

**SILVERTHORNE TOWN COUNCIL MEETING
AGENDA FOR APRIL 27, 2016- 6:00 PM**



- I. CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA**
- II. PLEDGE OF ALLEGIANCE**
- III. STAFF COMMENTS..... 1**
- IV. COUNCIL COMMENTS**
- V. CITIZENS' COMMENTS***
- VI. CONSENT CALENDAR**
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 - C. Replat – A Replat of the Common Element, Part of Lot 1, Eighth Amendment to the Condominium Map – The Ponds at Blue River 15
 - D. Resolution 2016-12; a Resolution Accepting and Easement for and Existing Boulder Retaining Wall on Kestrel Lane 19
 - E. Resolution 2016-13; a Resolution Establishing the Silverthorne Arts and Culture Advisory Board and Adopting Goals and Procedures Thereof 29
- VII. NEWLY ELECTED OFFICIALS**
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- X. DISCUSSION ITEMS**
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* 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.

**SPECIAL MEETING:
TOPIC:**

**APRIL 26, 2016 – 6:00 P.M.
TOWN ATTORNEY REVIEW**

**SILVERTHORNE TOWN COUNCIL WORK SESSION
PUBLIC ISSUES SCHEDULE
2016**

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.

MAY 10	COUNCIL COMMITTEE ASSIGNMENTS/ FINANCE REPORT
MAY 24	JOINT MEETING WITH SCHOOL BOARD / SUMMIT COUNTY WILDFIRE COUNCIL
JUNE 7	OPEN
JUNE 21	OPEN

**FUTURE WORK SESSION DISCUSSION ITEMS:
HISTORIC SOCIETY**

April 2016

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

May 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 EDAC Planning Commission	4	5	6	7
8	9	10 Work Session	11 Council Meeting	12	13 Payroll	14
15 Dance Recital, 6:00 PM @ Pavilion	16	17 Planning Commission	18 Court	19 SPORT Meeting	20 Payroll	21 Silverthorne Town Clean Up Day
22	23	24 Work Session	25 Council Meeting	26	27 Payroll	28 Pirate "Water Safety" Day at the Pool
29	30	31 Planning Commission				

TOS Holiday

June 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Summer Free Day Arctic Placer Park Neighborhood Meeting	2	3	4	
5	6	7 Planning Commission	8 Council Meeting	9	10 Payroll	11
12	13	14 Work Session	15 Court	16 SPORT Meeting	17	18
19	20	21 Planning Commission	22 Council Meeting	23	24 Payroll	25
26	27	28 Work Session	29	30		

July 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
	Independence Day Holiday/ Town Hall & Rec Center Closed	EDAC Planning Commission			Payroll	
10	11	12	13	14	15	16
		Work Session	Council Meeting			
17	18	19	20	21	22	23
24	25	26	27	28	29	30
		Planning Commission	Court	SPORT Meeting	Payroll	
		Work Session	Council Meeting			
31						

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Susan Schulman, Executive Assistant to the Town Manager *SS*
DATE: April 21, 2016 for Meeting of April 27, 2016
SUBJECT: Staff Comments

Attached please find the Staff Comments and Updates for the April 27, 2016 Town Council Agenda and Meeting. This includes:

1. Public Safety Update
2. Public Works Update
3. Community Development Update
4. Recreation and Culture Update

ACTION REQUIRED

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

Public Safety – April 21, 2016

Incidents – On 04/07/16 Officer Tarnoff was dispatched to a hit and run vehicle accident at a local club. When he arrived on scene he saw the run vehicle parked blocking the entrance and a male and female standing nearby. When he contacted the couple he determined the male was the driver of the vehicle and the female was trying to stop him from driving any more. Officer Tarnoff saw all the tell-tale signs of intoxication from the driver and saw fresh damage to his vehicle. Despite the driver saying he must have been hit by another vehicle while parked, the physical evidence pointed to the fact HE had been the one that hit another vehicle. Of course, several eye-witnesses helped to verify the veracity that version of events. The driver was arrested and charged with DUI and careless driving.

On 04/08/16 Officer Tarnoff and Sergeant Siebel responded to a local business to assist the fire department on a fire alarm. This is not normal protocol, so they knew something sinister was afoot. When they arrived they determined there was a marijuana grow operation in the upstairs room of the unit, which the fire department was being barred from entering. After some persuading, the business representative decided it was in their best interest to let the officers and fire department into the grow room. It turned out the grow operation was within the parameters given by the state, but not within Silverthorne Town Code. The police department and planning department will work together to mitigate the code infraction.

On 04/19/16 Officer Steele met with the victim of a molestation that had occurred earlier in the day at her place of employment. The victim was working alone when a foreign male entered the store and was laying the flirtations on quite heavily. At first it all seemed on the up and up, they exchanged information to set up a date, but when the male had to leave he asked her for a hug. The victim agreed to the hug, but instead of just hugging the male French kissed her and groped her bottom, which made her feel violated. To make matters worse, when the victim left the store after closing the same male was waiting for her in the parking lot. This made her feel unsafe, understandably. When the male was later contacted by Officer Steele he admitted to everything like it was ok to grope somebody without their permission. Needless to say he will have to answer to the court about his actions.

In addition to the above officers handled; multiple accidents, thefts, disturbances, frauds, harassments, intoxicated persons, medicals, numerous other agency assists, as well as business and area checks. Officers also participated in municipal court and county court proceedings, and initiated many traffic citations and warnings.

Feedback from the community – After scouring the social media pages and

questioning members of the staff, who were present at the writing of this document, there was nothing, neither good nor bad, noted.

Department Training – Sergeants Higby and Osborn attended a three day Law Enforcement Coordinating Committee conference. This conference was an opportunity for law-enforcement leaders to get together and share information that affects departments statewide.

Staffing – The department is currently down one chief, one sergeant, and two officers. Sergeant Higby has been filling in as Interim Chief. Officer Steele has been released to solo duty. Officer Cox will be graduating May 4th and will begin his field training program shortly thereafter. The hiring process for the new chief has been completed and we are anxiously awaiting the decision. Currently we have one candidate for an officer position who is in the midst of a background investigation.

Public Works Department – April 20, 2016

Streets – Recent storms have kept us busy with plowing and sanding, and between storms we continue with our spring cleaning, which has gotten off to a very slow start. More snow is expected in the next week. Most of our operators will be attending the annual Public Works Streets Conference this week in Grand Junction.

Parks – We are advertising for summer help, but receiving few applications. We have extended our reach to try to draw in more applicants, as our heavy spring workload will begin in the next couple of weeks.

Utilities – Utility staff is busy with various maintenance work to all of our systems. Work has commenced at Summit Sky Ranch so we are busy watching over that as we will be for the remainder of this season.

Engineering – Dan is busy with reviews of Summit Sky Ranch, Blue River 50, and other smaller projects. He is also gearing up for this summer's streets and drainage work. We will be overlaying Stephens and River Road this year, and rebuilding a portion of Golden Eagle Road, along with various chip seals and patching and concrete repairs.

Buildings – Rob and his staff are busy with upkeep on the various systems and buildings, as well as planning for this year's facility shutdown, scheduled later this year.

Community Development Department – April 21, 2016

Blue River Trail – The design has been modified and the next step would be to acquire the necessary easements, meet with FEMA concerning the flood plain, and Army Corps of Engineers concerning wetlands. Summit County Open Space

Advisory Committee (OSAC) has been participating in acquiring an easement from Blue River Valley Ranch Lake Estates.

Summit Sky Ranch (aka South Maryland Creek Ranch) – The first Final Plat for SMCR has been approved by Town Council. The focus now shifts to the installation of infrastructure and to the construction of homes.

Lake Dillon Theatre Company (LDTC) – The contract with A&P Construction has been approved by Town Council. The Interim Funding Agreement has been approved by both the LDTC Board and the Town Council. A groundbreaking ceremony has been scheduled for April 23. The plans have been received for Building Permit and they are under review.

Transportation Plan Update – Staff is working on the update to the Town Transportation Plan. This includes gathering traffic counts at various intersections as well as modeling the Level of Service. Staff will be discussing the impacts to Highway 9 in the Town Core with representatives from CDOT.

University of Colorado Environmental Design Studios – Two undergraduate studios from the College of Environmental Design will be studying Silverthorne for this semester. One class will be focusing on the Town Core area, the other will be focusing on workforce housing, specifically Smith Ranch. The final presentations for the Smith Ranch studio will take place in Boulder on April 25. The presentation for the Town Core will take place on April 29 in the Town Council chambers.

NWCCOG Economic Development District – Mark Leidal attended the NWCCOG Working Group Meeting to find out more information about the technical assistance that is being offered by the Office of Economic Development & International Trade (OEDIT) Blueprint 2.0 Initiatives Program.

Summit School District – Mark Leidal attended the Summit School District Master Plan Community Meeting on April 19. The School District presented an overview of the Master Plan findings about the School District facilities. Additional information and community outreach will take place in the near future.

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):

- Blue River 50 – Preliminary Site Plan
- Angler Mountain Ranch Lakeside Townhomes Filing No. 9 – Final Plat and Final Site Plan
- Mack Single Apartment – Conditional Use Permit
- South Maryland Creek Ranch Tract S – Preliminary Site Plan
- Silver Trout – Preliminary Site Plan

Recreation and Culture – April 22, 2016

In support of the Arts and Culture Strategic Plan goals, staff is working to create a temporary and interactive community art project to be installed on the construction fence of the Performing Arts Center. This art work is intended to showcase our community's artists, invite people to gather at the future Performing Arts Center site, educate participants about the theatre partnership, and begin messaging that the Pavilion lawn is the geographical center of arts in Silverthorne.

The Town and Lake Dillon Theatre Company (LDTC) staffs have arranged the groundbreaking celebration for the Performing Arts Center that will be held on Saturday, April 23 at the Pavilion Lawn. The event is from 4:00-5:30 p.m. with a schedule that includes entertainment, give-a-ways, messages from project leaders and light refreshments. The community event will be followed by an invitation-only reception inside the Pavilion that will honor the project's financial donors. Betty Ashley Public Relations is working with staff to assist with event planning and marketing.

A five-visit Recreation Center passes was donated to Silverthorne Elementary School. The value of the pass is \$60.

Upcoming Pavilion Events

April 22	Wedding
April 23	Theatre Ground Breaking
April 24	Agape Outpost Worship Service
April 26	Yoga Edward Jones
April 27	CDOT Health Screening
April 28	Yoga
April 29	Wedding
April 30	Prom
May 3	Yoga SAR
May 4	Blue River Water Shed
May 5	Yoga Café Concert
May 6	Lake Dillon Preschool, Girls Night Out
May 7	Wedding
May 10	Yoga
May 12	Yoga
May 13	Women's Resource Center
May 14	Friends of the NRA
May 15	TOS Dance Recital

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Town of Silverthorne
Council Agenda Memorandum

TO: Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Michele Miller, MMC, Town Clerk *mm*
DATE: April 21, 2016
SUBJECT: Town Council Meeting Minutes from April 13, 2016

SUMMARY: Staff asks the Town Council to approve the Town Council Meeting minutes from April 13, 2016.

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, April 13, 2016

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, Sgt. Bryan Siebel, Administrative Services Director Donna Braun, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Planning Manager Matt Gennett, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

None.

COUNCIL COMMENTS:

Long asked about the Town's annual contribution for books for Silverthorne Elementary students. She acknowledged this is Richardson and Sandquist's last Council meeting.

CITIZEN COMMENTS:

Amy L. Suplee, licensed acupuncturist, presented an idea for a new type of business in Silverthorne, a wellness center that would incorporate acupuncture, chinese herbs, nutrition, medical marijuana, a holistic health practitioner, body care products and massage. This new business would focus on holistic health, education/information, treating the whole body at the level that the patient needs. There would be structure, learning opportunities, accountability and promote responsible marijuana usage. It would provide education revolving around the properties and usage of marijuana. The location she has identified would require a change to the Town's marijuana ordinance. She requested Council consider her request.

CONSENT CALENDAR:

CAMP MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM MARCH 23, 2016. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

LIQUOR BOARD:

Mtn Interests, Inc. dba Sunshine Café – Modification of Premise

Mike Spry, Sunshine Café, presented their request for a modification of premise and requested approval.

NADALIN MOVED TO APPROVE MTN INTERESTS, INC. DBA SUNSHINE CAFÉ – MODIFICATION OF PREMISE. MOTION SECONDED. MOTION PASSED BY COUNCIL.

B. SESL Liquors, Inc. dba Porkey's Liquors – Transfer of Retail Liquor Store License;

Carl Ream, Attorney for the applicant and Sokha Em, the new owner, introduced themselves to Council and were available for questions.
Council welcomed the new owner.

CAMP MOVED TO APPROVE SESL LIQUORS, INC. DBA PORKEY'S LIQUORS – TRANSFER OF RETAIL LIQUOR STORE LICENSE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

ACTION ITEMS:

A. Preliminary Site Plan – Tract D. South Maryland Creek Ranch, Filing No. 1

Matt Gennett, Planning Manager presented the applicant's request for a Preliminary Site Plan for an 8,268 square foot private amenities center, named the Aspen House. He reviewed the staff report and requested approval with Planning Commission's recommended condition.

Joanna Hopkins, Development Manager, Summit Sky Ranch, thanked Richardson and Sandquist for their years of service on the Town Council. She and the SMCR staff reviewed the project with a PowerPoint presentation, took questions and requested approval.

Richardson asked about parking.

Hopkins addressed overflow parking and building capacity.

Council complimented the project, building and materials.

NADALIN MOVED TO APPROVE OF THE PRELIMINARY SITE PLAN FOR TRACT D, SOUTH MARYLAND CREEK RANCH – FILING NO. 1. WITH STAFF RECOMMENDED CONDITION:

- 1. THE TREES DEPICTED ON THE LANDSCAPE PLAN AS BEING PLANTED WITHIN PLATTED UTILITY EASEMENTS SHALL BE REMOVED FROM THE PLANS AT THE TIME OF FINAL SITE PLAN SUBMITTAL.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

B. Preliminary Site Plan - Tract X. South Maryland Creek Ranch, Filing No. 1

Matt Gennett, Planning Manager presented the Applicant's request to construct ten single-family, footprint homes on Tract X. The architecture and site design are consistent with the previously approved SMCR PUD Preliminary Subdivision Plan and Final Plat for the property.

Joanna Hopkins, Development Director, Summit Sky Ranch, presented a PowerPoint with an overview of the proposed houses for Tract X, and the proposed site plan. She requested approval.

Council and applicant discussed the HOA, trash pickup, hot tubs and dog runs.

LONG MOVED TO APPROVE OF THE PRELIMINARY SITE PLAN FOR TRACT X, SOUTH MARYLAND CREEK RANCH – FILING NO. 1. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

C. Town of Silverthorne and Lake Dillon Theatre Company Interim Funding Agreement

Mark Leidal, Assistant Town Manager, presented the Town of Silverthorne and Lake Dillon Theatre Company Interim Funding Agreement. He reviewed the staff report from April 9, 2016 and requested approval.

SANDQUIST MOVED TO APPROVE THE LAKE DILLON THEATRE COMPANY INTERIM FUNDING AGREEMENT BETWEEN THE TOWN OF SILVERTHORNE, A COLORADO HOME RULE MUNICIPALITY, AND THE LAKE DILLON FOUNDATION FOR THE PERFORMING ARTS, DBA THE LAKE DILLON THEATER COMPANY, A COLORADO NONPROFIT CORPORATION. MOTION SECONDED. MOTION PASSED, 5-1, RICHARDSON NAY.

D. Resolution 2016-11; a Resolution Awarding a Contract to Adolfson & Peterson for the Construction of the Silverthorne Performing Arts Center

Bill Linfield, Public Works Director, presented Resolution 2016-11 for Council's consideration. Staff is recommending approval of the Guaranteed Maximum Price (GMP) construction contract with Adolfson & Peterson Construction (A&P) for the Silverthorne Performing Arts Center (SPAC), by approving Resolution No. 2016-11. He reviewed his staff memo dated April 6th and requested approval. The Town Manager will not sign this contract until the Interim Funding Agreement is reviewed by the Town Attorney and signed by the Town.

Peg Henry, member of the Silverthorne Arts and Culture Committee and Lake Dillon Theater Company, thanked Town Council and staff. She expressed their enthusiastic support for this project and partnership.

SANDQUIST MOVED TO APPROVE RESOLUTION 2016-11, A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT WITH ADOLFSON & PETERSON FOR THE CONSTRUCTION OF THE SILVERTHORNE PERFORMING ARTS COMPLEX WITH A GUARANTEED MAXIMUM PRICE NOT TO EXCEED \$8,150,595.00 WITH THE CONDITION THAT THE INTERIM FUNDING AGREEMENT BETWEEN THE TOWN AND LDTC BE APPROVED BY BOTH PARTIES PRIOR TO THE TOWN MANAGER'S SIGNATURE ON THE CONTRACT. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

E. Ordinance 2016-04; a 2016 Appropriations Ordinance, 1st Reading

Donna Braun, Finance Director, presented Ordinance 2016-04 for Council's consideration. She reviewed her staff memo dated April 7, 2016 and requested approval. Council and staff discussed Public Safety costs, bond issuance, and insurance costs.

CAMP MOVED TO ADOPT ORDINANCE NO. 2016-04 ON FIRST READING, AN ORDINANCE AMENDING THE 2016 BUDGET AS PRESENTED. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

DISCUSSION ITEMS:

Long asked about the Pavilion summer weddings and alternative site considerations.

SANDQUIST MOVED TO GO INTO EXECUTIVE SESSION 7:25 P.M. UNDER CHARTER SECTION 4.13 AND CRS 24-6-402(4)(B) AND (E) TO RECEIVE LEGAL ADVICE AND INSTRUCT NEGOTIATORS REGARDING AN ESTIP AGREEMENT WITH SAUCE ON THE BLUE.

AND SHE FURTHER MOVED TO ADJOURN THE COUNCIL MEETING AT THE CONCLUSION OF THE EXECUTIVE SESSION. MOTION SECONDED. MOTION PASSED BY COUNCIL.

EXECUTIVE SESSION:

Executive session under Charter Section 4.13 and CRS 24-6-402(4)(b) and (e) to receive legal advice and instruct negotiators regarding an ESTIP agreement with Sauce on the Blue.

INFORMATIONAL:

- A. Planning Commission Meeting Minutes, April 5, 2016
- B. SPORT Meeting Minutes, March 17, 2016

EXECUTIVE SESSION AND MEETING ADJOURNED AT 7:45 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.

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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: April 21, 2016 for meeting of April 27, 2016
SUBJECT: 2016 National Water Safety Month Proclamation

SUMMARY: Recreation and Culture Staff Members request that the Mayor proclaim May 2016 as Water Safety Month in the Town of Silverthorne.



2016 National Water Safety Month PROCLAMATION

WHEREAS, citizens of the Town of Silverthorne recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, the citizens of the Town of Silverthorne understand the essential role that education regarding the topic of Water Safety plays in preventing drowning and recreational water-related injuries; and

WHEREAS, the Town of Silverthorne is aware of the contributions made by the recreational water industry, as represented by the Association of Pool & Spa Professionals, the National Recreation & Park Association and the World Waterpark Association in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities providing healthy places to recreate, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and

WHEREAS, the citizens of the Town of Silverthorne recognize the ongoing efforts and commitments to educate the public on pool and spa safety issues and initiatives by the pool, spa, waterpark, recreation and parks industries; and

WHEREAS, the citizens of the Town of Silverthorne understand the vital importance of communicating Water Safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to waterparks;

Resolved, that I, Mayor Bruce Butler of the Town of Silverthorne do hereby proclaim the month of May 2016, as National Water Safety Month.

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: April 21, 2016, for the meeting of April 27, 2016
SUBJECT: Replat – A Replat of the Common Element, Part of Lot 1, Eighth Amendment to the Condominium Map – The Ponds at Blue River (PT2016-10)

SUMMARY: The applicant, Michael Butler, is requesting approval of the subject Replat in order to acquire 106 square feet of HOA common area and add it to his existing Limited Common Element (LCE) to accommodate a hot tub. The Ponds at Blue River HOA has approved this Replat request and is a co-applicant with Mr. Butler as they currently own the 106 square feet that will be incorporated into the LCE for Mr. Butler's unit.

BACKGROUND: The Final Plat for The Ponds at Blue River was approved on October 1, 1999, and included eighty-four (84) townhome units, and 30.04 acres of open space dedicated to the Town.

PREVIOUS COUNCIL ACTION: Council approved the original Final Plat for The Ponds at Blue River on October 1, 1999. On May 24, 2000, Council approved a Condominium Map for the Ponds at Blue River. On July 13, 2000, the First Amendment to the Condominium Map for the Ponds at Blue River was approved by Council. On August 28, 2000, Council approved the Second Amendment to the Condominium Map for the Ponds at Blue River. The Third Amendment to the Condominium Map for the Ponds at Blue River was approved in December of 2000 by Council. On April 20, 2001, Council approved the Fourth Amendment to the Condominium Map for the Ponds at Blue River. Council approved the Fifth Amendment to the Condominium Map for the Ponds at Blue River on June 15, 2001. The Sixth Amendment to the Condominium Map for the Ponds at Blue River was approved on August 16, 2001. On October 25, 2001, the Seventh Amendment to the Condominium Map for The Ponds at Blue River was approved by Council. The Council approved the Eighth Amendment to the Condominium Map for the Ponds at Blue River on November 9, 2011.

DISCUSSION: The purpose of the proposed Replat is to add 106 square feet of Common Area to the existing LCE of the applicant's property to allow for the location of a hot tub. The plat, as submitted, is in general conformance with the Comprehensive Plan and the requirements of Town Code Section 4-5-14, Replat, regarding plat titles, boundaries, plat notes, and certifications.

STAFF RECOMMENDATION: Staff recommends approval of the Replat of the Common Element, Part of Lot 1, Eighth Amendment to the Condominium Map – The Ponds at Blue River.

Town of Silverthorne
Town Council Agenda Memorandum

PROPOSED MOTION: No motion is necessary; this proposal may be approved as part of the Consent Calendar.

ALTERNATE MOTION: Remove item from the Consent Calendar and bring the Replat up for Council discussion.

ATTACHMENTS:

Exhibit A: Replat of the Common Element, Part of Lot 1, Eighth Amendment to the Condominium Map – The Ponds at Blue River (8.5"x11")

MANAGER'S COMMENTS:

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Town of Silverthorne
Council Agenda Memorandum
Consent Calendar

TO: Mayor Bruce Butler and Town Council
THRU: Ryan Hyland, Town Manager 
Mark Leidal, Asst Town Manager
FROM: Bill Linfield, Public Works Director 
DATE: April 20, 2016
SUBJECT: Approval of Resolution No 2016-12, accepting an easement for an existing boulder retaining wall along Kestral Lane.

SUMMARY: A Resolution allowing the Town to accept an easement from the owners of Lot 1, Fox Valley Ranch at Three Peaks, and of Tract D, Replat of Golf Tract D, Eagles Nest Golf Course Subdivision #6 (aka Golf Tract D), for the purpose of maintaining an existing boulder retaining wall for Kestral Lane. The majority of this wall is located in Kestral Lane ROW, and the owners have requested, and the Town is willing, to provide maintenance of small portions of the wall that encroach on the two parcels of private property

BACKGROUND: The Town was approached over a year ago by the two private property owners asking if we would take over maintenance of a small portion of the existing boulder retaining wall on the downhill side of Kestral Lane just south of Talon Circle. This wall was built when Kestral Lane was built and is a part of the road structure for Kestral. Likely it was intended to be fully built within the ROW, however it was not and a small portion of the wall encroaches on the Golf Course property and on Lot 1 of Fox Valley Ranch. Staff asked for an engineering review of the wall condition and we have received a report indicating the wall is in good condition and functioning as designed. (from a Professional Engineer)

PREVIOUS COUNCIL ACTION: None

FINANCIAL IMPLICATIONS: There are no financial implications to the Town from accepting this easement.

STAFF RECOMMENDATION: Staff recommends that Council Resolution No 2016-12, a Resolution authorizing the Town to accept an easement from the owners of Lot 1, Fox Valley Ranch at Three Peaks, and of Tract D, Replat of Golf Tract D, Eagles Nest Golf Course Subdivision #6, for the purpose of maintaining an existing boulder retaining wall for Kestral Lane. accepting an easement for an existing boulder retaining wall along Kestral Lane.

PROPOSED MOTION: "I MOVE TO APPROVE RESOLUTION 2016-12, A RESOLUTION AUTHORIZING THE TOWN TO ACCEPT AN EASEMENT FROM THE OWNERS OF LOT 1, FOX VALLEY RANCH AT THREE PEAKS, AND OF TRACT D, REPLAT OF GOLF TRACT D, EAGLES NEST GOLF COURSE SUBDIVISION #6, FOR THE PURPOSE OF MAINTAINING AN EXISTING BOULDER RETAINING WALL FOR KESTRAL LANE.

MANAGER'S COMMENTS:

TOWN OF SILVERTHORNE, COLORADO
Resolution No. 2016-12

A RESOLUTION Authorizing the Town to accept an easement from the owners of Lot 1, Fox Valley Ranch at Three Peaks, and of Tract D, Replat of Golf Tract D, Eagles Nest Golf Course Subdivision #6 (aka Golf Tract D), for the purpose of maintaining an existing boulder retaining wall for Kestral Lane.

WHEREAS, the Town of Silverthorne, Colorado, has the authority to accept interest in real property including easements, and

WHEREAS, the Town of Silverthorne, Colorado, has determined it is in the best interests of the Town to provide maintenance of the existing boulder wall on Kestral Lane, and

WHEREAS, the a qualified Registered Professional Engineer and inspected the wall and found it to be in good condition,

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

The Town hereby accepts the easement the Town to accept an easement from the owners of Lot 1, Fox Valley Ranch at Three Peaks, and of Tract D, Replat of Golf Tract D, Eagles Nest Golf Course Subdivision #6 (aka Golf Tract D), for the purpose of maintaining an existing boulder retaining wall for Kestral Lane.

INTRODUCED, READ AND ADOPTED ON THE ____ DAY OF _____, 2016.

**TOWN COUNCIL
TOWN OF SILVERTHORNE, COLORADO**

**By: _____
Bruce Butler – Mayor, Town of Silverthorne**

Attest:

**By _____
Michele Miller, Town Clerk**

INTRODUCED, READ AND ADOPTED ON THE ____ DAY OF _____, 2016.

**GRANT OF PERMANENT EASEMENT
FOR RETAINING WALL AND MAINTENANCE AGREEMENT**

(Kestral Lane)

This GRANT OF PERMANENT EASEMENT FOR RETAINING WALL AND MAINTENANCE AGREEMENT ("Agreement") is entered into effective as of the ___ day _____, 2016 by and among Curtis and Virginie Vernon (collectively, "Vernon") and Escalante-Three Peaks, L.P., a Colorado limited partnership ("Three Peaks") (Vernon and Three Peaks may be collectively hereinafter referred to as "Grantors"), and the Town of Silverthorne, Colorado, a Colorado home rule municipality whose address is P.O. Box 1309, Silverthorne, Colorado 80498 (hereinafter referred to as the "Town"), as follows:

RECITALS

WHEREAS, the Town is a Colorado home rule municipality existing under and by virtue of the laws of the State of Colorado, and is authorized to acquire easement in real property necessary to the public function or operation of the Town;

WHEREAS, Vernon is the owner of that certain real property located in the County of Summit, State of Colorado, which is known and described as Lot 1, Fox Valley Ranch at Three Peaks, a/k/a 102 Talon Circle, Silverthorne, CO (hereinafter referred to as "Lot 1") and Vernon is authorized to grant the easement and interests provided in this Agreement;

WHEREAS, Three Peaks is the owner of that certain real property located in the County of Summit, State of Colorado, which is known and described as Tract D, Replat of Golf Tract D, Eagles Nest Golf Course Subdivision #6, a/k/a Replat Golf Tract D - Golden Eagle Road (hereinafter referred to as "Golf Tract D") and Three Peaks is authorized to grant the easement and interests provided in this Agreement;

WHEREAS, to facilitate the construction of the public right-of-way known as Kestral Lane, a rock retaining wall was constructed outside of the Town's right-of-way, portions of which encroach onto Lot 1 and Golf Tract D which serves as a retaining wall for Kestral Lane across the common boundary lines between Lot 1 and Golf Tract D (hereinafter referred to as the "Wall"). The Wall is shown and depicted on the attached and incorporated Exhibit A;

WHEREAS, because Kestral Lane and the 60' Right-Of-Way associated therewith have been dedicated to the public, the Grantors and the Town desire to enter into this Agreement in order to grant and convey to the Town, a perpetual non-exclusive easement for purposes of installation, construction, maintenance, repair and reconstruction of the Wall, subject to the terms of this Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, the granting and accepting of the easement described herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Recitals. The above recitals are true and correct and incorporated herein.

2. Easement Grant. Grantors hereby grant, bargain, dedicate, sell and convey to the Town, a perpetual non-exclusive easement for purposes of installation, construction, maintenance, repair and reconstruction of the natural rock retaining Wall (as such Wall currently exists in its present location and configuration), and for ingress and egress of persons, vehicles and equipment to accomplish such purposes, on, under, over and across Lot 1 and Golf Tract D, and warrant the title to the same, subject only to patents, easements, restrictions, encumbrances, liens, covenants, reservations and rights-of-way of record. Such easement as herein granted is referred to as the "Easement." The Easement shall be owned in gross by the Town.

3. Maintenance Obligations. The Town will be required and allowed, at the Town's sole cost and expense, to repair and maintain the Wall in its present location as may be necessary. Any work performed by the Town pursuant to the Easement shall be in compliance with applicable state, federal and local governmental laws, regulations and requirements. In the event that the Town fails to discharge such repair and maintenance obligations, the Grantors, or either of them, will notify the Town in writing of such failure and if such repair or maintenance obligation is not cured within sixty (60) days after delivery of such notice, Grantors shall be entitled to all remedies available in law or at equity, including, without limitation, Grantor's right to performing the work, and the Town as the responsible party shall thereupon reimburse Grantors for all reasonable and necessary expenses incurred by Grantors in performing the work as provided herein. Said reimbursement will be made within sixty (60) days of Grantor's written request therefore supported by invoices and other reasonable back-up documentation.

4. Easement Restrictions. The Town shall exercise the rights and privileges granted hereunder with due care; and except for the Wall, shall not cause or permit the construction or placement of any structure or building, temporary or permanent, on the Easement. The Town shall not construct or install new guard-rails or fencing across or within the Easement without the written approval of Grantors, and such approval shall not be unreasonably withheld or delayed. Unauthorized or non-conforming installations may be removed by Grantors without liability to Grantors for damages arising therefrom.

5. Run With the Land. Grantors for themselves, and their successors and assigns, hereby covenant and agree that this Agreement and the Easement granted herein shall attach to and run with Lot 1 and Tract D and shall be binding not only upon themselves, but also upon their successors and assigns and any other persons or entities which hereafter acquire any interest in the portion of Lot 1 or Tract D subject to the Easement. This Agreement may be recorded in the real

property records of Summit County, Colorado by the parties. This Agreement and the Easement granted herein will automatically terminate upon abandonment of the Wall located in the Easement.

6. Governmental Immunity. The Town is relying on, and does not limit, waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities or protections provided by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq., as amended from time to time ("Act"), or any other limitation or defense otherwise available to the Town, its officers, or agents.

7. Legal Fees. If any action is brought to collect damages in connection with, or to interpret or enforce any of the terms of this Agreement, the substantially prevailing party in such action shall be entitled to an award of its reasonable attorney's fees, costs and expenses, including costs of collection, from the other party.

8. Entire Agreement. This Agreement embodies the entire agreement between Vernon, Three Peaks and the Town relating to the subject matter hereof, and its terms and provisions shall extend to and bind the parties and their respective agents, officers, employees, administrators, successors, and/or assigns. The parties shall not be bound by or be liable for any statement or representation of any nature not set forth in this Agreement. Changes to any of the provisions of this Agreement shall not be valid unless reduced to writing and signed by the parties. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Signatures exchanged by facsimile or .pdf shall be valid and effective as original signatures. All of the exhibits attached to this Agreement are material and integral. If any provision of this Agreement shall be held invalid, illegal, or unenforceable, then it shall not affect or impair the validity, legality, or enforceability of any other provision of this Agreement, and there shall be substituted for the affected provision a valid and enforceable provision as similar as possible to the affected provision. This Agreement shall be deemed to have been made in and shall be construed in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, the parties execute this Grant of Permanent Easement for Retaining Wall and Maintenance Agreement as of the date first above referenced with the intent to be bound by its terms and conditions.

[Remainder of page left blank intentionally. Signature pages to follow.]

Vernon:

By: _____
Curtis Vernon

TOWN:

THE TOWN OF SILVERTHORNE,
a Colorado municipal corporation

By: _____
Name: _____
Title: _____

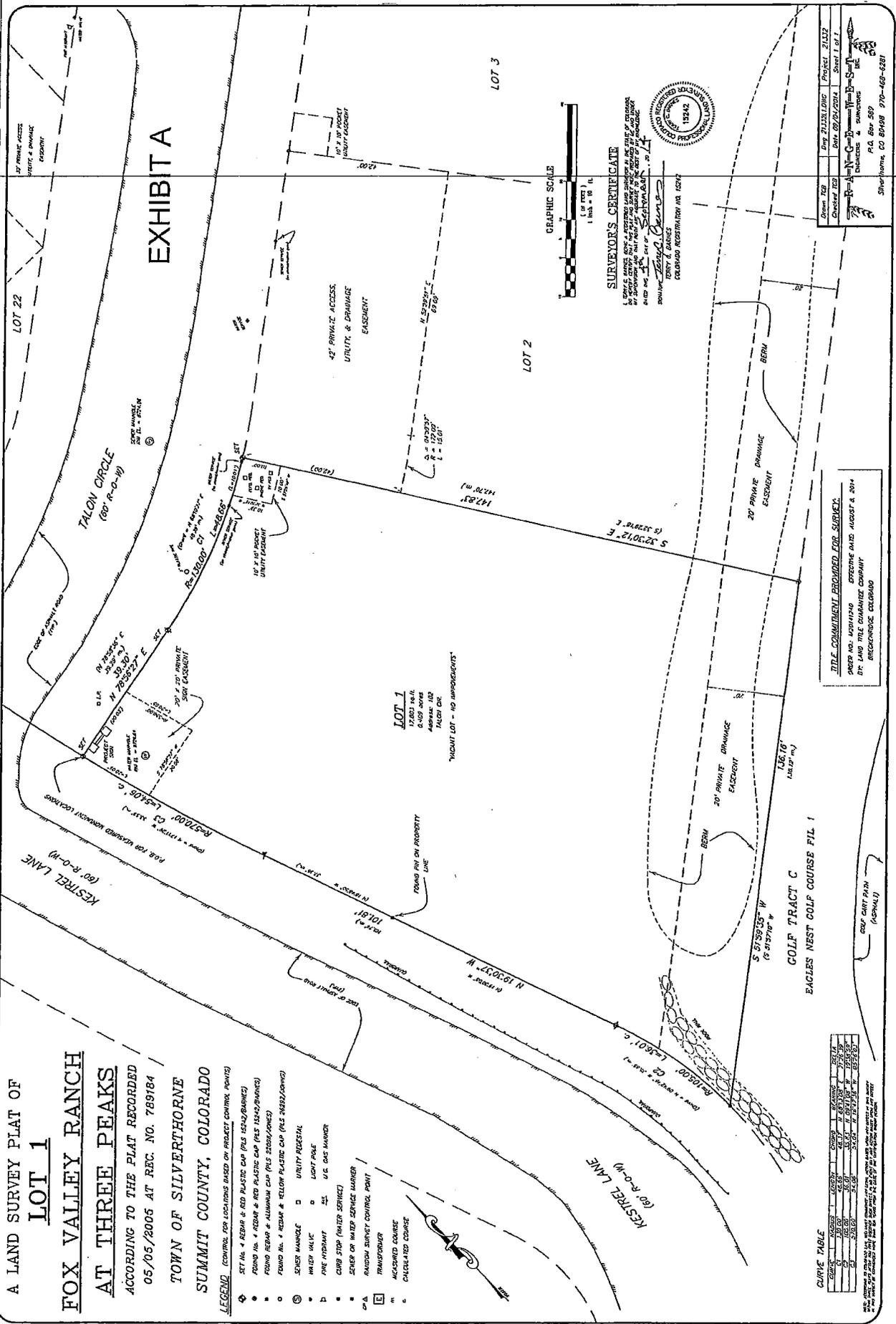
STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was subscribed and sworn to before me this ____ day of _____, 2016, by _____ as _____ for the Town of Silverthorne, a Colorado municipal corporation.

Witness my hand and official seal.
My commission expires: _____

{SEAL}

Notary Public



A LAND SURVEY PLAT OF
LOT 1
FOX VALLEY RANCH
AT THREE PEAKS
 ACCORDING TO THE PLAT RECORDED
 05/05/2005 AT REC. NO. 769184
 TOWN OF SILVERTHORNE
 SUMMIT COUNTY, COLORADO

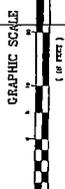
- LEGEND** (Control for locations based on project control points)
- ◆ ST. No. 1 REBAR & RED PLASTIC CAP (PLS 1542/2/04/05)
 - FOUNDING REBAR & RED PLASTIC CAP (PLS 1542/2/04/05)
 - FOUNDING REBAR & ALUMINUM CAP (PLS 2049/1/04/05)
 - FOUNDING REBAR & YELLOW PLASTIC CAP (PLS 2483/2/04/05)
 - ⊙ SENSER MANHOLE
 - UTILITY REVEAL
 - WATER VALVE
 - LIGHT POLE
 - FIRE HYDRANT
 - UIC GAS MARKER
 - CURB STOP (WATER SERVICE)
 - SENER OF WATER SERVICE MARKER
 - RANDOM SURVEY CONTROL POINT
 - TRANSFORMER
 - ACKNOWLEDGEMENT
 - CALCULATED COURSE



SURVEYOR'S CERTIFICATE

I, **DAVID L. WARD**, being a duly licensed and qualified Surveyor in the State of Colorado, do hereby certify that the above described land is the true and correct survey of the same as shown on the attached plat, and that the same is the true and correct survey of the same as shown on the attached plat, and that the same is the true and correct survey of the same as shown on the attached plat.

DAVID L. WARD
 Surveyor
 13242
 COLORADO REGISTRATION NO. 15272



CURVE TABLE

STATION	CHORD	CHORD BEARING	CHORD	CHORD BEARING
1+00.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
1+42.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
1+84.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
2+26.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
2+68.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
3+10.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
3+52.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
3+94.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
4+36.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
4+78.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
5+20.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
5+62.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
6+04.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
6+46.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
6+88.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
7+30.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
7+72.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
8+14.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
8+56.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
8+98.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
9+40.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
9+82.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
10+24.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
10+66.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
11+08.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
11+50.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
11+92.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
12+34.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
12+76.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
13+18.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
13+60.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
14+02.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
14+44.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
14+86.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
15+28.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
15+70.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
16+12.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
16+54.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
16+96.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
17+38.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
17+80.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
18+22.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
18+64.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
19+06.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
19+48.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
19+90.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
20+32.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
20+74.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
21+16.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
21+58.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W
22+00.00	42.00	S 89° 53' 35" W	42.00	S 89° 53' 35" W

TITLE COMMITMENT PROVIDED FOR SURVEY.
 PLOT NO. 10211240
 EFFECTIVE DATE: AUGUST 8, 2014
 BY: LAMB TITLE GUARANTEE COMPANY
 INTEREST: COLORADO

Survey No. 71131/010
 Date: 08/08/2014
 Project: 71132
 Sheet: 1 of 1
 Surveyor: David L. Ward
 License No. 13242
 State: Colorado
 Address: P.O. Box 889
 Shepherds, CO 80468
 Phone: 303-468-6281

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor Bruce Butler and Town Council
THRU: Ryan Hyland, Town Manager
FROM: Joanne Cook, Recreation and Culture Director *jc*
DATE: April 21, 2016 for meeting of April 27, 2016
SUBJECT: Resolution No. 2016-13: A Resolution Establishing the Silverthorne Arts and Culture Advisory Board and Adopting Goals and Procedures Thereof

SUMMARY: Per the newly adopted Arts and Culture Strategic Plan, staff recommends the establishment of a citizen's advisory board to assist in implementing the Arts and Culture Strategic Plan goals.

BACKGROUND: In 2012, the Town's Economic Development Advisory Committee suggested that the Town create an arts program in order to increase vibrancy in the downtown. Council supported this recommendation, and the ultimate result was hiring a planning consultant to create an Arts and Culture Strategic Plan for the Town. That plan was adopted in January 2016.

Goal number three in the Arts and Culture Plan is, "The Town should establish an Arts and Culture Advisory Committee. The Committee can assist the Town in implementing the Arts and Culture Strategic Plan goals. Town staff will create and develop bylaws for the Arts and Culture Advisory Committee and propose them to Town Council for approval."

Council members JoAnne Nadalin and Ann-Marie Sandquist and Recreation and Culture Director, Joanne Cook, have met to discuss formation of the committee and have created Resolution 2016-13 (**Exhibit A**) which proposes bylaws and procedures of the new committee.

PREVIOUS COUNCIL ACTION:

In 2014, Town Council approved the 2015/2016 Town Budget which included funding to hire a consultant to create an Arts and Culture Strategic Plan for the Town.

At the May 26, 2015 Town Council work session, Council directed staff to engage the professional services of 23.4 Degrees planning consultants to create an Arts and Culture Strategic Plan for the community.

At the January 13, 2016 Council meeting, Council adopted the Silverthorne Arts and Culture Strategic Plan per Resolution No. 2016-02.

DISCUSSION: Establishing the Arts and Culture Advisory Committee is the first step to taking action on the Arts and Culture Strategic Plan. As Council is aware, implementation of the plan is a popular topic in the community and staff is anxious to have a working group in place to begin accomplishing goals in 2016.

Town of Silverthorne
Council Agenda Memorandum

STAFF RECOMMENDATION: Staff recommends that Council approve Resolution No. 2016-13: A resolution establishing the Silverthorne Arts and Culture Advisory Board and adopting goals and procedures thereof.

PROPOSED MOTION: *"I move to approve Resolution No. 2016-13: A resolution establishing the Silverthorne Arts and Culture Advisory Board and adopting goals and procedures thereof."*

ALTERNATE MOTION: No motion necessary. The Resolution would not be approved, and the Board would not be established.

ATTACHMENTS:

Exhibit A: Resolution No. 2016-13

**RESOLUTION NO. 2016-13
ESTABLISHING THE SILVERTHORNE ARTS AND CULTURE ADVISORY
BOARD AND ADOPTING GOALS AND PROCEDURES THEREOF**

WHEREAS, the Silverthorne Town Council has determined that the establishment of an advisory board for the purpose of reviewing issues and making recommendations to the Council on matters related to arts and culture will promote the welfare of the community by involving citizens in town arts and culture issues;

WHEREAS, the Town of Silverthorne has general police power authority and home rule charter authority to establish boards; and,

WHEREAS, the Silverthorne Town Council finds that the establishment of the Silverthorne Arts and Culture Advisory Board will promote arts and culture in Silverthorne and its reputation as a regional arts and culture destination;

NOW, THEREFORE, BE IT RESOLVED BY THE SILVERTHORNE TOWN COUNCIL, the following:

SECTION 1. BOARD ESTABLISHED

An arts and culture advisory board is hereby established by the Silverthorne Town Council (hereinafter referred to as "Board" in these rules of procedure).

SECTION 2. PURPOSE

The Board shall drive the Town's efforts in implementing the Arts and Culture Strategic Plan and review matters related to arts and culture in the Silverthorne regional community. The Board may also, with specific approval of the Town Council, establish a non-profit entity to assist in the performance of its responsibilities.

SECTION 3. DUTIES

- A. The Board shall meet at least monthly and shall meet more often as may be required to perform the duties herein.
- B. The Board shall act as an advisory board to the Council.
- C. The Board shall initiate, review and make recommendations to the Council, staff and other boards, committees, commissions or entities as desired on matters related to arts and culture.
- D. Decision making protocols will include consultation and communication with Community Development, Public Works and the Recreation and Culture departments to ensure arts and culture are considered and more fully integrated in the Town's plans and planning processes.
- E. The Board shall promote the dissemination of information and solicit input from persons and groups interested in art and culture in the Silverthorne region.

- F. The Board shall submit reports as required by Council, hold public meetings as may be required and perform such other duties as the Town Council may require.
- G. The Board shall review and provide recommendations of any amendments to the rules and procedures contained in this Resolution.
- H. The Board members shall follow all laws and procedures governing the Town.
- I. The Board members will at all times in the performance of their assigned duties adhere to the Town's ethics code and conduct themselves as positive representatives of the Town.

SECTION 4. BOARD MEMBERS, TERM, QUALIFICATIONS

- A. There shall be a minimum of 3 and a maximum of 5 members of the Board who shall be appointed by Council. Two of these members will be Town Council representatives, as outlined in the Arts and Culture Strategic Plan.
- B. The term of board members shall be three years. Board members may be reappointed to the Board for consecutive terms.
- C. The term of Board members shall be staggered. The initial three members shall be designated by lot for term duration as follows: 1 member for 3 years, 1 member for 2 years and 1 member for 1 year. Additional members shall be appointed for staggered terms such that approximately one third of the board membership terms expire each year.
- D. Residents of the Town of Silverthorne and residents outside the Town of Silverthorne may be Board members; however, a majority of the Board shall always be comprised of residents of the Town of Silverthorne.
- E. The Council may appoint Ex Officio members to the Board who shall not have any voting rights and shall not count toward a quorum.
- F. The Board may at its discretion establish ad hoc working groups to work on specific projects or tasks. Members of ad hoc working groups are not members of the Board and need not be appointed by Council.
- G. All members of the Board and its ad hoc working groups shall be covered under the Town's liability insurance program while acting within the scope of their assigned duties.

SECTION 5. BOARD MEMBER RESIGNATION, EXPIRATION, REMOVAL AND VACANCY

- A. Any member of the Board may resign by providing written notice to the Chairperson of the Board of such resignation.
- B. Board members serve at the pleasure of the Council and may be removed with or without cause. Council shall provide at a hearing at a regular Council meeting and at least 14 days written notice of such hearing to a Board member prior to taking any action to remove a Board member.

Board members may be removed only by an affirmative vote of four Council members (not including the Mayor). Cause for removal may include, but is not limited to inability to fulfill membership responsibilities, including adhering to the Town's ethics code and being a positive representative of the Town; three unexcused absences during a calendar year; conflict of interest; inefficiency or obstruction to the purpose and duties of the Board; commission of a felony or acts of moral turpitude; or conduct unbecoming a public official of Silverthorne. Any board member subject to removal shall be provided the opportunity to resign prior to Council taking action to remove such member from the Board.

- C. Any vacancy of the Board, whether through tender of resignation, expiration of term, or removal by Council, shall be filled by Council by appointment at a regular Council meeting after publishing a notice in a local newspaper of such vacancy at least seven (7) days prior to such Council meeting.
- D. A member of the Board who has tendered a written resignation or whose term has expired may continue to serve until Council appoints a replacement.

SECTION 6. OFFICERS

- A. Officers of the Board shall include a Chairperson and a Vice-Chairperson and such other officers as the Board may designate. Officers shall be appointed by the Board.
- B. The Board shall consider the reappointment of existing officers or the appointment of new officers at the first meeting of the calendar year and shall make such appointments as soon as practical at the beginning of each year. The Board shall fill any vacancy by appointment as soon as practical after receiving notification of an officer's resignation. The Vice-Chairperson shall act as the interim Chairperson until the vacancy is filled.
- C. Officers shall serve at the pleasure of the Board and may be removed with or without cause, after receiving written notice and hearing before the Board, by the affirmative vote of a majority of the Board.
- D. The duties of the Chairperson include presiding over all meetings; determining whether member absences are excused; acting as a liaison between the Board and Town Staff, between the Board and Council, and between the Board and the community; attending Council meetings; and submitting reports as required to Council.
- E. The duties of the Vice-Chairperson include performing all duties of the Chairperson in the absence or vacancy of the Chairperson.

SECTION 7. MEETINGS

- A. The Board shall meet at least once monthly. The date, time and place of regular meeting shall be designated by the Board and may be amended from time to time. All meetings will be open to the public

- B. The Board Chairperson may call a special meeting. A good faith effort shall be made to provide notice of the time, place and date of the special meeting and an agenda of the special meeting to all Board members at least 24 hours prior to a special meeting.
- C. Robert's Rules of Order are adopted and shall govern the conduct of meetings unless suspended by a majority vote of Board members present at a meeting.
- D. A typed agenda shall be prepared for each Board meeting and copies shall be distributed by the Chairperson, or designee, to all members of the Board, the Recreation and Culture Director, the Town Manager, and other appropriate persons, agencies, or Town staff. The agenda should follow the following format: (1) Call to Order/Roll Call; (2) Approval of Minutes; (3) Public Comments; (4) Reports of Officers and Ad Hoc Work Groups; (5) Old Business; (6) New Business; (7) Adjournment.
- E. All actions and recommendations to the Town Council, Town Departments, and other Town commissions or boards shall be communicated to the Town Council through the Town Manager by memorandum, formal report or through summary minutes signed by the Board Chairperson or designated representative.
- F. The Board shall have the power or authority to conduct executive sessions upon an affirmative vote of two thirds of the quorum present, within the restrictions and only for consideration of the matters permitted by the Colorado Open Meetings law, Sec 24-6-402(4), CRS.

SECTION 8. VOTING

- A. A simple majority of the Board members shall constitute a quorum
- B. All Board members except Ex Officio members shall be voting members.
- C. A majority of the voting Board members present shall decide any question brought before the Board.

SECTION 9. STAFF SUPPORT

- A. The Recreation and Culture Director shall be the lead staff contact person with the Board.
- B. Town Staff shall provide administrative support, including: recording and preparing minutes; preparing, circulating, posting and publishing agendas; posting and publishing any required public meeting notices; preparing reports or correspondence under the direction of the Chairperson; preparing an annual calendar of regular meeting dates and forwarding such calendar to the Town Manager; forwarding recommendations for investment in arts and culture opportunities; and forwarding notices of special meetings to the Town Manager.
- C. The Recreation and Culture Director shall provide an orientation for all new Board members appointed to the Board within thirty (30) days after

their formal appointment to the Board. Such orientation shall include, but not be limited to, a review of the enabling resolutions establishing the Board, the rules and procedures in this Resolution, and the Arts and Culture Strategic Plan.

- D. Town Staff shall provide such other administrative support as approved by the Town Manager.

SECTION 10. RELATIONSHIP WITH OTHER ENTITIES

- A. Relationship to Town Council. The Board shall review, recommend, and advise the Town Council on policy matters regarding its area of responsibility. All actions of the Board shall be subject to approval and confirmation of the Town Council. No action of the Board shall relieve the Town Council of its responsibilities or usurp the authority granted to the Town Council. Board conflicts associated with this relationship shall be expeditiously referred in writing to the Council through the Town Manager.
- B. Relationship to Administrative Staff. The Board shall work closely with department directors and the Town Manager. The Board may call upon specific departments to provide information so that the Board can make informed decisions.
- C. Relationships with other Private and Public Agencies. The Board may call upon private and public agencies in order to have adequate information to make decisions and prepare recommendations. Prudence should be practiced so that no action of the Board or its individual members can be interpreted as an official position or action of the Town Council. Conflicts associated with this relationship shall be expeditiously referred in writing to Council through the Town Manager.

SECTION 11. BOARD BUSINESS OUTSIDE OF MEETINGS

- A. Board members may be asked to attend scheduled Town meetings when required to carry out the work of the Board.
- B. At the discretion of the Board Chairperson, Board members may undertake special assignments outside of Board meetings that are required for the efficient dispatch of Board business.
- C. Board members are expected to review all background information in preparation for regular or special meetings or work sessions.

SECTION 12. AMENDMENTS

- A. The rules and procedures contained in this Resolution may be amended or supplemented by Resolution after referral to, and opportunity for comment by, the Board.

READ, APPROVED, AND ADOPTED THIS 27th DAY OF APRIL, 2016.

By: _____

Attest:

Bruce Butler, Mayor

Michele Miller, Town Clerk

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
FROM: Ryan Hyland, Town Manager 
DATE: April 22, 2016 for meeting of April 27, 2016
SUBJECT: Swearing In of Town Council Members

SUMMARY: On April 5, 2016 the Town of Silverthorne held a regular Municipal Election. 5 candidates ran for 4 open seats. The 4 candidates receiving the highest number of votes will be sworn in for the following terms:

JoAnne Nadalin	4 year term
Tanya Shattuck	4 year term
Bob Kieber	4 year term
Russ Camp	2 year term

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
FROM: Ryan Hyland, Town Manager 
DATE: April 22, 2016 for meeting of April 27, 2016
SUBJECT: Election of Mayor Pro Tem

SUMMARY: Section 3.8 of the Town Charter requires that a Mayor Pro Tem be elected by the Council from its own membership at the first meeting following each regular Town election:

Section 3.8 Mayor Pro Tem

A Mayor Pro Tem shall be elected by the Council from its own membership at the first meeting following each regular Town election. The Mayor Pro Tem shall serve until the Council meeting following the next regular Town election, and shall act as Mayor during the absence or disability of the Mayor. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted herein to Councilmembers, including the right to vote on all matters before the Council, but shall not have the power to veto Council actions.

PREVIOUS COUNCIL ACTION: In 2014, Ann-Marie Sandquist was elected by the Town Council to serve as Mayor Pro Tem.

DISCUSSION: The Council should elect a Mayor Pro Tem to serve until the next regular municipal election in April 2018.

STAFF RECOMMENDATION: Elect a Mayor Pro Tem per Section 3.8 of the Town Charter.

PROPOSED MOTION: *"I move to elect _____ as the Mayor Pro Tem, to serve until the Town Council meeting following the next regular Town Council election."*

Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Ryan Hyland, Town Manager *RH*
FROM: Susan Schulman, Executive Assistant to the Town Manager *SS*
DATE: April 21, 2016 for meeting of April 27, 2016
SUBJECT: Citizens for a Safe Highway 9 Presentation

SUMMARY: Members of the Citizens for a Safe Highway 9 will present an overview of their project on Highway 9, north of Silverthorne, and appreciate the opportunity to thank Council for their support of this project.

History

CO STATE HWY 9 & SAFETY ISSUES:

- Mile marker 127 North of Green Mountain Dam Road to Colorado River Crossing approx. 10.6 miles
- Major route through Grand County, serving Summit, Grand, Jackson & Routt Counties
- Access to I-70 and Denver/Front Range
- 590 vehicular accidents in last 19 years, including 191 people injured, 16 killed
- At least 455 wildlife deaths in the last 8 years, mostly mule deer. If the average collision results in \$6,600 (Huijser, 2009), over \$3 million in damages.
- Annual Average Daily Traffic count is 3,600 vehicles, including 290 trucks
- CDOT forecasts steadily increasing traffic on Highway 9

Town of Silverthorne
Council Agenda Memorandum

To: Mayor and Town Council
From: Donna Braun, Finance Director 
Thru: Ryan Hyland, Town Manager
Date: April 17, 2016 for meeting of April 27, 2016
Subject: Ordinance# 2016-04 – 2016 Appropriations Ordinance – 2nd Reading

SUMMARY:

The Town Council is asked to consider Ordinance No. 2016-04, an appropriations ordinance amending the 2016 budget to allow for the adjustment to revenues and expenditures as related to operations, capital projects and transfers between funds.

PREVIOUS COUNCIL ACTION:

The Town's Charter allows for additional appropriations by ordinance during the fiscal year for adjustments required of the Town. Note that the Ordinance complies with the Charter regulation Section 8.7 in that "the additional appropriations do not exceed the amount by which actual and anticipated revenues of the year and prior year available cash exceed the expenditures as estimated in the budget" (updated long range plans, Exhibit B, are provided whereby the 2016 budget column reflects the requested appropriations.)

Council approved this Ordinance on first reading at the April 13th Council meeting.

BACKGROUND:

Town staff has had the opportunity to review the 2015 actual revenues and expenditures for any items/projects that were not completed in 2015, which need to be carried forward into 2016. A number of additional changes to the 2016 budget have been proposed. An explanation of Exhibit A is as follows:

General Fund (GF)

General Fund Revenues.

- As of the end of 1st quarter 2016, it's becoming apparent that approximately 30 additional residential building projects beyond the budgeted 25 residential projects will become a reality in 2016. The Rivers Edge, Angler Mtn and South Maryland Creek projects have and will be submitting for building related permits estimated to generate **\$240,000** in additional permit revenues.
- The gymnastic program will generate **\$7,800** in revenues from their annual meet hosted at the recreation center plus prior year revenues. The revenues will be used to purchase replacement gymnastic equipment.
- The Public Safety department has received grants for new equipment in the amount of **\$2,500** plus the LEAF (DUI enforcement) grant is higher than budgeted and needs to be increased by **\$10,000**.
- Higher than budgeted utility TAP sales will generate additional transfers from the Water and Sewer Funds in the amount of **\$51,300**.

Town of Silverthorne
Council Agenda Memorandum

General Fund Expenditures

Administrative Services:

- The human resource program is in need of additional administrative help. A part-time position is being added at an estimated cost of **\$15,000**.
- Upper management retirements will require extra funding for recruitment. **\$12,000**.
- Adding the payroll time entry module, higher employee counts and new Affordable Health Care reporting requirements have increased the Ascentis monthly software support costs. **\$15,000**.
- Arts – Arts Committee funds - **\$10,000**, Sunset on the Summit July Concert Series - **\$40,000** and **\$5,000** in 2015 funds to complete the arts strategic plan.
- The Summit County Youth & Family department is continuing an education program that will focus on youth and marijuana use. The program has requested the Town funding the program at a cost of **\$5,333**.

Public Safety:

- Upper management recruitment will require extra funding for recruitment. **\$20,000**.
- The 2016 Communication Center budget is **\$20,000** more than necessary.
- Equipment – The department received a grant (**\$2,500**) for DUI related equipment and equipment ordered (**\$4,150**) during 2015 was not received until 2016 and requires to be carry forward to 2016.

Public Works:

- 2015 electrical activity didn't get invoiced until 2016. Carry forward to 2016 - **\$3,000**.

Community Development:

- As of the end of 1st quarter 2016, it's becoming apparent that approximately 30 additional residential building projects beyond the budgeted 25 residential projects will become a reality in 2016. The Rivers Edge, Angler Mtn and South Maryland Creek projects have and will be submitting for building related permits which will require Summit County building review and inspection services. We expect that it will require **\$120,000** in additional costs.

Recreation & Culture:

- 2015 electrical activity didn't get invoiced until 2016. Carry forward to 2016 - **\$1,500**.
- The fitness and gymnastic programs have developed an equipment replacement program that will now be accounted for within the General Fund. The assets cost less than \$5,000 otherwise they'd be included in the Sales Tax CIP AMP program. Fitness will replace **\$7,696** in equipment and gymnastics **\$6,400**.

Sales Tax CIP Fund

Sales Tax CIP Fund Revenues

- In February, the Town completed lease/purchase financing on two plow trucks. The trucks were supposed to have been purchased and financed in 2015. However, the plows and financing were not completed until 2016. The Town financed and received **\$417,416** to pay for the trucks.

Town of Silverthorne
Council Agenda Memorandum

- Construction of Segment 6 of the trail has been delayed due to easement issues. The Town will not be financing **\$1.5M** as budgeted this year. Due to the construction delay, the Development Excise Tax transfer will be reduced by **\$200,000**. Other expenditure related to the trail will continue.

Sales Tax CIP Fund Expenditures

Budget adjustments to the Sales Tax CIP Expenditures include:

Carry Forward Projects from 2015:

- Pool Pak – Construction - **\$3,180**
- Fleet – complete the plow trucks outfit - **\$33,728**

Additions and deletions to the Fund include:

- Communication Center Capital – The November 2014 general election included a ballot question that increased the County mill levy to provide funding for the emergency communication. The mill levy revenue is being used towards the County Communication Center. This additional revenue allows the Communication Center to reduce costs on the agencies, such as the Town, that pay into the Communication Center. The reduction to the Town amounts to **\$10,835**.
- Construction of Segment 6 of the trail has been delayed due to easement issues. The Town will not be constructing the trail this year. Reduce the budget by **\$1.759M**.
- As the Town and Lake Dillon Theater Company continue to work toward the construction of the Performing Arts Center (PAC), additional costs are becoming apparent. The amount of utility TAPS is higher than budgeted and the Town will need to expend funds to remove additional berms, highway access improvements and irrigation systems for the lawn. These additional items will add **\$99,300** to the budget.
- The \$4.5M financing needed for the PAC construction will require the services of a financial advisor, bond attorney and other minor costs. It's estimated those will cost **\$50,000**.
- The 2016 lease/purchase financing for the plow trucks will add **\$44,015** in debt payments this year.

Development Excise Tax Fund

Development Excise Tax Revenues

Budget adjustments to the Development Excise Tax Fund Revenues include:

- As of the end of 1st quarter 2016, it's becoming apparent that approximately 30 additional residential building projects beyond the budgeted 25 residential projects will become a reality in 2016. The Rivers Edge, Angler Mtn and South Maryland Creek projects have and will be submitting Excise Tax revenues estimated to be **\$120,000**.

Development Excise Tax Expenditures

Budget adjustments to the Development Excise Tax Fund Expenditures include:

Town of Silverthorne
Council Agenda Memorandum

- Carry forward **\$18,750** of unspent 2015 Cottonwood Public Works shop design and engineering expenses.
- Carry forward **\$5,418** of unspent 2015 Transportation Study funds to complete the study.
- Adding an additional pickup truck for the parks program. **\$35,000.**
- Construction of Segment 6 of the trail has been delayed due to easement issues. Due to the construction delay, the Development Excise Tax transfer will be reduced by **\$200,000**. Other expenditure related to the trail will continue.

5A Housing Fund

5A Housing Fund Revenues

Budget adjustments to the 5A Housing Fund Revenues include:

- As of the end of 1st quarter 2016, it's becoming apparent that approximately 30 additional residential building projects beyond the budgeted 25 residential projects will become a reality in 2016. The Rivers Edge, Angler Mtn and South Maryland Creek projects have and will be submitting 5A Impact Fee revenues estimated to be **\$60,000**.

5A Housing Fund Expenditures

Budget adjustments to the 5A Housing Fund Expenditures include:

- The Town will be participating in a housing assessment study with other Summit County governments. Our portion should cost approximately **\$5,000**.

Insurance Claims Internal Service Fund

Insurance Claims Fund Revenues

Budget adjustments to the Insurance Claims Fund Revenues include:

- The Town no longer self-funds the short-term disability benefit. Reduce claim revenues by **\$19,000**.

Insurance Claims Fund Expenses

Budget adjustments to the Insurance Claims Fund Expenses include:

- The Town no longer self-funds the short-term disability benefit. Reduce claim expenses by **\$15,000**.

Water Fund

Water Fund Revenues

Budget adjustments to the Water Fund Revenues include:

- As of the end of 1st quarter 2016, it's becoming apparent that approximately 30 additional residential building projects beyond the budgeted 25 residential projects will become a reality in 2016. The Rivers Edge, Angler Mtn and South Maryland Creek projects have and will be submitting Water Tap Fee revenues estimated to be **\$222,000**.

Town of Silverthorne
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Water Fund Expenses

Budget adjustments to the Water Fund Expenses include:

- Carry forward **\$4,500** of unspent 2015 Ptarmigan generator project expenses.
- Carry forward **\$18,750** of unspent 2015 Cottonwood Public Works shop design and engineering expenses.
- Higher than budgeted utility TAP sales will generate additional transfer to the General Fund in the amount of **\$33,300**.

Sewer Fund

Sewer Fund Revenues

Budget adjustments to the Sewer Fund Revenues include:

- As of the end of 1st quarter 2016, it's becoming apparent that approximately 30 additional residential building projects beyond the budgeted 25 residential projects will become a reality in 2016. The Rivers Edge, Angler Mtn and South Maryland Creek projects have and will be submitting Water Tap Fee revenues estimated to be **\$180,000**.

Sewer Fund Expenses

Budget adjustments to the Sewer Fund Expenses include:

- Carry forward **\$37,500** of unspent 2015 Cottonwood Public Works shop design and engineering expenses.
- The South Maryland Creek Ranch project will require the Town to pay for our portion of the new forcemain which is estimated to cost **\$220,000**.
- Higher than budgeted utility TAP sales will generate additional transfer to the General Fund in the amount of **\$18,000**.

Joint Sewer Authority Fund

Budget adjustments to the JSA Fund Expenses include:

Additions to the Fund include:

- Digester Blower – **\$25,000**
- Tertiary Floor - **\$14,000**

CURRENT ISSUES & FINANCIAL IMPLICATOINS

The enclosed Long Range Plans (Exhibit B) reflect the additional items and reductions of prior budgeted items of this Appropriation Ordinance. The Town continues to be in a financial position whereby funding the items identified in this Ordinance is possible. Unreserved fund balances are being used to accommodate additional projects for this year. In capital related funds, some available fund balances (cash) is used to address one-time capital related projects.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2016-04 on second and final reading.

Town of Silverthorne
Council Agenda Memorandum

PROPOSED MOTION:

**"I MOVE TO ADOPT ORDINANCE NO. 2016-04 ON SECOND AND FINAL READING,
AN ORDINANCE AMENDING THE 2016 BUDGET AS PRESENTED."**

ATTACHMENTS:

1. Ordinance #2016-04
2. Exhibit A – Appropriation breakdown
3. Exhibit B – Updated Long Range Plans for Funds

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2016-04**

AN ORDINANCE AMENDING THE 2016 BUDGET RECOGNIZING ADDITIONAL GENERAL FUND REVENUES OF \$311,600, APPROPRIATING GENERAL FUND EXPENDITURES OF \$247,579, RECOGNIZING A DECREASE IN SALES TAX CIP FUND REVENUES OF \$1,282,584, DECREASING SALES TAX CIP FUND EXPENDITURES BY \$1,539,612, RECOGNIZING ADDITIONAL DEVELOPMENT EXCISE TAX FUND REVENUES BY \$120,000, DECREASING DEVELOPMENT EXCISE TAX FUND EXPENDITURES BY \$140,832, RECOGNIZING ADDITIONAL HOUSING 5A FUND REVENUES OF \$60,000, APPROPRIATING 5A HOUSING FUND EXPENDITURES BY \$5,000, RECOGNIZING A DECREASE IN INSURANCE CLAIMS FUND REVENUES OF \$19,000, DECREASING INSURANCE CLAIMS FUND EXPENSES BY \$15,000, RECOGNIZING ADDITIONAL WATER FUND REVENUES OF \$222,000, APPROPRIATING WATER FUND EXPENSES OF \$56,550, RECOGNIZING ADDITIONAL SEWER FUND REVENUES OF \$180,000, APPROPRIATING SEWER FUND EXPENSES OF \$275,500, AND APPROPRIATING JOINT SEWER AUTHORITY FUND EXPENSES OF \$39,000.

WHEREAS, in accordance with Section 8.7 of the Silverthorne Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year; and

WHEREAS, the Town Manager has certified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves; and

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

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

Section 1:

Upon the Town Manager's certification that there are current year revenues available for appropriation in the General Fund, Sales Tax Capital Improvements Project Fund, Development Excise Tax Fund, 5A Housing Fund, Insurance Claims Fund, Water Fund, Sewer Fund and Joint Sewer Authority Fund and the Town Council hereby makes supplemental appropriations as itemized in Exhibit "A" attached hereto.

Section 2:

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations, capital projects and debt within this budget as amended in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3:

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

Section 4:

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 5:

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 6:

This Ordinance shall be effective following the adoption by Section 4.5 of the Home Rule Charter.

INTRODUCED, READ, APPROVED ON FIRST READING THE 13th DAY OF APRIL, 2016.

READ AND ADOPTED ON SECOND AND FINAL READING AFTER CONDUCTING A PUBLIC HEARING ON THE 27TH DAY OF APRIL, 2016.

TOWN COUNCIL

BY: _____
Bruce Butler, Mayor

ATTEST:

BY: _____
Michele Miller, Town Clerk

Approved on first reading:	_____	2016
Published by title only on first reading:	_____	2016
Approved on second reading:	_____	2016
Published by title only on second reading:	_____	2016

Town of Silverthorne, CO

Ordinance No. 2016-04

Exhibit A

GENERAL FUND		Account #	Amount
<u>Recognize General Fund Revenues</u>			
Licenses & Permits			
Building Pemits	01-51-0000-63045	180,000	
Plumbing Permits	01-51-0000-63046	15,000	
Mechanical Permits	01-51-0000-63047	45,000	
Charges for Services			
Gymnastics Proceeds	01-71-0000-69081	7,800	
Misc Income			
LEAF Grants	01-31-0000-69030	10,000	
Other Grants - Public Safety	01-31-0000-69033	2,500	
Other Sources			
Transfer in from Water Fund	01-96-0000-76041	33,300	
Transfer in from Sewer Fund	01-96-0000-76042	18,000	
Total Additional General Fund Revenue			\$ 311,600
<u>Appropriate General Fund Expenditures</u>			
Administrative Services			
Wages & Benefits - Part Time HR - GG	01-11-1110-80200	15,000	
Software Support - HR/ACA/Time Support - GG	01-11-1110-82752	15,000	
Other Professional Fees - Recruiting - GG	01-11-1110-81990	12,000	
Arts Committee - TC	01-11-1120-82991	10,000	
Civic Participation - MJ Contribution - TC	01-11-1120-84002	5,333	
LDTC - Sunset on the Summit Concerts - TC	01-11-1120-84005	40,000	
Other Professional Fees - 2015 Carry Fwd - Arts Strategic Plan - Mgr	01-11-1130-81990	5,000	
Public Safety			
Other Professional Fees - Recruiting - PS	01-31-3110-81990	20,000	
Communication Center - Operations - PS	01-31-3110-82610	(20,000)	
Equipment & Related - 2015 Carry Fwd - PS	01-31-3110-83200	4,150	
Grant Funded Supplies - PS	01-31-3110-83995	2,500	
Public Works			
Building Maintenance - 2015 Carry Fwd - PW	01-41-4120-82750	3,000	
Community Development			
Other Professional Fees - Summit Cty Inspections - CD	01-51-5150-81990	120,000	
Recreation & Culture - Recreation Center			
Other Maintenance - 2015 Carry Fwd - RC	01-71-7110-82790	1,500	
Fixed Assets - Fitness - RC	01-71-7130-86110	7,696	
Fixed Assets - Gymnastics - RC	01-71-7150-86111	6,400	
Total Additional General Fund Expenditures			\$ 247,579
SALES TAX CIP FUND			
<u>Recognize Sales Tax CIP Fund Revenues</u>			
Proceeds from Lease/Purchase	11-70-0000-70005	417,416	
Financing Proceeds - Trail	11-70-0000-70006	(1,500,000)	
Transfer from Development Excise Tax Fund	11-96-0000-76022	(200,000)	
Total Additional Sales Tax CIP Fund Revenue			\$ (1,282,584)

Town of Silverthorne, CO
Ordinance No. 2016-04
Exhibit A

Appropriate Sales Tax CIP Fund Expenditures

Communication Center Capital	11-31-31110-82160	(10,835)
Trails Construction	11-41-4130-82416	(1,759,000)
Performing Arts Center - Town	11-74-7410-82416	99,300
Performing Arts Center Debt Issuance		50,000
<i>AMP - Rec Center Bldg - 2015 Carry Frwd - Pool Pak</i>	<i>11-97-7110-97072</i>	<i>3,180</i>
<i>AMP - Fleet - 2015 Carry Frwd - Plow Trucks</i>	<i>11-97-7110-97071</i>	<i>33,728</i>
Lease/Purchase Debt Payment	11-90-9001-89100	44,015

Total Additional Sales Tax CIP Fund Expenditures **\$ (1,539,612)**

DEVELOPMENT EXCISE TAX FUND

Recognize Development Excise Tax Revenues

Development Excise Tax	22-22-0000-60012	\$ 120,000
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Total Additional Development Excise Tax Fund Revenue **\$ 120,000**

Appropriate Development Excise Tax Expenditures

<i>Public Works Cottonwood Building - 2015 Carry Frwd</i>	<i>22-41-4110-87045</i>	<i>\$ 18,750</i>
<i>Transportation Study - 2015 Carry Frwd</i>	<i>22-41-4160-82415</i>	<i>5,418</i>
Additional Parks PU Truck	22-41-4140-86300	35,000
Transfer out to Capital CIP Fund	22-98-0000-98011	(200,000)

Total Additional Development Excise Tax Fund Expenditures **\$ (140,832)**

HOUSING 5A SPECIAL REVENUE FUND

Recognize Housing 5A Fund Revenues

5A Impact Fee	23-23-0000-64500	\$ 60,000
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Total Additional Housing 5A Fund Revenue **\$ 60,000**

Appropriate Housing 5A Fund Expenditures

Housing Study	23-98-0000-98022	\$ 5,000
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Total Additional Housing 5A Fund Expenditures **\$ 5,000**

INSURANCE CLAIMS INTERNAL SERVICE FUND

Recognize Insurance Claim Fund Revenues

Short-Term Disability Premiums	52-53-0000-64554	\$ (19,000)
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Total Additional Insurance Claim Fund Revenues **\$ (19,000)**

Appropriate Insurance Claim Fund Expenses

Short-Term Disability Claims	52-53-5310-82685	\$ (15,000)
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Total Additional Housing 5A Fund Expenditures **\$ (15,000)**

Town of Silverthorne, CO
Ordinance No. 2016-04
Exhibit A

WATER FUND		
<u>Recognize Water Revenues</u>		
Tap Fees - Capital	41-46-0000-66000	\$ 222,000
Total Additional Water Fund Revenues		<u>\$ 222,000</u>
<u>Appropriate Water Expenses</u>		
Other Fixed Assets - 2015 Carry Fwd - Ptarmigan generator	41-42-4210-86990	\$ 4,500
Cottonwood Utility Shop - 2015 Carry Fwd - Design & Engineering	41-46-4610-86547	18,750
Transfer to General Fund	41-98-0000-98001	33,300
Total Additional Water Fund Expenses		<u>\$ 56,550</u>
SEWER FUND		
<u>Recognize Sewer Revenues</u>		
Tap Fees - Capital	42-47-0000-66000	\$ 180,000
Total Additional Sewer Fund Revenues		<u>\$ 180,000</u>
<u>Appropriate Sewer Expenses</u>		
Cottonwood Utility Shop - 2015 Carry Fwd - Design & Engineering	42-47-4710-86547	\$ 37,500
Sewer Lines - Maryland Creek Forcemain	42-98-0000-98041	220,000
Transfer Out from Sewer Fund	42-98-0000-98001	18,000
Total Additional Sewer Fund Expenses		<u>\$ 275,500</u>
JSA FUND		
<u>Appropriate JSA Expenses</u>		
Other Fixed Assets - AMP - Digester Blower	63-45-4510-86990	\$ 25,000
Maintenance Plant - AMP - Tertiary Floor	63-45-4510-86210	14,000
Total Additional JSA Fund Expenses		<u>\$ 39,000</u>

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Town of Silverthorne
Council Agenda Memorandum

TO: Mayor and Town Council
THRU: Donna Braun, Administrative Services Director
FROM: Kathy Marshall, Revenue Administrator *KM*
DATE: April 21, 2016 for meeting of April 27, 2016
SUBJECT: February 2016 Sales Tax Review

SUMMARY:

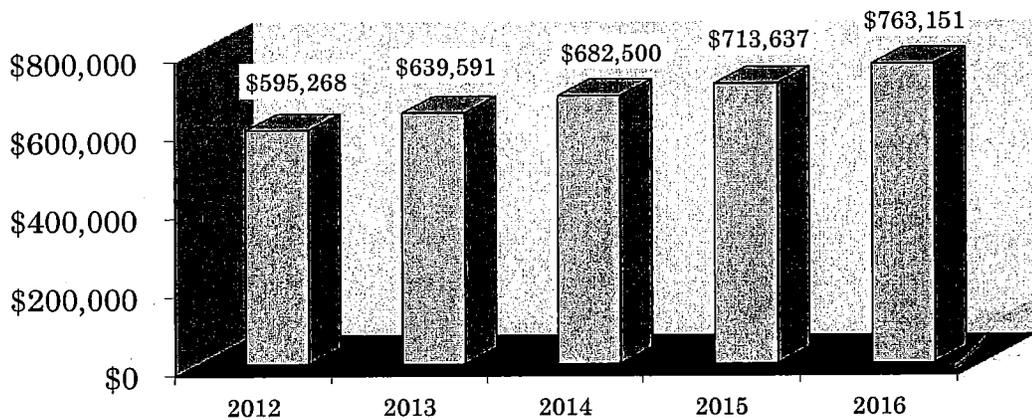
The following reports summarize February sales taxes collected in March. The State remitted the Town's 2% county taxes from February sales on April 8th, 2016.

MANAGER'S COMMENTS:

**SILVERTHORNE SALES TAX BY MONTH
FOR FEBRUARY 2016 SALES**

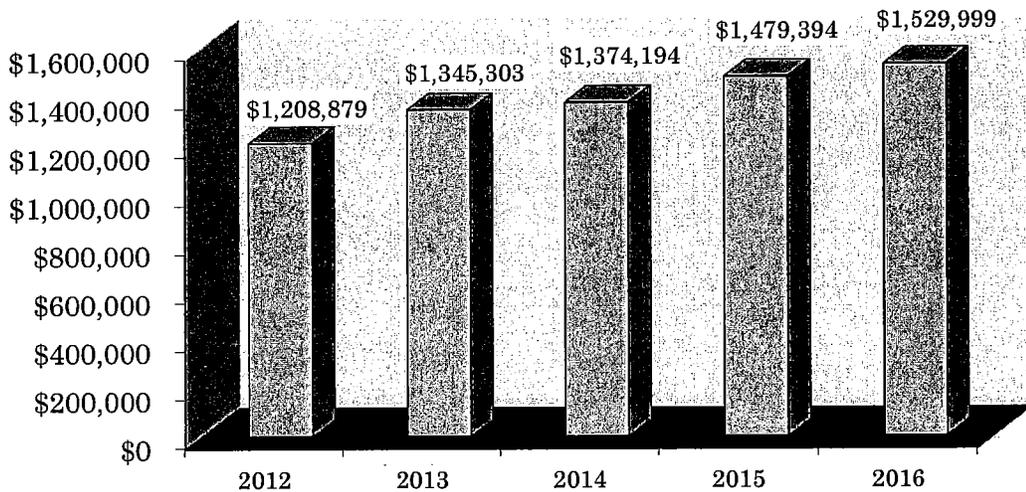
CHART A:	2012	11-12	2013	12-13	2013	13-14	2015	14-15	2016	15-16
MONTH	% CHANGE		% CHANGE		% CHANGE		% CHANGE		% CHANGE	
JAN	613,612	6.96%	705,712	15.01%	691,694	-1.99%	765,758	10.71%	766,848	0.14%
FEB	595,268	-0.19%	639,591	7.45%	682,500	6.71%	713,637	4.56%	763,151	6.94%
MARCH	718,051	-5.10%	830,399	15.65%	879,003	5.85%	960,756	9.30%		
APRIL	631,867	32.14%	591,855	-6.33%	606,570	2.49%	654,752	7.94%		
MAY	479,708	4.30%	572,548	19.35%	619,820	8.26%	630,889	1.79%		
JUNE	695,673	-1.23%	822,224	18.19%	869,150	5.71%	934,593	7.53%		
JULY	774,222	4.04%	866,950	11.98%	890,855	2.76%	957,634	7.50%		
AUG	773,019	8.98%	827,646	7.07%	893,121	7.91%	932,217	4.38%		
SEPT	782,144	13.66%	796,857	1.88%	836,747	5.01%	935,275	11.78%		
OCT	595,102	14.49%	644,447	8.29%	680,653	5.62%	725,760	6.63%		
NOV	635,360	0.06%	701,380	10.39%	713,747	1.76%	760,614	6.57%		
DEC	866,971	-2.10%	983,997	13.50%	1,065,155	8.25%	1,201,862	12.83%		
YTD TTL:	8,160,996		8,983,606		9,429,015		10,173,746		1,529,999	
%CHANGE FROM YEAR TO YEAR:		5.29%		10.08%		4.96%		7.90%		3.42%

EXHIBIT 1A: SALES TAXES COLLECTED FEBRUARY



%CHANGE FROM PRIOR MONTH	2012	2013	2014	2015	2016
	-0.19%	7.45%	6.71%	4.56%	6.94%

EXHIBIT 1B: YTD SALES TAX COLLECTIONS AS OF FEBRUARY 2012-2016



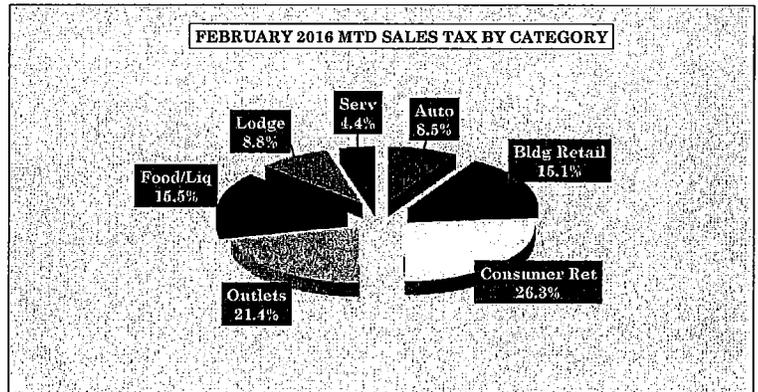
%CHANGE FROM PRIOR YEAR	2012	2013	2014	2015	2016
	3.31%	11.29%	2.15%	7.66%	3.42%

Exhibit IA & Exhibit IB show the Town of Silverthorne's collections by month and year-to-date (YTD) for the years 2012-2016, with the following results:
 February 2016 sales tax collections increased by \$49,514 or 6.94% over 2015.
 2016 YTD collections increased \$50,605 or 3.42% over 2015 collections.

SALES TAX BY CATEGORY

EXHIBIT IIA: FEBRUARY SALES TAX BY CATEGORY

Category	2015	2016	\$Inc/(Dec)	% Inc/(Dec)
Auto	\$52,041	\$65,190	\$13,149	25.27%
Bldg Retail	\$100,694	\$114,957	\$14,263	14.16%
Consumer Ret	\$177,616	\$200,689	\$23,073	12.99%
Outlets	\$190,375	\$163,450	(\$26,925)	-14.14%
Food/Liq	\$114,027	\$118,012	\$3,985	3.49%
Lodge	\$43,388	\$67,039	\$23,651	54.51%
Serv	\$35,496	\$33,814	(\$1,682)	-4.74%
TOTAL	\$713,637	\$763,151	\$49,514	6.94%



The Outlets category decreased \$26,925 or minus 14.14% when compared with February 2015. YTD is down \$53,421 or minus 14.18%. The results by Phase are as follows:

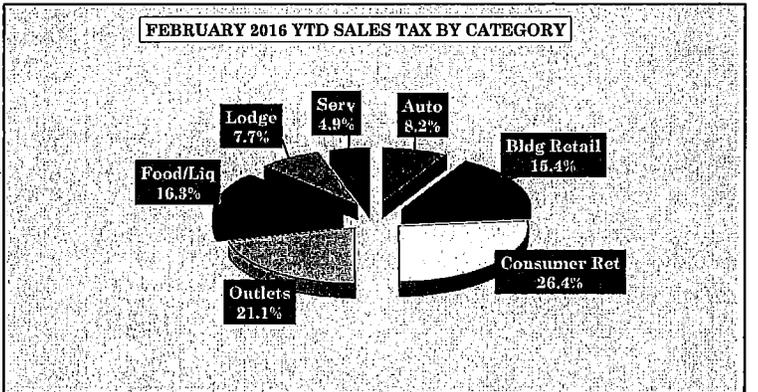
- ▶ Phase I is up \$154 or 0.26%. YTD is down \$1,792 or minus 1.45%
- ▶ Phase II is down \$18,825 or minus 19.28%. YTD is down \$26,631 or minus 14.67%
- ▶ Phase III is down \$6,254 or minus 24.81%. YTD is down \$24,991 or minus 35.04%

The "Sales Tax by Category" Exhibits IIA & IIB compare the February 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 February collections, or 26.3% and the highest YTD collections, 26.4%.
- ▶ The Outlets category, February's 2nd largest sales tax category, contributed 21.4%; YTD 21.1%.

EXHIBIT IIB: FEBRUARY YTD SALES TAX

Category	2015	2016	\$Inc/(Dec)	% Inc/(Dec)
Auto	\$119,415	\$124,777	\$5,362	4.49%
Bldg Retail	\$208,694	\$235,708	\$27,014	12.94%
Consumer Ret	\$371,747	\$403,440	\$31,693	8.53%
Outlets	\$376,715	\$323,354	(\$53,421)	-14.18%
Food/Liq	\$238,250	\$249,661	\$11,411	4.79%
Lodge	\$84,630	\$117,708	\$33,078	39.09%
Serv	\$79,883	\$75,353	(\$4,530)	-5.67%
TOTAL	\$1,479,394	\$1,529,999	\$50,605	3.42%



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

- ▶ The Lodging Retail category had the highest February dollar increase, \$23,651 or 54.51%; YTD up \$33,078 or 39.09%.
- ▶ The Consumer Retail category had the 2nd highest February dollar increase, \$23,073 or 12.99%; YTD up \$31,693 or 8.53%.
- ▶ The Service category was down \$1,682 or minus 4.74%; YTD down \$4,530 or minus 5.67%.

Outlets at Silverthorne (OS):

- ▶ Phase I aka Red Village.
- ▶ Phase II aka Blue Village. Skechers will be opening in late May. Their Grand Opening/Ribbon Cutting will be on May 27th, 2pm. Twisted Trails Running Company will open in early summer in the Blue Village. This completes the Blue Village with no vacancies remaining. Sunglass Hut is undergoing a complete remodel and will re-open in mid-May.
- ▶ Phase III aka Green Village. Lake Dillon Theatre Company will hold their Ribbon Cutting on June 3rd, 6:30 pm, which is also the opening night of the summer series. Carters will be remodeling and relocating their store, to open in mid-June. Mud Season Survival Kits (aka "Local's kits") are being offered. OS has teamed up with the Town of Silverthorne to offer participation in these kits to other Silverthorne businesses for a chance for free marketing exposure to locals. Sidewalk sales begin Memorial Day weekend, May 27th-30th.

SALES TAX COLLECTIONS: ACTUAL VS BUDGET 2015 YTD

EXHIBIT III-ACTUAL VS. BUDGET TABLE

SALES MONTH	2016 BUDGET	2016 ACTUAL	2016 BUDGET	2016 ACTUAL	ACTUAL VS BUDGET YTD
	BY MONTH	BY MONTH	YTD	YTD	% OF 2016 BUDGET YTD
JAN	\$769,059	\$766,848	\$769,059	\$766,848	99.71%
FEB	\$768,028	\$763,151	\$1,537,087	\$1,529,999	99.54%
MAR	\$996,304		\$2,533,391		0.00%
APR	\$684,450		\$3,217,841		0.00%
MAY	\$631,328		\$3,849,169		0.00%
JUNE	\$893,504		\$4,742,673		0.00%
JULY	\$978,121		\$5,720,794		0.00%
AUG	\$937,212		\$6,658,006		0.00%
SEPT	\$926,204		\$7,584,210		0.00%
OCT	\$729,165		\$8,313,374		0.00%
NOV	\$790,155		\$9,103,529		0.00%
DEC	\$1,141,065		\$10,244,594		0.00%

► The budget numbers are based on a 0.07% increase from 2015 sales tax revenues.

LODGING TAX COLLECTIONS: 2013-2016 COMPARISONS

EXHIBIT IV-LODGING TAX TABLE

LODGING TAXES	2013	2012/2013	2014	2013/2014	2015	2014/2015	2016	2015/2016	2015/2016
	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	\$ Change	% Change
Jan	14,022	14.2%	17,109	22.0%	20,089	17.4%	28,321	8,231	41.0%
Feb	14,652	7.2%	17,751	21.2%	20,859	17.5%	30,836	9,977	47.8%
Mar	23,772	8.3%	28,315	19.1%	31,748	12.1%			0.0%
Apr	6,758	32.0%	7,504	11.0%	8,628	15.0%			0.0%
May	4,915	-5.8%	5,737	16.7%	5,790	0.9%			0.0%
June	9,524	3.6%	9,792	2.8%	12,041	23.0%			0.0%
July	12,655	8.0%	14,841	17.3%	18,070	21.8%			0.0%
Aug	12,251	11.6%	13,611	11.1%	14,213	4.4%			0.0%
Sept	10,613	9.7%	11,651	9.8%	12,943	11.1%			0.0%
Oct	6,134	4.8%	6,928	13.0%	7,630	10.1%			0.0%
Nov	6,841	15.0%	6,918	1.1%	6,400	-7.5%			0.0%
Dec	19,283	26.4%	20,436	6.0%	29,310	43.4%			0.0%
TOTAL	141,419	11.5%	160,594	13.6%	187,720	16.9%	59,157	18,209	44.5%

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

EXCISE TAX COLLECTIONS: 2013-2016 COMPARISONS

EXHIBIT V-EXCISE TAX TABLE

EXCISE TAXES	2013	2012/2013	2014	2013/2014	2016	2014/2015	2016	2014/2016	2014/2016	2016	2016	2016
	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	% Change	Amount Collected	\$ Change	% Change	Total Sq Footage	New Res Permits	New Res Permits
Jan	0	-100.0%	15,944		6,920	-56.6%	17,008	-10,088	145.8%	8,504	1	5
Feb	10,824	-19.8%	6,514	-39.8%	11,372	74.6%	32,962	21,590	189.9%	16,481	2	4
Mar	209,452		0	-100.0%	26,374		67,572	41,198	156.2%	33,786	4	9
Apr	20,856	16.9%	0	-100.0%	34,116				0.0%	0	6	
May	42,286	-2.0%	38,256	-9.5%	21,232	-44.5%			0.0%	0	2	
June	18,840	428.3%	8,880	-52.9%	28,290	218.6%			0.0%	0	3	
July	32,024	322.5%	39,868	24.5%	61,442	54.1%			0.0%	0	7	
Aug	16,056	-13.8%	17,974	11.9%	54,962	205.8%			0.0%	0	6	
Sept	22,836		37,890	65.9%	33,968	-10.4%			0.0%	0	4	
Oct	12,412	80.1%	30,636	146.8%	26,912	-12.2%			0.0%	0	3	
Nov	10,896		6,668	-38.8%	37,426	461.3%			0.0%	0	5	
Dec	12,854	25.1%	28,702	123.3%	7,424	-74.1%			0.0%	0	1	
TOTAL	409,336	217.1%	231,332	-43.5%	350,438	51.5%	117,542	72,876	163.2%	58,771	44	18