

SILVERTHORNE TOWN COUNCIL
Special Meeting Minutes
Wednesday, December 8 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, Assistant Town Manager Mark Leidal, and Town Attorney Matt Mire.

The Pledge of Allegiance was recited by those present.

CITIZEN COMMENTS:

None.

PUBLIC HEARINGS:

A. Consideration of removal of Planning Commissioner Stan Katz from the Silverthorne Planning Commission pursuant to Section 4-1-34(a) of the Town Code

Public hearing opened.

Mayor Butler read the Reasons for Consideration of Stan Katz's removal from the Planning Commission.

1. Inefficiency in performing the duties of your office (Town Code § 4-1-34(a)), based on your failure to follow adopted policies of the Town and threatening legal action against the Town.
2. Violation of Ethics Code (Town Code § 1-4-4), based on your failure to uphold the duty that appointed officers of the Town shall at all times be sensitive to and exercise prudent restraint in avoiding even the appearance of impropriety.

Mayor Butler reviewed the Hearing Agenda order.

Nadalin has taken the time to review past Planning Commission minutes. She outlined specific instances of asking for more information from applicants than is required by Town Code and less than respectful interaction with staff and public.

Sandquist viewed her concerns about Katz's pre-judging applications without hearing testimony from applicants. Also, having written statements prepared and read at meetings even after several discussions with Mr. Katz on not prejudging applications.

Five minute recess

Attorney Bill Falcone, representing Mr. Katz, reviewed the basis for removal of a commissioner in the Colorado State Statute and Silverthorne Town Code. He reviewed the history of Mr. Katz's serving on the Planning Commission. He requested that Mr. Katz not be removed from the Planning Commission and be allowed to fulfill his term. He requested a motion be made to table this item.

Stan Katz feels his attorney did a good job disputing the particulars. He has not violated any Statutes. He read a prepared statement. He feels this is personal, not a policy dispute. He thanked Council for not publishing the meeting notice in the Summit Daily News. He suggested tabling this item indefinitely; this would be the high road for both parties. He requested that Council skip Hearing Agenda item #4 and turn the meeting into a work session.

Opportunity for Statement by Commissioner

None.

Council Questions for Commissioner

None.

Opportunity for Public Comment

None.

Council Discussion

Council, Falcone and Katz discussed issues for consideration of removal.

Butler values all the comments made tonight by Council and Mr. Katz. Making a motion is a very serious step to take; we must weigh the comments made.

Council Action

RICHARDSON MOVED TO ADJOURN THE TOWN COUNCIL MEETING AND CLOSE THE MATTER.

NO MOTION DIES FOR LACK OF A SECOND.

SANDQUIST MOVED THAT SUFFICIENT REASON EXISTS TO SUPPORT THE REMOVAL OF COMMISSIONER STAN KATZ FROM HIS APPOINTED POSITION ON THE PLANNING COMMISSION FOR THE TOWN OF SILVERTHORNE.

- 1. INEFFICIENCY IN PERFORMING THE DUTIES OF YOUR OFFICE (TOWN CODE § 4-1-34(A))**
- 2. VIOLATION OF ETHICS CODE (TOWN CODE § 1-4-4)**

MOTION SECONDED.

Long requested a five minute recess, Council agreed.

Meeting reconvened at 5:55 p.m.
Public hearing closed.

Council, Falcone, & Katz further discussed Council's consideration for removal of Mr. Katz from the Planning Commission.

Butler reminded Council that there was a motion on the floor.

COUNCIL VOTED ON MOTION. 4-2 (LONG AND RICHARDSON NAY), (CAMP, NADALIN, FOWLER, AND SANDQUIST AYE)

Attorney Mire informed Council that the motion failed because it takes two thirds of the entire Council to vote in favor; it would take five votes.

MOTION FAILED (see note below)

(It was later determined that the Silverthorne Town Code does not count the Mayor in the two thirds majority calculations.)

MOTION PASSED.

INFORMATIONAL:

RICHARDSON MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 6:26 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.