

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, December 1, 2015
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, December 1, 2015, at the Dillon Town Hall. Mayor Kevin Burns called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Brad Bailey, Mark Nickel, Ben Raitano, R. Louis Skowyra, III and Jen Barchers. Council Member Tim Westerberg was absent (excused). Staff members present were: Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Mark Heminghous, Police Chief; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; and Jo-Anne Tyson, Town Clerk.

APPROVAL OF AGENDA

There being no changes to the agenda, it will stand approved as presented.

APPROVAL OF CONSENT AGENDA

Council Member Raitano moved to approve the following consent agenda.

- a. Minutes of Regular Meeting of November 17, 2015
- b. Approval of Bill List dated November 25, 2015 in the amount of \$543,245.38; and Payroll Ledger dated November 27, 2015 in the amount of \$65,067.95.

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

CITIZEN COMMENTS

There were no citizen comments.

STAFF UPDATES

Staff updates were presented at the earlier work session.

CONSIDERATION OF ORDINANCE NO. 19-15, SERIES OF 2015

Second Reading and Public Hearing

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 19, "FEES," OF THE DILLON MUNICIPAL CODE FOR THE PURPOSES OF UPDATING FEES ASSOCIATED WITH THE REQUIREMENTS OF THE DILLON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Notice of this public hearing was posted in accordance with the Colorado State Statutes. All fees have been reviewed and the proposed changes are reflected in Exhibit A. The increases in fees

serves to recoup costs that will be incurred by the Town and the 2016 budget has included revenues that include these fees. Unless stated otherwise, fees have a proposed increase of approximately 4% due to a projected increase in salaries/benefits costs. This Ordinance shall take effect January 1, 2016.

Mayor Burns opened the public hearing at 7:08 p.m. There being no public comments, Mayor Burns closed the public hearing at 7:09 p.m.

Council Member Raitano moved to approve Ordinance No. 19-15, Series of 2015. Council Member Skowrya seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 39-15, SERIES OF 2015

Public Hearing

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING SUPPLEMENTAL APPROPRIATIONS TO VARIOUS FUNDS FOR THE TOWN OF DILLON, COLORADO FOR THE 2015 BUDGET YEAR.

Council adopted the 2015 budget and appropriated the funds in December 2014. Council may amend the budget during the budget year by resolution after a public hearing. The notice of the public hearing was published on November 20, 2015. The supplemental appropriation outlines the reason for the expenditure and the revenue source for paying for the new expenditure. The recommended supplemental appropriations for additional expenditures for the following funds are Marina Enterprise Fund, \$84,500 to be paid from unanticipated revenues from storage, boat rentals and fuel sales in 2015 with additional costs coming from an increase in revenues; Marina Enterprise Fund, \$10,000 to be paid from unappropriated fund balance for an increase in the cost of a new truck replacing a 2002 Dodge; and Cemetery Perpetual Care Fund, \$2,350 to be paid from unanticipated revenues from donations which will be used to purchase headstones for the unmarked grave project.

Mayor Burns opened the public hearing at 7:10 p.m. There being no public comments, Mayor Burns closed the public hearing at 7:11 p.m.

Council Member Raitano moved to approve Resolution No. 39-15, Series of 2015. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 40-15, SERIES OF 2015

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, ADOPTING THE BUDGET FOR THE TOWN OF DILLON, COLORADO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016 AND SUMMARIZING THE REVENUES AND EXPENDITURES FOR EACH FUND.

This resolution approves the adoption of the 2016 Town of Dillon budget. The 2016 total revenues for the Town are \$10,534,253 with a beginning fund balance of \$7,618,905. 2016 total expenditures are \$12,405,675. Total reserves for all funds are \$2,800,162 leaving a fund balance of \$2,947,321 on December 31, 2016.

Council Member Bailey moved to approve Resolution No. 40-15, Series of 2015. Council Member Raitano seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 41-15, SERIES OF 2015

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2015 TO HELP DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT FOR THE TOWN OF DILLON, COLORADO FOR THE 2016 BUDGET YEAR.

The mill levy must be certified to the Summit County Board of County Commissioners prior to December 4, 2015. This resolution approves the property tax mill levy for the 2016 budget year. The assessed valuation for the town increased by 4.8% or \$2,991,790. The general operating mill levy can be maintained at 3.351. The general operating mill levy of 3.351 is split between the General Fund (2.873) and Capital Improvement Fund (.478). There is a reduction in property tax revenues for the Dillon Urban Renewal Authority tax increment financing of \$4,283 that will be sent to DURA.

Council Member Raitano moved to approve Resolution No. 41-15, Series of 2015. Council Member Skowrya seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 42-15, SERIES OF 2015

A RESOLUTION APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE TOWN OF DILLON, COLORADO FOR THE 2016 BUDGET YEAR.

This resolution appropriates the money for the 2016 expenditures by fund based on the 2015 budget. The total expenditures of \$12,405,675 will be paid from the total estimated fund balance on December 31, 2015 of \$7,618,905 and 2016 revenues of \$10,534,253.

Council Member Raitano moved to approve Resolution No. 42-15, Series of 2015. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 43-15, SERIES OF 2015

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO FINDING AND DECLARING A MODIFICATION OF THE DILLON URBAN RENEWAL PLAN TO BE A MINOR MODIFICATION OF THE PLAN AND APPROVING SUCH MODIFICATION.

Town Council approved the Dillon Urban Renewal Plan on July 21, 2009 and amended the plan on February 7, 2012 to include tax increment financing. The Town's urban renewal attorney, Paul Benedetti has reviewed the plan and made recommended housekeeping changes.

Council Member Raitano moved to approve Resolution No. 43-15, Series of 2015. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 44-15. SERIES OF 2015

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO WAIVE THE WINTER CONSTRUCTION PROHIBITION AS SET FORTH IN SECTION 18-1-50 OF THE DILLON MUNICIPAL CODE FOR EXCAVATION, GRADING AND UTILITY CONSTRUCTION AT 134 LAKE DILLON DRIVE; IMPOSING CONDITIONS FOR SAID WAIVER; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mauna Towers, LLC has applied for a waiver to allow for the issuance of a grading and excavation permit for work during the winter months. The property sold on October 6, 2015 with an obligation on Mauna Towers to relocate their telecommunications facilities within six months. To meet their obligation with the real estate sales contract, the work must be completed by April 6, 2016. The Dillon Municipal Code limits grading and excavation permits from April 1st to October 31st of each year, per Section 18-1-50 of the Code, thus permits are not issued during the winter months. The Code does provide for a waiver from this limitation under situations requiring emergency utility repair or under extraordinary circumstances justifying the granting of such a waiver. The latter requires approval by a Resolution of the Town Council. The Applicant is requesting they be allowed to implement the site improvement requirements as stipulated by the zoning approval until spring 2016. These site improvements include parking, drainage, and landscaping.

Council Member Skowyra moved to approve Resolution No. 44-15, Series of 2015. Council Member _____ Raitano seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 45-15. SERIES OF 2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, DIRECTING THE TOWN CLERK OF THE TOWN OF DILLON TO CONDUCT THE REGULAR MUNICIPAL ELECTION, SCHEDULED FOR APRIL 5, 2016, AS A MAIL BALLOT ELECTION, DESIGNATING OR APPOINTING THE DILLON TOWN CLERK AS THE DESIGNATED ELECTION OFFICIAL OF THE TOWN OF DILLON.

The Town of Dillon's next regular election will be held on Tuesday, April 5, 2016. At that time, Dillon voters will elect four Council Members. As mail ballot elections are becoming more popular and dramatically increase voter turnout, the Town wishes to conduct a mail ballot election. Section 4-1, "Conduct of Elections" of the Town of Dillon Home Rule Charter provides that the Town Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of elections in the Town. Coupled with the Town Clerk's knowledge of State Statute and Colorado election law, it is prudent to appoint the Dillon Town Clerk as the Designated Election Officer for the upcoming April 5, 2016 Municipal Election.

Council Member Raitano moved to approve Resolution No. 45-15, Series of 2015. Council Member _____ Skowyra seconded the motion which passed unanimously upon roll call vote.

EXECUTIVE SESSION

Mayor Kevin Burns moved to go into Executive Session at 7:27 p.m. for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and, specifically regarding the Yacht Club Condominium HOA litigation and conclusion. No action was taken during the executive session. At 8:32 p.m. Council concluded the executive session.

TOWN MANAGER'S REPORT

Town Manager Tom Breslin gave his report at the earlier Council Work Session.

MAYOR'S REPORT

Mayor Burns gave his Mayor's report at the earlier Council Work Session.

ADJOURNMENT

There being no further business, Mayor Burns declared the meeting adjourned at 8:35 p.m.

Respectfully submitted by:

Jo-Anne Tyson, CMC/MMC, Town Clerk