

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, June 16, 2020

7:00 p.m.

Via teleconferencing

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, June 16, 2020, via teleconferencing. Mayor Carolyn Skowyra called the meeting to order at 7:03 p.m. and the following Council Members answered roll call: Jennifer Barchers, Kyle Hendricks, Karen Kaminski, Renee Imamura and Steve Milroy. Council Member Brad Bailey was absent (excused). Staff members present via teleconferencing were: Nathan Johnson, Town Manager; Carri McDonnell, Finance Director; Mark Heminghaus, Chief of Police; Kerstin Anderson, Marketing & Communications Director; Scott O'Brien, Public Works Director; Craig Simson, Marina Director; Dan Burroughs, Town Engineer; Ned West, Town Planner; and Adrienne Stuckey, Town Clerk.

APPROVAL OF AGENDA

Work Session Item #9, Council Member Comments and Committee Reports, was moved to Item #13 on the Regular Meeting Agenda.

APPROVAL OF CONSENT AGENDA

Council Member Imamura moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of June 2, 2020
- b. Approval of Bill List dated June 12, 2020 in the amount of \$113,906.77 and Payroll Ledger dated June 5, 2020 in the amount of \$89,929.34
- c. Consideration of Ordinance No. 12-20, Series of 2020
First Reading to Set the Public Hearing
AN ORDINANCE APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD MASTER SIGN PLAN FOR THE MULTI-TENANT BUILDING AT 35 DILLON RIDGE ROAD.
- d. Consideration of Ordinance No. 14-20, Series of 2020
First Reading to Set the Public Hearing
AN ORDINANCE LIFTING THE TEMPORARY MORATORIUM ON REQUESTS FOR PAYMENT IN LIEU OF DEFICIENT PARKING SPACES, AND AMENDING CHAPTERS 16 AND 19 OF THE DILLON MUNICIPAL CODE REGARDING FEES IN LIEU OF REQUIRED PARKING SPACES.

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

CITIZEN COMMENTS

Bobby Craig, of 322C North Main Street, Breckenridge, supported the connectivity of the Town Core Master plan for Dillon but had concerns with turning the center square into green/pedestrian space and eliminating parking. It's going to be detrimental to the day care and offices around it to not having parking there. Maybe Town could do both, allowing parking during the day Monday-Friday but would

be blocked off and become an animated town space on evenings and/or weekends.

CONSIDERATION OF ORDINANCE NO. 11-20, SERIES OF 2020

Second Reading and Public Hearing

AN ORDINANCE APPROVING A MAJOR PUD AMENDMENT FOR THE DILLON URGENT CARE & RESIDENCES PUD DEVELOPMENT PLAN LOCATED AT 956 W. ANEMONE TRAIL.

Mayor Skowyra opened the public hearing at 7:13 p.m.

Eric Smith, President of Eric Smith Associates, P.C. (ESA), explained the application is an amendment to a previously approved PUD Development Plan. There were several changes they made to the plan.

Proposed Site Plan changes:

- The location of the Urgent Care Building drifted 6' to the west.
- Provided an access to the condo building on the east property line. It used to come through the Urgent Care parking lot but b/c we have a relocated city sewer line that goes down the East side of the property and for other reasons, create a separate access specifically for the condo building.
- It allowed them to add additional structured parking spaces under the condo building and one additional parking space to the Urgent Care parking lot.

Proposed Side Elevations:

- The drive that comes up the East side, they raised the basement floor elevation of the condominium building, shortened the garage ceiling height in the condo building as well as shortened the floor to floor heights in the three floors above the underground parking. These building heights remained essentially the same as what was in the original and are not asking for a variance in height. It is under the max allowable height.

Proposed View from the Northeast

- Driveway is in the foreground to the underground parking structure and overhead door to underground parking is viewable.

Dan Burroughs, Town Engineer, explained the Town of Dillon has received a Level IV Development application for a Major Amendment to the Dillon Urgent Care and Residences PUD Development Plan (the "PUD"). The approved PUD consists of a phased construction project containing a commercial building on Lot 45A, and a residential condominium building on Lot 45B.

The Lot 45A phase would consist of the construction of a commercial clinic building, utility and drainage infrastructure, and the commercial parking lot. The commercial building would contain an Urgent Care center with three (3) attached Workforce Housing apartment units to be used by employees of the clinic to ensure staffing of the clinic.

The Lot 45B phase of the project consists of an 18-unit residential condominium building with underground parking garage and resident storage units on the backside of the building.

The 2020 proposed PUD Amendment summary includes:

1. ADD a separate driveway to the residential building on Lot 45B in the Sanitary Sewer Easement
2. SHIFT the clinic building & parking to the west to accommodate the new driveway.
3. REDUCE front yard to 23' (25' typical)

4. REDUCE the overall square footage of the PUD Sign Plan from 247 sf to 222 sf.
5. REVISE Residential Parking lot – increase of one parking space
6. REVISE Commercial parking lot – increase of one parking space
7. REDUCTION in trees provided onsite due to building shift, additional driveway and additional 10' utility easements requested by the Town of Dillon.
8. REVISE site grading, landscaping and utility plans accordingly

Kent Willis, an attorney at 111 Lincoln Ave, Breckenridge, and represents some of the homeowners said this project has been pushed to the maximum on every setback – horizontally and vertically. This is a tall building and the neighbors don't feel like it fits the character of town or compliment or blend into the area. It feels and looks huge. They are not happy with this building. They have met the technical criteria for parking but if they are put in the short-term rental pool, this will not be sufficient. The flat roof view makes it look like a giant motel and doesn't fit the character of the neighborhood. They would like Council to deny this application or a postponement to reconsider some of the height and mask issues. This proposal has eliminated a lot of the landscaping so there's no landscaping left to soften the impact of the building. There's too much residential with an excuse of a commercial building out front. The neighbors feel like this project needs to be scaled back. It has forty-eight market units and has no affordable housing units. We need affordable housing more than an urgent care center.

David Servinsky, 724 East Anemone Trail, Dillon wanted to clarify that there are 18 units with forty-eight bedrooms and is significantly larger than the Dillon Inn which has 30 units. They are using decks as open space and is inappropriate, so many people come up from urban areas and people want to see open space. The landscaping has been reduced by well over half and is unacceptable. Minor amendments have been approved allowing the lots to be separated. It allowed the residential building to be separated from the urgent care building allowing the residential building moving it back up the slope, several feet, giving it more elevation gain because it goes into the steeper hillside. What is the true height of this building and would argue it is significantly above 35' and probably approaches 40'. I would ask someone to address the real height. By making the building 3.7% larger permitted by code and multiply by four stories this causes the building to be higher because it's pushed back, open space to be reduced, parking to be more constricted, less snow storage and lots of problems. I would ask that my list of questions can be addressed. It sounds like high density as opposed to "medium" density. Just shrink the building so there are no overages. I would like to see anything that is not in true conformity be defined and not hidden. Build respectfully.

Dianne Godfrey, 724 A. East Anemone Trail, Dillon, said the previous two speakers have addressed her questions or concerns and hoping Dan or the architect can address why there will not be any trees or landscaping on the southside of the building. She lives behind the building and will have to look at the building. She doesn't understand why we can't use trees to soften the effect of this big box look.

Mr. Smith, of ESA, responded:

- The open space calculations do not include the decks they just include the site area.
- With respect to landscaping, they had landscaping originally to the south of the building but when the city requested a larger utility easement for the sewer line along the southside of the building, they had a prohibition against putting significant landscape on that utility easement.
- They have not moved the condominium building at all. It's exactly where it was previously. The only building change on the site was the shift of the Urgent Care building 6' to the west.
- Elevations on the building:
 - Existing grades on the front of the condo building run from elevation 8984' to 8988'
 - Slab elevation from the garage is 8267 and is pushed back 5' below grade on the Northside of the building and 12' or 14' below grade on the south end of the building

- o Existing contours on the southside are approx. elevation 8895
- o On the southeast corner the building is 8897 and the ridge line is at 8825, the southeast corner is 28' above the natural grade
- o The lowest point at the foundation is elevation 8884 and the highest point at the foundation is elevation 8897. The base elevation is 8890.5' (average)

Mayor Skowrya stated the documents included within the record for this public hearing include all application materials submitted by the applicant, all materials included in the Town Council packet, any Power Point or other presentations given tonight, all written referral and public comments received regarding the application and the Town's subdivision and zoning ordinances and other applicable regulations.

Mayor Skowrya asked if anyone objected to inclusion of these items in the record. No one objected.

Mayor Skowrya moved onto questions from Council members.

Town Attorney Cotton-Baez reminded Council this is the question period.

Council Member Kyle Hendricks asked is there any possible chance or way of adding foliage to the southside of the building to get those trees and/or landscaping back in there?

Mr. Burroughs replied that there is a small line in there for trees.

Eric Smith added, if the city was willing, they could put smaller vegetation in there. They could put landscaping just south of the property line as well They are limited to the size of landscaping on the easement. The town is concerned with putting landscaping on the easement.

Madam Skowrya asked is this utility easement knew with this proposed amendment?

Mr. Burroughs replied there was a 5' easement but it's not big enough so they are trying to adopt their standard sewer easement which is 20', 10' on each side of the property line.

Madam Skowrya asked why this easement has to be bigger than other easements?

Mr. Burroughs replied our code requires 20' sewer easement because our sewer lines are buried from 8' -12' deep and don't physically have enough room to build a trench that meets OSHA requirements for anything less than 20' Based on what we saw and how the project went last year, we will need every square foot of the 20' if we have to dig up that line. As projects come in, we try to bring our easements up to meet our code and to make it possible to maintain the sewer main for everyone's benefit.

Council Member Hendricks asked if because of the Town's sewage line there won't be any landscaping back there?

Mr. Burroughs replied the applicant has suggested in the green area and the easement line, he could plant smaller trees. They could plant trees in there but if they had to work on the sewer line, a lot of the trees would have to be removed.

Mr. Smith replied they would have no problem putting more trees in easement area while working with the Town on which trees to put in there.

Hearing no other questions, Mayor Skowrya closed the public hearing at 8:05 p.m.

It was opened to deliberation by the Council.

Council Member Hendricks stated he has always been uncomfortable that there will only be three workforce units inside the urgent care facility that would be open for doctors transitioning. He doesn't

buy into that. He doesn't believe that it is realistic. However, we need to do it, whether it's Town's responsibility or the projects responsibility, there needs to be more foliage behind the building. It looks like a hotel especially if the urgent care is going to be illuminated.

Mayor Skowyra stated going from 44 trees to 17 trees is a huge drop and it's important to have balance with this project. We want to increase density in Town; it's one of our goals. Our other goal is to retain our character and part of our character is that we are in the mountains and the wilderness and if we don't have trees and foliage, we lose some of that character. This amendment reduces the landscaping and increase the black top area and those two things don't provide the balance I'm looking for in this project. Maybe this final amendment highlights for me, perhaps this project is too massive for the site that it's on, especially with these changes. Seventeen trees are not enough. It doesn't meet our goals. More black top doesn't meet our goals. Increased parking spaces has some appeal but not at the cost of losing lawn space to a driveway.

Council Member Hendricks stated adding another entrance to the parking garage doesn't seem important. It's an urgent care facility. It's not going to be a busy parking lot. Why do we need another entrance to the parking garage? I don't think it's necessary. It's not what I want to see.

Council Member Jen Barchers agreed with the other Council member comments and doesn't see a use or need for two entrances to the parking garage. We need to keep the landscape that is required. This project has asked for a lot of variances already. It's been tiresome for me and if they can't do what they were going to do under the initial PUD, then I am not impressed with the continued asks.

Council Member Karen Kaminski agrees with the concerns expressed – reducing the landscaping and increasing the black top. Even though the argument can be made that it's not that much bigger, by the movements and the new requests and changes, it has become bigger. It's not community and people friendly. It no longer seems to fit in to what our vision is for things. The initial plan, two versions ago, seemed like a really good idea and something that would bring something good into the community. With all of the changes, it's getting more complex and less attractive.

Council Member Renee Imamura agreed with all Council member comments. The changes are confusing I still like the architectural design and they didn't build higher and went under the lines and I like having an urgent care. I do have some concerns if we could all see it in person including the public. It's hard for everyone to see the presentation. I would like to continue this moving forward but do have concerns, like everyone else.

Mayor Skowyra replied nobody could follow on with Dan's screen share but all of this information is in the packet online.

It is noted that some of the public were online and could see the presentation.

Council Member Steve Milroy likes having an urgent care when there really isn't many options in Summit County and is definitely appealing and understands the developer needs to fund this project with the residential project. He's a little on the fence that it's not major changes or significantly different than the original proposal. Yet, it is a big project and a little on the fence if it really needs to happen but I would really like to see it move forward because we don't have an urgent care or something close by in this part of the County that's open beyond 5:00 p.m. Finding a way to bring that to reality is attractive but it has to fit.

Mayor Skowyra clarified that they would still have an approved PUD. We've given quite a lot of feedback and would give the applicant an opportunity to work on some of the things we suggested if

their current approved PUD is something they don't want to build but be able to amend that would be more suitable.

Council Member Imamura asked what the major changes were and Mayor Skowyrá listed the changes. She wasn't sure why they added a second entrance to the parking garage but would like to see it go forward as well.

Madam Skowyrá explained Council's three options - make a motion to not approve this ordinance, there is no motion and we don't take any action so it is not approved or we make a motion to approve it. Unless we want to continue this deliberation, but we won't be able to receive any more evidence because the public hearing is closed.

Nick Cotton-Baez explained to Council that the hearing could still be continued even though the evidence has been closed. They could receive more evidence at a future public hearing. The other options are to approve with the conditions or deny. He did not recommend tabling it because the applicant is owed a decision on this application based on the code. Continuances are usually to gather more information and the applicant could provide minor changes but we wouldn't allow major changes. If Council wanted to see major changes then the best course would be a new application.

Council Member Barchers made a motion to deny Ordinance No. 11-20, Series of 2020. Council Member Hendricks seconded the motion which passed 5-1 with Council Member Imamura in opposition.

CONSIDERATION OF EMERGENCY ORDINANCE NO. 13-20, SERIES OF 2020
AN EMERGENCY ORDINANCE AUTHORIZING THE MANAGER OF THE TOWN OF DILLON, COLORADO, TO RESIDE WITHIN A REASONABLE DISTANCE FROM THE LIMITS OF THE TOWN, IN CONFORMANCE WITH THE REQUIREMENTS OF THE TOWN CHARTER; DETERMINING THE REASONABLE DISTANCE; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Finance Director Carri McDonnell explained this emergency ordinance will allow Nathan Johnson, Town Manager, to live outside of the Town limits of Dillon. The Dillon Town Charter allows the Town Manager to live within a reasonable distance from town if approved by ordinance by the Town Council. Manager Johnson has found a home that he would like to purchase in Willowbrook in the town limits of Silverthorne.

Council Member Hendricks moved to approve Emergency Ordinance No. 13-20, Series of 2020. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 28-20, SERIES OF 2020
A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE TRANSPORT AND TREATMENT OF PERSONS IN CUSTODY.

Chief of Police Mark Heminghaus stated Summit County Ambulance and the Town of Dillon Police Department had an agreement for the ambulance service to provide on scene evaluation, treatment, release, and/or transport of persons in police custody within Summit County and outside of Summit County. The cost of those services was \$1,500.00 annually.

The Summit County Ambulance merged with Summit County Fire in July of 2019 to form the Summit Fire & EMS Authority. This agreement is for the same services, at the same cost, \$1500.00 per year, with the Summit Fire & EMS Authority.

Council Member Barchers moved to approve Resolution No. 28-20, Series of 2020. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 29-20, SERIES OF 2020
A RESOLUTION APPROVING THE WATERFRONT MASTER PLAN.

Manager Johnson explained this resolution approves the Waterfront Master Plan as guidelines to use when prioritizing and determining the next capital projects for the Waterfront area.

Council Member Imamura moved to approve Resolution No. 29-20, Series of 2020. Council Member Milroy seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 30-20, SERIES OF 2020
A RESOLUTION APPROVING THE TOWN CORE MASTER PLAN.

Manager Johnson explained this resolution approves the Town Core Master Plan (connectivity plan) as guidelines to use when prioritizing and determining the next capital projects for walkability of the downtown area.

Council Member Imamura moved to approve Resolution No. 30-20, Series of 2020 Council Member Kaminski seconded the motion which passed 4-2 with Council Member Barchers and Council Member Hendricks in opposition.

CONSIDERATION OF RESOLUTION NO. 31-20, SERIES OF 2020
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, TO ADOPT THE COLORADO RETIREMENT ASSOCIATION RETIREMENT PLAN AND TRUST AGREEMENT PARTICIPATION AGREEMENT EFFECTIVE AS OF JUNE 16, 2020 AND THE COLORADO RETIREMENT ASSOCIATION DEFERRED COMPENSATION PLAN PARTICIPATION AGREEMENT; AND, TO AUTHORIZE AND DIRECT THE APPROPRIATE TOWN OFFICERS TO SIGN SAID AGREEMENT.

Finance Director McDonnell stated this resolution approves the participation agreement with Colorado Retirement Association (CRA) for both the required retirement program for employees (401) and the voluntary retirement program for employees (457). The CRA was formerly known as CCOERA so since the name change, they are required to update and get approvals on participation agreements with CRA. There are no changes that affect the Town's existing retirement plan as established in 1979. In the 401 plan, the employees contribute 5% and the town matches that 5%. The 457 plan is only established if the employee would like to contribute additional funds. The Town does not participate in the 457 plan. This retirement plan is for all employees with the exception of the sworn police officers. They participate in the Fire and Police Pension program as by state statute they are not allowed to participate in CRA.

Council Member Kaminski moved to approve Resolution No. 31-20, Series of 2020. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Manager Johnson reported on the following:

- He thanked our neighboring partnering entities for helping with the tragedy on Saturday, June 13, 2020.
- The Marina has extended its hours as of Monday, June 22, 2020. The Marina is only down four

seasonal employees. They are anticipating a pent-up demand.

- Approximately 2,500 people attended the Farmers Market on Friday, June 12, 2020.
- Town Hall is still at 50% occupancy and we do not have any events scheduled at the amphitheater for the 2020 season.
- The water tank is leaking on the western base of the tank. Staff is working with several contractors to repair the issues (seal failure, cracks in the concrete floor) and is actively working to get the substantial repairs completed this fall or early winter months.
- Staff is also working on a water line issue by City Market and will have more information once staff talks to a geotechnical company. He will forward that info to Council once he receives it.
- We are in the process of hiring another police officer as well as additional staff with Public Works and the Marina.
- The Summit Combined Housing Authority and CIRSA meetings are June 24, 2020. CML Annual Business Meeting is June 25, 2020.
- At the end of July there will be a budget workshop. Please fill out the Doodle poll at your earliest convenience.

Council's Questions:

- Will the water tank would be repaired by winter?
Manager Johnson replied staff is working with the newly reorganized company to see what kind of solution they can come up with - potential grouting, liner and new steel floor. The earliest they can get us in is December which will not be advantageous for us. We have been putting pressure on the representative to come up with a better solution since this tank is less than five years old. There's only one other tank in the country that has had these issues/defects. We are also going to hire an outside engineer to assist us in repairing the tank or making other modifications so that it is in great working condition, many years to come.
- Why has the Uptown 240 project stalled?
Manager Johnson replied the Uptown 240 crew mentioned they are having a hard time getting steel. Due to COVID-19, some steel mills have shut down.
Town Engineer Dan Burroughs replied they have installed the underground retention pond in the past few weeks.

MAYOR'S UPDATE:

Mayor Skowyra reported on the following:

- She responded to the Doodle poll.
- If any Council member would like to attend an HOA meeting via Zoom, please contact her or Nathan.
- At the Managers', Mayors' & Commissioners' call, each town gave an update and discussed what each town was doing during the COVID-19 pandemic. Frisco is doing a matching gift card program.
- She heard from a lot of businesses that they were happy the Town was able to assist them with a loan.

COUNCIL MEMBER COMMITTEE REPORTS AND COMMENTS:

There were no Council member committee reports.

Council Member Imamura asked when Town Council meetings would be held in-person.

Manager Johnson replied the earliest would either be the July 21, 2020 or August 4, 2020 meeting.

ADJOURNMENT:

There being no further business, Mayor Skowyra declared the meeting adjourned at 9:00 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk