

RECORD OF PROCEEDINGS

**TOWN OF DILLON TOWN
COUNCIL REGULAR
MEETING**

Tuesday, April 6, 2021

7:00 p.m.

Virtual Meeting Via Microsoft Teams

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, April 6, 2021, via teleconferencing. Mayor Skowrya called the meeting to order at 7:01 p.m. and the following Council Members answered roll call: Council Members Brad Bailey, Jennifer Barchers, Kyle Hendricks, Renee Imamura, Karen Kaminski and Steve Milroy. Staff members present via teleconferencing were: Nathan Johnson, Town Manager; Carri McDonnell, Finance Director; Cale Osborn, Chief of Police; Craig Johnson, Detective; Kerstin Anderson, Marketing & Communications Director; Scott O'Brien, Public Works Director; Craig Simson, Marina Director; Dan Burroughs, Town Engineer; Ned West, Town Planner; JoAnne Tyson, Human Resource Manager and Adrienne Stuckey, Town Clerk.

APPROVAL OF AGENDA

Work Session Items #8a, Public Works Director's Report, and Item #8b, Police Chief's Report, were moved to go after Item #12, Council Member Comments.

APPROVAL OF CONSENT AGENDA

Council Member Bailey moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of March 16, 2021
- b. Approval of Bill List dated March 31, 2021 in the amount of \$154,621.02 and Payroll Ledger dated March 26, 2021 in the amount of \$74,614.16
- c. Excused Absence Mayor Skowrya for the March 16, 2021 Town Council Regular Meeting.

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

CITIZEN COMMENTS

There were no Citizen Comments.

CONSIDERATION OF ORDINANCE NO. 04-21, SERIES OF 2021

Second Reading and Public Hearing

AN ORDINANCE AMENDING ARTICLES VII AND VIII OF CHAPTER 6 OF THE DILLON MUNICIPAL CODE TO PERMIT MARIJUANA SALES WINDOWS IN CONNECTION WITH LICENSED MARIJUANA STORES, AND TO CORRECT REFERENCES TO STATE LAW APPLICABLE TO MEDICAL AND RETAIL MARIJUANA

Mayor Skowrya stated that 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 7:16 p.m.

Ned West, Town Planner, explained on January 1, 2021 the State of Colorado Marijuana Enforcement Division (MED) issued new rules that allowed licensed retail and medical marijuana stores to conduct marijuana sales through walk-up and drive-up windows.

This ordinance would permit licensed marijuana stores to conduct sales through walk-up and drive-up sales windows after:

- Obtaining state and local licensing authority approval to modify the store's licensed premises; and
- Obtaining a development permit of the level applicable to the proposed modification under the zoning code

Mr. West further explained a walk-up window would be considered a use accessory to the marijuana store for purposes of the zoning code and a drive-up window would be considered a primary use for purposes of the zoning code and would require conditional use approval (lot layout may raise unique concerns).

Mr. West added permanent menu signs, menu display boxes, or other signs displaying the word "marijuana," or images of marijuana, marijuana products, or marijuana accessories, would be prohibited in connection with walk-up or drive-up windows.

Licensees must comply with Colorado Municipal Enforcement Division Rules in conduction sales through a walk-up or drive-up sales window, including:

- Retail store must verify retail customer identification to ensure customer is 21 years of age or older;
- Medical store must verify patient's identification and registry identification card;
- Telephone orders accepted for retail and medical marijuana;
- Online orders not accepted for retail marijuana;
- Online orders accepted for medical marijuana;
- Orders must be placed from menu;
- Store may not display marijuana products through sales window;
- Sales window must be under video surveillance capable of recording consumer's identity, consumer's identification and/or registry card, and consumer's vehicle, through completion of the transaction;
- Store must package and label marijuana before it leaves store; and
- No vehicles permitted in licensed premises.

Mr. West stated the draft Ordinance would update references to state law applicable to medical and retail marijuana required by recent updates to the statutes.

Mayor Skowyra opened it up to Public Comment.

The following citizens expressed concern for their community and opposed marijuana sales windows in licensed marijuana stores in Dillon:

Christina Rivera, 1294 Straight Creek Drive, Dillon Valley
Autumn Rivera, 1294 Straight Creek Drive, Dillon Valley
Emily and Matt Mulica, 767 Deer Path Road, Dillon Valley
Laura Brown, 84 Shepard Circle, Breckenridge
Catherine Smith, 32 Hummingbird Circle, Silverthorne,
Jackie Christiansen, 420 East LaBonte Street, Dillon
Lauren Gearhart, 730 Pitkins Street, Frisco
Kevin Stout, 102 Gold Run Circle, Dillon
Jim Doyle, 332 W Buffalo Street, Dillon
Don Parsons, 140 LaBonte Street, Dillon

Carri McDonnell, Finance Director, read a letter from citizens who opposed marijuana sales windows in licensed marijuana stores in Dillon:

Dirk & Janet Pasterkamp, 155 Tenderfoot Street, Dillon

The following citizens supported marijuana sales windows in licensed marijuana stores in Dillon:

Brian York, 123 CR 78, Dillon

Louis Skowyra, 312 Tenderfoot Street, Dillon

Shannon Fender, Native Roots Dispensary, Dillon

Mayor Skowyra opened it up to questions from Council and Council had a few questions for Staff and Shannon Fender.

Mayor Skowyra closed the public hearing at 8:33 p.m.

Council Member Barchers moved to approve Ordinance No. 04-21, Series of 2021. Council Member Bailey seconded the motion which passed four to three, with Council Members Barchers, Bailey, Hendricks and Madam Skowyra in favor and Council Members Imamura, Kaminski and Milroy in opposition.

CONSIDERATION OF ORDINANCE NO. 05-21, SERIES OF 2021

Second Reading and Public Hearing

AN ORDINANCE ADOPTING BY REFERENCE AN AMENDMENT TO THE SUMMIT COUNTY BUILDING CODE TO EXTEND THE TRAINING PERIOD FOR RESIDENTIAL PROJECT COMPLIANCE WITH THE SUMMIT SUSTAINABLE BUILDING CODE.

Mayor Skowyra stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowyra opened the public hearing at 9:16 p.m.

Mr. West explained the Town of Dillon contracts with the Summit County Building Inspection Department as the Town's Building Department and generally adopts Building Codes in synch with the County. The Summit Sustainable Building Code ("SSBC") requires all new single-family homes be compliant to the Department of Energy, DOE, Zero Energy Ready Home Program, ZERH. Part of that adoption was the codification of a temporary training period which would allow for this program to be brought up to speed throughout Summit County.

This proposed amendment to the Summit County Building Code extends the training period until December 31st, 2021 for first time applicants.

There were no comments from the public.

There were no questions from Council.

Mayor Skowyra closed the public hearing at 9:18 p.m.

Council Member Bailey moved to approve Ordinance No. 05-21, Series of 2021. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 06-21, SERIES OF 2021

Second Reading and Public Hearing

AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 6 OF THE DILLON MUNICIPAL CODE TO CHANGE THE ANNUAL EXPIRATION DATE FOR SHORT TERM RENTAL LICENSES

Mayor Skowyra stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowyra opened the public hearing at 9:22 p.m

Ms. McDonnell explained COVID began in March 2020 and short-term rentals were closed in April and May 2020. The short-term rentals renew April 1st of each year. This draft ordinance would move the annual expiration date of short-term rental licenses from March 31 to May 31 of each year.

There were no citizen comments.

There were no questions from Council.

Mayor Skowyra closed the public hearing at 9:23 p.m.

Council Member Kaminski moved to approve Ordinance No. 06-21, Series of 2021. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 14-21, SERIES OF 2021

A RESOLUTION APPOINTING MEMBERS TO THE DILLON PARKS, RECREATION, ARTS AND CEMETERY COMMITTEE.

Scott O'Brien, Public Works Director, explained there are two, two-year terms, available on the Dillon Parks, Recreation, Arts and Cemetery Committee (PRAC) resulting from Jennifer Cassell and Eric Nicholds terms expiring on the former Parks and Recreation Committee. This resolution would appoint Ms. Cassell and Mr. Nicholds to a two-year term on PRAC expiring in January 2023.

Council Member Hendricks moved to approve Resolution No. 14-21, Series of 2021. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 15-21, SERIES OF 2021

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH COLUMBINE HILLS CONSTRUCTION, LLC, FOR THE 2021 TOWN PARK UTILITIES AND EARTHWORK PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Dan Burroughs, Town Engineer, this resolution approves a contract with Columbine Hills Construction, LLC, in the amount of \$497,187.00 for the first phase, the utility and earthwork phase, of the Town Park reconstruction.

Council Member Milroy moved to approve Resolution No. 15-21, Series of 2021. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Manager Johnson included a written report and added the following:

- Summit County is moving to Level Orange tomorrow, April 7th, 2021 at 6:00 a.m except a 5-Star Certified business will be able to remain at Level Yellow. The County is hovering around 10% positivity rate which is in between Level Orange and Red. The Governor intends to retire the COVID dial mid-April.
- 53% in Summit County have had at least one vaccine.
- Governor Polis extended the mask mandate to May 2021.
- The Summit County Public Health is only using a week-long average of COVID positivity rate.
- He, Carri McDonnell and Kerstin Anderson were on a webinar about revitalizing Main Street. This was centered around the money that has been allocated to improvements through the state's stimulus' bill. This could include walkability, roundabout, the ice rink, Town Park playground improvements and multi-modal transportation.. The application process ends on May 14, 2021 and will be awarded in July 2021.
- The Summit Combined Housing Authority is in search of a new Executive Director.
- Monday, April 12, 2021, the S.C.H.A may present it's 2020 Summit County Housing Needs Assessment. Once the date is confirmed, he will send the date/time to Council and Staff.
- Currently, the Town of Dillon collects 8% of the Nicotine Tax fund. Silverthorne and Breckenridge are the two highest earners. They will discuss the SMART request at an upcoming Work Session.
- The Summit County Sheriff's Office gave a 30-day notice that they are withdrawing from the SWAT team.
- Staff will be bringing up the fee associated with the Marijuana Hospitality and Sales ordinance.

MAYOR'S UPDATE

Mayor Skowrya update included:

- There may be an upcoming Council retreat in May. Please lookout for an e-mail with specifics.
- Mayor Skowrya thanked Mayor Pro Tem Bailey for running the meeting on March 16, 2021.

COUNCIL MEMBER COMMENTS

- Council congratulated Mayor Skowrya on the birth of her baby girl, Rosemary.
- Council Member Barchers thanked Staff for giving the Nicotine Tax update and adding the Nicotine discussion to the agenda again.

COUNCIL MEMBER COMMITTEE REPORTS

There were no Council Member comments or committee reports.

STAFF REPORTS/LEGISLATIVE UPDATES

Item #8, Staff Reports/Legislative Updates, was continued from the Work Session to the Regular Meeting Agenda, after Item #12, Council Member Comments.

PUBLIC WORK DIRECTOR'S REPORT

Scott O'Brien, Public Works Director, included a written report and added the following:

- Staff received the "Request for Proposal" for the roundabout design. Staff will present the successful bidder to Council and the BOCC in the future.
- He met with Julie McCluskie, State representative, and discussed speeds on Highway 6. Ms. McCluskie asked for data and will get back to Dillon with a CDOT legislative contact.
- The Parks, Recreation, Arts and Cemetery (PRAC) meeting was last night, April 5, 2021. They discussed the Memorial Day celebration and reviewed the Dillon Cemetery master plan.

POLICE CHIEF'S REPORT

Cale Osborn, Police Chief, included a written report and added the following:

- Chief Osborn added the highest average speed is 26 mph. Traffic enforcement has led to speeding tickets and DUI charges.
- They hired Chris Scherr, former detective of Dillon P.D.
- An officer came in contact with a moose last week. The officer was unhurt and substantial damage to the vehicle but the moose died in the accident and was taken away by D.O.W.

EXECUTIVE SESSION

Mayor Skowrya moved to go into Executive Session at 9:56 p.m. pursuant to Section 3-4(a)(1) of the Town of Dillon Home Rule Charter, and C.R.S. Section 24-6-402(4)(e), for the purposes of determining positions, developing strategy and instructing negotiators relative to matters that may be subject to negotiation, specifically pertaining to a potential Economic Development Agreement with Bed Bath & Beyond. No action was taken during the executive session. At 10:08 p.m. Council concluded the executive session.

ADJOURNMENT:

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

Respectfully submitted by:

Adrienne Stuckey, Town Clerk