

RECORD OF PROCEEDINGS

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**TOWN OF DILLON  
TOWN COUNCIL  
REGULAR MEETING**

Tuesday, June 18, 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, June 18, 2019, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyra called the meeting to order at 7:05 p.m. and the following Council Members answered roll call: Brad Bailey, Jennifer Barchers, Kyle Hendricks, Renee Imamura, Karen Kaminski and Mark Nickel. Staff members present were: Tom Acre, Town Manager; Kerstin Anderson, Marketing and Communications Director; Mark Heminghaus, Police Chief; Scott O'Brien, Public Works Director, Dan Burroughs, Town Engineer; Ned West, Town Planner, Carri McDonnell, Finance Director and Adrienne Stuckey, Town Clerk.

**APPROVAL OF AGENDA**

Work Session Agenda Items #4, Waterfront Master Plan, and Item #5, Nicotine Tax and Policy Discussion, were moved to the Regular Meeting Agenda.

**APPROVAL OF CONSENT AGENDA**

- a. Minutes of Regular Meeting of June 4, 2019.
- b. Approval of Bill List dated June 14, 2019 in the amount of \$429,659.78 and Payroll Ledger dated June 7, 2019 in the amount of \$105,323.02.
- c. Excused Absence for Council Member Bailey for the June 4, 2019 Town Council Meeting.
- d. Notification of the Planning & Zoning Commission Level III Decisions at the June 5, 2019 Regular Meeting and Any Motions by Council to Call Up a Level III Application:
  - i. **Resolution PZ 09-19, Series of 2019**  
A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A MINOR AMENDMENT TO THE DILLON RIDGE MARKETPLACE PUD RELATING TO SIGNAGE.
  - ii. **Resolution PZ 11-19, Series of 2019**  
A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF A LEVEL III DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 151 TENDERFOOT STREET.
  - iii. **Resolution PZ 12-19, Series of 2019**  
A RESOLUTION APPROVING A CONDITIONAL USE AND LEVEL III DEVELOPMENT APPLICATION FOR A MULTI-FAMILY DEVELOPMENT AT 14 ENSIGN DRIVE.

Council Member Barchers made a motion to remove Resolution PZ 12-19 from the Consent Agenda. Council Member Imamura seconded the motion which passed 4 – 3 with Council Members Nickel and

Bailey and Madame Skowrya in opposition. Resolution PZ 12-19 was removed from the Consent Agenda and moved to Agenda Item #8.

Council Member Kaminski then moved to approve the consent agenda without Agenda Item d.iii. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**CITIZEN COMMENTS**

Lucinda Burns, member of the Parks and Recreation Advisory Committee, reported that PRAC toured Town Park and they were discouraged with the condition that it was in. PRAC is excited about the master plan for Town Park and has concerns that the Ice Castle will damage the improvements made to Town Park. She asked that Council think about the use and availability of Town Park.

**CONSIDERATION OF RESOLUTION NO. 29-19, SERIES OF 2019**  
**A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH COLUMBINE HILLS CONCRETE, INC. FOR THE 2019 TOWN PARK IMPROVEMENTS PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

Manager Acre explained this project budget was discussed at the June 4, 2019 Work Session and Council had concerns that Staff only received one bid and had questions about the work included in the contract.

Dan Burroughs, Town Engineer, then discussed the other items that were included in the contract:

- Milling/Overlay: The scope of the project also includes the milling/overlay (resurfacing) of Buffalo Street between Lake Dillon Drive and E. LaBonte Street. The overlay cost breakout is just under \$90,000 including a portion of the mobilization costs.
- Removals of materials: The revised cost of the removal items is about \$217,000. The contractor agreed to reduce the cost of the removals by hauling all of the concrete, asphalt and excess soil to the Town Snow storage lot. At some point in the future the Town Staff will repurpose these materials by adding to the earthen berms around the snow storage area; crushing the concrete and removing reinforcing steel to use as a stabilization material in roadways; create asphalt millings from the asphalt chunks.
- Sanitary Sewer Main Extension into the park: The Town will construct a new 8” sewer main into the park to the north from the existing sewer line in Buffalo Street. Part of this work will also reconnect the existing sewer service to the Town Park bathroom building.

He then stated the estimated total project including the tennis court removal project was \$1,200,000 and the breakdown included the following:

\$750,000	Town Park Improvements 2019 Budget amount
\$296,000	Street Overlay Budget
\$100,000	Lodgepole Stairways
\$20,000	ADA Improvements - rebuild two accessible parking spaces in each parking lot (4 total) along with the completion of three accessible crosswalks across Buffalo Street. This money is appropriate to use on these ADA improvements.
\$35,100	Sewer Infrastructure Fund (New Appropriation)
<b>\$1,201,100</b>	<b>Total Project Funding</b>

He then explained the proposed construction contingency sources if they discovered a bad area of unsuitable subgrade materials which would then need to be removed and replaced. Although they believed the risk to be low, they proposed the following contingency sources:

- \$40,000 Recreation Path Overlays. Town Staff will wait to spend this money until after Labor Day in case it is needed for stabilization.
- \$55,000 Street/Surface Maintenance -about \$40,000 of this account will be held until after Labor Day in case a subgrade issue is discovered.

Council was in agreement that moving forward, capital budget discussions and sending out bids should be scheduled sooner. Council also wanted to make sure that the Lodgepole stairways would still be in the budget. Mr. O'Brien ensured them that it would be in next year's budget.

Council Member Barchers moved to approve Resolution No. 29-19, Series of 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 30-19, SERIES OF 2019**

**A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONSULTING AGREEMENT WITH MSA PROFESSIONAL SERVICES, INC. FOR A WATERFRONT MASTER PLAN; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID CONSULTING AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

Manager Acre explained in February of 2019 Council agreed to continue the master planning relationship with MSA Professional Services who provided the most recent Marina Master Plan in 2008. During the recent scoping trip to Dillon, MSA identified improvements from the 2008 Plan and will use the existing conditions found at the marina, Lake Dillon Drive and Marina Park as a beginning for an update to the Waterfront Master Plan. The original cost was \$84,000 but Staff reduced the scope of work and the updated cost is \$58,650 which includes outlining future projects, potential cost of improvements, funding sources and phasing of implementation.

Craig Simson, Marina Operations Manager, said that Dillon's waterfront is one of the Town's premiere attractions. Currently, there is a separation between Town Center and the Marina. MSA's next phase would be to bring the Marina into the fold of the town. They could help unveil what happens next between the Town Core and its walkability, phasing of the Waterfront Master Plan and becoming partners in helping Town achieve its goals.

Manager Acre added the Marina Enterprise fund has \$30,000 budgeted in Master Planning funds. However, the remaining \$28,650 could be paid from unappropriated funds in the General Fund or from the CRCA settlement money of \$900,000 collected in 2018.

Some Council members had concerns that because it was a Marina project, the funds should come from its budget. Other Council members supported the remaining \$28,650 coming out of the General Fund. Council was also concerned that the MSA plan did not address walkability in Town and was disjointed and did not incorporate the Marina with Town Core. Mr. Simson replied that the plan incorporates the connection from Town to the waterfront because the plans include the intersection of Lake Dillon Drive and Lodgepole to Gold Run Circle. Manager Acre added Staff's next goal is to get bids for the Walkability Design. Council also had concerns about how the Town was going to budget MSA's Waterfront Master Plan. Council also asked if the Town was going to implement these plans prior to spending money on the Town Core. Mr. Simson replied that MSA's plans can be used as a guiding document for improvements to the Marina in which the Town can continue to come back to it and execute it in phases. Council then asked if we should open a bidding process for a different plan,

one that includes both the Marina and Town Core. Manager Acre replied that they could ask MSA if they could incorporate Town Core. Some Council members also believed that the Marina Master Plan and Town Core were two different projects. Mr. Simson also said he believes in MSA, they have the best interests of town and can provide the Town with a guiding Master Plan.

No motion was made and no action was taken by Council on Resolution No. 30-19, Series of 2019.

**CONSIDERATION OF RESOLUTION NO. 31-19, SERIES OF 2019**

**A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH STAN MILLER, INC. FOR THE 2019 TENNIS COURT REMOVAL PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

Mr. Acre explained the Tennis Court Removal Project removes the existing south tennis court in order to prepare the site for the new tennis court.

Dan Burroughs, Town Engineer, then stated the project scope included:

- Removal of the existing tennis court and chain link fence on the south, west and east sides
- Clearing and grubbing the areas adjacent to the existing tennis court and hauling off excess materials.
- Fill the west and south slopes next to the existing tennis court in order to create a new tennis court pad in the new location to the southwest. The new location allows for a new sidewalk between the proposed two courts per the Town Park Masterplan.
- Complete a subgrade pad of 6” road base below the proposed tennis courts

Lila Stair, Dillon condo owner, commented that for over twenty years the question posed has been “What to do with Town Core?” She said that when the Town was deciding what to do with Town Park, they included the community. She asked if the same could occur for the Town Core. Could they ask the community what they wanted and get input from them on ideas for town and its walkability. She stated a lot has been paid over the years to consultants and what was the point of hiring them if we never used their plans.

Council Member Bailey moved to approve Resolution No. 31-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

**RESOLUTION PZ 12-19, SERIES OF 2019**

**A RESOLUTION APPROVING A CONDITIONAL USE AND LEVEL III DEVELOPMENT APPLICATION FOR A MULTI-FAMILY DEVELOPMENT AT 14 ENSIGN DRIVE.**

Resolution PZ 12-19, Series of 2019 was removed from the Consent Agenda for discussion during the regular meeting. The process for call up was briefly discussed. Council Member Imamura made a motion to call up the Conditional Use and Level III Development Application for a multi-family development at 14 Ensign Drive. The motion died for lack of a second. Therefore, the Planning and Zoning Commissions approval of PZ Resolution PZ 12-19, Series of 2019 stands.

## **TOWN MANAGER'S UPDATE**

Manager Acre reported on the following meetings:

- Mayors', Managers' & Commissioners (MMC) Meeting:
  - They discussed reinvigorating the Summit Leadership Forum.
  - The Ten Mile Canyon Recpath has been cleared of avalanche debris.
  - They gave an update on the IGA regarding the implementation of fire restrictions in Summit County.
  - The CML Conference is this week in Breckenridge.
  - Jim Curnutte and Jason Dietz, Summit County Government were meeting with the Town and US Forest Servicer regarding the plans for that the CR51 parcel of land.
  - He and Council Member Barchers were going to attend the CC4CA meeting in Vail on Thursday, June 27, 2019.

## **MAYOR'S UPDATE**

Mayor Skowyra reported on the following:

- Mayors', Managers' & Commissioners (MMC) Meeting:
  - They discussed the possibility of allowing municipalities to set their own minimum wage. Commissioner Davidson is the contact for this issue.
  - Frisco and Breckenridge are offering a rebate if a homeowner installs solar panels. The rebates are:
    - Frisco: 25 rebates @ \$1500.00/rebate
    - Breckenridge: 25 rebates @ \$1500.00/rebate
    - Summit County: 10 rebates @ \$1500.00/rebate
  - Outgoing Aspen Mayor Steve Skadron has been named vice president and dean of Colorado Mountain College's Aspen and Carbondale campuses.
  - Breckenridge lost its Colorado Supreme Court case and cannot collect sales taxes on charges from online companies that are assessed in addition to the nightly rate.
  - Housing bills are coming up in June, if any Council members would like to attend round table discussions, contact Staff.

## **COUNCIL MEMBER COMMENTS:**

Council Member Kaminski complimented Kerstin Anderson, Marketing and Communications Director, on her e-mail response answering a citizen's concern on the additional fees on concert tickets.

Mayor Pro-Tem Nickel asked if Council could receive a list of presenter(s) on the Work Session and Regular Meeting agendas. He also felt that the Work Session table was not working because it was overcrowded, distracting and hard to hear.

## **NICOTINE TAX AND POLICY DISCUSSION (Work Session Agenda Item# 5 – carried over to the Regular Meeting):**

Carri McDonnell, Finance Director, explained that since the last Council meeting, the Task Force has met twice and worked on the following:

Licensing and Minimum Age to Purchase Ordinance:

- Each town will consider an ordinance to regulate nicotine products including licensing, enforcement and raising the minimum age to 21.
- Anticipate consideration of this ordinance in July/August with implementation either October 1 or November 1.
- The Town of Dillon will set our own fee based on the costs associated with licensing and enforcement of nicotine products. Council would approve the fees during the ordinance process. We anticipate the fee between \$500 to \$600 per year.

She also stated that the ballot question would have a \$4 per pack tax and 40% tax on all nicotine

products. Currently, there are 67 nicotine retailers in the County, four of which are in Dillon. Ms. McDonnell then asked Council a few questions.

1. Is the Council comfortable with proceeding with the draft of an ordinance to license nicotine retailers and raise the minimum purchasing age to 21? Council was in favor 6-1. Some Council members thought it was too much government involvement and it was the role of the parents to curb nicotine use. Council members in favor agreed with licensing and the goals of reducing use by youth.
2. Is Council ready to move forward with a ballot question? Council was in favor 4-3. Some Council members disapproved of the tax because they didn't believe we should be taxed on our bad habits and asked what bad habit would be taxed next.
3. Is Council comfortable with the \$4 per pack tax on cigarettes and the 40% tax on other nicotine products? Council was in favor 4-3. Those in dissent felt once again, there was too much government involvement and the \$4 per pack tax was too high.
4. Is the Council ready to move forward with a ballot question that is presented countywide? Council was in favor 4-3. Those in dissent asked a few questions. Why are we being rushed into this ballot question? Why can't we look at the statistics first and then make an informed decision? Why can't we use enforcement first? Those in favor agreed with a countywide approach for consistency in the community.
5. Is Council comfortable with the initial components of the IGA including the allocation of the IGA including the allocation of funds for communitywide benefit? Council would like the allocated funds to go directly to Dillon and Dillon could choose where those funds would be allocated.

Staff will bring the Council comments and initial direction to the next task force meeting. Council will discuss the details of a licensing/minimum age to purchase ordinance and the IGA at the next Council work session.

#### **EXECUTIVE SESSION:**

**Executive Session:** to conference with the Town attorney for receiving legal advice on specific legal questions under Section 3-4(a)(3) of the Town of Dillon Home Rule Charter, and C.R.S. Section 24-6-402(4)(b). No action was taken during the executive session. At 10:16 p.m. Council concluded the executive session.

#### **ADJOURNMENT**

There being no further business, Mayor Skowrya declared the meeting adjourned at 10:17 p.m.

Respectfully submitted by:

*Adrienne Stuckey*

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Adrienne Stuckey, Town Clerk