

**TOWN OF DILLON  
TOWN COUNCIL  
REGULAR MEETING**  
Tuesday, February 6, 2018  
7:00 p.m.  
Dillon Town Hall

**CALL TO ORDER & ROLL CALL**

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, February 6, 2018, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Pro Tem Nickel called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Brad Bailey, Jen Barchers, Kyle Hendricks, Carolyn Skowyra, and Tim Westerberg. Mayor Burns was absent (excused). Staff members present were: Tom Acre, Town Manager; Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Mark Heminghous, Police Chief; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; Ned West, Town Planner; and Jo-Anne Tyson, Town Clerk.

**APPROVAL OF AGENDA**

There being no changes to the agenda, it will stand as approved.

**APPROVAL OF CONSENT AGENDA**

Council Member Bailey moved to approve the following consent agenda as amended:

- a. Minutes of Regular Meeting of January 16, 2018
- b. Approval of Bill List dated January 19, 2018 in the amount of \$56,372.34 and Payroll Ledgers dated January 19, 2018 in the amount of \$74,892.45 and February 2, 2018 in the amount of \$73,477.32.

Council Member Westerberg seconded the motion which passed unanimously upon roll call vote.

**CITIZEN COMMENTS**

There were no citizen comments.

**SWEARING IN OF NEW POLICE OFFICER CRAIG JOHNSON**

Police Chief Mark Heminghous introduced a new member of the Dillon Police Department, Craig Johnson to Council. Chief Heminghous read the Dillon Police Department Oath and Town Clerk Jo-Anne Tyson administered the oath of office to Mr. Johnson.

Chief Heminghous presented Sergeant Tina White with an award, plaque and pin inducting her into the National Police Hall of Fame. She received the purple heart award after being injured in the line of duty in October.

**APPOINTMENT TO SUMMIT COMBINED HOUSING AUTHORITY**

Council Member Westerberg moved to appoint Town Manager Tom Acre as the Summit Combined Housing Authority representative with Carolyn Skowyra as the alternate representative. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 08-18. SERIES OF 2018**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO,  
MAKING APPOINTMENTS TO THE PARKS AND RECREATION COMMITTEE.**

Town Clerk Jo-Anne Tyson reported that there are four (4), two-year terms available on the Dillon Parks and Recreation Advisory Committee (PRAC) resulting from Barbara Richards, Lucinda Burns, Ruth West, and Mimi Motahari's term expirations. All four members have expressed interest in continuing to work on the committee.

Council Member Westerberg moved to approve Resolution No. 08-18, Series of 2018. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 09-18, SERIES OF 2018**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO,  
DECLARING THE CANCELLATION OF THE REGULAR MUNICIPAL ELECTION AND  
DETERMINING THE TERMS OF THE TOWN COUNCIL CANDIDATES FOR THE TOWN OF  
DILLON.**

Ms. Tyson reported that on January 16, 2018, Town Council approved Resolution No. 03-18, Series of 2018 which directed the Town Clerk to conduct a regular municipal election on Tuesday, April 3, 2018, appointed the Town Clerk as the Designated Election Official (DEO) for said election, and allowed the town to contract with Summit County Government for election services pertaining to the municipal election. Title 31, Article 10, known as the Colorado Municipal Election Code of 1965 and Section 2-1-20(a), of the Dillon Municipal Code authorizes the DEO "that in such case that no more candidates than offices to be filled at such election, including candidates filing affidavits of intent is met, the Town Council shall hold a meeting and by resolution may instruct the DEO to cancel the election and declare the candidates elected." Further, Dillon Municipal Code Section 2-1-20(b) states that notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. Having not received more candidates or candidates filing affidavits of intent prior to the prescribed deadline, the DEO recommends cancellation of the April 3, 2018 Town of Dillon Municipal Election. Since the 2016 Dillon Municipal Election was cancelled and Council Members were appointed, Colorado Municipal Election Code of 1965 states that all appointed members must be elected at the next municipal election. Because of this, five (5) Council Member seats are available and the allocation of terms must be determined. State Statute allows the DEO to invoke her authority to allocate terms for the candidates. The DEO emailed the candidates asking if they preferred a four-year or two-year term but did not receive consensus as to the allocation of terms. On Thursday, February 1, 2018, the candidates appeared before the DEO and determined term lengths by roll of the dice. Approval of this resolution, in accordance with C.R.S. 31-10-507 and the Dillon Municipal Code Section 2-1-20, declares the candidates elected as follows: Carolyn Skowyra, Mayor, 4-year term expiring April 2022; Jen Barchers, Council Member, 4-year term expiring April 2022; Renee Imamura, Council Member, 4-year term expiring April 2022; Karen Kaminski, Council Member, 4-year term expiring April 2022; Kyle Hendricks, Council Member, 2-year term expiring April 2020; and Mark Nickel, Council Member, 2-year term expiring April 2020. These terms shall commence upon swearing in at the April 17, 2018 Town Council meeting.

Council Member Bailey moved to approve Resolution No. 09-18, Series of 2018. Council Member Westerberg seconded the motion which passed unanimously upon roll call vote.

**Consideration of Resolution No. 10-18, Series of 2018**

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH MEECO SULLIVAN MARINA COMPANY FOR THE A-DOCK REPLACEMENT PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Marina Director Phil Hofer stated that on August 4, 2017, A-Dock's gangway collapsed under the weight of a large group of visitors taking a photograph. That collapse punctuated the fact that the existing A-Dock / wave attenuator is 30 years old and well past its useful life span. The existing structure is failing and has been re-welded several times in various locations, the below water piece of the wave break is rusted away, nine (9) of the eighteen (18) anchor cables are broken and several of the below water cable guides are bent beyond repair. A-Dock is the furthest west dock in the marina and serves as an essential wave break / attenuator to protect Dillon Marina from prevailing west winds and waves. The new replacement will be 352 feet long, 8 feet wide and have 13 fingers to slip twenty-five (25) boats seasonally. Through research of several different dock manufacturers staff recommends the design of Meeco Sullivan Marina Company as it remains consistent with the look, feel and function of the existing marina infrastructure, combines a wave break / attenuator with boat slips to continue generating seasonal revenue and features a dynamic wave attenuation design with hinging concrete panels below water line at a lower price point than other static wave break technologies. The new dock will have a useful life span of twenty-five (25) - thirty (30) years. The dock is expected to be delivered in April and will be assembled, positioned and anchored utilizing in house Dillon Marina labor with anticipated completion the end of June.

Council Member Westerberg moved to approve Resolution No. 10-18, Series of 2018. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**Consideration of Resolution No. 11-18, Series of 2018**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-2 SUBDIVISION REPLAT OF LOTS 41R & 42R, PTARMIGAN TRAIL ESTATES, UNIT 1 FOR THE PURPOSES OF MATCHING EXISTING PROPERTY PIN LOCATIONS, TO ESTABLISH A SNOW STORAGE EASEMENT, AND TO DEDICATE NEW RIGHT-OF-WAY; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Engineer Dan Burroughs stated that the Town of Dillon is the owner of real property located at 700 U.S. Highway 6, described as Lot 41R, Ptarmigan Trail Estates Unit 1 ("Lot 41R"). 817 Dillon Road, L.L.C. is the owner of real property located at 817 U.S. Highway 6, Dillon, Colorado and more specifically described as Lot 42R, Ptarmigan Trail Estates Unit 1 ("Lot 42R"), according to the Replat of Lots 41 & 42 Ptarmigan Trail Estates, Unit 1 recorded December 10, 1996 as Reception No. 529981, County of Summit, State of Colorado. Christy Sports currently has a building on this lot. The Town of Dillon has received a Level IV Development Application to replat lots 41R (Town Led Sign) and 42R (Christy Sports) of the Ptarmigan Trail Estates Unit 1, for the purposes of matching existing property pin locations, to establish a snow storage easement, and to dedicate new right-of-way. The new lots will be named 41S and 42S. The application has been submitted jointly by the Town of Dillon and 817 Dillon Road LLC. The issue is the existing plat that created these two lots doesn't close within acceptable surveyor tolerances. In the new plat, both lots close in under 0.01'. Aztec Consultants, Inc. also reviewed how the Little Dam Street Connector road was created and found discrepancies that can best be solved by dedicating a small sliver of land to the Town of Dillon as right-of-way. As part of the approved Christy Sports PUD, the Town also requested that the developer dedicate a four-foot (4') snow storage easement along the sidewalks on the west and south

side of Lot 42S. An additional ROW section was also created at the northeast corner of Lot 41S to put the Town's sidewalk and accessible ramp in the E. Anemone Trail Right-of-Way.

Council Member Barchers moved to approve Resolution No. 11-18, Series of 2018. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

### **TOWN MANAGER'S UPDATE**

Town Manager Tom Acre reported on the following items:

- He is pleased to be back to work and reported that staff has been wonderful bringing him back on board.
- A group is exploring the opportunity to bring the Winter Olympics to Summit County. He will be participating in a listening tour on February 21 and 22 to learn the pro's and con's of this event.

### **MAYOR'S UPDATE**

Mayor Pro Tem Nickel did not provide an update.

### **COUNCIL MEMBER COMMENTS**

There were no Council Member comments.

### **COUNCIL MEMBER COMMITTEE REPORTS**

- a. Cemetery Advisory Committee – Council Member Hendricks stated that the meeting last month was cancelled due to a lack of available committee members.
- b. NWCCOG Executive Committee, Council Meeting, Quality/Quantity – Council Member Skowyra stated that she will be attending a QQ meeting on Thursday.
- c. Snake River Regional Planning Commission – Council member Bailey reported that Keystone Science School will begin construction of a medical facility this spring.
- d. Summit County Housing Authority – Finance Director Carri McDonnell reported that the Housing Authority will be hosting a Housing Summit in June. An Advisory Group will be working on an agenda which will consist of workforce housing 101, current needs of the community, and short/long term trends. She also stated that they have conducted their first HOA meetings regarding deed restrictive units and it is suggested to have town representation when they talk with Dillon HOA's. Breckenridge will be constructing additional rental units at 80% AMI and Silverthorne is implementing a down payment grant program to assist their businesses in purchasing units for their employees.
- e. Summit County Transit Board – Council Member Nickel reported that the Summit Stage is working on funding to provide transportation to Park County.
- f. Summit County Wildfire Council – Council Member Barchers stated the Wildfire Council will not meet again until spring.
- g. Zero Waste Committee – Council Member Barchers asked to take this committee off the agenda until a new committee is formed.

### **EXECUTIVE SESSION**

Mayor Pro Tem Nickel moved to go into Executive Session at 8:02 p.m. for the purpose of a discussion of a personnel matter under C.R.S. § 24-6-402(4)(f)(I) and not involving any specific employees who have requested discussion of the matter in open session, specifically concerning inquiries to the Dillon Police Department Chief regarding Department personnel. No action was taken during the executive session. At 8:40 p.m. Council concluded the executive session.

Mayor Pro Tem Nickel moved to go into Executive Session at 8:41 p.m. for the purpose of a discussion of a personnel matter under C.R.S. § 24-6-402(4)(f)(I) and not involving any specific employees who

have requested discussion of the matter in open session, specifically concerning the Town Council's discussion with the Town Manager regarding his resuming duties of the Manager position and proposed modifications to Town Hall and other support for the Town Manager. No action was taken during the executive session. At 9:08 p.m. Council concluded the executive session.

Mayor Pro Tem Nickel moved to go into Executive Session at 9:15 p.m. for the purpose of conducting a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. § 24-6-402(4)(d), specifically concerning amendments to the Town Manager's employment agreement. No action was taken during the executive session. At 9:22 p.m. Council concluded the executive session.

**Consideration of Resolution No. 12-18, Series of 2018**

**A RESOLUTION APPROVING A THIRD AMENDMENT TO EMPLOYMENT AGREEMENT.**

Finance Director Carri McDonnell stated that this resolution allows the Town to amend Tom Acre's employment agreement for the period from January 12, 2018 to March 2, 2018. During this time, Mr. Acre will be paid hourly based on actual hours worked either in the office, at meetings, or remotely. Section 1 of the Agreement includes Council's expectations of him during this period and include the following:

- A. Mr. Acre shall begin to attend meetings during the day that are normal and customary for the Town's Manager, attending all such meetings by the end of February.
- B. Mr. Acre shall resume one-on-one meetings with Town Councilmembers.
- C. Mr. Acre shall act as the primary conduit with the Town Council and attend, in person, all Council work sessions and meetings.
- D. Mr. Acre shall plan and lead the regular, weekly staff meetings.
- E. Mr. Acre shall resume supervision of all department heads and their work.
- F. Mr. Acre shall interact with the community of Dillon, out in the community, as has been normal and customary for the Town's Manager.
- G. Mr. Acre shall fully resume the role of Town Manager, and there will no longer be an Acting Town Manager. The parties acknowledge and understand that Mr. Acre may need to delegate certain tasks until his return to full-time status; provided, however, those tasks enumerated in this Third Amendment may not be delegated.

Council Member Westerberg moved to approve Resolution No. 12-18, Series of 2018. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**ADJOURNMENT:**

There being no further business, Mayor Pro-Tem Nickel declared the meeting adjourned at 9:25 p.m.

Respectfully submitted by:

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Jo-Anne Tyson, CMC/MMC, Town Clerk