

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, February 4, 2020

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 4, 2020, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyra called the meeting to order at 7:08 p.m. and the following Council Members answered roll call: Jennifer Barchers, Kyle Hendricks, Renee Imamura, Karen Kaminski and Mark Nickel. Council Member Brad Bailey was absent (excused). Staff members present were: Carri McDonnell, Acting Town Manager; Craig Simson, Marina Director; Mark Heminghous, Chief of Police; Dan Burroughs, Town Engineer; Ned West, Town Planner; Kerstin Anderson, Marketing & Communications Director; Scott O'Brien, Public Works Director and Adrienne Stuckey, Town Clerk.

APPROVAL OF AGENDA

Agenda item # 3eii. was moved to Item #11 on the regular meeting agenda.

APPROVAL OF CONSENT AGENDA

Council Member Kaminski moved to approve the following consent agenda.

- a. Minutes of Regular Meeting of January 21, 2020
- b. Approval of Bill List dated January 31, 2020 in the amount of \$64,821.00 and Payroll Ledger dated January 31, 2020 in the amount of \$75,884.42.
- c. Excused Absence for Council Member Bailey for the January 21, 2020 Town Council Regular Meeting.
- d. Consideration of Ordinance No. 03-20, Series of 2020
First Reading to Set the Public Hearing
AN ORDINANCE AMENDING CHAPTER 11 OF THE DILLON MUNICIPAL CODE TO PERMIT CLASS 1 ELECTRICAL ASSISTED BICYCLES TO TRAVEL ON BIKE PATHS AND OTHER PATHWAYS IN TOWN.
- e. Consideration of Ordinances:
 - i. Consideration of Ordinance No. 04-20, Series of 2020
First Reading to Set the Public Hearing
AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS ARTICLES I AND II OF CHAPTER 16 OF THE DILLON MUNICIPAL CODE.

- ii. Consideration of Ordinance No. 05-20, Series of 2020
First Reading to Set the Public Hearing
AN ORDINANCE AMENDING CHAPTER 19 OF THE DILLON MUNICIPAL CODE TO ADD APPLICATION FEES FOR APPEALS OF ADMINISTRATIVE INTERPRETATIONS AND ZONING DECISIONS.

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

CITIZEN COMMENTS

James Margolis, 340 LaBonte St, Dillon, thanked Council and the town for holding the January 30, 2020 Community Input meeting. However, the agenda was incomplete. It failed to add the negative externalities to the residential community. He had questions for Council too regarding the zoning, size of the attraction, the water fee rates, revenue total, benefit to residents, parking, location and shuttle parking.

CONSIDERATION OF ORDINANCE NO. 02-20, SERIES OF 2020

Second Reading and Public Hearing

AN ORDINANCE OF THE TOWN OF DILLON, COLORADO AMENDING CHAPTER 19, "FEES," OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO TO INCREASE THE COMPENSATION OF TOWN COUNCIL MEMBERS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowrya opened the public hearing at 7:18 p.m.

Acting Town Manager McDonnell explained this ordinance would allow the compensation of the Mayor and Council to be raised by \$100 per month for each position elected after approval of this ordinance. This will not affect current Council Members or the Mayor. The Mayor's fee would increase from \$900.00/month to \$1,000/month and Council Members fees would increase from \$400.00/month to \$500.00/month.

There being no comments from the public, Mayor Skowrya closed the public hearing at 7:19 p.m.

Council Member Kaminski moved to approve Ordinance No. 02-20, Series of 2020. Council Member Imamura seconded the motion which passed 5-1 upon roll call vote with Council Member Nickel in opposition.

CONSIDERATION OF EMERGENCY ORDINANCE NO. 06-20, SERIES OF 2020

AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM UNTIL MARCH 3, 2020 UPON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF WIRELESS FACILITIES IN TOWN RIGHTS-OF-WAY IN ANY ZONE DISTRICT.

Acting Town Manager Carri McDonnell explained Under the FCC regulations, there are very few items that are within the control of the Town when it comes to the installation of small cell technology. After preparing the emergency ordinance and asking Verizon to review, it became apparent that their requested changes required additional review and discussion between our attorney and staff. Therefore, staff is requesting that Council consider this emergency ordinance that approves a moratorium until March 3, 2020 for the acceptance of applications and issuance of permits for the installation of wireless facilities in the town right-of-way.

Council Member Imamura moved to approve Emergency Ordinance No. 06-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 07-20, SERIES OF 2020

A RESOLUTION APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A CLASS S-2 SUBDIVISION TO BE KNOWN AS FINAL PLAT OF DILLON URGENT CARE AND SUMMIT RESIDENCES SUBDIVISION.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowrya opened the public hearing at 7:24 p.m.

Town Planner, Ned West, explained this Class S-2 Subdivision application is to replat Lot45R, Ptarmigan Trail Estates, Unit 1, located at 956 W. Anemone Trail, and creating two lots to separate the urgent care facility lot – Lot 45A from the residential condominiums lot – Lot 45B. The subdivided new lots will be called Lot 45A, Dillon Urgent Care, and Lot 45B, Summit Residences Subdivision. The new boundary line bisects Lot45R such that there is a front and rear lot off W. Anemone Trail.

Council members had a few questions regarding this ordinance:

- Why do we need to replat this? Mr. West replied that this helps the applicant move forward financially with Phase I of this project.
- Does this change the PUD? Mr. West said it does not. If Phase II wants to change the design, they would need to present it to the Planning and Zoning Commission.
- What is the expiration of Phase II? Mr. West replied that it is wrapped in with the initiation of Phase I so there is no exact time frame.

There being no comments from the public, Mayor Skowrya closed the public hearing at 7:38 p.m.

Council Member Imamura moved to approve Resolution No. 07-20, Series of 2020. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 08-20, SERIES OF 2020

A RESOLUTION APPROVING A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT FOR THE PANERA BREAD CAFÉ.

Acting Town Manager McDonnell explained this allows the Town to amend the economic development agreement with Manna Colorado for the Panera project to change the opening date to no later than 9/30/2021. This amendment also amends the name of the company from Manna Development to Manna Colorado.

Council Member Kaminski moved to approve Resolution No. 08-20, Series of 2020. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 09-20, SERIES OF 2020

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AFFIRMING THE PREVIOUSLY ADOPTED THREE-MILE PLAN FOR THE TOWN OF DILLON.

Acting Town Manager McDonnell explained the purpose of the 3 Mile plan is to address the specific statutory requirements of Colorado Revised Statutes (C.R.S.) § 31-12-105, which requires that a

municipality adopt an annexation plan prior to the annexation of any land into the municipality, and that it provide direction to the municipality and land owners concerning land use issues and infrastructure improvements needed upon annexation into the Town of Dillon. The statutes stipulate that the Three-Mile Plan be reviewed annually. Council could consider adopting the existing plan now to meet the Town's statutory requirements and then amend once the Council and County Commissioners have determined the goals for the CR 51 property.

Council Member Kaminski moved to approve Resolution No. 09-20, Series of 2020. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 10-20, SERIES OF 2020

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.

Acting Town Manager McDonnell explained on January 21, 2020, Town Council approved Resolution No. 06-20, Series of 2020 which directed the Town Clerk to conduct a regular municipal election on Tuesday, April 7, 2020, 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.

Because the Town received three candidates filing affidavits of intent prior to the prescribed deadline for three positions, the DEO recommends cancellation of the April 7, 2020 Town of Dillon Municipal Election. Cancellation of the 2020 Municipal Election will result in an approximate savings to the 2020 Budget election line item (10424000) of \$10,000.00.

Brad Bailey, Kyle Hendricks and Steve Milroy will all be elected to a four-year term ending April 2024.

Council Member Kaminski moved to approve Resolution No. 10-20, Series of 2020. Council Member Barcher seconded the motion which passed 5-0 upon roll call vote with Council Member Hendricks abstaining.

CONSIDERATION OF ORDINANCE NO. 05-20, SERIES OF 2020

AN ORDINANCE AMENDING CHAPTER 19 OF THE DILLON MUNICIPAL CODE TO ADD APPLICATION FEES FOR APPEALS OF ADMINISTRATIVE INTERPRETATIONS AND ZONING DECISIONS.

Town Attorney, Nick Cotton-Baez, explained the actual fee amounts need to be added to Chapter 19. Acting Town Manager recommended holding off the first reading until the next Council meeting on February 18, 2020 and the Second Reading and Public Hearing moved to March 3, 2020.

Mayor Skowyra moved to table Ordinance No. 05-20, Series of 2020. Council Member Imamura seconded the motion to table Ordinance No. 05-20, Series of 2020 which passed unanimously upon roll call vote.

ACTING TOWN MANAGER'S UPDATE

Acting Town Manager McDonnell provided a written report and added the following:

- The Silverthorne recycling center has been approved by Denver Water and will have a grand opening in Spring 2020.
- The 2019 Summit County Housing Needs Assessment is out. There will be a public meeting in March to go through the details of the assessment and will invite Council to this meeting. Countywide, we need to build 750 units now and 1500 units by 2023. The Snake River Basin is a net supplier of work force housing.
- The Parking Retreat will be held on March 19, 2020.
- Summit Fire & EMS would like to use the Dillon Amphitheater on a weekday in July for Chief Jeff Berino's retirement party. They would like the \$17,000 facility fee waived and will pay for all costs associated with providing production and events staff and concession products. Council was comfortable with waiving the facility fee and allowing Summit Fire & EMS to pay for the direct costs associated with Mr. Berino's retirement party.

MAYOR'S UPDATE:

- Mayor Skowrya reported on the following:
 - Colorado Association of Ski Towns (CAST):**
 - She attended the Colorado Association of Ski Towns meeting. At a Tobacco 21 presentation, the federal government passed the new "Tobacco 21" law. She noted Dillon was ahead of this law.
 - Northwest Colorado Council of Governments (NWCCOG):**
 - They commissioned a report on "Older Adults 2020 Housing Needs Assessment" for the Northwest Region. She will leave the rough draft of this report for others to read.

COUNCIL MEMBER COMMITTEE REPORTS AND COMMENTS:

- **Council Member Kaminski reported on the following:**
 - The upcoming Mountain Towns 2030 planning committee meeting will be on February 10, 2020.
 - The Summit Historical Society will hold a members-only event at the Breckenridge Distillery on February 12, 2020.

ADJOURNMENT:

There being no further business, Mayor Skowrya declared the meeting adjourned at 8:17 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk