

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, March 23, 2016

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members Derrick Fowler, , Russ Camp, Stuart Richardson, JoAnne Nadalin and Ann-Marie Sandquist. Peggy Long was absent. Staff members present were, Town Manager Ryan Hyland, Acting Chief of Police Misty Higby, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Assistant Town Manager Mark Leidal, Senior Planner Lina Lesmes, Planning Manager Matt Gennett, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Cook announced the arrival of the new summer Pastimes Brochure.

COUNCIL COMMENTS:

Nadalin complimented the Pastimes Brochure's advertisements and collaboration with the Lake Dillon Theater Co.

CITIZEN COMMENTS:

None.

CONSENT CALENDAR:

NADALIN MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM MARCH 9, 2016, RESOLUTION 2016-08; A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH DHM DESIGN TO PREPARE CONSTRUCTION DOCUMENTS AND COMPLETE BID PACKAGE FOR THE REDEVELOPMENT OF ARCTIC PLACER PARK; AND DESIGN DEVELOPMENT DRAWINGS, CONSTRUCTION DOCUMENTS, AND COMPLETE BID PACKAGE FOR THE REDEVELOPMENT OF RAINBOW PARK WEST ENTRANCE REPLAT – LOT 33, EAGLES NEST GOLF COURSE, FILING NO. 4 AND REPLAT – RAINBOW RUN – FIRST AMENDMENT, A REPLAT OF RAINBOW RUN. MOTION SECONDED. MOTION PASSED BY COUNCIL. (LONG ABSENT)

PUBLIC PRESENTATIONS:

Flight for Life Memorial Park Committee Presentation

Eddie O'Brien introduced Alena Scott, Norris Design and Julie Kelble, Park Committee Chairman. He reviewed the plans and design for the Flight for Life Memorial.

Kelble reviewed the committee's structure and fundraising efforts

Scott reviewed the park, the process for creating it and thoughts on designing it.

Council and Park Committee discussed the park, park features and donations.

LIQUOR BOARD:

A. Murphy's Tavern, Inc. dba Murphy's Tavern – Renewal of Hotel Restaurant Liquor License

B. Maria Serrano dba Silverthorne Liquors – Renewal of Liquor Store Liquor License

RICHARDSON MOVED TO APPROVE

- **MURPHY’S TAVERN, INC. DBA MURPHY’S TAVERN – RENEWAL OF HOTEL RESTAURANT LIQUOR LICENSE**
- **MARIA SERRANO DBA SILVERTHORNE LIQUORS – RENEWAL OF LIQUOR STORE LIQUOR LICENSE**

MOTION SECONDED. MOTION PASSED BY COUNCIL. (LONG ABSENT)

PUBLIC HEARINGS:

A. Resolution No. 2016-9, a Resolution Approving the Service Plan for the South Maryland Creek Ranch (SMCR) Metropolitan District

Public hearing opened.

Matt Gennett, Planning Manager, presented the proposed service plan for formation of a special district to be known as South Maryland Creek Metropolitan District.

Matt Mire, Town Attorney, introduced. Reviewed the history of the SMC how the Town has gotten to this point with the Metro District. He presented the details of the service plan and answered council questions. Staff and SMCR staff have reviewed the document together. He reviewed some staff concerns. He reviewed his staff report dated 3-17-16. He noted SMCR memo from Matt Ruhland, Esq. in the Town Council Packet.

No public comment received, public hearing closed.

SANDQUIST MOVED TO APPROVE RESOLUTION 2016-9 WITH 2 CONDITIONS.

1) THE TOWN AND MARYLAND CREEK RANCH, LLC SHALL ENTER INTO AN AGREEMENT OUTLINING PROTECTIONS RELATED TO A POSSIBLE SHORTFALL IN THE AMOUNTS RAISED FROM THE MAXIMUM TOWN OPERATIONS AND MAINTENANCE MILL LEVY AS COMPARED TO THE TOWN’S ACTUAL COST OF MAINTAINING THE PUBLIC IMPROVEMENTS DEDICATED TO THE TOWN, AS CONTEMPLATED IN THE SERVICE PLAN. IN THE EVENT SUCH AN AGREEMENT IS NOT ENTERED INTO WITHIN 6 MONTHS OF APPROVAL OF THE SERVICE PLAN, THE DISTRICT AGREES TO A FILE PETITION IN SUMMIT COUNTY DISTRICT COURT FOR DISSOLUTION, PURSUANT TO THE APPLICABLE STATE LAW. AND

2) PRIOR TO EXECUTION BY THE TOWN, THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND THE DISTRICT SHALL BE AMENDED TO PROVIDE AS FOLLOWS: (A) THAT THE DISTRICT AGREES TO MEET WITH THE TOWN BEFORE OCTOBER 10TH OF EACH YEAR TO DISCUSS AND REVIEW THE ANTICIPATED COSTS OF OPERATION AND MAINTENANCE OF THE PUBLIC IMPROVEMENTS DEDICATED TO THE TOWN DURING THE FOLLOWING YEAR, TO DETERMINE THE APPROPRIATE AMOUNT OF THE TOWN OPERATIONS AND MAINTENANCE MILL LEVY FOR THE FOLLOWING YEAR; AND (B) THAT THE DISTRICT AGREES TO TAKE ALL NECESSARY ACTION TO LOWER OR RAISE (SUBJECT TO THE MAXIMUM OF 12) THE TOWN OPERATIONS AND MAINTENANCE MILL LEVY ACCORDINGLY.

MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (LONG ABSENT)

ACTION ITEMS:

- A. Replat and Final Site Plan – Silverthorne Performing Arts Center, 460 Blue River Parkway, Tract A, Silverthorne Town Center Subdivision**

Lina Lesmes, Senior Planner, presented the Silverthorne Performing Arts Center Replat and Final Site Plan to Council for consideration. The Applicant, Town of Silverthorne, is requesting approval of a Replat and Final Site Plan to construct a 16,000 square-foot Silverthorne Performing Arts Center at the Silverthorne Town Center. Lesmes reviewed her staff report and requested approval with Planning Commission's three recommended conditions.

Council asked about heated sidewalks and excessive landscaping.

Ryan Hyland Town Manager, applicant representative, reviewed the history of the project, goals, cooperation with Lake Dillon Theater Co. and vision of the Town Core. This is a "place making" development and a step towards economic development for the area. He thanked staff for all the efforts.

Chris Alleman, Creative Director Lake Dillon Theater Co., stated they have worked hand in hand with Town staff on this project. They have worked to anticipate current, future and operational needs. The performance spaces are top notch and they are happy to be located under one roof. He thanked staff and the design build team for all of their efforts. This project fulfills their mission statement and they are looking forward to years of performances.

Hyland reviewed the Town Code regarding landscaping. Council as the reviewing body, has many times granted considerations for less landscaping. It would be consistent to grant a request for a reduction in landscaping.

Council and staff discussed landscaping.

Hyland asked if the motion should include a condition reducing landscaping

Leidal doesn't feel a condition is needed, staff hears Council's the request for a reduction in landscaping.

Eddie O'Brien EDAC member, loves seeing this project come together tonight. It is really the first 501(c)3 nonprofit to attract for people and it invites people to invest in the area.

Sandquist stated this is a big night; she appreciated Hyland's review of the project history and process. She has been very involved in process and project and is excited to see it at this point.

Richardson stated he looks at this like a partnership between the government and entity. The problem is that the entity has taken it over and he doesn't feel the performance center meets the needs of the community. He likes the building and location. This is a nine million dollar project for one hundred and thirty seats and he doesn't see how the community is getting a net benefit.

Nadalín doesn't view the performance center as just a one hundred and thirty seats. She feels the community is being invited into the facility with the performance spaces, glass front, lawn, and movie screen.

Camp stated the facility will have performances two hundred and fifty nights a year.

Hyland reviewed the multiple types of usage being coordinated at the facility. They want the community to grow and see the building as the center of the community.

Alleman stated they are going to schedule the facility as much as they are capable. They see themselves as of the facilitators and programmers of the facility. They have already contacted other organizations to see what other uses could be part of this facility. Their main goal is to serve the community.

Butler stated this project brings together the fruition of all the work that has been done over the years to bring activity, dynamics and identity to Silverthorne. It fits perfectly in the downtown core, it's not just a theater, it is a unique draw for our downtown.

CAMP MOVED TO APPROVE THE REPLAT AND FINAL SITE PLAN FOR TCHE SILVERTHORNE PERFORMING ARTS CENTER WITH THE PLANNING COMMISSION RECOMMENDED CONDITIONS:

1. **THAT THE LANDSCAPE PLAN BE REVISED TO ENSURE THAT TREES ARE NOT PROPOSED WITHIN UTILITY EASEMENTS, AS REQUIRED BY STANDARD 3.5.4 OF THE TOWN CORE DISTRICT DESIGN STANDARDS AND GUIDELINES.**
 2. **THAT MORE DECORATIVE, HIGH QUALITY FIXTURES SHOULD BE PROPOSED FOR THE ENTRANCES ALONG THE WEST AND EAST FACADES TO MEET GUIDELINES 3.6.4 AND 3.6.5.**
 3. **THAT ALL THE COMMENTS OF THE TOWN ENGINEER, ATTACHED AS EXHIBIT E, BE ADDRESSED.**
 4. **REDUCTION OF 15 CONIFEROUS TREES.**
- MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL (RICHARDSON NAY) (LONG ABSENT)**

DISCUSSION ITEMS:

None.

NADALIN MOVED TO GO INTO EXECUTIVE SESSION AT 8:40 P.M. PURSUANT TO CHARTER SECTION 4.13(c) AND CRS 24-6-402(4)(b)(e) TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS REGARDING PENDING LITIGATION SURROUNDING THE BLUE RIVER TRAIL AND TO DEVELOP A NEGOTIATING STRATEGY AND INSTRUCT NEGOTIATORS REGARDING CUTTHROAT ANGLERS' LEASE AND LAKE DILLON THEATRE COMPANY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL.

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

EXECUTIVE SESSION:

Executive Session pursuant to Charter Section 4.13(c) and CRS 24-6-402(4)(b)(e) to receive legal advice on specific legal questions regarding pending litigation surrounding the Blue River Trail and to develop a negotiating strategy and instruct negotiators regarding Cutthroat Anglers' lease and Lake Dillon Theatre Company.

INFORMATIONAL:

- A. Planning Commission Meeting Minutes, March 15, 2016
- B. January 2016 Sales Tax Review

EXECUTIVE SESSION CONCLUDED AT 9:25 PM AND REGULAR MEETING CONVENED.

NADALIN MOVED TO INSTRUCT THE TOWN MANAGER TO NEGOTIATE A LEASE EXTENSION WITH CUTTHROAT ANGLERS LEASE. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL. (LONG ABSENT)

SANDQUIST MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 9:26 P.M.

BRUCE BUTLER, MAYOR

ATTEST

MICHELE MILLER, TOWN CLERK

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