

**SILVERTHORNE TOWN COUNCIL**  
**Meeting Minutes**  
**Wednesday, May 13, 2015**

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

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members, Derrick Fowler, Peggy Long, Russ Camp, and Stuart Richardson were present. Jon Bird and Ann-Marie Sandquist were absent. Staff Town Manager Ryan Hyland, Sergeant Bryan Siebel, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Senior Planner Matt Gennett, Utilities Manager Zach Margolis, Town Attorney Matt Mire and Town Clerk Michele Miller.

The amended agenda was approved by Council.

The Pledge of Allegiance was recited by those present.

**STAFF COMMENTS:**

Cook updated Council on the many different upcoming events for the Town and Silverthorne Recreation Center.

Long asked if the adult summer passes are for Silverthorne residents only.

Cook stated no Silverthorne residency is required.

**COUNCIL COMMENTS:**

Butler asked if there was a bad weather backup plan or date for Town Cleanup day.

Cook stated no change of date and time has been discussed.

**CITIZEN COMMENTS:**

Stu Caren, 378 Lagoon Lane, reported on the Summit Stage meeting of April 29<sup>th</sup>. The Summit Stage has moved their bus route onto Lagoon Lane. Suggestions were presented to the Summit Stage Board, by the Lagoon Lane residents, to change the Summit Stage route from their neighborhood. He was disappointed that Councilman Richardson and the Public Works staff were not in attendance. The Summit Stage says that they cannot move the route without the Town's approval and the Town says they have no say over Summit Stage routes. He asked the Town to help the Lagoon Lane residents move the bus route out of their neighborhood.

Richardson reported on Summit Stage's position on the Lagoon Lane bus route. They have tried many different ideas and none work. Lagoon is a public road and can be used for a bus route.

**CONSENT CALENDAR:**

**RICHARDSON MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM A. APRIL 22, 2015, PROCLAMATION MAY 2015 NATIONAL WATER SAFETY MONTH. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (BIRD ABSENT AND SANDQUIST ABSENT)**

**LIQUOR BOARD:**

**A. Target Corporation T-1525 - Renewal of 3.2% Retail Beer Liquor License (Off Premise)  
RICHARDSON MOVED TO APPROVE TARGET STORES T-1525 - RENEWAL OF 3.2% BEER  
OFF PREMISE LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY  
BY COUNCIL. (BIRD ABSENT SANDQUIST)**

**PUBLIC HEARINGS:**

**A. Ordinance 2015-04; a 2015 Appropriation Ordinance, 2<sup>nd</sup> Reading**

Mayor Butler opened the Public hearing.

Ryan Hyland, Town Manager, presented Ordinance 2015-04 to Council for consideration. The Finance Director's staff report is attached to the Ordinance. He recommended approval.

No public comment, public hearing closed.

Long complimented Director Braun on her thoroughness with the Town's finances.

**CAMP MOVED TO APPROVE ORDINANCE 2015-04 ON SECOND READING, AN ORDINANCE  
AMENDING THE 2015 BUDGET AS PRESENTED. MOTION SECONDED. MOTION PASSED  
BY COUNCIL PRESENT. (BIRD & SANDQUIST ABSENT)**

**B. Final Plat, SIA, and Site Plan – Angler Mountain Ranch Lakeside Townhomes,  
Filing No. 7**

Mayor Butler opened the Public Hearing.

Matt Gennett, Planning Manager, presented the applicant Tim Crane, Compass Homes Development, request for a Final Plat and Site Plan approval for six (6) duplex buildings and a new private road to be named Dragonfly Lane in Angler Mountain Ranch (AMR). He reviewed his staff report and recommend approval.

Camp asked for clarification on the number of townhomes.

Gennett reviewed his staff memo.

Tim Crane, Applicant, Compass Homes Development, presented the project to Council. He requested approval.

Richardson asked when the Community Center will be ready.

Crane stated the Fire Department has signed off on the project and it is staked and ready to go. It will probably be a four month build.

Camp asked about the approved 127 duplex developments, with these twelve, how many does that currently make.

Crane stated 90 units have been built to date.

Long asked about new materials being used on the duplexes.

Crane reviewed the colors and materials being used.

No public comment, public hearing closed.

Council comments.

Long appreciates the clean application, with no conditions of approval.

Richardson commented on the clean construction site.

Camp toured the development over the weekend and asked about some black siding.

Crane stated that area will be painted, it's just regular HOA maintenance.

Fowler asked if there has been an increase in road traffic from Hamilton Creek residents.

Camp stated Hamilton Creek neighbors are using the road but he doesn't know how much.

Butler appreciates the high level of quality of the project and is glad the real estate market rebounding. He appreciates Crane sticking with the project during the tough economic times.

Camp asked if the Dragon Fly Drive, with its 35 foot width will it accommodated fire trucks.

Crane stated yes, the Fire Department is a referral agency and has signed off on the plats.

**RICHARDSON MOVED TO APPROVE THE FINAL PLAT AND SITE PLAN FOR ANGLER MOUNTAIN RANCH LAKESIDE TOWNHOMES, FILING NO. 7. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD & SANDQUIST ABSENT)**

**C. Minor Subdivision and Final Site Plan – Rainbow Run, 820 Blue River Parkway, Lot II, “Silverthorn” Subdivision**

Mayor Butler opened the Public Hearing.

Matt Gennett, Planning Manager presented the project for the applicant Terry Novak. The applicant is proposing a phased new development, mixed-use consisting of eight (8) residential units, six (6) of which will be designed as condominium units in one building and the other two as halves of a duplex structure. He reviewed his staff report and recommended approval with Planning Commissions two conditions.

Camp asked about the timeline for the buildings out by the highway.

Gennett stated there is no hard and fast timing. There is an SIA attached to the staff report and that includes the details of the public improvements but does not address the optional phase.

Terry Novak, Applicant, Rainbow Run, stated that they would like to submit the final building as soon as possible, if it is residential. They aren't interested in commercial development at that location. He asked for Council's thoughts on residential vs commercial for the final building. This has been a difficult site to develop, narrow. They want the focus to be the river. He reviewed the project. He addressed concerns regarding the dumpster location. Its location depends on whether this is going to be mixed used or all residential. He asked Council how they felt about the sharing of dumpsters. Retreat on the Blue has one, five feet from the property line. He could discuss it with them. He requested approval.

Camp supports sharing the dumpster with Retreat on the Blue, he encouraged those discussions. If lots B and C are built and the duplex on lot A is not, it could be unsightly.

Butler stated as someone who has been involved with the subcommittee for the design districts, he feels the committee would be open to all residential in this area. These lots are narrow and hard to develop.

Novak stated they would like to go all residential.

Fowler asked if the Town Code prohibits sharing dumpsters.

Gennett said no.

**CAMP MOVED TO RECOMMEND APPROVAL OF THE RAINBOW RUN MINOR SUBDIVISION AND FINAL SITE PLAN WITH THE FOLLOWING STAFF RECOMMENDED CONDITION AND ADDING AN ADDITIONAL CONDITION NUMBER 2:**

**1. A CASH DEPOSIT BASED ON A QUALIFIED ESTIMATE OF THE COST TO PAVE THE SEGMENT OF THE MULTI-USE TRAIL CROSSING THE APPLICANT'S PROPERTY WILL BE PROVIDED TO THE TOWN UPON FINAL SITE PLAN APPROVAL BY TOWN COUNCIL.**

**2. MORE SUITABLE AND LESS VISIBLE LOCATION FOR THE PROPOSED DUMPSTER ENCLOSURE BE FOUND AND DEPICTED ON A REVISED SITE PLAN SUBMITTED TO AND ACCESS BY STAFF PRIOR TO BUILDING PERMIT APPLICATION. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**ACTION ITEMS:**

**A. Declaration of Vacancy on Town Council**

Ryan Hyland, Town Manager, reported on the passing of Town Council Member Jonathan Bird. His passing leaves a vacant on Council. Charter Section 3.6b requires the Town Council formally declare a vacancy before an appointment is made to fill a vacant seat. The Charter also instructs that Town Council must fill the vacancy by appointment not sooner than 10 days and no later than 30 days after vacancy is declared. This appointee will fill the vacant seat until the next municipal election April 2016.

**RICHARDSON MOVED THAT THE TOWN COUNCIL DECLARE A VACANCY IN THE OFFICE OF TOWN COUNCILMEMBER, EFFECTIVE UPON ADJOURNMENT OF THE MAY 13, 2015, TOWN COUNCIL MEETING, AND THAT A CALL FOR CANDIDATES BE PUBLISHED, WITH A DEADLINE OF NOON ON JUNE 4TH, WITH CANDIDATE INTERVIEWS TO BE HELD AT A SPECIAL TOWN CONCIL MEETING ON JUNE 9TH AT 6 P.M., AND FORMAL ACTION TO APPOINT A MEMBER TO THE VACANT SEAT BE SCHEDULED FOR THE JUNE 10, 2015, 6 P.M., TOWN COUNCIL MEETING. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**B. Resolution 2015-08, a Resolution Awarding Lake Dillon Theater at Silverthorne Design Build Project to Shaw Construction, with Semple Brown the Project Architect.**

Bill Linfield, Public Works Director presented Resolution 2015-08 to Council for consideration. He reviewed the staff memo and the bid and interview process. He introduced the Lake Dillon Theater representatives. He reviewed the new motion for approval of Resolution 2015-08.

Richardson asked about the approval process.

Linfield reviewed the Town's approval process.

Camp stated he is happy to have the developer on board.

Fowler thanked staff for all of the hard work they have put into this project already.

Butler feels the design team did a stellar job on their proposal. He commended them on their presentation. It was a very clear choice.

**CAMP MOVE TO APPROVE RESOLUTION 2015-8, A RESOLUTION AUTHORIZING THE TOWN TO CONTRACT WITH SHAW CONSTRUCTION FOR DESIGN AND CONSTRUCTION OF THE LAKE DILLON THEATER AT SILVERTHORNE, PENDING TOWN ATTORNEY REVIEW OF THE CONTRACT AND PENDING APPROVAL OF THE PRE-DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF SILVERTHORNE AND THE LAKE DILLON THEATRE COMPANY. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**C. Site Plan Modification - Way to Grow, 265 Brian Avenue, Lot 1 and Lot 8, Block 1, Enterprise Park Subdivision**

Matt Gennett, Planning Manager, presented the project. The applicant is requesting approval of a Site Plan Modification which includes location of a 28' x 7' compressed gas storage tank onsite, parking lot improvements, and an existing modification to the entry of the commercial space. He reviewed his staff report and recommended approval.

Jim Blaha, 265 Brian Avenue requested approval.

Long asked about General Air, are they relocating their business to the Way to Grow store.

Blaha stated only the CO2 tank, the rest of the operation will remain on Brian Avenue.

Long asked if the business would have large banners. She asked if the tank at General Air would be moved to this location.

Blaha stated they will have a tank on their property.

**CAMP MOVED TO APPROVE THE SITE PLAN MODIFICATION FOR WAY TO GROW WITH THE PLANNING COMMISSION RECOMMENDED CONDITION:**

- 1. THE COMMENTS OF THE TOWN ENGINEER (EXHIBIT A) REGARDING THE DRIVEWAY WIDTHS MUST BE ADHERED TO AND VERIFIED BY STAFF PRIOR TO APPLICATION FOR A BUILDING PERMIT TO INSTALL THE PROPOSED CO2 TANK.**

**MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**D. 2015 Business Grants**

Town Manager Ryan Hyland presented the results of the 2015 business Grants subcommittee recommendations.

Fowler asked if there are Federal grants to assist with this program.

Hyland stated he doesn't feel there are for this program but may be for the Theater project.

**RICHARDSON MOVE TO AWARD THE 2015 TOWN OF SILVERTHORNE BUSINESS GRANTS, AS RECOMMENDED BY THE TOWN'S ECONOMIC DEVELOPMENT ADVISORY EXECUTIVE COMMITTEE, TO ANGRY JAMES BREWERY, COLE HOLDINGS COMMERCIAL LAUNDRY, THE ELKS LODGE, DUNKIN DONUTS, NRC AT THE SILVERTHORNE TOWN CENTER, AND RED BUFFALO COFFEE AND TEA, WITH TOTAL GRANT FUNDING IN THE AMOUNT OF \$40,000. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**DISCUSSION ITEMS:**

None.

**LONG MOVED TO GO INTO EXECUTIVE SESSION AT 7:10 P.M.PURSUANT TO CHARTER SECTION 4.13(C) AND CRS 24-6-402(4)(b)(e) TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS; AND TO DETERMINE POSITION, DEVELOP A STRATEGY AND INSTRUCT NEGOTIATORS, REGARDING SOUTH MARYLAND CREEK RANCH AND PURSUANT TO CHARTER SECTION 4.13(C) AND CRS 24-6-402(4)(F) FOR A DISCUSSION OF PERSONNEL MATTERS. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**SHE FURTHER MOVED TO RECONVENE THE COUNCIL MEETING AFTER THE CONCLUSION OF THE EXECUTIVE SESSION, FOR THE PURPOSE OF TAKING ANY ACTIONS DEEMED NECESSARY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (BIRD AND SANDQUIST ABSENT)**

**EXECUTIVE SESSION:**

**Executive Session pursuant to Charter section 4.13(c) and CRS 24-6-402(4)(b)(e) to receive legal advice on specific legal questions; and to determine position, develop a strategy and instruct negotiators, regarding South Maryland Creek Ranch and pursuant to Charter section 4.13(c) and CRS 24-6-402(4)(f) for a discussion of personnel matters.**

**CAMP MOVED TO CONCLUDE THE EXECUTIVE SESSION AT 9:02 P.M. AND RETURN TO THE OPEN MEETING. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (BIRD AND SANDQUIST ABSENT)**

**INFORMATIONAL:**

- A. Planning Commission Meeting Minutes, May 5, 2015
- B. EDAC Meeting Minutes, May 5, 2015.
- C. SPORT Committee Meeting Minutes, April 16, 2015

**LONG MOVED TO DIRECT THE TOWN ATTORNEY TO AMEND THE TOWN MANAGERS CONTRACT AS DISCUSSED IN THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (BIRD AND SANDQUIST ABSENT)**

**LONG MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 9:03 P.M.**

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**BRUCE BUTLER, MAYOR**

**ATTEST**

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**MICHELE MILLER, TOWN CLERK**

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.