, 1994

PROFESSIONAL ASSOCIATIONS AND POSITIONS:

Member, Colorado Bar Association

Member, Bar of the United States District Court for the District of Colorado

EDUCATION:

J.D. with Honors, University of Tulsa College of Law, Tulsa, OK, 1996

American Jurisprudence Award for Advanced Torts

Dean's Honor Roll

Summer Institute in Law, Comenius University – Bratislava, Slovakia

Environment and Natural Resource Society

Student Law Office – Indigent Criminal Defense

B.A., Psychology, Louisiana Tech University, Ruston, LA 1992



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Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker

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Herbert C. Phillips
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RÉSUMÉ OF KENDRA L. CARBERRY

CURRENT POSITIONS:

Town Attorney, Town of Mountain View (2001-present)
Town Attorney, Town of Superior (2005-present)
Town Attorney, Town of Winter Park (2011-present)
Town Attorney, Town of Platteville (2013-present)
Town Attorney, Town of Montezuma (2014-present)
County Attorney, Morgan County (2011-present)
Liquor/Marijuana Licensing Hearing Officer, City of Golden (2010-present)
Liquor/Marijuana Licensing Hearing Officer, Town of Dillon (2014-present)
Land Use Hearing Officer, City of Fort Collins (2013-present)
Employment Hearing Officer, City of Fort Collins (2011-present)
Tax Hearing Officer, City and County of Denver (2011-present)
Tax Hearing Officer, City of Aurora (2011-present)
Tax Hearing Officer, City of Thornton (2011-present)
Concessions Hearing Officer, Denver International Airport (2012-present)
Campaign Finance Hearing Officer, City of Lakewood (2012-present)
General Counsel, Foothills Animal Shelter (2003-present)
General Counsel, Alameda Water & Sanitation District (2005-present)
General Counsel, Superior Urban Renewal Authority (2005-present)
General Counsel, Superior Metropolitan District No. 1 (2007-present)
General Counsel, Superior/McCaslin Metropolitan Interchange District (2007-present)
General Counsel, Vail Reinvestment Authority (2008-present)
General Counsel, Health Services District of Northern Larimer County (2011-present)
General Counsel, North Lincoln Water & Sanitation District (2011-present)

General Counsel, Northeast Colorado Health Department (2014-present)
Special Counsel, Town of Vail (2006-present)
Special Counsel, Upper Black Squirrel Groundwater Management District (2011-present)
Special Counsel, Denver Public Schools ProComp Trust (2011-present)
Special Counsel, City of Thornton (2012-present)
Special Counsel, City of Colorado Springs (2013-present)
Special Counsel, City of Englewood (2014-present)

PRIOR POSITIONS:

City Attorney, City of Greenwood Village (2005-2010)
City Attorney, City of Edgewater (2004-2008)
City Attorney and Municipal Prosecutor, City of Victor (2001-2007)
Town Attorney, Town of Watkins (2004-2006)
Assistant City Attorney and Municipal Prosecutor, City of Greenwood Village (1997-2005)
General Counsel, North Front Range Metropolitan Planning Organization (2004-2014)
General Counsel, Edgewater Redevelopment Authority (2004-2008)
General Counsel, ABCO Engineering Corporation (2004-2008)
General Counsel, Hudson Fire Protection District (1999-2002)
Special Counsel, City of Aurora (2010)
Special Counsel, City of Longmont (2006-2010)
Special Counsel, City of Golden (2005-2006)
Special Counsel, El Paso County Clerk and Recorder (2002)
Municipal Prosecutor, Town of Mountain View (2001-2006)
Municipal Prosecutor, City of Black Hawk (1999-2002)
Municipal Prosecutor, Town of Alma (1999-2003)
Municipal Prosecutor, City of Sheridan (1996-1999)
Law Clerk to the Honorable Michael C. Villano, Jefferson County District Court (1995-1996)
Special Assistant County Attorney, Jefferson County Attorney's Office (1995)

PUBLICATIONS AND PRESENTATIONS:

K. Carberry, R. Cole and T. Cox, *Flood, Sweat & Tears, The Role of the Municipal Attorney in a Local Disaster*, Colorado Municipal League Annual Conference (June 2014).
K. Carberry, G. Wilson and S. Roy, *Open Meetings & Open Records – 10 Tough Questions*, Colorado Municipal League Annual Conference (June 2013).
K. Carberry, C. Hoffmann and T. Haas-Davidson, *Counties: Love the One(s) You're With*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, *Redistricting – A Municipal Perspective*, Colorado Municipalities (Vol. 88, No. 1, February 2012).

K. Carberry, *Rules of the Game – When a Municipal Clerk Acts in a Quasi-Judicial Capacity*, Colorado Municipal Clerks' Association Annual Conference (November 2010).

K. Carberry, R. Gregory, B. Ortiz and V. Matheson, *Wild Urbanism – Coyotes, Prairie Dogs and Chicken Coops*, Colorado Municipal League Annual Conference (June 2010).

K. Carberry, S. Light and K. Aviles, *Revenue Sharing Perks and Pitfalls – Yes it Can Work!*, Colorado Municipal League Annual Conference (June 2009).

K. Carberry and J. Parker, *Residential Door-to-Door Solicitation*, Colorado Municipal League Annual Seminar on Municipal Law (October 2007).

K. Carberry and K. Harrington, *Top Ten Reasons to Hate the Colorado Open Records Act and the Colorado Open Meetings Law*, Colorado Municipal League Annual Conference (June 2005).

K. Carberry, D. Atencio and A. McGihon, *Colorado Election Law Update* (published by the National Business Institute, July 2001).

K. Carberry, *Special District 2002 Election Workshop*, Colorado Department of Local Affairs (November 2001).

K. Carberry, *Redistricting – A Municipal Perspective*, Colorado Municipal League Annual Seminar on Municipal Law (October 2001).

K. Carberry, *Redistricting: A Municipal Perspective*, The Colorado Lawyer (Vol. 31, No. 2, February 2002).

K. Carberry, *E-mail and Public Records Issues*, Colorado Municipal Clerks' Association Annual Luncheon (May 1999).

PROFESSIONAL ASSOCIATIONS AND POSITIONS:

Chair, Colorado Municipal League Attorneys' Section, 2012-2013

Vice-Chair, Colorado Municipal League Attorneys' Section, 2011-2012

Member, Denver and Colorado Bar Associations

Member, Bar of the United States Supreme Court

Member, Colorado Municipal League Interjurisdictional Election Committee

EDUCATION:

J.D., University of Colorado School of Law, Boulder, CO, 1994

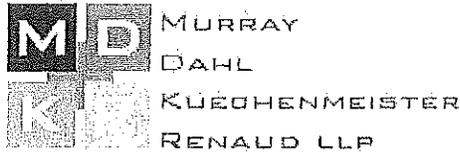
Bureau of National Affairs Award, Dean's List

Associate Editor, University of Colorado Law Review

B.A., English Literature, University of Virginia, Charlottesville, VA, 1991

PERSONAL:

Born Glen Ridge, New Jersey, January 20, 1969



M. Patrick Wilson

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Professional Experience:

Murray Dahl Kuechenmeister & Renaud LLP – Partner 2008- Present; Special Counsel, 2005 to 2008. Represents and advises municipal, special district and private clients in condemnation, real property and other types of litigation, including hearings, trials and appeals. Also mediates arbitrations and other disputes involving local government, real property, land use, eminent domain, tax and other matters.

Faegre & Benson, LLP - Associate Attorney, 2001 to 2005

Represented both landowners and governmental entities primarily in condemnation proceedings, but also in the areas of land use and general real estate litigation. Actively involved in a number of hearings, trials and appeals.

Colorado Attorney General's Office - Assistant Attorney General, 1999 to 2001

Represented the Colorado State Board of Land Commissioners in litigation and administrative procedure matters concerning the agency's actions with respect to its real property assets, including property leasing, acquisition, disposition and development, local government issues, mineral royalties, water rights and other matters.

Hall & Evans, LLC

Civil litigation Associate, 1997 to 1999

Denver District Court

Law Clerk to District Court Judge in Civil Division, 1996

Chanler & Associates (San Francisco, California)

Environmental Litigation Associate, 1994 to 1995

Education:

University of California, Hastings College of the Law, San Francisco, California, J.D. 1994

Staff editor, *Hastings Constitutional Law Quarterly*

Pomona College, Claremont, California, B.A. in History, 1989

Mediation Certification Program, University of Colorado at Denver, 2005

Professional Affiliations:

Mr. Wilson is admitted to practice in the State of Colorado, the State of California, in the United States District Court for the District of Colorado, and the United States Court of Appeals for the Tenth Circuit.

Mr. Wilson is a member of the Denver and Colorado Bar Associations, as well as the Government Counsel, Real Estate and Litigation Sections of the Colorado Bar Association. He currently serves on the governing council for the Litigation Section.

Mr. Wilson is actively involved with the Colorado Municipal League and with the Metro City Attorneys Association. Mr. Wilson has presented at a number of conferences and continuing legal education seminars on eminent domain and real estate issues.

Publications:

Eminent Domain Law in Colorado, two-part article published in the *Colorado Lawyer*, Vol. 35, Nos. 9 and 11 (2006).

Blazing a Trail: Condemning Ways of Necessity in the New West, (with Jack Sperber) chapter in Current Condemnation Law, (Ackerman and Dynkowski editors), American Bar Association publication (2006).

Local Government Sales and Use Taxes, (with Chris Price) *Colorado Lawyer*, Vol. 40, No. 7 (2011).



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Periodic Report

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S)

ID number: 19871637899
 Entity name: HAYES, PHILLIPS, HOFFMANN & CARBERRY, P.C.
 Jurisdiction under the law of which the
 entity was formed or registered: Colorado

1. Principal office street address: 1530 Sixteenth St., #200
(Street name and number)
Denver CO 80202
(City) (State) (Postal/Zip Code)
United States
(Province – if applicable) (Country – if not US)

2. Principal office mailing address:
 (if different from above)
(Street name and number or Post Office Box information)

(City) (State) (Postal/Zip Code)

(Province – if applicable) (Country – if not US)

3. Registered agent name: (if an individual) HOFFMANN COREY Y.
(Last) (First) (Middle) (Suffix)
 or (if a business organization)

4. The person identified above as registered agent has consented to being so appointed.

5. Registered agent street address: 1530 Sixteenth St., #200
(Street name and number)
DENVER CO 80202
(City) (State) (Postal/Zip Code)

6. Registered agent mailing address:
 (if different from above)
(Street name and number or Post Office Box information)

(City) (State) (Postal/Zip Code)

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1530 16th Street, Suite 200			
<i>(Street name and number or Post Office Box information)</i>			
Denver		CO	80202
<i>(City)</i>	<i>(State)</i>	<i>(Postal/Zip Code)</i>	
United States			
<i>(Province – if applicable)</i>		<i>(Country – if not US)</i>	

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Town of Silverthorne
Town Council Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
Mark Leidal, AICP, Assistant Town Manager *ML*
FROM: Lina Maria Lesmes, AICP, Senior Planner *LML*
DATE: January 22, 2015 for meeting of January 28, 2015
SUBJECT: First Reading of Ordinance 2015-01, An Ordinance amending Chapter 4, Article VI, Section 4-6-2(h), concerning the Design Districts.

PROPOSAL: Ordinance 2015-01 proposes amendments to the Town Core District Design Standards to update the language and format, introduce new standards and guidelines, and ensure there is consistency with the 2014 Town of Silverthorne Comprehensive Plan. Per Section 4-6-2.h.3, the Design District Standards may be adopted as regulation upon recommendation of the Planning Commission and action by the Town Council by ordinance.

PREVIOUS COUNCIL ACTION: On March 22, 2006, Town Council adopted Architectural Overlay Districts for four areas of the Town, which were deemed to have distinct physical attributes and development patterns. Following the adoption of the 2008 Silverthorne Comprehensive Plan, Town Council revised the boundaries of the Design Districts, created two additional Districts, and increased the building height maximums within the Design Districts. Town Council adopted the current Design District Standards on November 12, 2008. The Design District Standards are incorporated into Chapter 4, Article VI of the Town Code by reference.

On May 28, 2014, Town Council adopted the 2014 Town of Silverthorne Comprehensive Plan, which provided recommendations for the physical development of the Town Core District as a compact, pedestrian-oriented commercial area. In addition, as part of the updated Plan, the boundaries of the Design Districts were revised.

BACKGROUND: At the regularly scheduled worksession of the Town Council on August 26, 2014, Town Council reviewed Ordinance 2014-13; an ordinance amending and updating the Design District Standards. The revisions contained in Ordinance 2014-13 updated the language and format of the Design District Standards, corrected mistakes, and removed language deemed to be inconsistent with the 2014 Comprehensive Plan. However, the updates proposed did not constitute a significant revision of the Design District Standards.

Town Council requested that Staff discuss the revisions with Silverthorne's Economic Development Advisory Committee (EDAC), with a particular focus on the Town Core Design District. Following a discussion at September EDAC meeting, the group convened a subcommittee, composed of two Town Council members and five EDAC members, tasked with the detailed review of the Town Core District Design Standards.

The EDAC Subcommittee met on three occasions to refine the desired character of the Town Core District, and to agree on standards for the development of the Town Core as a compact, pedestrian-oriented commercial area with distinct architecture. Staff revised

Town of Silverthorne
Town Council Memorandum

the Town Core District Design Standards based on the input of the subcommittee, which resulted in a significant modification of the existing standards.

On December 2, 2014, Staff held a worksession with Planning Commission to discuss the proposed revisions to the Town Core District Design Standards. Standard 4.2.9 was added based on Planning Commission's input. On January 13, 2015, Town Council reviewed the proposed amendments at their regularly scheduled worksession. The revised document, attached as Exhibit B, reflects the input and policy direction from Town Council. A slash and underline version showing all the revisions is available upon request.

DISCUSSION: The proposed revisions to the Town Core Design District Standards and Guidelines were written to incorporate the following concepts:

- Differentiation between 'Standards' and 'Guidelines'. Standards capture and require key components of a 'downtown' environment, and Guidelines capture concepts that are strongly encouraged, but not always applicable.
- Building Orientation – Maximum setback of 5 feet for buildings along HWY 9, 4th Street, and Adams Avenue; majority of building frontage located facing the street.
- Removal of requirement for 'double sided' entries. The concept is now noted as a Guideline.
- Requiring the location of parking facilities to be in the rear or behind buildings, and accessed from an alley when feasible. Encouraging the construction of on-street parking or participation in the Town Core Parking District.
- Revised standards for landscaping to encourage planter boxes, the planting of street trees, hardscape and patios as landscaping elements, and landscaping to screen parking facilities.
- Revised standards for landscaping on the East side of the highway to emphasize the relationship with the Blue River.
- Streamlining of screening standards, and encouraging that service and storage areas be located within the building.
- Revised standards for lighting to encourage coordinated lighting that is pedestrian scaled, and that maintains the continuity of the streetscape.
- Requiring that significant snow storage areas not front the street, and encouraging snow melt systems and/or the hauling of snow to offsite locations.
- Prioritization of high quality building materials, especially brick and masonry, for front facades. Removal of EIFs from the list of suggested building materials.
- No longer discouraging flat roofs or stating a preference for pitched roofs. Requiring that flat roofs be disguised with parapets or pitched roof elements.
- Encouraging that roofs to oriented to prevent snow shedding and ice damming. This is now noted as a Guideline.

Town of Silverthorne
Town Council Memorandum

- Requiring that buildings along HWY 9, 4th Street, and Adams Avenue have a minimum of 2 stories to appropriately enclose the street and maximize land use.
- Ground level ceiling height – Require 10 foot minimum for properties along HWY 9, Adams Avenue, and 4th Street.
- Entrances – require that entrances be located at the street level, and prohibit ‘split – level’ entrances.
- Glazing – maintain current requirement of 50% glazing for first story. Reduce requirement for upper stories.
- Graphics – all graphics in the document were updated by Marc Hogan to illustrate the concepts therein. This work was done voluntarily and free of charge.

PLANNING COMMISSION RECOMMENDATION: On January 20, 2015, by a vote of 6-1, Planning Commission recommended approval of Ordinance 2015-01; an ordinance amending Chapter 4, Article VI, Section 4-6-2(h), Design Districts, to amend and update the Town Core District Design Standards and Guidelines and adopt them as regulation.

PROPOSED MOTION:

“I move approve Ordinance 2015-01, an ordinance amending Chapter 4, Article VI, Section 4-6-2(h), Design Districts, to amend and update the Town Core District Design Standards and Guidelines and adopt them as regulation, on first reading.”

ALTERNATIVE MOTION: Should the Town Council not be in favor of the proposed ordinance, no motion is necessary.

ATTACHMENTS:

Exhibit A: Ordinance No. 2015-01 – Slash and Underline version

Exhibit B: Draft – Town Core District Design Standards and Guidelines

MANAGER’S COMMENTS:

TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2015-01

AN ORDINANCE AMENDING SILVERTHORNE TOWN CODE CHAPTER 4, ARTICLE VI, SITE PLAN, CONCERNING THE TOWN CORE DESIGN DISTRICT.

WHEREAS, design district standards and guidelines are within the regulatory authority of the Town, acting through the Town Council; and

WHEREAS, Chapter 4, Article VI of the Town Code incorporates the Design Districts and the respective Design Standards by reference; and

WHEREAS, on May 28, 2014, Town Council adopted the 2014 Town of Silverthorne Comprehensive Plan, which proposed recommendations for the development of the Town Core District, and amendments to the boundaries of the Design Districts; and

WHEREAS, the Town Council wishes to revise Chapter 4, Article VI to incorporate the revised Town Core District Design Standards and Guidelines; and

WHEREAS, the Town Council has conducted a public hearing on the proposed revisions and is of the opinion that adoption of the same is in the best interest of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SILVERTHORNE, COLORADO:

Section 1. Section 4-6-2(h) of the Silverthorne Town Code is hereby amended to read as follows:

Sec. 4-6-2. General requirements.

(h) Design Districts.

(1) Design Districts are hereby incorporated by reference into this Chapter, as may be amended from time to time. Those provisions of the Design Districts shall be used in addition to the criteria outlined in this Article. These Design District Standards and Guidelines shall be adopted as a regulation by the Town Council and shall be maintained in the Community Development Department.

(2) The following design standards and guidelines for the Town's Design Districts are hereby adopted as a regulation and fully incorporated herein by this reference.

- a. Riverfront District Design Standards, adopted November 12, 2008.
- b. Town Core District Design Standards and Guidelines, adopted ~~November 12, 2008~~ February 11, 2015.
- c. Town Core Periphery District Design Standards, adopted November 12, 2008.
- d. Gateway District Design Standards, adopted November 12, 2008.
- e. Business Park District Design Standards, adopted November 12, 2008.

f. Destination Commercial District Design Standards, adopted November 12, 2008.

All site development within the six (6) Design Districts, as hereinabove described, shall be in compliance with said standards. A failure of compliance with the standards shall be reasonable grounds for denial of the site development application.

(3) The design standards and guidelines for the foregoing Design Districts shall be amended and updated as a regulation from time to time upon recommendation of the Planning Commission and action by the Town Council by ordinance.

Section 2: Safety Clause

The adoption of this Ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 3: Severability

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 4: Conflicts

All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Silverthorne in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 5. Effective Date

This ordinance shall be effective upon adoption at second reading as provided by the Home Rule Charter.

READ, MOVED, AND PASSED ON FIRST READING ON THE 28th DAY OF January, 2015.

MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING, ON THE 11th DAY OF February, 2015.

TOWN OF SILVERTHORNE, COLORADO

By: _____

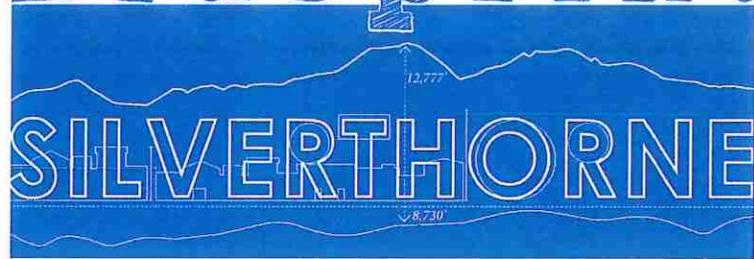
Bruce Butler, Mayor

ATTEST:

By: _____
Michele Miller, Town Clerk

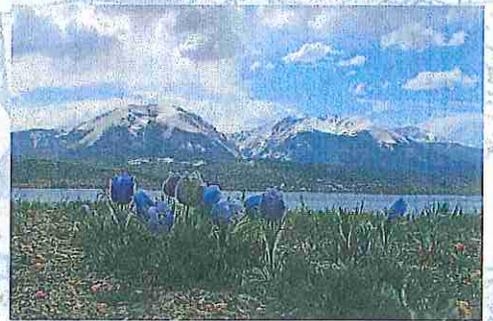
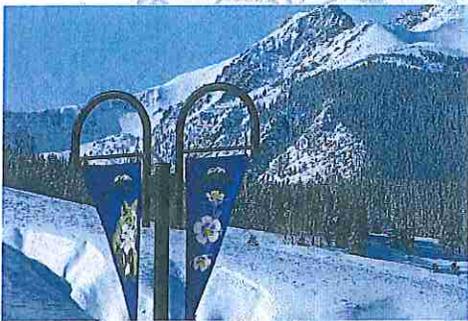
Approved on the first reading: _____, 2015
Published by title only: _____, 2015
Approved on the second reading: _____, 2015
Published by title only: _____, 2015
(with amendments, if amended
on second reading): _____ 2015

Blueprint

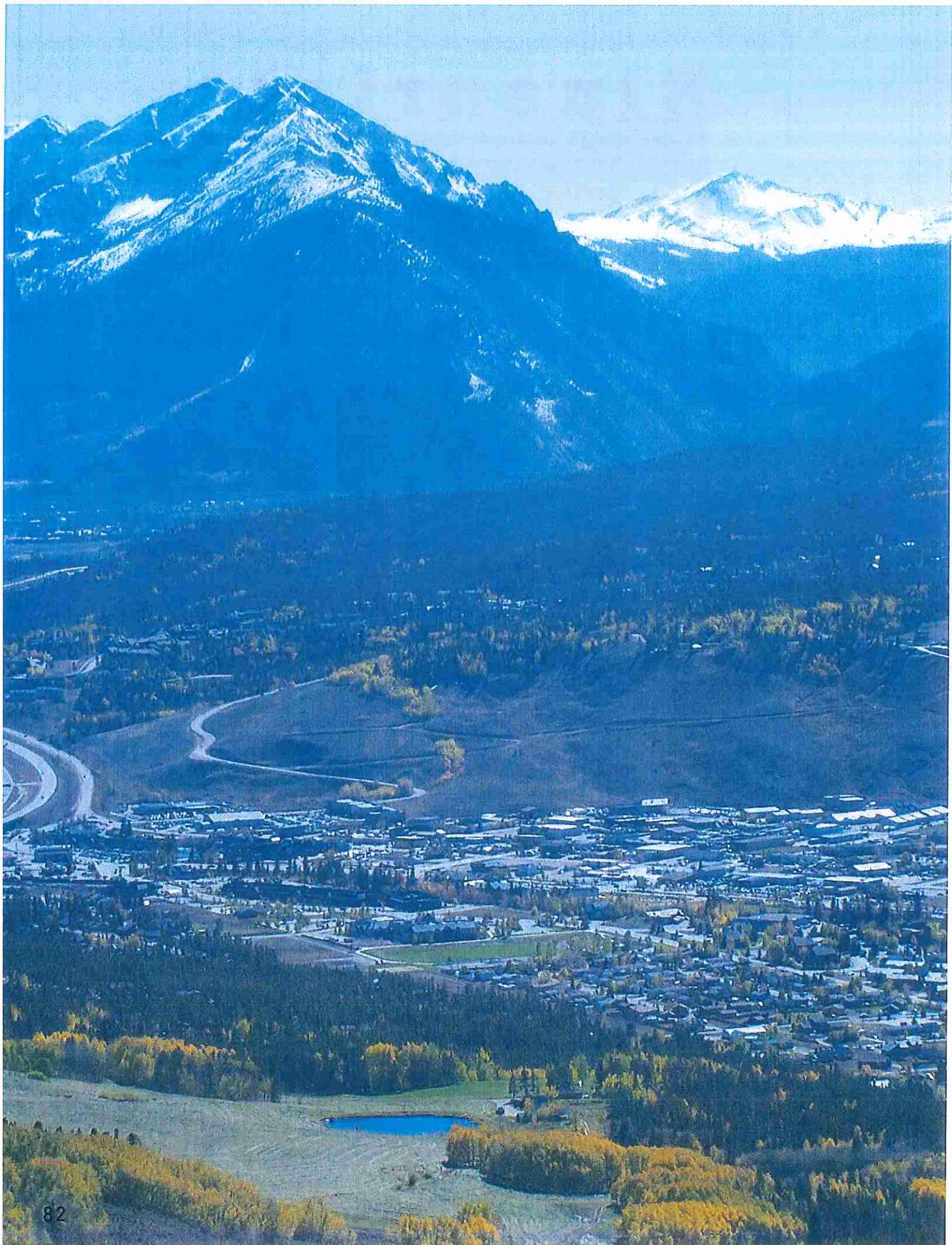


SILVERTHORNE

Design Standards & Guidelines



Town Core District



Town Core District

Design Standards and Guidelines

TABLE OF CONTENTS

Section 1 - Introduction

Purpose and Applicability	1
Relationship to Planning Documents	1
How to Use the Design Standards	1

Section 2 - Town Core Theme and Character

Purpose	2
Goals	2

Section 3 - Site Design Standards

Building Orientation and Location on Site	3
Pedestrian Access and Circulation	4
Vehicular Access and Circulation	4
Parking	5
Landscape	6
Lighting	7
Screening	7
Site Furnishings and Art	8

Section 4 - Architectural Standards

Building Height, Form, and Mass	9
Building Facades and Architecture	10
Building Materials and Finishes	11
Building Colors	12
Building Roofs	13

ACKNOWLEDGEMENTS

Thanks are due to the dedicated representatives of the Town of Silverthorne who took part in the development of these Design Standards and Guidelines.

Town of Silverthorne Town Council

Bruce Butler, Mayor
Ann-Marie Sandquist, Mayor Pro Tem
Jonathon Bird
Russ Camp
Derrick Fowler
Peggy Long
Stuart Richardson

Town of Silverthorne Planning Commission

Robert Kieber, Chairman
Tanya Shattuck, Vice Chairman
Tom McDonald
JoAnne Nadalin
Donna Pacetti
Stan Katz
Brian Wray

EDAC Subcommittee

Bruce Butler, Mayor
Russ Camp
Les Boeckel
Ken Gansmann
Marc Hogan
Seth Lyons

Town of Silverthorne Staff

Ryan Hyland, Town Manager
Mark Leidal, AICP, Assistant Town Manager
Lina Lesmes, AICP, Senior Planner

Town Core Design District

SECTION 1: INTRODUCTION

PURPOSE AND APPLICABILITY

1.1.1. The purpose of the Design Standards and Guidelines is to guide the general form of buildings within the Town Core District, and their relationship to the surrounding environment. The boundaries of the Town Core District are as shown on the Design District Overlay Map, adopted on May 28, 2014 by the Silverthorne Town Council.

1.1.2. The Town believes that the Town Core District should develop to be a focal point of pedestrian activity in a village-like setting with a compact form. A diverse mix of uses that creates a magnet of activity, promotes the Town's unique identity, and creates an economic anchor is encouraged. Design within the Town Core District should contribute to the creation of a compact and walkable environment where buildings are scaled and oriented towards the pedestrian.

1.1.3. The Design Standards and Guidelines apply to all new buildings, additions, or major alterations to exteriors of buildings, including changes to color schemes and materials. No development shall be approved by the Town unless all relevant standards are met. On a case-by-case basis, proposed modifications to existing buildings may be relieved from strict compliance to these Standards and Guidelines, dependent on site and/or building constraints.

1.1.4. Standards are baseline requirements for the design of development projects. Guidelines are recommendations that are intended to further define the desired character of development within the Town Core District. Compliance with the Design Guidelines is strongly encouraged.

RELATIONSHIP TO OTHER PLANNING DOCUMENTS

1.2.1. These Design Standards and Guidelines reflect the goals for the Town of Silverthorne as set forth in the Comprehensive Plan, and as adopted and referenced in Town Code Section 4-6-2(h). These Standards and Guidelines address site design through building location and orientation, access, parking, landscaping, lighting, and screening; and building design through building height, form, mass, architectural elements, materials, colors, and roofing.

1.2.2. These Design Standards and Guidelines are in addition to the requirements identified in the Town Code. While these Standards are intended to be consistent with the Town Code, there may be occurrences where there is a conflict between the two documents. In the event of a conflict, the stricter of the two standards shall apply.

HOW TO USE THE DESIGN STANDARDS AND GUIDELINES

1.3.1. The intent of the Design Standards and Guidelines is to provide clear and concise direction to developers and property owners in order to promote quality and preserve value. The Standards and Guidelines will be used as a tool in evaluating submittals for all new projects, and any significant remodels or renovations of existing developments.

1.3.2. Property owners, developers and architects should use this document when preparing site and architectural plans for new development and for improvements to existing development. All standards and Guidelines should be reviewed, and special care should be taken to address all situations where standards apply to a specific project.

SECTION 2: THEME AND CHARACTER

PURPOSE

2.1.1. The Town Core District consists of a mix of structures, uses and activities, all of which contribute to the Town's unique identity. There is not one dominant architectural style, and this document does not advocate any one particular style. It does, however, provide a guideline for creative development using design elements to historically venerable mountain town architecture in a pedestrian setting.

2.1.2. The Town Core District is bisected by State Highway 9. The large volume of vehicular traffic along this route is acknowledged. The District aims to contain commercial uses that will attract the vehicular traffic and will create opportunities for visitors to stop, park their cars and spend time in a safe, pedestrian friendly, village-like setting.

2.1.3. A diverse mix of commercial uses in the Town Core District is desired with retail and restaurant uses on the ground level being considered the highest priority. Residential uses and other compatible commercial uses will be considered in conformance with the Town of Silverthorne Comprehensive Plan.

GOALS

2.2.1. The primary goals for the Town Core District are to:

- a. Promote land uses that establish this area as a compact, pedestrian oriented, economic hub;
- b. Encourage development that presents an image of high permanence, quality and value;
- c. Set minimum quality standards for site design and building architecture;
- d. Develop an attractive street facade with storefronts scaled and oriented to pedestrians;
- e. Promote development that creates pedestrian activity, and provides a critical mass of diversified land uses that are harmonious with a walkable, downtown experience;
- f. Provide for buildings located adjacent to the street, with minimal setback between the sidewalk and the storefront, to create an enclosed street and to reduce the negative visual impact of parking lots;
- g. Locate parking lots so that they are screened by buildings or landscaping from public view or in parking structures;
- h. Encourage shared parking between sites and on-street parking where feasible;
- i. Allow for pedestrian activity from streets, alleyways, rear parking lots and the river side of the buildings by encouraging multiple pedestrian entryways;
- j. Provide a pedestrian system with sidewalks and streetscaping along the streets west of State Highway 9 and wider multi-use paths along the Blue River;
- k. Encourage energy conservation in building design and materials through solar exposure, appropriate orientation and other measures;
- l. Promote a sense of permanence and richness in the area by requiring the use of high quality materials;
- m. Require exterior colors to be subtle yet rich colors rather than intense, bright colors, and color schemes to tie building elements together and to enhance the architectural form of the building;
- n. Provide for integrated lighting into building and site design;
- o. Create compatible landscape schemes within the Town Core District that advance the continuity of the streetscape;
- p. Safely screen storage areas, mechanical equipment and loading areas from public rights-of-way to the extent practical.

SECTION 3: SITE DESIGN STANDARDS

GOAL 3.1: BUILDING ORIENTATION AND LOCATION ON THE SITE

Orient primary structures towards street frontages to complement existing adjacent development, and to create a coordinated and visually attractive pedestrian environment.

STANDARDS

3.1.1. Buildings within the Town Core District shall be oriented towards public rights-of-way and the Blue River Trail.

3.1.2. For properties adjacent to HWY 9, 4th Street, and Adams Avenue, at least 60% of the frontage length of the property must consist of a building located within 5 feet of the property line adjacent to the street.

3.1.3. Buildings shall have a clearly defined pedestrian entrance along the street-facing façade. Main entrances shall be located at the street level. 'Split-Level' entrances are prohibited.

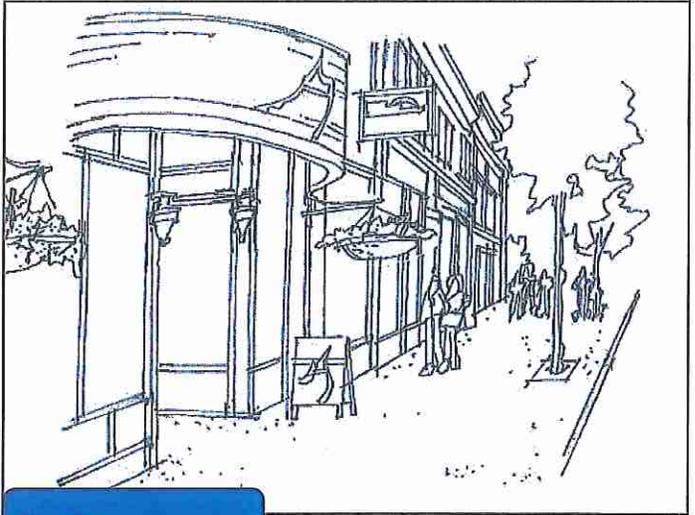


Figure 1

GUIDELINES

3.1.4. Front facades should be aligned with adjacent buildings to promote visual continuity parallel to the street edge and river side of the site, in order to create a sense of vitality for pedestrian activity.

3.1.5. Architectural elements that enhance the pedestrian environment, including balconies, colonnades, porches, canopies, creative entryways, and patios are encouraged on facades adjacent to a street. Orientation of such elements should prevent the shedding of snow onto pedestrian areas.

3.1.6. Buildings are encouraged to have "double-sided" entries from the primary and secondary street frontages or river side of the building.

3.1.7. On corner lots, buildings should be placed as close as possible to the corner adjacent to the streets to help anchor the lot and take advantage of the high visibility.

3.1.8. Silverthorne's high alpine climate should be taken into consideration in all building designs to prevent ice and snow buildup. In particular, north-facing main entries are discouraged. Passive solar design, such as locating pedestrian areas to take advantage of solar access, is encouraged.

GOAL 3.2: PEDESTRIAN ACCESS AND CIRCULATION

Create a safe, continuous pedestrian network that minimizes conflict with vehicular traffic, while providing a convenient option for pedestrian circulation within and between developments.

STANDARDS

3.2.1 The Blue River Trail and Blue River Parkway Trail are important elements of the Town Core District. Developments shall provide pedestrian linkages to these trails.

3.2.2. Where a public sidewalk (attached or detached from the adjacent public street) is deemed necessary by the Town, it shall be installed in the public right-of-way as part of the proposed development.

3.2.3. Continuous internal pedestrian walkways within a development site, not less than six feet in width, shall be provided from the principal building entrance to adjacent sidewalks, trails, and public rights-of-way, including the Blue River Trail and the Blue River Parkway Trail.

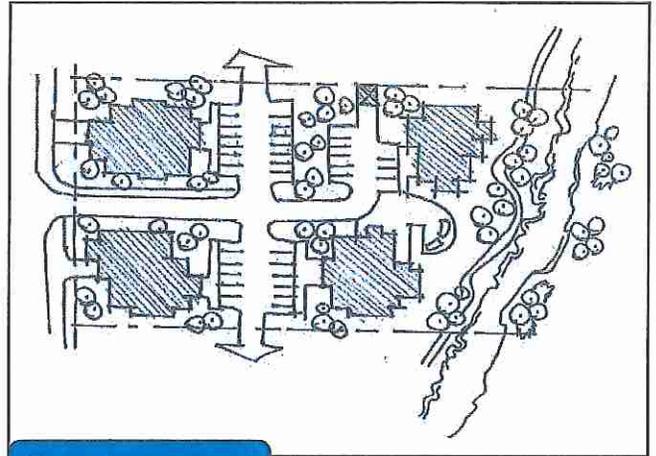


Figure 2

GUIDELINES

3.2.4. Where pedestrian walks cross drive aisles, they should be clearly marked with signage, special paving, landscaping, or other similar methods.

3.2.5. Contiguous developments are discouraged from installing physical barriers between projects unless necessary for safety, storage, or mitigation of adverse impacts.

GOAL 3.3: VEHICULAR AND SERVICE AREA ACCESS AND CIRCULATION

Create a vehicular circulation system that provides for safe and efficient access and movement associated with the property.

STANDARDS

3.3.1. Vehicle circulation on-site shall be clearly organized to facilitate movement into, and throughout, parking areas. Parking drive lanes and intersections shall align wherever practical.

3.3.2. Service and delivery areas shall be located to the side or rear of buildings, or in other inconspicuous locations, where they are generally not noticeable from public rights-of-ways, including the Blue River Trail. Where possible, adjacent parcels or buildings should share service and delivery areas, and/or access to such areas.

3.3.3. Circulation and parking for service areas shall be designed to minimize disruption to the flow of vehicular and pedestrian traffic, and to provide efficient turning movements.

GUIDELINES

3.3.4. Contiguous developments are encouraged to combine access points to minimize curb cuts, and to provide connections between adjacent properties.

3.3.5. Development projects that require multiple or frequent deliveries should provide separate customer and service access drives where possible.

3.3.6. Where feasible, access to parking areas should be from an alley. Shared service alleys along rear lot lines are encouraged.

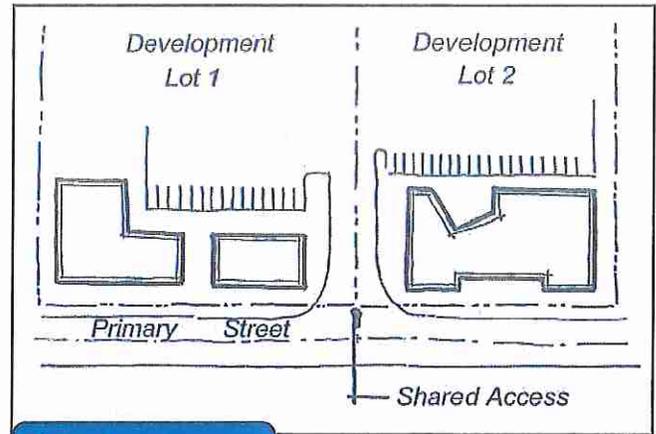


Figure 3

GOAL 3.4: PARKING

Promote a compact, pedestrian oriented downtown environment with parking that is properly scaled and that considers alternatives to onsite parking.

STANDARDS

3.4.1. Parking areas within the Town Core District shall provide safe, convenient, and efficient access, and shall be located so as to minimize negative visual and noise impacts to adjacent properties and the public rights-of-way.

3.4.2. For properties with frontage along HWY 9, Adams Avenue, and 4th Street, on-site parking shall be located at the rear of the property or behind a building.

3.4.3. On-site surface parking for nonresidential uses shall be minimized by participating in the Town Core Parking District, incorporating or constructing on-street parking, and/or utilizing shared parking and parking reductions.

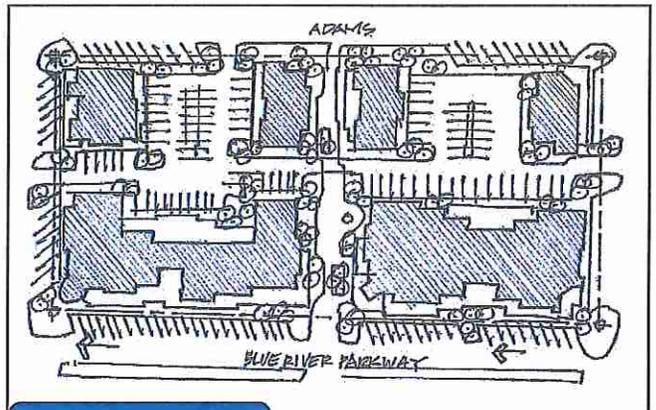


Figure 4

GUIDELINES

3.4.4. To the maximum extent feasible, parking areas should be located on the interior of a site or behind a building in a landscaped parking area, and screened from view from public rights-of-way. Underground or under structure parking, integrated with the building's architectural design, is encouraged.

3.4.5. All drives, parking, and vehicular and pedestrian circulation areas should be paved and properly marked. Where higher quality materials are used, they should include only those with proven longevity in the local environment, such as asphalt, colored concrete, hydraulically-pressed concrete pavers, brick pavers, and stone pavers.

3.4.6. Snow storage areas should be located in the rear or side of properties. Snow melt systems or snow hauling offsite should be considered to maximize use of a site.

GOAL 3.5: LANDSCAPE

Utilize landscaping to enhance the pedestrian experience of a downtown setting, advance the continuity of the streetscape, create attractive gathering spaces, and screen parking and service areas.

STANDARDS

3.5.1. Development within the commercial areas located West of HWY 9 must provide landscaping that is appropriate for a downtown setting. To that effect, alternative forms of landscaping, including street furniture, planter boxes, hardscape patios, and art forms must be prioritized.

3.5.2. Development within the areas located East of HWY 9 must provide landscaping that addresses and complements the recreational aspect of the Blue River. To that effect, the natural vegetation surrounding the river should be preserved, and alternative forms of landscaping must be considered.

3.5.3. Landscaping shall complement buildings, accent building entries, and serve as a decorative element.

Landscaping shall not impede the visibility of store fronts, or interfere with the line of sight of vehicle drivers entering or leaving the site.

3.5.4. Significant landscape materials, such as trees, shall be located outside utility easements. Planting of trees over utility lines is prohibited.

3.5.5. All trees shall have an adequately sized planting area. The size of the planting area shall be based on the amount of room needed for tree roots, and the estimated size of the fully mature tree. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.

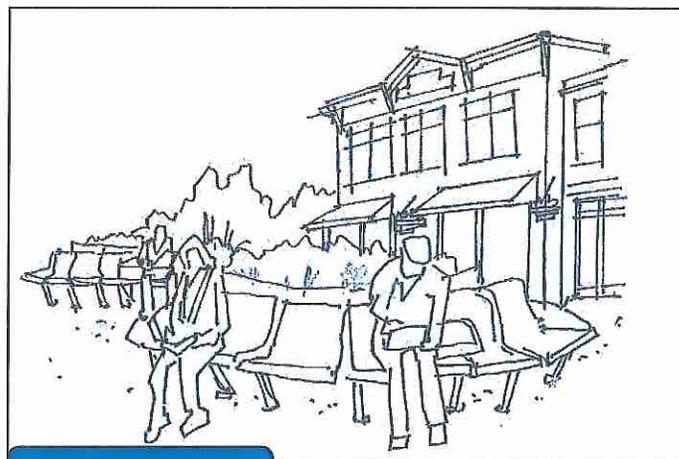


Figure 5

GUIDELINES

3.5.6. The planting of street trees and shrubs in approved locations within the public right-of-way is encouraged to enhance the streetscape within the Town Core District.

3.5.7. Planter boxes, flowerpots, and hanging flower baskets are promoted to add color and variety to the landscape. All planter boxes, flowerpots, and hanging flower baskets should be compatible with the architecture of the building.

3.5.8. Landscaping should be utilized to screen parking areas, service and delivery areas, and utility, mechanical, and telecommunications equipment to the extent practical.

3.5.9. Public open spaces should be located and oriented to encourage pedestrian activity, and to take advantage of natural resources. Roof gardens are encouraged to provide views of the surrounding mountains.

GOAL 3.6: LIGHTING

Create a safe and secure pedestrian environment within the Town Core District with distinctive and coordinated lighting.

STANDARDS

- 3.6.1. Site and building lighting in the Town Core District shall contribute to the streetscape and maintain its continuity.
- 3.6.2. Lighting shall be coordinated to provide uniform light levels and an organized appearance through the use of consistent fixtures, lamp types, and placement.
- 3.6.3. Pedestrian scale lighting is required to enhance the experience and safety of the pedestrian in the Town Core District.

GUIDELINES

- 3.6.4. Lighting should be designed as an integral part of buildings, in a manner that enhances the facades, architectural features, and site designs. Light fixtures should be compatible with the colors and materials of the building architecture, site furnishings, and landscaping of the project.
- 3.6.5. The use of vintage, decorative, and ornate light fixtures and poles is encouraged.
- 3.6.6. Lighting within storefront windows should be considered to illuminate adjacent pedestrian walkways, and to create an inviting nighttime environment.

GOAL 3.7: SCREENING OF SERVICE AREAS AND MECHANICAL EQUIPMENT

Screening shall effectively mitigate negative visual and acoustic impacts of site uses, and shall be integrated into each project's overall design.

STANDARDS

- 3.7.1. General
 - a. All utility, telecommunications, ground mounted and roof-top mechanical equipment shall be shown on the final site plan for the proposed development project.
 - b. Service, storage, refuse, and equipment areas shall be located within buildings, or combined with other such areas, to the greatest degree practical.
 - c. When necessary, screening enclosures shall be designed in the same architectural style, and be constructed in similar materials and colors, as the primary building onsite. Fences shall be permanent, solid, and opaque; and at least as tall as the object to be screened.
 - d. All screening enclosures must be designed in a manner that optimizes the safety, longevity, and performance of the screening enclosure and the equipment being screened.
- 3.7.2. Refuse, Recycling, Storage and Service Areas
 - a. Refuse, recycling, and service areas shall be located to the rear or side of buildings, or in other inconspicuous locations, where they are generally not noticeable from public rights-of-way, pedestrian walkways, or open spaces.

- b. All outdoor refuse, recycling containers, and dumpsters shall be screened from view from adjacent properties and public rights-of-way by enclosure in a permanent, four-sided, solid, and opaque structure with a roof.
- c. Refuse, recycling, storage, and service structures shall be designed in the same architectural style and be constructed in the same materials and colors as the primary building on site.
- d. All outdoor storage of materials, vehicles, and/or ancillary equipment is prohibited within the Town Core District.

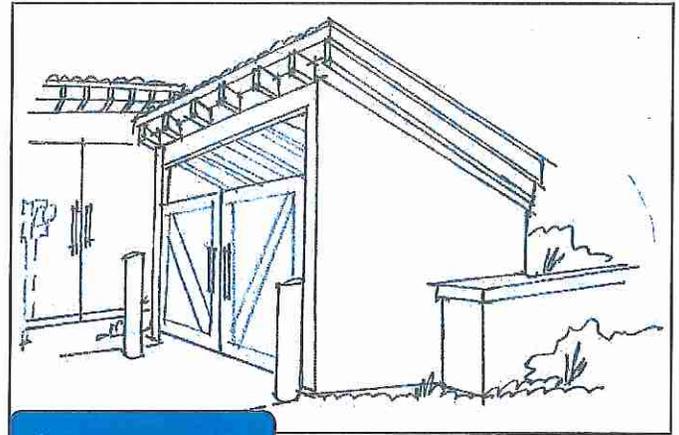


Figure 6

3.7.3. Utility, Telecommunications and Mechanical Equipment

- a. Avoid locating telecommunications equipment, mechanical equipment, utility connections and service boxes on the primary facade of the building.
- b. Ground-mounted mechanical equipment units, including switch boxes, and electrical and gas meters, shall be screened in a manner that minimizes visual impacts and optimizes safety.
- c. Minimize the visual impact of telecommunications equipment, mechanical equipment, utility connections, and service boxes on buildings by painting them to match the primary building color.

3.7.4 Roof-top Mechanical

- a. Roof top mechanical equipment shall be low-profile, non-reflective units, and screened such that they are not visible from the public right-of-way. Provide screening with materials that are compatible with the building to which they are mounted. Screening heights shall be at least as tall as the equipment to be screened.
- b. Minimize the visual impact of telecommunications equipment, mechanical equipment, utility connections and service boxes on roof-tops by painting them to match the roof color.
- c. Roof and wall mounted solar panels must be architecturally integrated into the roof or building form.

GUIDELINES

3.7.5. Reinforced concrete aprons are recommended in front of refuse and recycling storage areas to accommodate refuse and recycling removal trucks..

3.7.6. Vegetative screening should be primarily evergreen plants that will form a solid opaque screen at least as tall as the object to be screened.

GOAL 3.8: SITE FURNISHINGS AND ART

Create a clean and comfortable active pedestrian streetscape environment that invites the pedestrian to linger.

STANDARDS

3.8.1. Permanent site furnishings such as benches, tables and other pedestrian amenities shall be made of durable, weather resistant materials and shall be consistent with the overall design character of the District.

GUIDELINES

3.8.2. Site furnishings are encouraged to be provided at main pedestrian walkways, building entrances, plazas, open space, and other pedestrian areas, without impeding pedestrian movement on the sidewalk.

3.8.3. Two-dimensional or three-dimensional art works displayed for public view that enhance the overall district character are highly encouraged. Publicly donated art proposed to be located on land dedicated to the Town will be considered on a case by case basis in accordance with the Art in Public Places policies.

SECTION 4: ARCHITECTURAL STANDARDS

GOAL 4.1: BUILDING HEIGHT, FORM, AND MASS

Building height, mass, form, length, and proportions shall be designed to provide a variety of visual interest, while maintaining a human scale that is appropriate to its surroundings.

STANDARDS

4.1.1 The maximum building height in the Town Core District is forty five (45) feet for pitched roofs and thirty five (35) for flat roofs. For the purpose of this requirement a pitched roof shall have a slope of no less than 4 feet in 12 feet. The definition of building height shall be as stated in the Silverthorne Town Code.

4.1.2. Buildings shall be designed to relate directly to and reinforce the pedestrian scale and the street frontage. The following techniques may be used to meet this objective:

- a. Provide shifts in building massing, as well as variations in the height, profile, and roof form;
- b. Minimize long expanses of wall at a single height or in a single plane;
- c. Provide projecting elements; and
- d. Group elements to provide balanced facade composition.

4.1.3. Reduce the bulk of a multi-story building to be on a pedestrian scale. The design shall emphasize a “base”, “middle”, and “top”.

- a. A distinctive “base” at the ground level shall use articulation and materials such as: Timber, wood, stone, masonry, decorative concrete, or other similar materials. In addition, “base” elements may include windows, architectural details, canopies, bays, or overhangs.
- b. The “middle” of the building shall be made distinct by change in material or color, windows, balconies, step-backs, and signage.
- c. The “top” of the building shall emphasize a distinct profile or outline with elements such as: A projecting parapet, cornice, upper level step-back, or creative roofline.



Figure 7

4.1.4. The mass of the pedestrian portion of a commercial or mixed use building shall be broken down to a human scale with a strongly marked primary entry at the “base”, and distinct architectural features at the street level.

4.1.5. The mass of the multi-family residential buildings shall be broken down to a human scale with creative window and door patterns, upper level balconies, angled wall planes, or other distinct architectural elements.

GUIDELINES

4.1.6. Developments are encouraged to create visual continuity by designing buildings to exhibit height and massing complementary to adjacent, conforming buildings.

4.1.7. Building elements that provide shelter from natural elements, including porches, patios, and deep eaves, are encouraged to add interest along the street.



Figure 8

GOAL 4.2: BUILDING FACADES AND ARCHITECTURAL ELEMENTS

Create an image of high quality development. Encourage a variety of architectural elements that avoid featureless design and uninterrupted repetition of building materials.

STANDARDS

4.2.1. Buildings shall be designed to provide interest and variety, and with elements scaled to the pedestrian. The following techniques shall be used to meet this objective, with consideration to preventing the shedding of snow onto pedestrian areas:

- a. Break up large building components with significant articulation of wall planes and roof lines;
- b. Create patterns, using window size and/or shape, that relate to interior functions; and
- c. Emphasize building entries through projecting or recessed forms.

4.2.2. Provide human scale through change in plane, contrast, and intricacy in form. Avoid large areas of undifferentiated or blank building facades.

4.2.3. Buildings shall be designed with consistent and/or compatible details on all sides visible from public right-of-ways and pedestrian walkways.

4.2.4. Each commercial or mixed-use building on a site shall have clearly defined, highly visible, primary pedestrian entrance, featuring one of the following: Canopies or porticos, overhangs, recesses/projections, raised corniced parapets over the door, peaked roof forms, arches, or other unique architectural detail. Pedestrian entrances shall orient towards public rights-of-way, and pedestrian walkways, and shall be architecturally distinguished from employee or service area entrances.

4.2.5. Building façades shall not exceed 50 feet in length along the same geometric plane, at which time there shall be wall plane projections or recesses having a depth of at least 2.5 feet for a distance of not less than 6 feet.

4.2.6. Primary building façades shall contribute to the overall character of the Town Core by creating a pattern along the street through the repetition of similarly-sized building elements. Building facades shall have a repeating pattern that includes no less than three instances of either: color change, texture change, material change, or expression of a structural, architectural feature.

4.2.7. Maintain the distinction between the street level and upper floors through material differentiations, horizontal expression lines (also referred to as belt courses), varied fenestration, or other architectural features.

4.2.8. Buildings along HWY 9, Adams Avenue, and 4th Street shall have a minimum of two stories to provide critical mass and firmly confine the outdoor space. Ground floors in these areas shall have a minimum ceiling height of 10 feet.

4.2.9. Applicants are required to submit a three dimensional representation of a proposed development project within the Town Core District. Such representation may be an accurate three-dimensional model or a three dimensional computer simulation depicting the proposed development.

GUIDELINES

4.2.10. On corner lots, architectural features, such as corner entrances and angled corners, are encouraged to emphasize corner locations.

4.2.11. Elements of traditional “Main Street” storefronts are encouraged on facades of traditional mixed-use buildings. These elements include recessed entry doors, display windows, kickplates or bulkheads, transom windows, cornices, and pediments.



Figure 9

GOAL 4.3: BUILDING MATERIALS AND FINISHES

Building materials and finishes shall present an image of high quality and permanence.

STANDARDS

4.3.1. Buildings shall be designed in a manner and constructed of materials that are compatible and complementary to the surrounding buildings in the Town Core District.

4.3.2. To break up large building forms and wall surfaces, buildings shall incorporate a variation or combination of materials, surface relief, and texture.

4.3.3. Predominant exterior building materials shall be high-quality durable materials that retain their appearance over time, and that can be economically maintained. Buildings shall be predominantly clad in Class I materials. Class II materials may be used as accents and trim not to exceed 25% of the total building façade. Class III materials are prohibited in the Town Core District.

- Class I materials include timber, log and wood siding, clay fired brick, natural stone, masonry, cement stucco, and glass.
- Class II materials include architectural metal, fiber cement siding, concrete brick, manufactured stone, and integrally colored split face block.

- Class III materials include EIFS, smooth-face concrete block, tilt-up concrete panel systems, metal panel systems, and vinyl and aluminum siding.

4.3.4. For commercial and mixed-use buildings, at least 50 percent of the first floor of the primary façade facing a street shall be transparent glass to differentiate the pedestrian area from the remainder of the building, and to create an inviting pedestrian environment. Upper floor window elements may be less prominent.

4.3.5. Clear glass shall be used for windows. Tinted, colored or opaque glass may be approved on a case-by-case basis when shown by the applicant to be compatible with the purpose of the Town Core District Design Standards. The use of mirrored or reflective glass is prohibited.

4.3.6. Applicants are required to submit a sample board of materials, finishes, and colors of all proposed exterior materials.

GUIDELINES

4.3.7. The use of brick and masonry, which is typical in traditional structures, is highly encouraged in the Town Core District to add scale, patterning, and surface relief; and to convey a timeless design.

4.3.8. Changes in material should occur where the transition is accommodated through an architectural detail. As a general practice, changes in exterior materials should not occur at exterior corners, but should be wrapped around the corner to give the material depth and the appearance of a structural function.

4.3.9. Details such as sills and belt courses are suggested where material transitions occur across horizontal divisions.

4.3.10. Building materials and details used on the facade of the primary structure may be transitioned to a lesser degree of detail on service sides of the building.

GOAL 4.4: BUILDING COLORS

Exterior building colors shall be aesthetically pleasing and compatible with colors of nearby conforming structures.

STANDARDS

4.4.1. Color choices for all buildings shall be made within the range delineated by these Design Standards in relation to the Munsell color notation system. The Munsell Book of Color is available for reference at the Town of Silverthorne Community Development Department.

4.4.2. The Munsell color notation system is broken into three characteristics: hue (color), chroma (brightness), and value (shade). In the Town of Silverthorne, chroma is the only Munsell color characteristic that is regulated.

- a. The primary body colors of the building shall not exceed a chroma of four on the Munsell Color Chart.
- b. The trim accent colors of the building shall not exceed a chroma of six on the Munsell Color Chart. The term trim in this standard is interpreted to mean those elements of a building which frame, surround or join different building materials. The trim accent colors are limited to an area of no greater than 10% of the building façade.

-
- c. The roof color of the building shall not exceed a chroma of four on the Munsell Color Chart. Roof color shall be compatible and complementary to the surrounding buildings in the Town Core District.
 - d. The use of black, white and neutral gray colors proposed for any portion of the exterior building features shall be reviewed on a case by case basis based on the appropriateness to the proposed building design.

4.4.3. All exterior metal elements of a building, such as flues, flashings, etc., shall be painted a flat color that is compatible with the exterior building color and shall not be exposed metal. Exterior metal elements on building roofs shall be painted a flat, dark color that is compatible with the roof color.

4.4.4. A color palette board shall be submitted and reviewed by the Community Development Department showing all proposed primary body, trim and accent colors and intensities for the exterior walls of the building.

GUIDELINES

4.4.5. Exterior building colors should be complementary to adjacent conforming buildings and the natural mountain surroundings. Colors should be those that copy the earth tones found in nature within and around Silverthorne.

4.4.6. Color should be used to enhance the architectural form of the building. The style, material, and detailing of the structure shall be considered when selecting color schemes. Color should not be used to gain attention, and should be subordinate to the architecture of the structure.

4.4.7. The same or substantially similar colors used on the primary structure should be used on any accessory structures on the site.

GOAL 4.5: BUILDING ROOFS

Roof forms shall contribute to the overall image of high quality and permanence, and shall be used to screen roof top equipment.

STANDARDS

4.5.1. The character of buildings shall be enhanced with creative roof elements, and with consideration of the impact of the pitch, materials, size, and orientation of the roof form.

4.5.2. Where pitched roofs are utilized, the use of appropriately oriented gables, dormers, and shed roof elements shall be used to break up large expanses of roof, and to add architectural interest.

4.5.3. Where flat roofs are utilized, they shall be screened with parapets and cornices, or with peaked or sloped façade elements.

4.5.4. Roofs shall not be designed as attention-getting devices related to the reinforcement of signage or as an identifiable corporate image.

4.5.5. Roofs shall be designed in a manner in which they do not deposit snow onto required parking areas, sidewalks, refuse storage areas, stairways, decks, balconies, or entryways. Where snow guards are needed, they shall be architecturally integrated into the roof design.

4.5.6. Visible roof surfaces shall be made of durable materials such as: Concrete tile, metal, other pre-finished architectural metals or architectural grade asphalt shingles. Membrane systems are prohibited on any portion of the roof visible from the public right-of-way. Membrane systems may be permitted on portions of roof-tops that are not visible from the public right-of-way and shall be a subdued color compatible with the exterior building color.

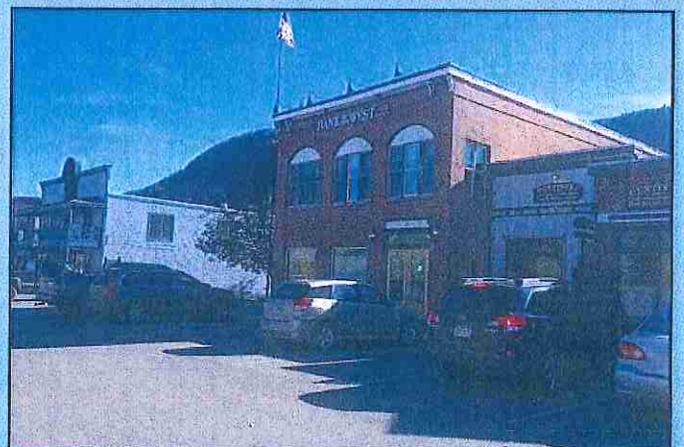
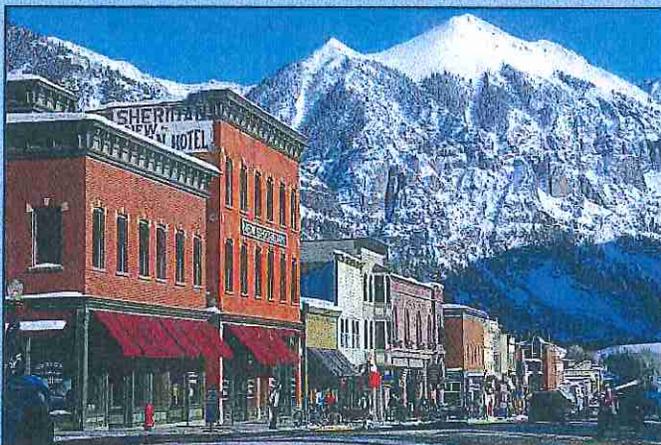
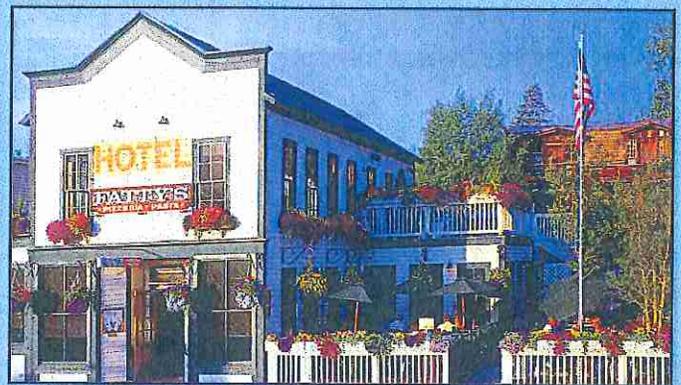
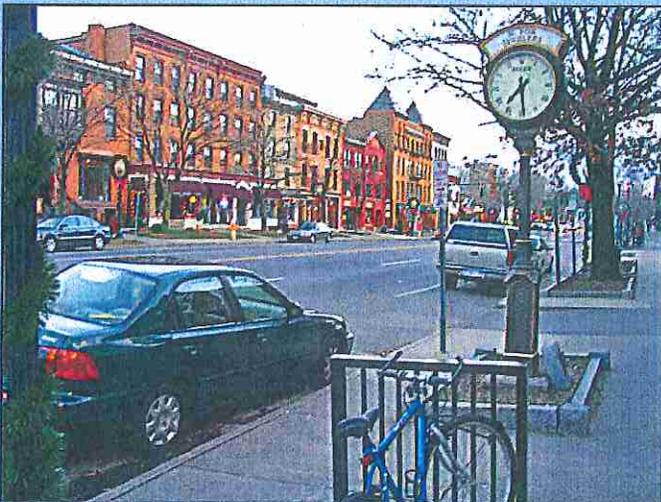
4.5.7. Both highly visible and non-visible roof structures shall be a natural subdued color which is complementary to the architecture and its natural surroundings.

GUIDELINES

4.5.8. Ridgelines and roof forms are encouraged to change in relationship to changes that occur in the wall planes.

4.5.9. Whenever possible, gutters and downspouts should be located in the least conspicuous location, such as in the rear or side facades of the building, and painted to match either the trim or primary color of the structure. Gutters and downspouts should not drain onto walkways or sidewalks.

Photo Examples of Desired Town Core Character *(for illustrative purposes only)*



Top Left: Saratoga Springs, New York

Bottom Left: Telluride, Colorado

Top Right: Breckenridge, Colorado

Bottom Right: Crested Butte, Colorado

MINUTES OF SPORT COMMITTEE
December 18, 2014

I. PROCEDURES

1. Attendance: Russ Camp, Tom Dopplick, Frank Gutmann, Don Langmuir, Mary Kay Rachwalski, Marilyn Raymond, Marty Richardson, Pat Taylor
2. Staff: Joanne Cook, Liz Hodson, Susan Lee
Absent: Don Hansen, Bob Mayerle, Kathy Swanson, John Taylor
Guests:
3. Mary Kay opened the meeting at 6:01 p.m. in the Schmidt Room at Town Hall.
4. Previous minutes: Motion to approve by Pat Taylor, second by Russ Camp.

II: PRESENTATIONS

- 1.

III: PLANNING DEVELOPMENT PROJECTS

- 1.

IV: OLD BUSINESS

1. 2014 Goals in progress
 - a) Bird Watching benches and signs
-Post (3) have been installed, signs (6) should be in next week. Cost was \$200.
 - b) Rivers Edge Plaza signs
- Revised signs have been ordered, Bill L is talking with CDOT re: placement. Signs will be installed when ground thaws.
2. USFS trails signs / website update (Don L.)
-Don provided final on a memory stick with pictures and verbiage to Liz, she will update the website.
3. Osprey Days update (Bob and Don H.)
-No report; Don H and Bob were absent.

V: NEW BUSINESS:

1. POST update
-APPROVED! Council voted unanimously, is very excited about the project and expressed their thanks to all of SPORT.
2. Brainstorm for 2015 goals
 - Designs services for "wild" playground (package w/west side and highway crossing?)
 - Pat suggested Segment 6 easement acquisition/design
 - Marty asked if it were possible to allow a volunteer to groom the course at the Raven, Joanne will pursue.
 - Don L asked about the Salt Lick area and bike trails. Can we as a group organize a cleanup, and have it signed?
 - Don H, Raven sledding hill, on-street parking for recreational areas?
 - Marilyn, long term goal; page 43, #1 goal-Conservation – ongoing.
 - Pat – North Pond wetland – solar
 - Tom – Angler Mtn open space, build rope bridge 1st to be able to get folks over to the area.

Joanne will put these suggestions as well as those from previous brainstorming sessions into matrix, on monthly basis, to see what's achievable and will email to the committee for discussion at next month's meeting.

3. Joint meeting with Town Council set for February 10, 2015, 6:00PM at Town Hall

OTHER: Mary Kay and Pat met with Leigh at WGOS and discovered another violation has occurred. We should revise the letter to home owners and resend with a month.

Motion to adjourn 7:45 pm by Pat Taylor, second by Russ Camp
Next Meeting: January 15, 2015 - 6:00 p.m.

DRAFT



DRAFT

**TOWN OF SILVERTHORNE
PLANNING COMMISSION MEETING MINUTES
JANUARY 20, 2015 – 6:00 P.M.**

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m., on January 20, 2015, in the Council Chambers of the Silverthorne Town Hall, 601 Center Circle, Silverthorne, Colorado.

2. ROLL CALL – Commissioners present and answering Roll Call were: Stan Katz, Robert Kieber, Tom McDonald, JoAnne Nadalin, Donna Pacetti, Tanya Shattuck, and Brian Wray. Staff attending tonight's meeting included: Matt Gennett, Planning Manager, Lina Lesmes, Senior Planner and Melody Hillis, Administrative Assistant.

3. CONSENT CALENDAR – Stan Katz made a motion to approve the December 2, 2014, Planning Commission minutes. Donna Pacetti seconded. The motion was approved by a vote of seven to zero (7-0).

4. CITIZEN'S COMMENTS:

None.

5. PUBLIC HEARING:

A. Minor Subdivision – Ox Bow Ranch, LLP, Township 4, Range 78, Section 26 Quarter 2 (Ox Bow Ranch).

Matt Gennett, Planning Manager, presented the project. The Applicant, represented by Joanna Hopkins, is requesting approval of a Minor Subdivision to create two tracts of land, Tract A and Tract B.

COMMISSIONER QUESTIONS:

- Robert Kieber - What is the width of Tract B?
Matt Gennett - 205.64 feet.
Tanya Shattuck - On page 8 of the packet, paragraph before background, didn't understand.
Matt Gennett - Included that information as previous Town Council action, just to bring the Planning Commission up to date on the most recent items that the Town Council has acted on. Essentially, that was three agreements that needed to be amended, so that a deadline wouldn't pass. Each one of the amendments was granted an extension of one year. The agreements would remain valid as the Applicant goes through the PUD amendment.
Tanya Shattuck - So the dates and everything else is fine?
Matt Gennett - Yes.

APPLICANT COMMENTS:

- Joanna Hopkins - Representing the Applicant. Explained the need for the proposed land swap. Requested approval.
Stan Katz - Why is this notarized by someone in South Dakota, is that okay?

Brian Wray - That is where Everist's headquarters are located.
 Stan Katz - And it is fine for someone in South Dakota to notarize this, the notary program is nationwide?
 Matt Gennett - Yes, its fine.
 Robert Kieber - It was mentioned that this will help the park plan?
 Joanna Hopkins - Yes. When the 20 acre parcel was discussed in 2005 and the park concept was discussed, we anticipated using some of the area where the lake is, and had mined the whole 20 acres out, it is gradually moving north, it was taking quite a bit of time to get that 20 acres back to flat land. The shift back 205 feet south creates that 20 acre parcel much sooner as the mining activity continues.
 Robert Kieber - Will the 20 acres be given to the Town?
 Joanna Hopkins - Yes.

PUBLIC COMMENTS:

None.

CLOSED PUBLIC COMMENT:

COMMISSIONER COMMENTS:

Stan Katz - Does there have to be two separate motions or can it be combined?
 Matt Gennett - There has to be two separate motions and approvals.

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF THE MINOR SUBDIVISION FOR OX BOW RANCH.

JOANNE NADALIN SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

B. Minor Subdivision – South Maryland Creek Ranch, 1st Amendment, South Maryland Creek Ranch Subdivision.

Matt Gennett, Planning Manager, presented the project. The Applicant, represented by Joanna Hopkins, is requesting approval of a Minor Subdivision to subdivide a tract of land, Tract Q.

COMMISSIONER QUESTIONS:

Tom McDonald - The roads are already in up there then?
 Matt Gennett - Yes. The ones shown are in, but not paved.
 Tom McDonald - Will connect with the Three Peaks area?
 Matt Gennett - Eventually.

APPLICANT COMMENTS:

Joanna Hopkins - Happy to answer any questions.

PUBLIC COMMENTS:

None.

CLOSED PUBLIC COMMENT:

COMMISSIONER COMMENTS:

None.

STAN KATZ MADE A MOTION TO RECOMMEND APPROVAL OF THE MINOR SUBDIVISION FOR SOUTH MARYLAND CREEK RANCH, FIRST AMENDMENT.

TANYA SHATTUCK SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

6. ACTION ITEM:

A. Town Core Design District Standards and Guidelines – Ordinance No. 2015-01

Lina Lesmes, Senior Planner, presented the revised standards and guidelines for the Town Core Design District.

COMMISSIONER QUESTIONS:

- Stan Katz - Regarding flat roofs, why require parapets or pitched roof elements?
- Lina Lesmes - Don't want to discourage flat roofs because they are easier to maintain, but want to mitigate what is unappealing about flat roofs. Want them to be screened with parapets, cornice elements, or pitched elements in the front.
- Stan Katz - Making it a requirement, as opposed to encouraging?
- Lina Lesmes - Don't want to see a box, want flat roofs to be screened.
- Stan Katz - Will that be written into the Town Code that way?
- Lina Lesmes - The standards in the Design District are essentially part of the Town Code. Standards are adopted in the Code as reference, in looking at the ordinance, is short, doesn't include the full document; the document is incorporated into the Code by reference. The standards are regulations.
- JoAnne Nadalin - Regarding guidelines vs. standards. There's a guideline about parking lot paving and being properly marked. Why not a standard in the Town core, wouldn't want a dirt parking lot in the Town core. Same with snow storage being a guideline and not a standard.
- Lina Lesmes - The standards vs. the guidelines, in the current document there is a lot of hybrid language, such as "the Town shall encourage". Wasn't clear what was required and what was being encouraged, tried to differentiate to clear up what concepts are absolutely clear and had to be met. The guidelines are strongly encouraged, want applicants to consider them.
- JoAnne Nadalin - The first sentence of 3.4.5, why not a standard?
- Lina Lesmes - Our Town Code already requires that parking lots be paved, in no case would the Town have an unpaved parking area in the Town core. Don't want to have a million standards. Should maybe be changed to a "should" statement for 3.4.5.
- JoAnne Nadalin - Regarding 3.4.6, regarding snow storage, why wouldn't that be a standard? There shouldn't be snow storage in the front in the Town core.
- Lina Lesmes - Not always applicable across the board, depends on the features of the site, and the development. Didn't want to draw a hard line on that standard. In the Town core we are hoping to see snow storage in the rear, not going to have snow storage in the front of buildings. The ideal vision is to have sidewalks in front of the buildings, maintained by the Town, and that wouldn't allow for snow storage in the front.

Stan Katz - On the second page of the staff report, it says required that snow storage areas not front the street, which is contradictory, one of those needs to be changed.

Lina Lesmes - The staff report needs to be changed, reference to the snow storage is meant to be a guideline.

JoAnne Nadalin - Regarding 3.8.2, site furnishings should not impede pedestrian walkways. Again in the Town core that would be a standard, not a guideline, allowing people to put street furniture where pedestrians are walking negates the whole idea of a pedestrian walkway.

Lina Lesmes - Don't want furniture in the middle of the eight foot walkway.

JoAnne Nadalin - Understand, but think it should be a standard, not a guideline.

Lina Lesmes - Trying to say that people should think about where they are placing street furnishings, and not impede pedestrian traffic.

JoAnne Nadalin - Agreed, think it should be a standard, not a guideline.

Stan Katz - These are both standards and guidelines, what happens if a developer comes in and wants a PUD? Does this all go out the window, because a PUD development wants to do something different?

Lina Lesmes - Yes.

Robert Kieber - The way that this is set up, somebody comes in with a development on a lot where the buildings adjacent on each side are back 30 or 40 feet, this is going to require that they be within five feet of the front, how will access to the back of the building happen? If an applicant has to use their own property to gain access to the back, it will narrow the size of the building, which is going to give the Town not only the roadway, but a bunch of alleys between the buildings to get to the back of the buildings.

Lina Lesmes - The intent is not to have lot line to lot line buildings, which is ideal. The standard is the 60% of the frontage be covered by a building. Not the entire 100%, there will be situations where accommodations will have to be made for access, or a patio and those will have to be set back because you don't want that right next to the street.

PUBLIC COMMENTS:

None.

CLOSED PUBLIC COMMENT:

COMMISSIONER COMMENTS:

Robert Kieber - Can't vote for this. Had discussions with the property owners. It is a great attempt, if, CDOT and the highway were to come in and say for example, take the islands out, and we're going to make it a downtown core like Golden or Steamboat, it may work. But right now, as we go through some of the Design District Guidelines and Standards, we are going to have buildings close to the property lines. This is a 180 degree flip from what the Town has had since day one, in the 20 plus years that I've lived here. We want parking in the back, wanted some up front, now we're pushing it to the back. Think developers are going to shy away from this. There may be some further intent by urban development or something to come in and work with a developer and unfortunately I can see where the urban development is written where they could come in and force a profitable business out, so that a bigger development could come in and take over half a block or whole

block, that to me is unacceptable. Staff has done a good job working with all of the committees, etc. If someone could come in with a PUD proposal, then all of the sudden you have some buildings to the front, some to the back, and now they want to do something different. Putting the cart before the horse, until CDOT decides what is it going to do. The way I understand CDOT right now, the main concern is to get traffic through Silverthorne, they want to have traffic flow. Can't see that these two items are compatible at this point in time. There will be one negative vote on this.

Tom McDonald -
Robert Kieber -

Talking about everything on Highway 9, that is the main concern. Main concern is Highway 9, but also the side streets too. Someone could take a square block and build a big hotel, a four sided building, two or three stories tall, maybe higher in the middle, think that's great. Right now I don't see how this is even feasible, and again, to have something that close to a highway where the speed limit is 35 mph, and no one goes 35 mph when they have a green light.

Brian Wray -
Lina Lesmes -
Brian Wray -

Are we voting on this tonight?
Yes.

There has been a lot of work put into this already. Understand what Bob is saying though.

Stan Katz -

Was going to support it because there no reason not to support it, but there are pieces of it that I dislike. Going to be pieces in a project this big that people don't like. Still have a problem with the requirements on Adams Avenue, which makes no sense to me unless everything is going to be done at the same time. If things are going to be done over time, Adams Avenue is going to keep going until someone comes in and does something with Highway 9. Has an issue with what is a guideline and what is a requirement. Wasn't going to vote against it, but if there is a ground swell to look at this further, I would support that. Sort of indifferent. A lot of work has been done, and not all the details are going to make everyone happy, but if there is anybody that has a real objection, that would help.

Robert Kieber -

In my discussions with a couple property owners along Highway 9, they're questioning how this is going to affect their property values. If an owner wants to come back and sale their property and someone wants to raise the existing structure, how is that going to affect what a developer is going to do? I know that there are provisions in the guidelines and requirements. Take the automobile dealership for example, if they want to come in and make changes, technically, it states that Council can approve it, but it is almost forcing someone to do some things that maybe they don't want to do. I've read it, driven up and down that roadway for 20 plus years, this is 180 degree difference than what we've done for years and years. Conceptually it is great, realistically I don't think that it's feasible with the highway the way that it is.

JoAnne Nadalin -

Is it a question more of the Design Guidelines or is that a question if the Comprehensive Plan is right or wrong. The Comprehensive Plan is what drives the Town, in my mind, to have to have this. So, if the idea is that you can't have a downtown core unless CDOT does some things, then the Comprehensive Plan is inconsistent with this.

Robert Kieber - The Comprehensive Plan to me says, here is what we envision for the Town for the future, but we can't control Highway 9. My thought would be that you take the Comprehensive Plan and do similar to what Breckenridge has done. They moved the highway, not saying that we would move the highway, but saying that you work with CDOT as the first step to do the change on moving traffic through Silverthorne on Highway 9. Once that is accomplished, then I would be more supportive of this. Again, I envision a Fort Collins or Steamboat, where you have a highway, and have very broad right-of-way, you do have parking in the middle, but it is a highway, there is a lot of traffic. Silverthorne may be just enough different because who goes further north? You take I-25 when going north out of Fort Collins, you don't go Highway 83 or whatever it is.

Lina Lesmes - The Town has started conversations with CDOT, have told us that they are amicable to some parking on Highway 9, mostly going south, don't want parking spaces going north through Town, they will to take a look at it. Want the Town to do a traffic simulation and see what the counts would be and what would fit there. But, they haven't told the Town no.

Robert Kieber - My thought would be to table this until an agreement is reached with CDOT, but at this point time I cannot vote for this. Conceptually it looks great. If the Town or a developer owned all the land then great, we've got probably 100 different property owners in this section alone just on Highway 9 and they all want to maximize when they sell.

Stan Katz - If somebody who currently owns a property in this area wants to sell, and the building won't be used for the same purpose, suppose we have a one story building that is sold, does it have to become a two story building in this area?

Lina Lesmes - Yes, on Highway 9, Adams Avenue and 4th Street.

Matt Gennett - Not by virtue of a sale, a sale wouldn't trigger that, a modification would.

Stan Katz - How much of a modification would require that the guidelines be met?

Matt Gennett - Any modification that wasn't a repair or something related to maintenance of the building. Any type of addition or changing a significant part of the structure would trigger the guidelines and standards.

Stan Katz - How much exaggeration was made when it was stated that there were 100 owners?

Robert Kieber - I'm guessing.

Stan Katz - Do we know how many different owners there are?

Matt Gennett - Would speculate that there are 60 to 70 owners.

Robert Kieber - Accept 60, but I have no idea.

Stan Katz - Makes it more problematic.

Tom McDonald - For example, the ODI, say I wanted to buy it and turn it into a clothing store, could I just go in there and bring it up to date, or up to standards, or would I have to make that a two story building?

Lina Lesmes - Would you be tearing down the existing building?

Tom McDonald - No.

Lina Lesmes - The ODI is a bad example, because it is pretty close up to the road, not sure it is five feet. Is a tricky balance, it depends on how much redevelopment would be proposed. If you wanted to just move into the building, and make minor alterations then all of the

standards would not apply. If you are scraping the building and starting over, then yes.

Stan Katz - Makes it more problematic, no question.
 Robert Kieber - Again, think the concept is good, cart before the horse, CDOT needs to do some things and approve something prior to this going forward. The lot between Murphy's and Tim Theis' building is an open lot, someone could buy it, say they are going to build five feet from the highway, there's no alley, so they're going to cut the size of the building down which is really one of the things we want to get to me, is some bigger buildings. But then you've also blocked the visual, will have disputes between neighbors who have people parking on their property to access the building next to them that has parking in the back.

Brian Wray - There's going to be some growing pains, there are some gray areas in this. The Town is creating something totally new, so there is going to be some one on one kind of scenarios where they will have to make a judgment on certain things. Has CDOT seen this, have they given their blessing?

Lina Lesmes - No. They were involved in the Comprehensive Plan.
 Robert Kieber - Go back to something that I've been preaching about for years, which Stan Katz mentioned. When someone comes in with a PUD, we don't have a minimum square footage requirement on lots, so someone could come in and request a PUD, not that the Town is obligated to approve it, but on the smallest lot in this section, so the whole standards are thrown out. If we had a minimum size, x number of square footage requirement on an acre to even do a PUD. Right now we could have a hodge podge of anything and all of this work would be for nothing because you have someone that does a PUD, someone that doesn't, etc.

JoAnne Nadalin - To go back to your prior example, my concern is if we don't adopt something you could have the opposite problem. Somebody comes in, they build a building that is 30 feet back off of the road, but we want a downtown, so now there is a brand new building that doesn't fit with the concept that the Town wants. Don't know how to balance it, you have to start somewhere.

Brian Wray - You do have to start somewhere.
 Tom McDonald - So we wouldn't be able to approve the CARQUEST under these guidelines because it is set back too far?

Robert Kieber - Either one of the auto dealers.
 Tanya Shattuck - It wouldn't pass.
 Stan Katz - It also has parking in the front.
 Tanya Shattuck - Or Target or Kum-n-Go, all those places we pushed back.
 JoAnne Nadalin - Those aren't in the Town core.
 Brian Wray - Those are bad examples.
 Robert Kieber - Sav-O-Mat is a prime example, will eventually want to remodel again, or not. The Town may end up with some buildings that just become decrepit because of the standards and they are right at the south end of this development of the Town core district. Fought with them how many years ago to get it cleaned up to where it is now. This pushes out gas stations, which gas stations are a necessity in any major interstate intersection area. Would push them out, at least from my standpoint from any doing any redevelopment.

JoAnne Nadalin - They're out of the Town Core, but they are not out of Gateway District or the Town core periphery.

Robert Kieber - Think that Sav-O-Mat is in the Town core. Would also include some of the Outlet stores.

Lina Lesmes - Yes, the blue village of the Outlets is where it starts and goes all the way to CARQUEST.

Stan Katz - As is the 1st Interstate Inn motel and the Mountain Lion Café, both of which are one story buildings.

Brian Wray - Those would be gone, Ken Gansman owns those.

Lina Lesmes - 1st Interstate Inn is two stories.

Tom McDonald - Think the rooms are two stories and the office is one story.

Robert Kieber - But that would be five feet from the property line.

Brian Wray - There is going to be one after another different scenarios that come up. You have got to have something to start with.

Stan Katz - That's why guidelines are better than standards, it gives flexibility to look at it and say whether this is something we want or not, but not forcing something that doesn't make sense. In regards to what Robert Kieber stated about Murphy's, it would make Murphy's much less valuable.

Brian Wray - Are we calling these guidelines or standards?

Lina Lesmes - They're both.

Brian Wray - That does give flexibility, doesn't it?

Matt Gennett - Yes, it is not zoning.

Lina Lesmes - All of these are guidelines, there are standards, but the bulk of this document is guidelines.

Tom McDonald - So, if someone did buy that lot next to Murphy's, the Planning Commission could look at it and say does that make the most sense for the lot.

Brian Wray - The Planning Commission would have a say in it.

Lina Lesmes - Yes, and Town Council as well.

Brian Wray - Going to vote for it, there is a lot of time in this document and it is flexible. Understand what Robert Kieber is saying, don't know how often that would come up. This is all new territory.

Tom McDonald - Agree with Brian Wray, don't know how it's going to play out, don't know where the buildings are going to go in or who is going to buy what, it is so early. It could go all up and down 4th Street, and not even go on Highway 9 much.

Robert Kieber - Not going to disagree, you have to start somewhere. Just don't think that this is the place to start.

Brian Wray - Didn't Robert Kieber bring that up with the SE Group before, we've heard this before, and nothing was changed.

Robert Kieber - Again, been up and down the highway, have talked to property owners and I look at it from my background in dealing with borrowers and housing developers and what they are going to look at and all that. And I think that this is going to be a big stumbling block.

Brian Wray - But, there is some flexibility in that too.

Robert Kieber - There is some flexibility. The problem with that is what Stan Katz said earlier about guidelines vs. standards, I am one of these guys that would that would rather have it set in stone, then you don't get into the personalities, who's the elected official that does or doesn't like this. Mixed bag, understand the concept and the amount of work that has gone into it. I may be the only dissenting vote, and I have no problem with that. Think that sometimes you need to step back and look at a little bigger picture and this is one where I'm stepping back and saying "no, I don't think so". Good concept, but not the right time.

Brian Wray - The Town Council will review this also.
 Robert Kieber - We're recommending, that's all we're doing.
 Brian Wray - The Town Council really needs to address what Robert Kieber is saying. It seems like we're at this point already, it's almost like how can you turn back now.

Robert Kieber - That doesn't stop me.
 Brian Wray - Know that, that is very evident.
 Stan Katz - Looking at all the different pieces of this and listening to some of these things my gut feeling is that we can do with this the same thing that we did when the standards said that we had to have a fence at Summit Ford, and Planning Commission said that trees make more sense than a fence, and we ignored it, and we essentially rewrote Code on the spot. I think that this gives us the flexibility to do that. Agree that there is going to be a lot of "unintended consequences" that come out of this. I think most of them can be handled probably by either a revised ordinance at the time or common sense, if that's available. As much as I have doubts about certain parts of this I don't see any reason not to support it.

JOANNE NADALIN MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE NO. 2015-01; AN ORDINANCE AMENDING AND UPDATING THE TOWN CORE DISTRICT DESIGN STANDARDS AND GUIDELINES.

TANYA SHATTUCK SECONDED.

MOTION PASSES BY A VOTE OF SIX TO ONE (6-1). ROBERT KIEBER OPPOSED.

7. OTHER ITEMS:

Matt Gennett informed the Planning Commission that there will be a joint worksession meeting on January 27th, with the Planning Commission and Town Council, please let us know who will be attending. Asked Planning Commission if there are any topics or items that they would like to discuss with Town Council please think about that.

Discussed Baker's Brewery possible opening date.

Tanya Shattuck stated that she heard that the Bass store is closing, and that the remaining stores will be closing due to their leases being increased, and that the goal is to put condo's in there instead and get rid of the factory stores completely in that section. Matt Gennett said the Town does know that Bass is going to close. Tanya Shattuck heard that Bass was willing to relocate and pay more in rent but apparently it was outrageous what the landlord wanted for rent. Don't know if it's true or not. Caught me off guard if they are going to put condos that section, hope we aren't going that avenue. Matt Gennett will look into it. JoAnne Nadalin asked Lina Lesmes if that was in the Gateway District? Lina Lesmes replied no, that is in the Town Core that does envision mixed retail and residential.

Stan Katz - considering all of the problems and publicity that we had with trying to get Lowe's approved, what is this thing about Home Depot that we are hearing about? Where is it, who's promoting it and why haven't we gotten any piece of that. Matt Gennett stated that nothing has been planned yet, a land transaction did take place, but no formal project has been submitted at this time. Robert

Kieber stated that rumblings that he has heard is that Home Depot is negotiating with the Wal-Mart Corporation for a Sam's Club, to see if something can be worked out. There is a developer out of Buena Vista who is involved. Matt Gennett stated that again, we haven't seen anything. Stan Katz asked if it would be as controversial as Lowe's turned out to be, do we know. Has anyone started a local movement against it? Lina Lesmes stated is may be contentious because it is a big box.

Robert Kieber asked if the Hampton Inn was on schedule. Melody Hillis stated that they were behind schedule.

8. ADJOURNMENT:

TOM MCDONALD MADE A MOTION TO ADJOURN AT 6:55 P.M.

STAN KATZ SECONDED.

MOTION PASSES BY A VOTE OF SEVEN TO ZERO (7-0).

Submitted for approval by:

Approved this of 3rd day of February, 2015.

Melody Hillis,
Planning Commission Secretary

Robert Kieber, Chairman

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 maintained in the office of the Planning Commission Secretary.

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Donna Braun, Administrative Services Director
FROM: Kathy Marshall, Revenue Administrator
DATE: January 22, 2015 for meeting of January 28, 2015
SUBJECT: November 2014 Sales Tax Review



SUMMARY:

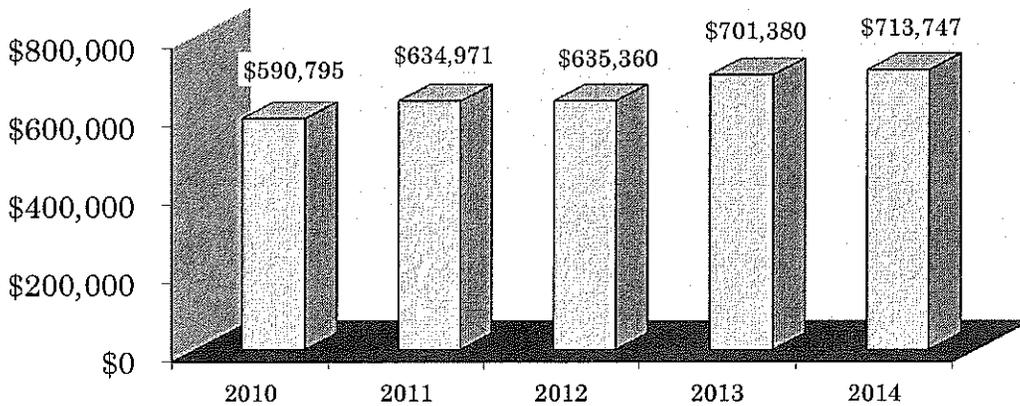
The following reports summarize November sales taxes collected in December. The State remitted the Town's 2% county taxes from November sales on January 9th, 2015.

MANAGER'S COMMENTS:

**SILVERTHORNE SALES TAX BY MONTH
FOR NOVEMBER 2014 SALES**

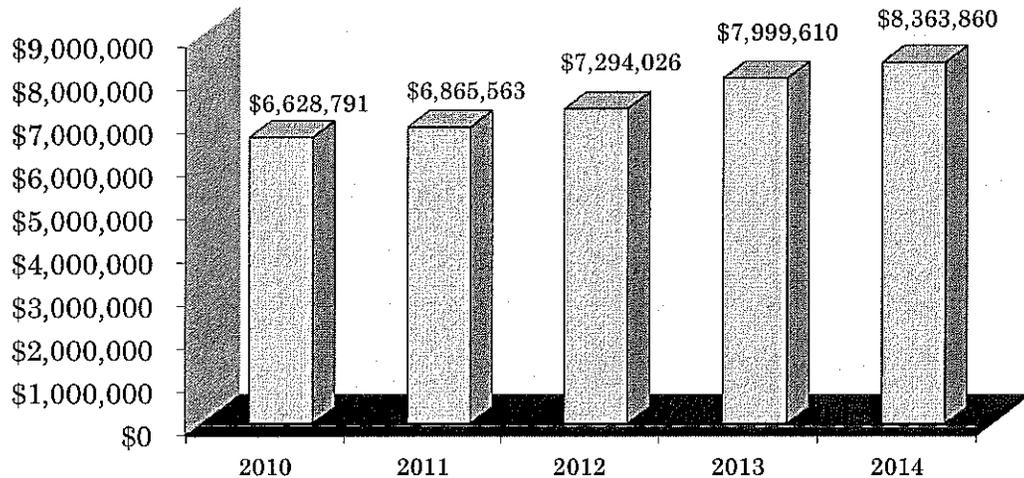
CHART A:	2010	09-10	2011	10-11	2012	11-12	2013	12-13	2014	13-14
MONTH	% CHANGE									
JAN	575,221	-5.47%	578,681	-0.27%	613,612	6.96%	705,712	15.01%	691,694	-1.99%
FEB	592,815	4.84%	596,415	0.61%	595,268	-0.19%	639,591	7.45%	682,500	6.71%
MARCH	757,579	5.66%	756,618	-0.13%	718,051	-5.10%	830,399	15.65%	879,003	5.85%
APRIL	500,287	0.49%	478,163	-4.42%	631,867	32.14%	591,855	-6.33%	606,570	2.49%
MAY	435,020	-0.94%	459,924	5.72%	479,708	4.30%	572,548	19.35%	619,820	8.26%
JUNE	634,016	7.91%	704,357	11.09%	695,673	-1.23%	822,224	18.19%	869,150	5.71%
JULY	721,759	-1.55%	744,166	3.10%	774,222	4.04%	866,950	11.98%	890,855	2.76%
AUG	672,039	-2.76%	709,335	5.55%	773,019	8.98%	827,646	7.07%	893,121	7.91%
SEPT	638,468	-4.43%	688,135	7.78%	782,144	13.66%	796,857	1.88%	836,747	5.01%
OCT	510,793	2.20%	519,798	1.76%	595,102	14.49%	644,447	8.29%	680,653	5.62%
NOV	590,795	1.34%	634,971	7.48%	635,360	0.06%	701,380	10.39%	713,747	1.76%
DEC	873,798	1.44%	885,610	1.35%	866,971	-2.10%	983,997	13.50%		
YTD TTL:	7,502,589		7,751,173		8,160,996		8,983,606		8,363,860	
%CHANGE FROM YEAR TO YEAR:		0.68%		3.31%		5.29%		10.08%		4.55%

EXHIBIT IA: SALES TAXES COLLECTED NOVEMBER



%CHANGE FROM PRIOR MONTH	2010	2011	2012	2013	2014
	1.34%	7.48%	0.06%	10.39%	1.76%

EXHIBIT IB: YTD SALES TAX COLLECTIONS AS OF NOVEMBER 2010-2014



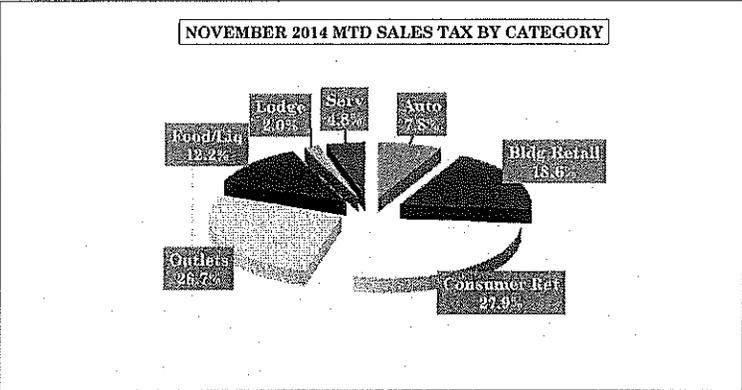
%CHANGE FROM PRIOR YEAR	2010	2011	2012	2013	2014
	0.58%	3.57%	6.24%	9.67%	4.55%

Exhibit IA & Exhibit IB show the Town of Silverthorne's collections by month and year-to-date (YTD) for the years 2010-2014, with the following results:
 November 2014's sales tax collections increased by \$12,367 or 1.76% over 2013.
 2014 YTD collections increased \$364,250 or 4.55% over 2013 collections.

SALES TAX BY CATEGORY

EXHIBIT IIA: NOVEMBER SALES TAX BY CATEGORY

Category	2013	2014	\$Inc/(Dec)	% Inc/(Dec)
Auto	\$53,824	\$55,488	\$1,664	3.09%
Bldg Retail	\$124,487	\$132,687	\$8,200	6.59%
Consumer Ret	\$164,068	\$199,368	\$35,300	21.52%
Outlets	\$211,164	\$190,557	(\$20,608)	-9.76%
Food/Liq	\$92,045	\$87,153	(\$4,892)	-5.31%
Lodge	\$15,527	\$14,016	(\$1,510)	-9.73%
Serv	\$40,264	\$34,477	(\$5,787)	-14.37%
TOTAL	\$701,380	\$713,747	\$12,367	1.76%



The Outlets category decreased \$20,608 or minus 9.76% when compared with November 2013; YTD is down \$158,611 or minus 6.41%; The results by Phase are as follows:

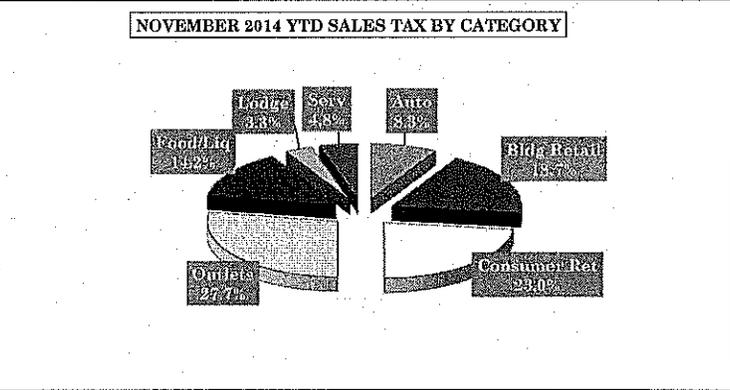
- ▶ Phase I is down \$8,412 or minus 7.17%. YTD is down \$43,592 or minus 5.17%.
- ▶ Phase II is down \$15,127 or minus 16.15%. YTD is down \$100,545 or minus 8.49%.
- ▶ Phase III is down \$69 or minus 0.16%. YTD is down \$14,474 or minus 3.23%.

The "Sales Tax by Category" Exhibits IIA & IIB compare the November sales taxes collected by Outlets, Building Retail, Consumer Retail, Food/Liquor, Lodging, Automotive, and Services with the following results:

- ▶ The Consumer Retail category contributes the highest November collections, or 27.9% and the 2nd highest YTD collections, 23.0%.
- ▶ The Outlets category, November's 2nd largest sales tax category, contributed 26.7%; YTD 27.7%.

EXHIBIT IIB: NOVEMBER YTD SALES TAX

Category	2013	2014	\$Inc/(Dec)	% Inc/(Dec)
Auto	\$625,846	\$690,660	\$64,814	10.36%
Bldg Retail	\$1,425,129	\$1,567,274	\$142,145	9.97%
Consumer Ret	\$1,650,491	\$1,921,325	\$270,834	16.41%
Outlets	\$2,475,723	\$2,317,112	(\$158,611)	-6.41%
Food/Liq	\$1,148,497	\$1,190,263	\$41,766	3.64%
Lodge	\$240,357	\$277,777	\$37,420	15.57%
Serv	\$433,566	\$399,450	(\$34,117)	-7.87%
TOTAL	\$7,999,610	\$8,368,860	\$364,250	4.56%



The tables to the left of the "Sales Tax by Category" exhibits show the industry comparisons by month and YTD.

- ▶ The Consumer Retail category had the highest November dollar increase, \$35,300 or 21.52%; YTD up \$270,834 or 16.41%.
- ▶ The Building Retail category had the 2nd highest November dollar increase, \$8,200 or 6.59%; YTD up \$142,145 or 9.97%.
- ▶ The Service category was down \$5,787 or minus 14.37%; YTD down \$34,117 or minus 7.87%.

Outlets at Silverthorne (OS):

- ▶ Phase I aka Red Village:
- ▶ Phase II aka Blue Village:
- ▶ Phase III aka Green Village:
Bass's last day of business will be January 27th, due to a corporate decision to close.

A Marketing and Tourism Manager, Anthony Benz, has been added to the OS Marketing Staff. He continues to grow the Outlet Shuttle Express and Group Business for the Center. Traffic numbers were up over 6% for 2014, and many stores are reporting increased sales. The Outlets were quite busy over the Martin Luther King holiday weekend. The OS leasing team has many on-site tours planned in February with potential to attract some name brand stores. The first quarter tenant meeting is scheduled for Monday, March 16th.

SALES TAX COLLECTIONS: ACTUAL VS BUDGET 2014 YTD

EXHIBIT III-ACTUAL VS. BUDGET TABLE

SALES MONTH	2014 BUDGET BY MONTH	2014 ACTUAL BY MONTH	2014 BUDGET YTD	2014 ACTUAL YTD	ACTUAL AS A % OF 2014 BUDGET YTD
JAN	\$696,395	\$691,694	\$696,395	\$691,694	99.32%
FEB	\$696,480	\$682,500	\$1,392,875	\$1,374,194	98.66%
MAR	\$904,464	\$879,003	\$2,297,339	\$2,253,197	98.08%
APR	\$620,874	\$606,570	\$2,918,213	\$2,859,767	98.00%
MAY	\$564,876	\$619,820	\$3,483,089	\$3,479,588	99.90%
JUNE	\$800,747	\$869,150	\$4,283,836	\$4,348,737	101.52%
JULY	\$884,146	\$890,855	\$5,167,982	\$5,239,592	101.89%
AUG	\$842,094	\$893,121	\$6,010,076	\$6,132,713	102.04%
SEPT	\$838,283	\$836,747	\$6,848,359	\$6,969,460	101.77%
OCT	\$657,014	\$680,653	\$7,505,373	\$7,650,118	101.93%
NOV	\$715,110	\$713,747	\$8,220,483	\$8,363,860	101.74%
DEC	\$1,028,353		\$9,248,837		0.00%

► The budget numbers are based on a 2.27% increase from 2013 sales tax revenues.

LODGING TAX COLLECTIONS: 2011-2014 COMPARISONS

EXHIBIT IV-LODGING TAX TABLE

LODGING TAXES	2011	2010/2011	2012	2011/2012	2013	2012/2013	2014	2013/2014	2013/2014
	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	\$ Change	% Change
Jan	14,458	12.1%	12,279	-15.1%	14,022	14.2%	17,109	3,088	22.0%
Feb	13,838	11.7%	13,674	-1.2%	14,652	7.2%	17,751	3,100	21.2%
Mar	19,644	2.2%	21,942	11.7%	23,772	8.3%	28,315	4,543	19.1%
Apr	6,775	14.2%	5,119	-24.4%	6,758	32.0%	7,504	745	11.0%
May	4,650	-0.9%	5,217	12.2%	4,915	-5.8%	5,737	822	16.7%
June	8,627	18.8%	9,190	6.5%	9,524	3.6%	9,792	269	2.8%
July	11,941	5.0%	11,717	-1.9%	12,655	8.0%	14,841	2,186	17.3%
Aug	11,780	15.1%	10,979	-6.8%	12,251	11.6%	13,611	1,361	11.1%
Sept	9,493	13.2%	9,674	1.9%	10,613	9.7%	11,651	1,037	9.8%
Oct	5,809	12.2%	5,855	0.8%	6,134	4.8%	6,928	794	13.0%
Nov	6,405	-13.4%	5,950	-7.1%	6,841	15.0%	6,918	77	1.1%
Dec	15,384	-1.7%	15,260	-0.8%	19,233	26.4%			0.0%
TOTAL	128,803	6.8%	126,556	-1.5%	141,419	11.5%	140,158	18,022	14.8%

Please note: Lodging taxes are split as follows:
 ► 85% Trails, Parks & Open Space
 ► 15% Marketing

EXCISE TAX COLLECTIONS: 2011-2014 COMPARISONS

EXHIBIT V-EXCISE TAX TABLE

EXCISE TAXES	2011	2010/2011	2012	2011/2012	2013	2012/2013	2014	2013/2014	2013/2014	2014	2013	2014
	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	\$ Change	% Change	Total Sq Footage	New Res Permits	New Res Permits
Jan	0		7,652		0	-100.0%	15,944	15,944		7,972	0	3
Feb	0	-100.0%	13,498		10,824	-19.8%	6,514	(4,310)	-39.8%	3,257	2	1
Mar	0		0		209,452		0	(209,452)	-100.0%	0	64	0
Apr	15,080		17,846	18.3%	20,856	16.9%	0	(20,856)	-100.0%	0	4	0
May	20,636		43,148	109.1%	42,286	-2.0%	38,256	(4,030)	-9.5%	19,128	6	5
June	36,198	24.4%	3,566	-90.1%	18,840	428.3%	8,880	(9,960)	-52.9%	4,440	2	1
July	7,916	-61.1%	7,580	-4.2%	32,024	322.5%	39,868	7,844	24.5%	19,934	4	6
Aug	0	-100.0%	18,628		16,056	-13.8%	17,974	1,918	11.9%	8,987	2	2
Sept	0	-100.0%	0		22,836		37,890	15,054	65.9%	18,945	3	4
Oct	13,128		6,890	-47.5%	12,412	80.1%	30,636	18,224	146.8%	15,318	3	5
Nov	6,334		0	-100.0%	10,896		6,668	(4,228)	-38.8%	3,334	2	1
Dec	6,666		10,272	54.1%	12,854	25.1%	28,702	15,848	123.3%	14,351	2	5
TOTAL	105,958	9.3%	129,080	21.8%	409,336	217.1%	231,332	-178,004	-43.5%	115,666	94	33