

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, April 2, 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, April 2, 2019, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyra called the meeting to order at 7:15 p.m. and the following Council Members answered roll call: Jen Barchers, Brad Bailey, Kyle Hendricks, Renee Imamura, Karen Kaminski and Mark Nickel. Staff members present were: Tom Acre, Town Manager; Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Town Planner, Ned West; Mark Heminghaus, Police Chief; Carri McDonnell, Finance Director and Adrienne Stuckey, 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:

- a. Minutes of Regular Meeting of March 19, 2019.
- b. Approval of Bill List dated March 29, 2019 in the amount of \$ 68,510.02 and Payroll Ledger dated March 29, 2019 in the amount of \$ 75,434.30.

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

CITIZEN COMMENTS

Brian Stopps, 209 Tenderfoot St, Dillon, asked Council to consider full-time residents, not just visitors, when making decisions for the Town and if Council wants to know how the residents feel, send out an e-mail blast. He stated that his family would love to see fireworks on the 4th of July and that riding an E-bike helped him with his health and exercise regime by getting back on the trails.

CONSIDERATION OF RESOLUTION NO. 11-19, SERIES OF 2019

PUBLIC HEARING

A RESOLUTION APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-3 SUBDIVISION TO BE KNOWN AS REPLAT OF LOTS 9R-1 AND 10R-1, A REPLAT OF THE RIDGE AT DILLON, TOWN OF DILLON, COUNTY OF SUMMIT, STATE OF COLORADO.

Ellie Garza, Project Manager and Landscape Architect from THK Associates, presented the Final Plat “a Replat of Lot 9R1 and Lot 10R-1, a Replat of The Ridge at Dillon” plat and explained this creates one new lot called Lot 9-10R and combines two existing lots into a new single lot to support the development of a freestanding restaurant with a Drive-in Facility and associated parking and site improvements.

Mayor Skowyra opened the public hearing at 7:23 p.m.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

There being no comments from the public, Mayor Skowyra closed the public hearing at 7:24 p.m.

Council Member Nickel moved to approve Resolution No. 11-19, Series of 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 04-19, SERIES OF 2019

Second Reading and Public Hearing

AN ORDINANCE APPROVING A CONDITIONAL USE AND ADOPTING AND APPROVING THE PANERA PUD DEVELOPMENT PLAN; AN AMENDMENT TO A PORTION OF THE RIDGE AT DILLON PLANNED UNIT DEVELOPMENT.

Mayor Skowyra opened the public hearing at 7:26 p.m.

Craig Roberts, Landscape Architect of Ciavonne, Roberts & Associates, Inc, presented an overview of his project explaining the Ridge at Dillon PUD is proposing to develop a retail outlet for Panera Bread Bakery Café on lots 9R-1 and 10 R-1 of the Ridge at Dillon PUD. These two lots will be combined to accommodate the retail outlet and necessary parking on the single lot which will require a replat of the lot.

Mr. Roberts stated the development is to consist of a single 4,529 square ft. building, drive through window access, and parking for 47 vehicles. Due to parking pressure, 17 parking spaces were built on this site to accommodate adjacent uses. These spaces are not counted in the total parking count for this project. This project exceeds the total requirement of parking spaces for both use categories of restaurant, sit-down and restaurant, drive-in.

He explained the dead-end parking lot proved to be a challenge for accommodating delivery and fire access. Both the ingress and egress drive for the drive through are widened to allow “hammerhead” type turns. The egress of the drive through was widened to allow emergency vehicles to turn around.

Mr. Roberts stated the grade of the project site drops abruptly to the north to Little Beaver Trail, requiring retaining walls to accommodate the building and parking. The retaining walls are to be finished to appear the same as the existing walls on the adjacent site. The development is proposing to change the PUD to allow a single 14- 15’ tall retaining wall as opposed to two 8’ retaining walls. This change was recommended by the structural engineer (CTL Thompson) to minimize stability issues on the steep slope. The disturbance caused by the retaining wall construction is to be reclaimed using native grasses and plantings. They will plant a combination of deciduous and evergreen trees to soften the retaining wall as well as the north face of the retail shop.

Mr. Roberts explained there is adequate space for snow storage. The Snow Storage Plan highlights the areas available to deposit snow. These areas are to be vegetated in native grasses and wildflowers to minimize damage to other landscape solutions. The drive through aisle, walkways and patios are to be heated to melt snow in those areas.

Mr. Roberts explained the drive-thru window service will require a Conditional Use Permit.

Curtis Rowe, Traffic Engineer at Kimley-Horn and Associates, Inc, presented the Traffic Impact Study.

He explained counts were conducted at the key intersections on Tuesday, July 10, 2018 during the weekday morning and afternoon peak hours and on Saturday, September 1, 2018 during the weekend midday peak hour. Based on the analysis, he presented the following recommendations:

- The intersection of Dillon Ridge Road and the full movement project access be improved to include All-Way Stop Control. R1-1 “STOP” signs should be installed on the eastbound and westbound approaches. In addition, R1-4 “ALL WAY” plaques should be installed underneath all four “STOP” signs. Since this will be a change in control unfamiliar to drivers traveling along Dillon Ridge Road, it is recommended that two red flags be affixed to the top of the new “STOP” signs at 45- degree angles for the new stop control on the eastbound and westbound approaches. These flags should remain for a period of approximately three to six months.
- Additional operational improvements should be considered for the Dillon Ridge Road access intersection by adding striping to the north leg of this access to designate a separate left turn lane. It is believed that the existing driveway is wide enough to designate three lanes with one entering lane and two exiting lanes (a separate left turn and a shared through/right turn lane). This will improve operations of the intersection by processing two vehicles out of the access at the same time under the recommended all way stop control condition.
- The 65-foot eastbound left turn lane at the Dillon Ridge Road full movement access intersection be restriped to include 100 feet of storage length. Incorporation of all-way stop control and striping the southbound approach to include separate left turn and shared through/right turn lanes will help alleviate the queue issues for traffic exiting The Ridge at Dillon retail center. However, it is anticipated that the existing 25-foot throat depth may be exceeded during the Saturday midday peak hour. The all-way stop control will allow traffic to continue moving.

Ms. Garza then summarized the points that Mr. Roberts had made earlier regarding the amount of parking spaces, details of the retaining wall and snow storage.

Council members had a few questions regarding this project.

1. What is the height of the Panera Bread at Dillon Ridge? Mr. Roberts replied the height is the same as the surrounding buildings.
2. Is the Panera Bread building design unique compared with existing Panera Breads? Mr. Roberts stated it has the same floor plan but was modified to adhere to the architectural review guidelines.
3. Is the retaining wall going to fail? They completed an engineering study on the retaining wall and the proposed retaining wall should not fail. Ned West, Town Planner, stated that it was a global stability analysis that was completed.
4. Is the snow storage going to be shared by the other buildings? Mr. Burroughs explained it is designed to Town requirements and it will be solely for Panera Bread.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

There being no further comments from the public, Mayor Skowrya closed the public hearing at 8:02 p.m.

Council Member Kaminski moved to approve Ordinance No. 04-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 12-19, SERIES OF 2019
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO,
APPROVING THE SIGN PLAN FOR THE DILLON HOMEWOOD SUITES PUD

DEVELOPMENT PLAN LOCATED AT 122 LAKE DILLON DRIVE.

Town Planner Mr. West explained the resolution approves the revised Homewood Suites PUD Development Plan Sign Plan that was submitted by the Applicant as requested by the Town Council in condition 'R' of the approval of the PUD Development Plan. The revised sign plan includes a building sign and monument sign panel for the restaurant and depicts architectural changes to the freestanding signs to include stone bases on both freestanding signs, as well as timber features on the monument sign. The total signage requested in the plan is 311.0 square feet. The previously approved sign plans had 280.4 square feet of signage.

Council Member Imamura moved to approve Resolution No. 12-19, Series of 2019. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 13-19, SERIES OF 2019 **A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A DEVELOPMENT AGREEMENT AND TWO RIGHT-OF-WAY ENCROACHMENT LICENSE AGREEMENTS FOR THE MAJOR AMENDMENT TO THE DILLON HOMEWOOD SUITES PUD DEVELOPMENT PLAN.**

Town Engineer Dan Burroughs stated this resolution approves the following three agreements for the Homewood Suites PUD Development Plan:

1. **Development Agreement:** The development agreement requires the Developer to build certain public improvements in Town owned rights-of-ways typically for the benefit of the public. The agreement identifies the improvements which are required, lays out the time frame for the construction of these improvements and dictates the approval and acceptance of these improvements by town staff. Improvements are typically curb and gutter, sidewalks, asphalt pavement, public utilities and other items which are built for public benefit within public rights-of-ways. Additionally, the agreement requires the Developer to provide a letter of credit in the amount of 120% of the total cost of the improvements to guarantee the proper construction of the improvements. After the initial construction of the improvements, the letter of credit is reduced to 20% and the remaining money is held throughout the 2-year warranty period. Once the warranty period is complete, and any defects have been corrected, the remaining money is returned to the developer.
2. **Encroachment License for the signs in the Lake Dillon Drive ROW:** The purpose of this license is to allow the two (2) monument signs to be built in the Lake Dillon Drive ROW. The code allows these signs to be constructed in TOWN right-of-way with Town permission. Standard practice is to have the Developer enter into a revocable license agreement which allows the signs to exist in the right-of-way but is also revocable so that future town councils can remove them if there is a need to rebuild the right-of-way in a manner which would conflict with these signs. This license is also revocable for the time when the property re-develops and these signs may not be needed or may not be appropriate at some future time. Building private improvements in Town Right-of-way is at the developer's risk.
3. **Encroachment License for the patio and parking encroachment into the Lake Dillon Drive ROW:** The Purpose of the Patio encroachment license is to allow a physical structure to encroach onto Town right-of-way. The patio is optional for the development, but a desirable part of the PUD. This license will terminate when the site redevelops. The purpose of the encroachment license for parking in the right-of-way is so that the project meets its parking requirement. Two parking spaces have been approved in the Town right-of-way for the Homewood Suites Development. Again, this license is also revocable for a time in the future when the property redevelops, and the parking may not need it anymore.

Council Member Bailey moved to approve Resolution No. 13-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 14-19, SERIES OF 2019

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A DEVELOPMENT AGREEMENT FOR THE UPTOWN 240 PUD DEVELOPMENT PLAN.

Mr. Burroughs explained the resolution approves the Development Agreement for the Uptown 240 PUD Development Plan. The public improvements that will be constructed in conformance with the Uptown 240 PUD Development Plan are as follows:

- New public fire hydrants on Lake Dillon Drive and W. Buffalo Street.
- New Asphalt Patches on Lake Dillon Drive and W. Buffalo Street.
- 2” Overlay of the effected portion of Buffalo Street after all of the utility patches are completed.
- New curb and gutter and attached 6’ sidewalk along the west side of Lake Dillon Drive and along the north side of W. Buffalo Street.
- New concrete curb cuts at the Lake Dillon Drive Entrance and the W. LaBonte Street Entrance.
- New heated concrete pan along the south side of the 40’ right-of-way. New heated asphalt between the heated pan and the north property line of the site, pavement in the Lake Dillon Drive, W. Buffalo Street and the 40’ rights-of-ways.
- Paving the southern half of the road in the 40’ right-of-way.
- New public Storm Sewer in the 40’ ROW and in the Lake Dillon Drive ROW.

Council Member Imamura moved to approve Resolution No. 14-19, Series of 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 15-19, SERIES OF 2019

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH STRATEGIC FENCE & WALL CO. FOR THE AMPHITHEATER FENCING PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Burroughs explained the proposed project involves creating a fenced perimeter around the Dillon Amphitheater seating bowl. The gates will help alleviate issues with safety and security concerns. Seven gates will be installed in the locations as shown on the construction plans. The proposed fencing system will use the Ameristar Montage II fencing in the bronze color to match the existing Ameristar fencing installed along Lodgepole Street in 2018. Town staff asked six (6) contractors to submit a bid for the project. These contractors were recommended by the manufacturer as having experience with Ameristar fence installation and were considered qualified to install this fence product. During the pre-bid meeting, the bidders indicated that the timeframe to complete the install by the end of May was unrealistic. The weather and current snowpack was a concern to the two bidders that attended. The bronze color fencing has an additional 2-3 week lead time in addition to the typical 3- 5 week manufacturing and delivery window. In the addendum the Town changed the completion date to June 21, 2019.

The Town only received one (1) bid for the work: \$167,518.00.....Strategic Fencing & Wall Co. Strategic Fence is a local contractor out of Breckenridge and the Town has used then numerous times over the years. Town staff recommends awarding the contract to Strategic Fence.

Council Member Bailey moved to approve Resolution No. 15-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Manager Acre reported on the following meetings:

- Summit County Housing Authority:
 - The first closing at Smith Ranch will occur next week.
 - The Housing Authority will investigate how the Area Median Income (AMI) is calculated and does AMI work for Summit County.
 - They are going to work with consultants on the Housing Needs Assessment.
 - The real estate committee has received one realtor application.
- Managers' Luncheon:
 - They discussed fireworks.
 - The county would like to implement a fire ban that is followed county-wide.
 - Blue River may ban fire pits.
 - The "Peak Health Initiative", a health care collaborative nonprofit that would bring the county's largest employers together as a unified consumer force, is close to an agreement.
- Northwest Colorado Council of Governments (NWCCOG):
 - The 2nd annual NCCCOG 2019 Regional Economic Summit is Thursday, May 2, 2019. If any Council members would like to attend, please let him know. It is a \$25.00 fee.
- Colorado Department of Transportation (CDOT):
 - At CDOT's next meeting, Mr. Acre would like to discuss CDOT's policies and procedures for notifications for avalanche controls and road closures.

MAYOR'S UPDATE

Mayor Skowyra reported on the following:

- High School Scholarship Committee:
 - She and Ms. Stuckey attended the recipient review meeting on March 27, 2019 at the Summit High School. No changes were made from the original top five recipients chosen.
- Northwest Colorado Council of Governments:
 - They approved their financials.
 - On its website, under "Resources", there is an "E-Bikes Resources" information tab.
 - They are gathering drone and tobacco regulations from Colorado counties.
 - Some counties currently have a tax on tobacco products.
 - Depression in 7-8th grade students has increased from 4% to 10% and 33% of 7-8th grade students are severely depressed and/or anxious.

COUNCIL MEMBER COMMENTS

There were no Council Member comments.

COUNCIL MEMBER COMMITTEE REPORTS

- Parks and Recreation Committee: Council Member Nickel reported on the following:
 - PRAC is split on Dillon holding fireworks on the 4th of July, 2019.
 - Twelve new holes are going in at the Par 3 shorter course.
 - They are in favor of the Class 1 E-Bikes and would like to see signs posted listing a phone number to call in complaints.
- Summit Historical Society: Council Member Kaminski reported on the following:
 - Their summer Historic Tour schedule is set.
 - They are organizing a vintage baseball game with participants from Summit County. Angry James Brewery will sponsor the event by creating a special brew for it.
 - They hired a new director and part-time office assistant.

- Friday, April 5, 2019 is “Wear Blue Day” to help raise awareness of child abuse prevention.
- The Flight Club in Breckenridge is holding a benefit and 10% of all proceeds will benefit Child Abuse Prevention efforts.
- Summit County Wildfire Council: Council Member Barcher reported:
 - There was a guest presentation by Dr. Dan West, Forest Entomologist, from Colorado State Forest Service and he discussed the 2018 Forest Health Report.

EXECUTIVE SESSION:

An executive session pursuant to Sections 3-4(a)(3) and 3-4(a)(1) of the Town of Dillon Home Rule Charter, and C.R.S. § 24-6-402(4)(b) and 24-6-402(4)(e), for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, and for determining positions, developing strategy and instructing negotiators relative to matters that may be subject to negotiation – Discussion of Town Manager residential lease and contractual agreements with Sail Lofts, LLC. No action was taken during the executive session. At 10:05 p.m., Council concluded the session.

ADJOURNMENT

There being no further business, Mayor Skowrya declared the meeting adjourned at 10:06 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk