

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, February 19, 2019
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 19, 2019, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyrza called the meeting to order at 7:03 p.m. and the following Council Members answered roll call: Jen Barchers, Kyle Hendricks, Renee Imamura, Karen Kaminski and Mark Nickel. Council Member Brad Bailey was absent (excused). Staff members present were: Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Mark Heminghaus, Police Chief; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; Ned West, Town Planner; and Jo-Anne Tyson, Deputy Town Clerk.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Council Member Barchers moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of February 5, 2019.
- b. Approval of Bill List dated February 15, 2019 in the amount of \$136,779.31 and Payroll Ledger dated February 15, 2019 in the amount of \$ 72,344.
- c. Excused Absence for Mayor Carolyn Skowyrza for the January 15, 2019 Town Council Meeting.
- d. Consideration of a motion to reduce the required application review fees for a master sign plan under a Planned Unit Development at 35 Dillon Ridge Road from \$4,800 to \$320
- e. Consideration of Resolution 06-19, Series of 2019
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING APPOINTMENTS TO THE CEMETERY ADVISORY COMMITTEE.
- f. Consideration of Resolution 07-19, Series of 2019
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING APPOINTMENTS TO THE PARKS AND RECREATION COMMITTEE.
- g. Consideration of Resolution 08-19, Series of 2019
A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE SUMMIT COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF LAW ENFORCEMENT SERVICES.

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

CITIZEN COMMENTS

There were no citizen comments.

CONSIDERATION OF ORDINANCE NO. 02-19, SERIES OF 2019

Second Reading and Public Hearing

AN ORDINANCE APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A MAJOR AMENDMENT TO THE DILLON HOMEWOOD SUITES PUD DEVELOPMENT PLAN.

Mayor Skowrya re-opened the public hearing at 7:08 p.m.

This public hearing was continued from the February 5, 2019 Town Council meeting. It was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

John Frew, Dillon Hotel Associates, LLC, addressed questions that arose during the February 5, 2019 Town Council meeting regarding the Dillon Homewood Suites PUD Development Plan to be located at 122 Lake Dillon Drive, including signage and advertising, storm sewer, entry feature and Porte Cochere, snow hauling and parking. Mr. Frew is requesting an increase in signage from 280 to 306.85 square feet. He is also requesting an additional 16" x 49" sign across the bottom of the monument sign for "The Vue" rooftop lounge. The monument sign will incorporate a mountain theme with timbers and stone. He stated the entry to the project now has a taller entrance tower, the Porte Cochere has been pushed back and the bar area is 15" lower.

Mr. Frew thanked Town Engineer Dan Burroughs for inviting the members of Uptown 240 and him to a meeting to discuss the storm sewer issue. He expressed confidence that this and any future issues will be resolved with his neighboring businesses. Lastly, Mr. Frew stated that snow hauling and landscaping will be included in the development agreement.

Town Planner Ned West stated that the project's signs will need final approval through the Planning and Zoning Commission. Mr. West noted that Council may consider removing the "no advertising" because the Applicant has proposed an increase in parking from 117 spaces to 138 spaces, which would provide the required parking for the restaurant to be open to the public per Town Code. Lastly, Mr. West commented that the landscape plan conforms to Town Code and that screening will be used in the right of way through encroachment license agreements.

There being no comments from the public, Mayor Skowrya closed the Public Hearing at 7:48 p.m.

Council asked several questions regarding the public restaurant, guest dining area, restaurant parking, hammerhead parking, landscaping, and signage. Council stated they are pleased with the developer's resolution to their concerns and asked for them to consider several conditions including:

- Sign plan to be reviewed by Town Council.
- Provide specific language for a construction coordination in the Development Agreement.
- Provide language to retain as much mature growth trees on site and in the Right-of-Way as possible. Also, for every tree removed, replace as screening.
- To participate in collaboration with the Town to consider additional utility undergrounding down Buffalo Street toward the Dam Road.
- Consider additional aesthetics to the building exterior.

Mayor Skowrya moved to take a five (5) minute break to allow the Town Attorney to prepare a motion for Council review. All Council Members were in favor of the motion.

At 8:33 p.m., Mayor Skowrya reconvened the meeting.

Council Member Nickel moved to approve Ordinance No. 02-19, Series of 2019. Council Member Imamura seconded the motion.

Council Member Nickel moved to approve Conditions K, R, an increase in parking, and Conditions B, and T.

Condition K: Move to delete Condition K of Ordinance No. 02-19, Series of 2019 and replace in its entirety the following: “The Applicant shall design and construct a storm sewer collection system between the south parking lot and the public storm sewer at the Lake Dillon Drive intersection with Buffalo Street.”

Condition R: Move to delete Condition R of Ordinance No. 02—19, Series of 2019 and replace in its entirety the following: “The Applicant shall replace the sign plans approved and adopted by the Town Council on September 18th, 2018, by Resolution No. 49-18, Series of 2018 with the sign plan amendments. The amended sign plan shall become a part of and be recorded with the PUD Development Plan. Prior to recording the amended sign plan, the final sign plan shall be approved by Town Council.” and that conforming amendments to the coversheet be made to reflect these changes.

Move to amend the PUD Development Plan by increasing parking spaces from 117 to 138, of which a maximum of 20% may be compact spaces, and that conforming amendments to the coversheet be made to reflect these changes.

Condition B: Move to amend Condition B of Ordinance No. 02-19, Series of 2019 by adding a clause “to include construction coordination” at the end of the final sentence.

Condition T: Move to add a new Condition T of Ordinance No. 02-19, Series of 2019 to read, “T. The applicant shall retain as much tree and shrub growth as possible and will replace any trees or shrubs removed.”

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

Council Member Nickel moved to add a new Condition U to read, “U. The applicant and the Town shall explore options for extending the undergrounding of overhead utilities project between the Development and the intersection of the Dam Road and Highway 6.” Council Member Hendricks disclosed that he may be conflicted because his home is on Buffalo Street; therefore, to avoid any conflict, he abstained from the vote on this motion. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

Council Member Barchers moved to add a new Condition V of Ordinance No. 02-19, Series of 2019 to read, “V. The Applicant shall strive to match the Town’s aesthetic guidelines set forth in DMC § 16-8-40 by increasing the use of stone veneer.”

Council Member Kaminski moved to amend the proposed new Condition V of Ordinance No. 02-19, Series of 2019 by adding “and wood materials” at the end of the sentence to read in its entirety, “V. The Applicant shall strive to match the Town’s aesthetic guidelines set forth in DMC § 16-8-40 by increasing the use of stone veneer and wood materials.” Council Member Nickel seconded the motion to amend

the amendment, which passed on a 4 – 2 vote. Council Members Barchers and Imamura voted in opposition.

Council Member Nickel moved to approve Ordinance No. 02-19, Series of 2019 as amended with Amendments 1 – 7. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 03-19, SERIES OF 2019

First Reading to Set the Public Hearing

AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING THE AMENDMENT OF DEVELOPMENT PERMITS.

Town Planner Ned West stated that the purpose of the first reading of this ordinance is to approve the ordinance as written and set the date for the public hearing. After the first reading, the Council shall vote to amend, adopt or reject the ordinance or take such other action as it deems appropriate. The ordinance details proposed changes to Chapter 16 “Zoning”, Article II “Development Permit Process,” Section 16-2-10 “General Provisions” of the Dillon Municipal Code, adding language to allow staff to amend staff level development permits (Level I and Level II Developments) and setting forth procedures for amending Level III and Level IV development permits.

In the course of development pursuant to an approved development permit, a developer may have reasons to propose major or minor adjustments to an approved development permit to respond to changes in circumstances or planning. There are currently no express provisions in the Dillon Municipal Code that set forth a process for consideration and approval of proposed amendments to previously approved development permits, the absence of which provisions impedes efficient development and causes confusion. If approved by Council, the proposed amendment would allow for greater efficiency and flexibility in the development process.

Following the Public Hearing at the February 6, 2019 Planning and Zoning Commission regular meeting, the Commission amended and approved Resolution PZ 03-19, Series of 2019 recommending the Town Council approve the Chapter 16 Code Amendments detailed in Ordinance 03-19, Series of 2019. The Commission recommended some language and layout changes to the ordinance, and Town staff has worked with the Town attorney to make these changes and improve the future use of the ordinance in processing applications for changes to development permits.

Council Member Kaminski moved to approve Ordinance No. 03-19, Series of 2019 adding the public hearing date to be held on March 5, 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

ACTING TOWN MANAGER’S UPDATE

Acting Town Manager Carri McDonnell reported on the following meetings:

- Mayors, Managers & Commissioners: Mayor Skowyra and Ms. McDonnell attended.
 - July 4: The Town of Frisco is deciding whether to host 4th of July fireworks. They will discuss this further on March 12, 2019. The Town of Breckenridge has determined not to shoot fireworks on July 4.
 - Lake Hill: An impact analysis is being completed by the Town of Frisco and Summit County Government. It will be available in August 2019.
 - 1A Strong Futures: 1) Summit Pre-K update: This program subsidizes 4 year olds requiring daycare five days per week with an annual household income below \$75,000. The subsidy to the daycare provider is an average of \$1,000 per month and the family is paying 20% of the fees. 2) Recycling: A new recycling center is proposed this spring in Silverthorne below the Dam. Dillon’s recycling will remain however the County is

- considering helping with additional hauling until the new facility is open.
- o CMC Legislature: Legislature is considering allowing CMC to increase their 4-year degree programs to a limited number but greater than the current five programs. The bill passed in committee.
- Manager Acre thanked Council and staff for their support while he was out on leave.

MAYOR'S UPDATE

Mayor Skowyra reported on the following:

- She received an email regarding Energy Conservation Hour on Saturday, March 30, 2019. She suggested adding an "Earth Hour Proclamation" to the next Council meeting agenda.
- Colorado Communities for Conservation: Mayor Skowyra will send an overview of the group and would like to discuss Council participation at the next Council meeting.

COUNCIL MEMBER COMMENTS

There were no Council Member comments.

COUNCIL MEMBER COMMITTEE REPORTS

There were no Council Member committee reports.

EXECUTIVE SESSION

Mayor Skowyra moved to go into Executive Session at 9:10 pm for a conference with the Town attorney for receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and, for determining positions relative matters that may be subject to negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), specifically regarding review and possible renegotiation of contractual agreements. No action was taken during the executive session. At 9:22 p.m. Council concluded the executive session.

EXECUTIVE SESSION

Mayor Skowyra moved to go into Executive Session at 9:23 pm for the purpose of a: (1) discussion of a personnel matter under C.R.S. § 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to a particular employee; and (2) to conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and, (3) for the purpose of determining positions relative matters that may be subject to negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), specifically pertaining to the Town Manager. No action was taken during the executive session. At 10:40 p.m. Council concluded the executive session.

ADJOURNMENT

There being no further business, Mayor Skowyra declared the meeting adjourned at 10:41 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Deputy Town Clerk