

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, August 20, 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, August 20, 2019, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyra called the meeting to order at 7:00 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; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; Kerstin Anderson, Marketing & Communication Director; Craig Simson, Marina Operations Manager; Police Chief, Mark Heminghous 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 Kaminski moved to approve the following consent agenda.

- a. Minutes of Regular Meeting of August 6, 2019.
- b. Approval of Bill List dated August 16, 2019 in the amount of \$268,353.00 and Payroll Ledger dated August 16, 2019 in the amount of \$104,131.09
- c. Excused Absence for Council Member Barchers for the August 6, 2019 Town Council Meeting.

Council Member Imamura seconded the motion which passed 6-1 with Council Member Hendricks in opposition.

CITIZEN COMMENTS

Joyce Cohen, 400 N. Park Avenue, Suite 10B, Breckenridge, asked Council to consider an ordinance amending our Town Code concerning the sale of dogs and cats born or raised in inhumane commercial breeding facilities.

Don Parsons, 140 LaBonte Street, Dillon, supported the Youth and Empowerment Society of the Summit and their views on vaping.

SWEARING-IN OF OFFICER THOMAS KOTZ

Police Chief Mark Heminghous introduced Officer Kotz to Council. Chief Heminghous read the Dillon Police Department Oath and then administered the oath of office to Officer Kotz.

CONSIDERATION OF ORDINANCE NO. 07-19, SERIES OF 2019

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTER 6 OF THE DILLON MUNICIPAL CODE BY ADDING ARTICLE XII REGARDING THE LICENSING OF TOBACCO PRODUCT RETAILERS.

Mayor Skowyra opened the public hearing at 7:14 p.m.

Finance Director, Carri McDonnell, explained this ordinance establishes the license requirements and process for licensing Tobacco Product Retailers. The license will become effective November 1, 2019 which will give staff time to contact the retailers and provide necessary education and information. This ordinance also raises the minimum age to purchase to 21. The fee will be approved by Council as part of the fee ordinance in October. As discussed previously, the Town is considering at \$500 to \$600 per year fee that can be prorated. The fee will cover the costs of administration and enforcement.

Amy Wineland, Public Health Director for Summit County, Don Parsons of 140 LaBonte St, Dillon, members of the Youth and Empowerment Society of the Summit, including Breanna Roach, Logan Simson and Lily Young, and Lauren Gilbert, a nurse with Public Health, all spoke in support of raising the minimum age to purchase tobacco products to twenty-one, establishing licensing for Tobacco Product Retailers and the intergovernmental agreement between the towns and Summit County cooperatively administering a special tobacco sales tax.

Council members had a few questions regarding this ordinance.

1. Why is Summit County's youth vaping population so high? A member of the Youth and Empowerment Society of the Summit replied because Summit County is a destination spot, it appears to be more normalized and believes that Summit County's youth may be more honest on the surveys regarding vaping compared to the nation. She believed that high schools across the nation have similar percentages of vaping usage.
Lauren Gilbert also believes the rise in imports of cheap vaping devices from China in the last ten years aided the increase in vaping popularity.
2. How much nicotine is in a jewel? One jewel is the equivalent of twenty cigarettes.
3. How much does a pod cost? Four pods are \$15.97.
4. If vaping is the predominant problem with the youth, why isn't the vaping tax 80%? Lauren Gilbert responded they want the tax to pass on the ballot and they felt the voters would reject it because 80% was too high of a tax.

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 Skowyra closed the public hearing at 8:10 p.m.

Council Member Imamura moved to approve Ordinance No. 07-19, Series of 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 38-19, SERIES OF 2019

A RESOLUTION BY THE DILLON TOWN COUNCIL TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWNS OF DILLON, BLUE RIVER, BRECKENRIDGE, FRISCO, MONTEZUMA, AND SILVERTHORNE AND SUMMIT COUNTY, COLORADO FOR THE COOPERATIVE ADMINISTRATION OF A SPECIAL TOBACCO SALES TAX

Manager Acre explained staff has worked with the county and other the jurisdictions in Summit County in the drafting of this IGA and provided input to the county on the ballot language. The IGA will not go into effect unless the voters approve the sales tax in November. Signing the IGA provides that the Town of Dillon will receive the revenue from the tax on nicotine products collected in the town and allow the town to use that revenue as outlined in the ballot language and the IGA. This includes; education to reduce teen use of vaping, funding public health services funding prevention and intervention programs and other programs and projects to improve the health of the citizens of the Town of Dillon and Summit County. If the Town does not sign the IGA, then all the sales tax revenue Summit County collects will be kept by Summit County.

Council members had a few questions regarding this IGA.

1. Council asked why was approval of this IGA being rushed? Dianne Criswell of Kelly PC explained the purpose of starting an IGA is to see who supports it and the deadline can be met if the IGA is passed a few months before its effective date on January 1, 2020.
2. Where does the tax money collected go to? Manager Acre explained it is Council's decision and direction on how to spend it, such as prevention and intervention programs, education and/or miscellaneous programs to improve the health of citizens, and how much to spend.
3. How much sales tax money will Dillon collect? Manager Acre replied approximately \$240,000.

Council Member Imamura moved to approve Resolution No. 38-19, Series of 2019. Council Member Bailey seconded the motion which passed 5-2 with Council Member Barchers and Council Member Nickel in opposition.

CONSIDERATION OF RESOLUTION NO. 39-19, SERIES OF 2019

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A MEMORANDUM OF UNDERSTANDING WITH SUMMIT COUNTY REGARDING AN AFFORDABLE WORK FORCE HOUSING PROJECT ON USFS PARCEL CR 51.

Manager Acre explained the Farm Bill passed in December of 2018 opening the opportunity for an extended lease partnership with the USFS. This allowed the Town of Dillon and County to explore providing affordable housing options. The Town of Dillon hosted a design charrette with County employees, USFS representatives, Norris Design, Engineering and Design firms in order to kick-start the exploratory phase and feasibility based on a high-level conceptual plan. The Forest Service requirements of partnership includes; seasonal and transitional housing for USFS employees, accommodate a boneyard on the property or off-site and replacement of a warehouse. Staff presented the results of the design charrette and an overview of a Memorandum of Understanding in order to establish cost sharing mechanism to initiate due diligence regarding the feasibility of development. Shared costs for the exploratory phase would include: explore water/sewer connections, property and topography survey, traffic study/analysis at Hwy 6 & CR51, a Phase I environmental assessment, and explore locating the boneyard and warehouse off-site.

Council was concerned that they needed information on the CR51 intersection before moving forward on the CR51 project. Manager Acre replied the MOU includes a traffic study/analysis at Hwy 6 & CR51.

Council Member Bailey moved to approve Resolution No. 39-19, Series of 2019. Council Member Imamura seconded the motion which unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 40-19, SERIES OF 2019

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, ADOPTING THE 2019-2020 COLORADO COMMUNITIES FOR CLIMATE ACTION POLICY STATEMENT

Manager Acre explained one of the requirements of joining CC4CA is the member community must also support the CC4CA Policy Statement. A unique characteristic of CC4CA is that a specific policy is not included on the Policy Statement unless all members agree. CC4CA as an organization does not finalize the Policy Statement unless all members agree and support the Policy Statement. This is accomplished each year by having each member municipality adopt a resolution. If a member's organization does not agree, wants to modify or questions a specific statement, CC4CA will work with the member until it is acceptable, or the statement is not included in the Policy Statement. Staff presented the 2019-2020 CC4CA Policy Statement to Council at the Work Session on August 6, 2019. Council gave direction to staff to bring forward a resolution adopting the policy statement.

Council Member Kaminski moved to approve Resolution No. 38-40, Series of 2019. Council Member Imamura seconded the motion which passed 6-1 with Council Member Nickel in opposition.

Executive Session: An executive session pursuant to §§ 3-4(a)(1) and 3-4(a)(3) of the Town of Dillon Home Rule Charter, and C.R.S. § 24-6-402(4)(b) and 24-6-402(4)(e), for the purposes of conferencing with the Town attorney for the purpose of receiving legal advice on specific legal questions; and determining positions, developing strategy and instructing negotiators relative to matters that may be subject to negotiation, specifically pertaining to the Employment Agreement of the Town Manager. No action was taken during the executive session. At 10:50 p.m. Council concluded the executive session.

CONSIDERATION OF RESOLUTION NO. 41-19, SERIES OF 2019

A RESOLUTION APPROVING A SEPARATION AGREEMENT BETWEEN THE TOWN OF DILLON, COLORADO AND THE CURRENT TOWN MANAGER.

Council Member Bailey moved to approve Resolution No. 41-19, Series of 2019. Council Member Hendricks seconded the motion which unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Manager Acre reported on the following:

- Manager Acre reminded Council that the COO Breakfast was scheduled for September 26, 2019 from 7:30 a.m. to 11 a.m. at Copper Mountain.
- He submitted his letter of resignation.

MAYOR'S UPDATE:

- Mayor Skowyra did not have a Mayor's report.

COUNCIL MEMBER COMMENTS:

- There were no Council Member comments.

ADJOURNMENT:

There being no further business, Mayor Skowyra declared the meeting adjourned at 11:00 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk