

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, December 9, 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, Stuart Richardson, JoAnne Nadalin and Ann-Marie Sandquist. Staff members present were, Town Manager Ryan Hyland, Chief Mark Hanschmidt, Administrative Services Director Donna Braun, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Zach Margolis, Utilities Manager, Assistant Town Manager Mark Leidal, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Hanschmidt reported on the upcoming Adopt an Angel program and all its successes. Council thanked the Police Department for all their work on the Adopt and Angel program. Cook reported that first-time online registration for the Recreation Center, it went really well. The in person registration starts tomorrow.

COUNCIL COMMENTS:

Long thanked the Community Development Department and IT guys for all the great work they have been doing.

CITIZEN COMMENTS:

Stan Katz, 1876 Peregrine Lane, commented on the December 8th, Special Meeting and the confusing outcome of the vote removing him from Planning Commission. He asked Mayor Butler to use his veto power and reverse the previous night's vote. He heard the Council's points loud and clear last night and he promised things would be very different now.

CONSENT CALENDAR:

NADALIN MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE TOWN COUNCIL MINUTES FROM NOVEMBER 10 & 11, 2015, RESOLUTION 2015-24; A RESOLUTION RENEWING THE TOW CONTRACT WITH WESTERN TOWING, RESOLUTION 2015-21; A RESOLUTION OF THE SILVERTHORNE TOWN COUNCIL APPROVING THE 2015 ADDENDUM TO THE TOWN OF SILVERTHORNE URBAN RENEWAL PLAN TO ADDRESS HOUSE BILL 15-1348, RESOLUTION 2015-22; A RESOLUTION AWARDED INVESTMENT ADVISOR SERVICES TO CHANDLER ASSET MANAGEMENT AND RESOLUTION 2015-23; A RESOLUTION AUTHORIZING THE TOWN CLERK TO ENTER INTO AN IGA WITH THE SUMMIT COUNTY CLERK TO APPOINT ELECTION JUDGES. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

LIQUOR BOARD:

- A. Eleven Store 39033A – Renewal of 3.2% Off Premise Liquor license**
- B. The Raven Golf Club – Renewal of H& R Liquor license**

CAMP MOVED TO APPROVE 7-ELEVEN STORE #39033A – RENEWAL OF 3.2% BEER OFF PREMISE LIQUOR LICENSE AND ESCALANTE THREE PEAK LP DBA THE RAVEN

GOLF CLUB AT THREE PEAKS - RENEWAL OF HOTEL & RESTAURANT LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARING

A. Lake Dillon Foundation dba Lake Dillon Theatre Company – New Arts Liquor License

Public Hearing opened.

Mire informed Council that the Preliminary Findings were summarized in the Town Clerk's memo to Council. Notice of the hearing has been properly posted, there has been no previous application denied to the applicant, needs and desires of the neighborhood have been established with a survey, the Police Department has conducted background checks and has no objection to the issuance of the liquor license.

No public comment, public hearing closed.

SANDQUIST MOVED TO APPROVE THE APPLICATION FOR LAKE DILLON FOUNDATION DBA LAKE DILLON THEATRE COMPANY - NEW ARTS LIQUOR LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

MARIJUANA BOARD:

A. TZ Financial, LLC dba High Country Healing – Renewal of Retail Marijuana License

B. Financial, LLC dba High Country Healing – Renewal of Medical Marijuana License

RICHARDSON MOVED TO RENEW TZ FINANCIAL, LLC DBA HIGH COUNTRY HEALING –APPLICATION FOR RETAIL AND MEDICAL MARIJUANA STORE LICENSES. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

PUBLIC HEARINGS:

A. Ordinance 2015-15; Approving the 2016 Budget – 2nd Reading

Ryan Hyland, Town Manager, reported that CGFOA has notified the Town that we are again receiving the Certificate for Accounting Excellence Award, for our financial reports.

Council congratulated Braun on the award.

Donna Braun, Finance Director, presented Ordinance 2015-15 recognizing revenues, appropriating expenditures, approving transfers and adopting the Town Budget for the calendar year 2016. She reviewed her staff report and recommended approval.

Public hearing opened, no comment, public hearing closed.

Council thanked Braun for all her hard work over the years.

CAMP MOVED TO APPROVE ORDINANCE NO 2015-15 ON SECOND READING; AN ORDINANCE RECOGNIZING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF SILVERTHORNE, JOINT SEWER AUTHORITY AND SOUTH MARYLAND CREEK RANCH GENERAL IMPROVEMENT DISTRICT BUDGET FOR THE YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2016 AND ENDING ON THE LAST DAY OF DECEMBER, 2016. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Ordinance 2015-16; a 2016 Rate/Fee Ordinance – 2nd Reading

Public hearing opened.

Donna Braun, Finance Director, presented Ordinance 2015-16 for Council's consideration. She reviewed her staff report and recommended approval.

Public hearing closed.

SANDQUIST MOVED TO ADOPT ORDINANCE NO. 2015-16 ON SECOND READING; AN ORDINANCE ESTABLISHING FEES, RATES AND CHARGES. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

C. Ordinance 2015-17 – Election Updates – Emergency

Public hearing opened.

Matt Mire, Town Attorney, presented Ordinance 2015-17 to Council for consideration. During the past legislative session House Bill 1130 was passed, resulting in some significant timeline changes to the Municipal Election Code. A cleanup Ordinance is necessary to revise the Silverthorne Town Code to coincide with the Municipal Election Code timelines.

Public hearing closed.

CAMP MOVED TO ADOPT ORDINANCE 2015-17, AN EMERGENCY ORDINANCE REPEALING AND REENACTING SECTIONS 1-8-2 AND 1-8-3 OF THE SILVERTHORNE TOWN CODE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

D. Horgmo Conditional Use Permit - CANCELLED

Council took a five minute recess.

ACTION ITEMS:

A. Preliminary Site Plan – Silverthorne Performing Arts Center

Lina Lesmes, Senior Planner, presented the Silverthorne Performing Arts Center project. The applicant was represented by Rob Rydel, Oz Architecture, Ryan Hyland, Silverthorne Town Manager and Bill Linfield Public Works Director. The Town of Silverthorne is requesting Preliminary Site Plan approval to construct a 16,000 square-foot Performance Arts Center on the subject property.

Council and staff had an extensive discussion on parking at the Performing Arts Center.

Ryan Hyland, property owner representative, reviewed the history of the downtown core and the Lake Dillon Theater partnership. The applicant is good with the conditions of approval and requested approval.

Rob Rydel, Oz Architecture, reviewed the Preliminary Plan submitted for the new Silverthorne Performing Arts Center. This will be a unique regional destination for performance space in a large intimate black box theatre environment. He reviewed the multiple uses, design of the building, landscaping, and public art opportunities. He reviewed the two phases of construction and shared parking.

Council discussed landscaping, parking, expansion plans, and accessibility. They want to take the time to do the project right.

Council thanked staff for all of their efforts, and expressed their excitement about the theater coming to Silverthorne and moving forward with project.

CAMP MOVED TO APPROVE THE PRELIMINARY SITE PLAN FOR THE SILVERTHORNE PERFORMING ARTS CENTER, WITH THE PLANNING COMMISSION RECOMMENDED CONDITIONS.

- 1. THAT THE APPLICANT PROCESS A MAJOR PUD AMENDMENT OF THE TOWN CENTER PUD WITH THE SUBMITTAL OF A FINAL SITE PLAN.**
- 2. THAT A MINOR SUBDIVISION PLAT BE SUBMITTED WITH THE FINAL SITE PLAN TO**

RELOCATE THE EXISTING UTILITY AND DRAINAGE EASEMENT THAT RUNS BENEATH THE PROPOSED BUILDING, AND CREATE A WATER LINE EASEMENT THAT COINCIDES WITH THE NEW LOCATION OF THE WATER LINE.

- 3. THAT AN ADDITIONAL VAN-ACCESSIBLE HANDICAP PARKING SPACE BE PROVIDED ON TRACT A, SILVERTHORNE TOWN CENTER SUBDIVISION, AS PART OF THE PARKING PROPOSED FOR THE SILVERTHORNE PERFORMING ARTS CENTER WITH THE SUBMITTAL OF THE FINAL SITE PLAN.**
- 4. THAT THE LANDSCAPE PLAN BE REVISED TO PROVIDE A BALANCE OF 50% DECIDUOUS TREES, AND 50% CONIFEROUS TREES WITH THE SUBMITTAL OF THE FINAL SITE PLAN.**
- 5. THAT THE LANDSCAPE PLAN BE REVISED TO ENSURE THAT TREES ARE NOT PROPOSED WITHIN UTILITY EASEMENTS, AS REQUIRED BY STANDARD 3.5.4 OF THE TOWN CORE DISTRICT DESIGN STANDARDS AND GUIDELINES.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

- B. RESOLUTION NO. 2015-25: A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A Professional Services Agreement with All Flooring Design, Inc. for Pavilion Floor Replacement**

Joanne Cook, Recreation and Culture Director, presented Resolution 2015-25 to Council for consideration. She reviewed the staff report, bid process and she requested approval.

Council and staff discussed the differences between luxury vinyl tile and wood flooring.

NADALIN MOVED TO APPROVE RESOLUTION NO. 2015-25: A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH ALL FLOORING DESIGN, INC. FOR PAVILION FLOOR REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$150,000.00.

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

Butler asked about traffic tie up during the last snow storm. What can be done to improve traffic flow?.

Richardson asked for a discussion about the Post Office service levels and parking issues.

INFORMATIONAL:

- A. Planning Commission Meeting Minutes, December 1, 2015**
- B. September 2015 Sales Tax Review**

LONG MOVED TO GO INTO EXECUTIVE SESSION AT 8:45 P.M. PURSUANT TO CHARTER SECTION 4.13(c) AND C.R.S. SECTION 24-6-402(4)(b) – TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS REGARDING THE PROCEDURES SET FORTH IN THE TOWN CHARTER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

EXECUTIVE SESSION:

EXECUTIVE SESSION pursuant to Charter Section 4.13(c) and C.R.S. Section 24-6-402(4)(b) – to receive legal advice on specific legal questions regarding the procedures set forth in the Town Charter.

NADALIN MOVED TO GO BACK INTO THE TOWN COUNCIL MEETING AT 9:12 P.M. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

Council moved to add an additional Action Item to the Agenda.

Action Item

Possible Veto of the December 8, 2015 action to remove Stan Katz from the Planning Commission

Butler knows everyone spoke from their heart at last night's Special Meeting and he respects everyone's point of view. He personally does not believe the things Mr. Katz has done rise to the level for dismissal. It is very serious to remove a volunteer from a committee. He is concerned about how the Planning Commission will continue to function and how much of a distraction this is. If the vote were unanimous he would not feel this way. We haven't asked the Planning Commission about how they feel about Mr. Katz. He has talked to most of them and they feel he raises issues that require more thought on projects.

The Mayor did not veto the December 8, 2015 vote.

Council discussed the previous night's vote to remove Stan Katz from the Planning Commission.

INFORMATIONAL:

None

SANDQUIST MOVED TO ADJOURN the COUNCIL MEETING. MOTION SECONDED. MEETING ADJOURNED AT 9:15 P.M.

BRUCE BUTLER, MAYOR

ATTEST

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.