

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, September 14, 2016

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call were Mayor Bruce Butler, Council Members, Peggy Long, Russ Camp, Bob Kieber, JoAnne Nadalin and Tanya Shattuck. Derrick Fowler absent. Staff members present were, Town Manager Ryan Hyland, Chief of Police John Minor, Recreation Director Joanne Cook, Public Works Director Bill Linfield, Finance Director Laura Kennedy, Assistant Town Manager Mark Leidal, Senior Planner Lina Lesmes, Greg Roy Planner I, Town Attorney Matt Mire and Town Clerk Michele Miller.

The Pledge of Allegiance was recited by those present.

STAFF COMMENTS:

Cook updated Council on the Recreation Center Annual Shutdown. The Silverthorne Pavilion will host a Café Concert next Thursday night.

COUNCIL COMMENTS:

None.

CITIZEN COMMENTS:

Terry Matthew, 233 Hummingbird Circle, read a prepared statement regarding his opposition to issuing business licenses to short term rentals in residential neighborhoods. He reviewed the negative impact short term rentals have on him and his neighbors.

CONSENT CALENDAR:

SHATTUCK MOVED TO APPROVE THE MINUTES FROM AUGUST 24, 2016. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT (FOWLER ABSENT).

NADALIN MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING RESOLUTION 2016-26 - A RESOLUTION AWARDDING THE CONTRACT FOR THE EAST 4TH STREET SIDEWALK EXTENSION PROJECT TO OROZCO CONCRETE INC. OF DENVER CO., RESOLUTION 2016-27 - A RESOLUTION AWARDDING THE CONTRACT FOR THE WARREN AVENUE DRAINAGE IMPROVEMENTS PROJECT TO MOUNTAIN DIGGERS CORPORATION OF SILVERTHORNE, CO., RESOLUTION 2016-25 - A RESOLUTION AWARDDING THE CONTRACT FOR THE ADAMS AVENUE SIDEWALK CONSTRUCTION PROJECT TO OROZCO CONCRETE INC. OF DENVER CO. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT (FOWLER ABSENT).

PUBLIC PRESENTATIONS:

Summit School District

Kerry Buhler, Superintendent, introduced members of her team, Bonnie Ward, Cindy Bargell, Sue Wilcox and Kara Drake. Buhler reviewed the new Comprehensive Facilities Master Plan project, the Supplemental Capital Construction, technology and Maintenance Mill Levy and Bond Issue – Pursuing critical repairs and renovations to school buildings. The ballot questions 3A & B will be on the upcoming November ballot. She requested support. She stated that the

School District was requesting municipalities consider a adopting resolution stating their support of the mill levy and both bond questions.

LIQUOR BOARD:

- A. Pizza Hut of SW Kansas, Inc. dba Pizza Hut – Renewal of 3.2% Beer On Premise Liquor License**
- B. Suncor Energy Sales, Inc. dba Shell – Renewal of 3.2% Beer Off Premise Liquor License**

NADALIN MOVED TO APPROVE

- PIZZA HUT OF SW KANSAS, INC. DBA PIZZA HUT – RENEWAL OF 3.2% BEER ON PREMISE LIQUOR LICENSE**
- SUNCOR ENERGY SALES, INC. DBA SHELL – RENEWAL OF 3.2% BEER OFF PREMISE LIQUOR LICENSE.**

MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (FOWLER ABSENT)

PUBLIC HEARINGS:

- A. Minor Subdivision – Verizon Cell Tower, 2700 Golden Eagle Road, Eagles Nest Golf Course, Filing No. 6 First Amendment**

Public hearing opened.

Matt Mire, Town Attorney noted Home Rule Charter, 3.9, Conflict of Interest, states only the Council as a whole can vote on whether a Council member has a conflict under Charter 3.9. The Council determines if there is a substantial personal or financial interest or not. The affected Council member does not vote on the question of whether a conflict exists. He asked if any Councilmember had anything to declare.

JoAnne Nadalin Councilmember declared her participation in the Osprey Reserve HOA and noted she has had a lot of a communication regarding the Verizon Cell Phone Tower in this capacity. She feels that she has prejudged the application.

Long declared that she is the bookkeeper for the Eagles Nest HOA and in that capacity is responsible for sending out e-mails to the Eagles Nest HOA membership encouraging participation in everything from volunteer weed clean up days, to attending at the Verizon cell phone public meeting.

Mire asked if she has prejudged the Verizon Cell Phone application.

Long stated no; she does not know anything about the project, but she is looking forward to hearing about it.

Camp stated his wife is a member of the Eagles Nest HOA and some of the HOA board conversations have been repeated at home.

Mire asked Camp if he feels that he has prejudged this application.

Camp stated he has not prejudged this application.

LONG MOVED TO FIND THAT COUNCILMEMBER NADALIN HAS A CONFLICT OF INTEREST IN THE VERIZON CELL TOWER MATTER AND THEREFORE SHOULD BE EXCUSED FROM VOTING ON AGENDA ITEM, PUBLIC HEARINGS, A. AND ACTION ITEM

A. AS OUTLINED IN 3.9 OF THE HOME RULE CHARTER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (FOWLER ABSENT) (NADALIN ABSTAINING)

NADALIN MOVED TO FIND THAT COUNCILMEMBER LONG DOES NOT HAVE A CONFLICT OF INTEREST IN THE VERIZON CELL TOWER MATTER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (FOWLER ABSENT)

LONG MOVED TO FIND THAT COUNCILMEMBER CAMP DOES NOT HAVE A CONFLICT OF INTEREST IN THE VERIZON CELL TOWER MATTER. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT. (FOWLER ABSENT)

Nadalín left the Council Chambers.

Greg Roy, Planner, I, presented the Applicant's request for a Minor Subdivision approval to create an easement for their proposed telecommunications facility and the Site Plan Modification allowing a new telecommunications facility to be located on Eagles Nest Property Homeowners Association property. He reviewed the staff report for both the Public Hearing Item A. and the Action Item A. and recommended approval for both.

Brad Johnson - Black and Veatch, representing the applicant, explained the site and service area. He reviewed their application. They have worked closely with the Eagles Nest HOA to be consistent with the design, colors, etc. He cited cell phone use statistics.

Council questions.

Council asked about the increase in cell phone coverage with the proposed tower.

Johnson reviewed cell phone coverage map with Council.

Butler asked about the trees being planted on the site, he asked if a taller tower would be more helpful.

Johnson stated an increase in height would probably help, but he wants to see how this tower works as presented. They might be back to ask for additional height later.

Kieber asked if cell phone panels might work better than a new tower. He asked if there were any sites looked at in Angler Mtn. Ranch.

Johnson reviewed the site selection. They were looking for a centrally located tower.

Kieber asked about the proposed building, servicing, parking and diesel stored on site.

Johnson stated the diesel on site is for the generator in case of emergency. He reviewed the radio frequency transmission from the site.

Camp asked about cell phone radio frequencies (RF) from cell phones and cell phone towers.

Bryan Eicens, Verizon Wireless RF Engineer reviewed (RF) from cell phones and cell phone towers. There is more exposure to RF with your personal cell phone, than a cell phone tower.

Johnson reviewed the RF of cell phones; this site is monitored 24/7 by the company.

George Resseguie - 1770 Red Hawk Circle, Eagles Nest HOA President, explained how the project was reviewed and met the requirements from the HOA and the Town Code. The Design Review Committee oversees the maintenance and appearance of the project. The HOA has had several meetings on the issue; very few people didn't want it. He feels this is a good project or he wouldn't bring it to the Town for approval.

Citizen comments.

Gary Beisler, 2912 Osprey Lane, expressed his concerns about the proposal. He doesn't like diesel fuel being stored on the site. He doesn't think this tower should be located in a residential area. He would like to see an alternative to the diesel generator. He would like to

see cell phone coverage extended further north of town and if this tower doesn't do that it seems half baked.

Long asked how much diesel is stored on site.

Johnson stated around 200 gallons. There are other cell towers located in residential areas in Colorado.

Public hearing closed.

Council Comments.

Long stated times are changing and everyone has at least one cell phone. This is the new utility in modern times. She supports this and hopes it increases cell phone coverage further north. She feels like this is a good attempt to fix an issue. Diesel is less combustible than other gases. She is glad the HOA has given its stamp of approval. She supports the project.

Camp stated in years past he has heated his home with diesel and never had an issue. He likes the idea of improved cell service. He supports the project.

Shattuck likes the project and hopes that the tower increases coverage further north.

Kieber stated he is concerned about the use of diesel on site and the road up to the tower in winter driving conditions. He would prefer to see natural gas as the backup and he has concerns about parking. He will not support the project.

Butler stated he grew up in a home where home heating oil was the heating source. If the HOA is granting permission, he would be reluctant to contradict them in their decision making process. This project makes sense for the community.

CAMP MOVED TO APPROVE THE PROSED MINOR SUBDIVISION. MOTION SECONDED. MOTION PASSED BY COUNCIL. (KIEBER NAY) (FOWLER ABSENT) (NADALIN ABSENT AND EXCUSED FROM VOTING)

ACTION ITEMS:

A. Site Plan Modification – Verizon Cell Tower, 2700 Golden Eagle Road, Eagles Nest Golf Course, Filing No. 6 First Amendment

CAMP MOVED TO APPROVE THE SITE PLAN MODIFICATION FOR THE NEW CAMOUFLAGED WIRELESS TELECOMMUNICATIONS FACILITY. MOTION SECONDED. MOTION PASSED BY COUNCIL. (KIEBER NAY) (FOWLER ABSENT) (NADALIN ABSENT AND EXCUSED FROM VOTING)

Nadalín returned to the Council Chambers.

B. Preliminary Site Plan – McDonald's, 220 Summit Place

Lina Lesmes, Senior Planner, presented the applicant's request for approval of a Preliminary Site Plan to construct a new 5,265 square foot McDonald's restaurant in the C-1 Zone District and the Gateway Design District. She reviewed the staff report and requested approval with the Planning Commission's ten conditions of approval.

Council Questions.

Nadalín asked about split cedar, there are a lot of Fire Departments that don't allow it to be used.

Lesmes stated the Fire Department has reviewed the plans. She reviewed the snow storage.

Long asked if the footprint is expanding or just going up.

Lesmes stated the footprint is bigger.

Butler stated when the Design Standards were reviewed; they looked a lot of different things for this area, landscaping included. He thinks there is too much landscaping. He requested the

Applicant not plant plants that grow up and block views when driving. He requested that Staff and the Applicant seriously consider a reduction in landscaping requirements.

Lesmes stated the Applicant was given landscaping credit for their xeriscaping, fence and planter boxes.

Council discussed landscaping.

Kieber asked about the signage calculations.

Lesmes reviewed the sign calculations. The Applicant will be relocating the current free standing sign. Their sign variance was personal to the Applicant and it has no expiration date.

Robert Palmer, Strategic Land Solutions, representing the Applicant, complimented Lina on the good job she does for the Town and Applicants. The building size increase has to do with the play area. He addressed Council's landscaping concerns. He reviewed the snow storage; he feels it may be miscalculated. He talked about how the building will be bigger and still work on the site. He explained the drive isle configuration. He addressed the drainage reconfiguration. The Applicant listened to Council's comments at the previous submittal. They held their community meeting and have met all the Town Code requirements. He requested approval.

Nadalín asked about the flow of the traffic on the site.

Kieber asked about the trash enclosure and the size of the dumpster. He asked when the project would be started.

Butler asked the applicant if they can meet the conditions of approval.

Palmer stated yes.

Butler disagrees with landscaping requirements and supports striking condition number four. He thanked the Applicant for including the play area in the design.

KIEBER MOVED TO APPROVE THE MCDONALD'S PRELIMINARY SITE PLAN WITH THE FOLLOWING PLANNING COMMISSION RECOMMENDED CONDITIONS:

- 1. THAT A MINOR SUBDIVISION PLAT BE SUBMITTED WITH THE FINAL SITE PLAN SHOWING THE LOCATION OF THE WATER LINE EASEMENT AND ANY ACCESS EASEMENT.**
- 2. THAT A CROSS-ACCESS EASEMENT AGREEMENT BE SUBMITTED WITH THE FINAL SITE PLAN FOR THE STAIRWAY SHARED WITH LOT 1, SKELLY REDEVELOPMENT SUBDIVISION.**
- 3. THAT SNOW STORAGE AREAS EQUAL 25% OF THE PAVED PARKING AREAS, AND BE LOCATED WHERE THEY FACILITATE THE SNOW STACKING PROCESS.**
- 4. THAT THE LANDSCAPE PLAN BE REVISED TO MEET THE MINIMUM STANDARDS OF SECTION 4-6-11.**
- 5. THAT ALL PROPOSED LANDSCAPE ISLANDS MEET THE REQUIREMENTS OF SECTION 4-6-11.G.20.**
- 6. THAT THE LIGHTING PLAN BE REVISED SUCH THAT ALL EXTERIOR LIGHT FIXTURES ARE FULLY SHIELDED FIXTURES, WITH DOWNLIGHT LIGHTING ONLY.**
- 7. THAT ALL UTILITY, TELECOMMUNICATIONS, GROUND MOUNTED, AND ROOF-TOP MECHANICAL EQUIPMENT BE SHOWN ON THE FINAL SITE PLAN.**
- 8. THAT THE EXTERIOR MATERIAL OF THE RETAINING WALL BE SUBMITTED, MEETING STANDARD 3.5.5 OF THE GATEWAY DISTRICT DESIGN STANDARDS.**
- 9. THAT THE 'TRADITIONAL RED' COLOR PROPOSED FOR THE 'HARDI-BOARD' SIDING BE REVISED SUCH THAT IT DOES NOT EXCEED A CHROMA OF 4.**
- 10. THAT ALL THE REQUIREMENTS OF THE UTILITIES MANAGER BE ADDRESSED WITH THE SUBMITTAL OF THE FINAL SITE PLAN.**

**MOTION SECONDED. MOTION PASSED BY COUNCIL PRESENT. (FOWLER ABSENT)
(LONG NAY)**

C. Site Plan Modification – J&H Auto Service, 205 & 207 Warren Avenue, Lot 2-A, Block 2, Enterprise Park Subdivision.

Greg Roy, Planner I, presented the Applicant's request for a Site Plan Modification to construct a building addition for storage. He reviewed his staff report and requested approval.

Kamil Petrick - J & H Mountain Services, requested approval. He thanked Council for the new "No Parking" sign in front of his business.

Long thanked Petrick for the proposed changes and feels it should help with the issues he has been having.

**CAMP MOVED TO APPROVE OF THE SITE PLAN MODIFICATION, 205 AND 207 WARREN AVENUE, LOT 2-A, BLOCK 2, ENTERPRISE PARK SUBDIVISION.
MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT
(FOWLER ABSENT).**

DISCUSSION ITEMS:

Long thanked Greg Roy for the list of code enforcement accomplishments over the last year, she thanked him for all of his hard work.

INFORMATIONAL:

- A. Planning Commission Meeting Minutes, September 6, 2016
- B. SPORT Committee Meeting Minutes, August 18, 2016

LONG MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 8:19 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.