

*RECORD OF PROCEEDINGS*

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**TOWN OF DILLON  
TOWN COUNCIL REGULAR  
MEETING**

Tuesday, October 18, 2022  
7:00 p.m.

**CALL TO ORDER & ROLL CALL**

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, October 18, 2022, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Skowyra called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Brad Bailey, Dana Christiansen, Kyle Hendricks, Renee Imamura and Tony Scalise Council Member John Woods was absent (excused). Staff members present were: Nathan Johnson, Town Manager; Cale Osborn, Police Chief; Craig Simson, Marina Director; Matt Farley, Accountant; Scott O'Brien, Public Works Director; Ned West, Sr. Town Planner; Dan Burroughs, Town Engineer and Adrienne Stuckey, Town Clerk

**APPROVAL OF AGENDA**

There were no changes to the meeting agenda.

**APPROVAL OF CONSENT AGENDA**

Council Member Scalise moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of October 4, 2022
- b. Approval of Bill List dated October 13, 2022, in the amount of \$1,612,987.20 and Payroll Ledger dated October 7, 2022, in the amount of \$146,850.88
- c. Excused Absence for Mayor Pro Tem Brad Bailey for the October 4, 2022, Regular Council meeting
- d. Consideration of Ordinance No. 07-22, Series of 2022  
First Reading to Set the Public Hearing  
**AN ORDINANCE AMENDING CHAPTER 17 OF THE DILLON MUNICIPAL CODE  
REGARDING MAINTENANCE AND IMPROVEMENT OF EXISTING FACILITIES IN  
WETLAND BUFFER AREAS**
- e. Consideration of Ordinance No. 08-22, Series of 2022  
First Reading to Set the Public Hearing  
**AN ORDINANCE AMENDING CHAPTER 8 OF THE DILLON MUNICIPAL CODE  
REGARDING PUBLIC PARKING**

Council Member Christiansen seconded the motion which passed unanimously.

**CITIZEN COMMENTS**

There were no citizen comments.

## **CONSIDERATION OF ORDINANCE NO. 05-22, SERIES OF 2022**

Second Reading and Public Hearing

### **AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING MULTI-FAMILY RESIDENTIAL AND HOTEL PARKING SPACE REQUIREMENTS.**

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 7:02 p.m.

Ned West, Sr. Town Planner, explained this ordinance amends Chapter 16 by making the following changes to the Code:

- It increases the required parking for NEW multi-family projects with units containing three (3) or more bedrooms by ½ parking space per each 3-bedroom or more units. The currently adopted Code requires 2.0 parking spaces per each 3-bedroom or more units. The recommended Code Amendment would require 2.5 parking spaces per each 3-bedroom or more units for NEW projects. Parking spaces are rounded up as totaled throughout a project.
- It increases the required parking for lodging (hotel) projects by 0.1 parking space per bedroom. The currently adopted Code requires 1.0 parking space per lodging bedroom. The recommended Code change would require 1.1 parking space per lodging bedroom for NEW projects.

Mr. West said Town staff recommends approval.

There were no public comments.

Mayor Skowrya closed the public hearing at 7:05 p.m.

Council commented it was great to receive information from its advisory committee, Planning and Zoning.

Mayor Pro Tem Bailey moved to approve Ordinance No. 05-22, Series of 2022. Council Member Imamura seconded the motion which passed unanimously.

## **CONSIDERATION OF ORDINANCE NO. 06-22, SERIES OF 2022**

Second Reading and Public Hearing

### **AN ORDINANCE APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD SIGN PLAN FOR THE PANERA BREAD RESTAURANT.**

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 7:06 p.m.

Mr. West explained the Town received a sign package application for the Panera Restaurant located at 257 Dillon Ridge Road. The proposed signs are located on the building in different locations in some cases, have a different appearance and layout (including a brand logo), and there are additional signs provided for the drive through. Many Panera Bread restaurants have digital display menu signs, and this ordinance approves the Panera PUD Sign Plan and provides flexibility for the future for digital display installation for the drive through menu boards should Panera so desire.

Mr. West added at the September 12, 2022: Planning and Zoning Commission Special Meeting and Public Hearing the Planning and Zoning Commission Approved and Recommended Approval of the Panera PUD Sign Plan by Resolution PZ 09-22, Series of 2022.

There were no public comments.

Mayor Skowrya closed the public hearing at 7:08 p.m.

Council did not have any comments.

Council Member Imamura moved to approve Ordinance No. 06-22, Series of 2022. Council Member Christiansen seconded the motion which passed unanimously.

**CONSIDERATION OF RESOLUTION NO. 48-22, SERIES OF 2022**

Continuation of Public Hearing

**A RESOLUTION APPROVING AN APPLICATION FOR A CLASS S-2 SUBDIVISION TO BE KNOWN AS A RESUBDIVISION OF LOT 17, BLOCK B, NEW TOWN OF DILLON.**

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 the October 4, 2022 Regular Meeting and was moved By Council to continue the public hearing for Resolution No. 48-22, Series of 2022 to the Regular Meeting on October 18, 2022.

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

Applicant Jamie Haas, a developer in Summit County who resides in Denver, first introduced Dave Pfeiffer, a contractor who has lived in Summit County since 1995. He explained this is not a zoning request but a subdivision of Lot 17, Block B, New Town of Dillon and requires zero variances because this request meets all of the requirements that are in the Dillon Municipal Code.

He then presented to Council a slide show which included an image from the Summit County Assessor's website of the lots on West Buffalo Street and West LaBonte Street and the acreage of certain lots on those streets. It also included a drawing showing the size of the lot and size of the two proposed residential units, both within the requirements that are in the Dillon Municipal Code. He also presented to Council photos of previous residential and business units that he built and photos of current homes on West LaBonte Street and Buffalo Street.

He concluded by saying this project meets the Town Council goals by promoting community revitalization and supports sustainable development of a thriving and vital community and promotes Dillon as a welcoming and responsive place to live, work and have fun. He then asked Council to consider approving this application.

Mr. West, Sr. Town Planner, then presented a slide show to Council explaining how this application for a Class S-2 Subdivision to be known as a resubdivision of Lot 17, Block B, New Town of Dillon and stated it meets the criteria.

He explained it was properly posted at the site, a mailing to property owners within 300 feet, legal notice in the paper, public posting locations and information on the website. He presented the Assessor's map of the site vicinity and the proposed subdivision of the .7660 acre existing lot and the proposed subdivision of the two lots, 16,066 square feet and 17,959 square feet, which meets the minimum code of 8,000 square feet

He then presented the lot dimensions, building area and site access. He stated the applicable zoning provisions and subdivision criteria are satisfied: residential low zone district, character of the land, lot dimension, shape and the building area, utilities and drainage and site access and circulation.

Mr. West said, after reviewing the application, the Town Staff found the proposed subdivision met all the applicable Code criteria and is compatible with the Comprehensive Plan. There is no cause to deny the application and Staff recommends approval of Resolution No. 48-22, Series of 2022.

Next, Mayor Skowrya asked if there were any public comments.

Paul Newman, a Dillon resident, opposed this application citing it as a dangerous precedent to split lots, and introducing another driveway creates a safety issue.

Jim Doyle, a Dillon resident, opposed this application, stating it's a dangerous intersection, no official comments from the Fire EMS and Dillon Police Department and it does not promote proactive engagement of the residents or sense of community.

Mike Smith, a Dillon resident, opposed this application, and asked if Council would like to listen to the residents or to the builder.

Mayor Skowrya stated the petitions, Mr. West's presentation and Mr. Haas revised presentation will be added to the record.

Mayor Skowrya asked the applicant if he had additional comments.

Mr. Haas thanked the community for addressing their concerns. He said the lots he owns are different than the other lots because of its larger size of 160' compared to the other lots on Buffalo which are 100'. He will pay for the flashing stop sign on the corner of Buffalo Street and West LaBonte Street.

Mayor Skowrya asked Council if they had any questions.

Mayor Pro Tem Bailey asked if any trees will be disturbed.

Mr. Haas replied no.

Council Member Imamura asked if this is residential low.

Mr. West replied yes.

Council Member Scalise asked if the lot is subdivided, will there be a single-family home on each lot.

Mr. Haas replied yes, they will be single-family homes.

Mayor Skowrya closed the public hearing at 8:15 p.m.

Mayor Skowrya then opened it up to Council to discuss.

Council Member Christiansen commented that the Town will see more of these applications. There are only four lots left in Dillon. We need to make sure they follow the building codes.

Council Member Scalise said part of his platform on running for Town Council was to speak for the residents. The residents on Buffalo Street presented a petition to Council opposing subdividing Lot 17, Block B, New Town of Dillon. Speaking for the residents, he would vote no.

Mayor Pro Tem Bailey did not have concerns with traffic and thought one driveway was okay. This is a balance between the neighbors and Town goals. This project will not devalue the neighboring property valuations.

Council Member Hendricks commented this is a long narrow lot. In the future, splitting lots might become the norm. He is concerned if the lot is not subdivided, there could be an even bigger house on it.

Mayor Skowrya stated Mr. Haas bought this lot and has amply met the requirements of the Code and the Comprehensive Plan, which was approved by the residents and would be in favor of this resolution.

Mayor Pro Tem Bailey moved to approve Resolution No. 48-22, Series of 2022. Council Member Imamura seconded the motion which passed four to two, with Council Members Hendricks and Scalise in opposition.

**CONSIDERATION OF RESOLUTION NO. 54-22, SERIES OF 2022**

**A RESOLUTION APPROVING A FORM EMPLOYEE HOUSING LEASE AGREEMENT FOR THE RENTAL OF THE TOWN-OWNED HOUSE LOCATED AT 0558 COUNTY ROAD 51.**

Manager Johnson explained this resolution modifies the current policy and includes the language as follows:

A seasonal employee renting a unit whose employment is terminated based on seasonality, may remain in the unit for the duration of their lease. It is the employee's responsibility to remit rental payment to the Human Resources Manager for the months Town of Dillon direct deposit is not available. If the seasonal employee is terminated with cause, they must vacate their lease and the property within three (3) days of termination. If the renter does not vacate the premises within three (3) days, the Town will pursue all legal remedies."

Council Member Christiansen moved to approve Resolution No. 54-22, Series of 2022. Council Member Scalise seconded the motion which passed unanimously.

**CONSIDERATION OF RESOLUTION NO. 55-22, SERIES OF 2022**

**A RESOLUTION APPROVING THE TOWN OF DILLON DOWN PAYMENT ASSISTANCE LOAN PROGRAM.**

Manager Johnson said this resolution amends the Town of Dillon Down Payment Assistance Loan Program to allow employees who currently own a home to still use the down payment program if they are currently selling their current residential property. This allows employees with current property to be able to move into the county or move from a deed restricted property to a market rate property.

Council Member Imamura moved to approve Resolution No. 55-22, Series of 2022. Council Member Christiansen seconded the motion which passed unanimously.

**CONSIDERATION OF RESOLUTION NO. 56-55, SERIES OF 2022**

**A RESOLUTION APPROVING A CONTRACT WITH CLARK & ENERSEN, INC FOR THE 2022 TOWN CENTER WALKABILITY DESIGN.**

Manager Johnson explained this resolution approves a contract with Clark & Enersen, Inc for the 2022 Town Center Walkability Design and Council Members Scalise and Woods were on the interview committee to choose a consultant.

Dan Burroughs, Town Engineer, stated the Town received three proposals, staff and Council Members Scalise and Woods, reviewed the presentations and chose the consultant with solid ideas to successfully implement walkability changes to Town Center.

Council Member Imamura moved to approve Resolution No. 56-22, Series of 2022. Council Member Christiansen seconded the motion which passed unanimously.

## **TOWN MANAGER'S UPDATE**

Nathan Johnson, Town Manager, provided a written report and added the following:

- August sales tax was up approximately 35.5% and year-to-date sales tax is up \$966,000 or 16.4%
- Staff is working on the Uptown 240 Project to move materials back 10' to put in a sidewalk.
- The Tenderfoot Street sewer main repair was completed this week and the asphalt will be laid next week.
- The Amphitheater Analysis is currently underway and will be presented to Council in an upcoming Work Session.

Council Member Christiansen asked about the CR 51 project and its status.

Manager Johnson replied they have reached out to Summit County and are awaiting a response.

## **MAYOR'S UPDATE**

Mayor Skowyrá did not have an update.

## **COUNCIL MEMBER COMMENTS**

There were no Council Member Comments.

## **EXECUTIVE SESSION**

Mayor Carolyn Skowyrá moved to go into Executive Session at 8:22 p.m. pursuant to Sections 3-4(a)(1) and (a)(2) of the Town of Dillon Home Rule Charter, and C.R.S. Sections 24-6-402(4)(a) and (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 the disposal of certain real property in the Town Center, the identity of which the Town Council does not wish to disclose prematurely due to the Council's judgment that an unfair competitive or bargaining advantage might result in favor of one or more persons or entities, and thus compromise the purposes for which the executive session is authorized. No action was taken during the Executive Session. At 9:38 p.m. Council concluded the Executive Session.

## **ADJOURNMENT:**

There being no further business, Mayor Skowyrá declared the meeting adjourned at 9:39 p.m.

Respectfully submitted by:

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Adrienne Stuckey, Town Clerk