

**TOWN OF DILLON  
TOWN COUNCIL  
REGULAR MEETING**  
Tuesday, January 5, 2016  
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, January 5, 2016, at the Dillon Town Hall. Mayor Pro-Tem Louis Skowyra called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Brad Bailey, Mark Nickel, and Ben Raitano. Mayor Kevin Burns, Council Member Tim Westerberg and Council Member Jen Barchers were absent (excused). Staff members present were: Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Ned West, Town Planner/Engineering Inspector; Mark Heminghous, Police Chief; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; and Jo-Anne Tyson, Town Clerk.

**APPROVAL OF AGENDA**

The agenda items were rearranged to the following order: Agenda item #12, 11, 10, 9, 6, 7, 8, 5, 14, 15,

**APPROVAL OF CONSENT AGENDA**

Council Member Raitano moved to approve the following consent agenda:

- a. Minutes of the Regular Meeting held December 1, 2015
- b. Approval of Bill List dated December 31, 2015 in the amount of \$788,792.56; and Payroll Ledgers dated December 11, 2015 in the amount of \$65,983.70 and December 24, 2015 in the amount of \$59,615.64.
- c. Excused Absence for Council Member Westerberg for December 1, 2015 Town Council Meeting

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

**CITIZEN COMMENTS**

There were no citizen comments.

**SWEARING IN OF NEW OFFICER DAWN FLISZAR**

Police Chief Mark Heminghous read the Dillon Police Department's Mission Statement to Ms. Fliszar. Town Clerk Jo-Anne Tyson administered the Oath of Office to newly-appointed Police Officer Dawn Fliszar.

**CONSIDERATION OF RESOLUTION 07-16, SERIES OF 2016**

**A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO SIGN THE ANNUAL HIGHWAY USER TAX FUND MILEAGE CHANGE CERTIFICATION REPORT.**

Town Engineer Dan Burroughs explained that each year, the Town of Dillon is required to report the amount of road-lane miles and associated pavement conditions within Town Limits. The Town's streets are broken into segments to account for different construction times, pavement conditions or geometric reasons. The State of Colorado uses this information to determine how much money the Town of Dillon will receive in 2016 from the Highway Users Tax Fund, which is a combination of State revenues from motor fuel excise tax, annual vehicle license and registration fees, passenger-mile taxes, and some other smaller items. For the 2016 Report, Dillon reported Ensign Drive Segment 200, reconstructed in 2015, condition improved to GOOD (James Court to the East end of the 2011 project) and Oro Grande Segments 100 and 200, asphalt overlay in 2015, condition changed to GOOD

Council Member Raitano moved to approve Resolution No. 07-16, Series of 2016. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF ORDINANCE NO. 06-16, SERIES OF 2016**

**A RESOLUTION OF THE TOWN OF DILLON APPROVING THE TOWN OF DILLON 2016 SALARY SCALES.**

Finance Director Carri McDonnell explained that this resolution approves the 2016 salary scales for all staff positions. She stated that Town code requires Town Council to review and approve salaries and salary scales for town positions from time to time. The last time Town Council reviewed all of the positions was 2010 although they have reviewed various positions over the years during the budget process.

The Town completed a salary survey, comparing Dillon's positions to similar positions in the Towns of Breckenridge, Frisco, Silverthorne and Summit County, creating an average beginning of salary range based on that comparative data. The scales were adjusted if the average salary at the beginning of the range from the comparative data was higher than Dillon's current beginning of range. The Town uses a 40% salary range.

Council Member Raitano moved to approve Ordinance No. 06-16, Series of 2016. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 05-16, SERIES OF 2016**

**A RESOLUTION OF THE TOWN OF DILLON AUTHORIZING A TABOR ELECTION ON APRIL 5, 2016, FIXING THE BALLOT TITLE AND QUESTION, AND SETTING FORTH OTHER DETAILS RELATING THERETO.**

Ms. McDonnell reported that this resolution approves language for the April 5, 2016 ballot question. The question includes allowing the revenues from the .5% sales tax to be spent on both road maintenance and road construction and removes the expiration date of the .5% sales tax. The .5% sales tax is currently set to sunset on December 31, 2033. The Town has the financial ability

to issue more bonds if the period of repayment can still be 20 years. With the removal of the sunset, the Town will be able to issue additional bonds to finish the streets that have not been reconstructed including Lodgepole Street, upper Tenderfoot Street, Little Beaver Trail, Cemetery Road and the intersection of County Road 51 and Deerpath.

Council Member Raitano moved to approve Resolution No. 05-16, Series of 2016.  
Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 04-16, SERIES OF 2016**

**A RESOLUTION OF THE TOWN OF DILLON, COLORADO DESIGNATING THE PUBLIC PLACES FOR POSTING MEETING NOTICES; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

Town Clerk Jo-Anne Tyson stated that Colorado law requires municipalities to designate the public place or places for posting meeting notices at the first regular meeting of each calendar year. This resolution designates the Dillon Town Hall and Dillon Post Office as the places for posting meeting notices.

Council Member Raitano moved to approve Resolution No. 04-16, Series of 2016.  
Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 01-16, SERIES OF 2016**

**PUBLIC HEARING**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A MODIFICATION TO AN EXISTING CLASS S-3 SUBDIVISION LOCATED AT 401 WEST LABONTE STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

Town Planner / Engineer Inspector Ned West stated that the Town has received an application from the Lake Dillon Condominiums, Inc. which is the official legal entity for the homeowners association for the unit owners at the condominium complex located at 401 W. LaBonte Street. This complex was previously approved under the name of "Lake Dillon Condotel." He stated that the application consists of adopting an updated condominium map for the complex and adopting the new complex name of "Lake Dillon Condominiums." The complex was previously known as Lake Dillon Condotel. The condotel name implies a hotel lodging arrangement which makes it difficult for unit owners to get mortgages due to current lending rules. This hotel style unit is no longer available on the property and the mortgage situation makes it difficult to sell units to buyers who need to get a mortgage. The new condominium map reflects the current as-built conditions of the complex and also adopts the official name of the complex as "Lake Dillon Condominiums."

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Pro-Tem Skowyra opened the Public Hearing at 7:23 p.m. There being no public comments, Mayor Pro-Tem Skowyra closed the Public Hearing at 7:24 p.m.

Council Member Raitano moved to approve Resolution No. 01-16, Series of 2016. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**TOWN MANAGER REPORT:**

Town Manager Tom Breslin reviewed several items including:

- Giving kudos to Public Works Director Scott O'Brien and his department for the great job they did with recent snow removal operations and decorating the Town for the holidays.
- He will be attending an upcoming Town branding meeting with an anticipated roll-out in early May.
- He and several staff members will be seeing preliminary Amphitheatre drawings later this week.
- The Lighting of Dillon was a series of successful events which will continue through January 8, 2016.
- The Dillon Business Association will be presenting at the January 19, 2016 Council Work Session.
- He will be attending a January 12, 2016 Colorado Mountain College meeting.
- He will also be attending a Stand-Up-Paddleboard Operational meeting on January 6, 2016 with Denver Water Board.
- The new water tank is full and online. Mr. Breslin gave kudos to Public Works for all of their hard work completing this project.
- Staff is working on a new location for the Arts Festival.
- Recycling efforts have been incredibly busy. The bins were very full over the holiday and Mr. Breslin will follow up with the County regarding recycling options and long term visions.

Mayor Pro-Tem Skowyra called a five minute break before proceeding with the meeting.

Mayor Burns arrived and began presiding over the meeting at 7:37 p.m.

**CONSIDERATION OF RESOLUTION NO.02-16, SERIES OF 2016**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PLANNED UNIT DEVELOPMENT LOCATED AT 240 LAKE DILLON DRIVE, DILLON, COLORADO; 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 Burns opened the Public Hearing at 7:38 p.m.

Town Planner / Engineer Inspector Ned West explained that the Town of Dillon received a development application for a mixed use Planned Unit Development (PUD) to replace the Adriano's Restaurant at 240 Lake Dillon Drive. The development will provide 65 residential units, of which 17 will be dedicated as apartment rental units for work force housing, and the remaining units will be sold as condominiums. The main street level will contain a restaurant and two commercial units facing Lake Dillon Drive. Applicant, Ivano Ottoborgo is using the PUD process to request deviations from the Town Code which include:

- 1) **Building Height.** The Developer has requested a 60' allowable building height instead of the 50' allowed by Town Code for buildings within the Core Area Zone District,
- 2) **Parking Design Considerations.** The Developer has requested the following parking design considerations through the PUD process:
  - a) The Town Code allows for a 20' ramp width for the parking garage access ramp to the main level parking located on the west side of the lot, in conjunction with a PUD. The reduced width will help accommodate a wall and vehicular guardrail along the west property line and accommodate existing utilities within the existing utility easement. The Developer may have to relocate utilities within the ramp and dedicated revised utility easements when the final plans are completed.
  - b) Parking Garage Ramp grade in excess of 10%. The Town Code allows for steeper parking garage ramp grades in conjunction with a PUD, with the condition that they don't exceed 20% grade and are heated.
  - c) Compact Parking Spaces: The Town Code allows for compact parking spaces in conjunction with a PUD. In this case the applicant has asked for 15 parking spaces along the north side of the building that will have a 16' length instead of an 18' length. The 15 compact parking spaces represent 12.3% of the provided 122 residential parking spaces provided.
  - d) Backing into the 40' ROW. Through the PUD process, the Town Code allows vehicles to back into a dead end Town Right-of-way, which is the situation for the 40' unnamed right-of-way along the north side of the property. Town staff has evaluated the amount of traffic on the 40' ROW and has made the determination that the speeds are very low on this stretch of ROW and the volume is extremely low, which will allow these cars to back out into the 40' ROW safely. There is also an additional 18' of area between the property line and the edge of asphalt so that once a car backs into the ROW, it will have clear views in the west and east directions to see approaching vehicles prior to proceeding with the backing up movement into the 24' wide asphalt street.
- 3) **Signage Allowances.** The developer has asked for project signage as follows:
  - a) The Dillon Gateway Planned Unit Development shall be allowed one (1) Building Identification sign along the Lake Dillon Drive side of the building that shall not exceed forty (40) square feet.
  - b) The Dillon Gateway Planned Unit Development shall be allowed one (1) Building Identification sign along the West Buffalo Street side of the building that shall not exceed one hundred and twenty (120) square feet.
  - c) The Dillon Gateway Planned Unit Development shall be allowed one (1) sign for each of the two (2) retail units located along Lake Dillon Drive. Each sign shall not exceed forty (40) square feet. If the developer chooses to divide these two units into three or four units, then the maximum size of each Tenant Sign shall be limited to thirty-two (32) square feet.
  - d) The restaurant unit shall be allowed two (2) sixty (60) square foot signs. One sign shall be allowed on the West Buffalo Street side of the restaurant and the other sign shall be allowed on the Lake Dillon Drive side of the restaurant. These signs may be incorporated into an awning design over the restaurant windows.
- 4) **Landscaping Provisions:** The developer has agreed to provide the landscaping allowances outlined in Section I.A.20.

While Council commended Mr. Ottoborgo for his work and dedication to his project, they presented several questions which included: the monitoring and management of the rental units, building identification signage, sustainable versus work force versus affordable housing definitions, market valuation of units, specifying “long term rental” throughout the documents, consideration of several “affordable housing units”, impact on adjacent properties and encouraged discussion with Summit County Housing Authority regarding structure of work force housing regulations and requirements.

**Public Comments:**

- Ivano Ottoborgo – Applicant, Principal of Dillon Gateway, 240 Lake Dillon Drive, emphasized the addition of approximately 35 beds which will be deed restricted, rental, dedicated apartments contributing to the work force housing shortage in Summit County. Mr. Ottoborgo stated he is open to working with the Summit County Housing Authority to determine details of an agreement to be signed at a later time.
  - Mr. Ottoborgo also commented on other driveways in Town that back into the right-of-way.
  - He showed an updated architectural design of his project.
  - He stated that he supports affordable housing and has met the town’s requirements for parking, height density related to views.
  - Mr. Ottoborgo addressed concerns related to handicap parking spaces, bike storage, and locker space.
- Mike Smith – 321 West Buffalo and owner of Dillon Liquors, commented that the Gateway Project is a positive proposal bringing identity to the Town of Dillon. Mr. Smith later encouraged Council to not put restrictions on the project that people can’t live with.
- Christine Berwyn – 100 Redtail Court, questioned the volume of traffic the project will produce, handicap spaces and accessibility to the building, bike parking, and signage on Highway 6 to encourage restaurant traffic.
- Cindy Bargell – 346 Lake Dillon Drive, encouraged Council to delay their decision until “Work force Housing” and its details are better defined. She later questioned if Council had enough time for the public to understand the definition of “work force” housing and the outlining criteria.
- Kevin Stout – 102 Gold Run and La Riva Condominium Owner, stated that the initial entrance to the project was from the Highway and questioned why it is now off Lake Dillon Drive. He also encouraged aesthetically pleasing architectural designs and façade. Mr. Stout expressed concern with building height and corresponding exceptions and cautioned the “domino effect” within Town. Mr. Stout also suggested to combine three units and deed restrict them in order to satisfy “affordable housing”.
- Dana Bargell – 346 Lake Dillon Drive, stated that his office is immediately adjacent to the project and will be impacted. He stated an exception shouldn’t be made just to make money and that the project’s benefits should make sense to the Town. He encouraged architectural diversity and expressed concern with traffic coming from Buffalo Street.
- Danny Isles – 324 W. Buffalo and owner of Conoco, explained that the definitions of affordable and work force housing is being mixed up and needs clarification.

Council Member Bailey moved to continue Resolution No. 02-16, Series of 2016 until the February 2, 2016 Council meeting in order to receive further clarification from the applicant defining housing mix and management. Council Member Raitano seconded the motion which passed unanimously upon roll call vote.

The public hearing will remain open until the February 2, 2016 meeting when Resolution 02-16, Series of 2016 will be continued.

**CONSIDERATION OF RESOLUTION NO. 03-16, SERIES OF 2016**  
PUBLIC HEARING

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL USE ON THE GROUND FLOOR OF THE PROPOSED DILLON GATEWAY PLANNED UNIT DEVELOPMENT LOCATED AT 240 LAKE DILLON DRIVE, DILLON, COLORADO; 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 Burns opened the Public Hearing at 9:50 p.m.

This resolution must be approved in conjunction with Resolution 02-16, Series of 2016 therefore, Council discussed continuing this Resolution.

Council Member Raitano moved to continue Resolution No. 03-16, Series of 2016 until the February 2, 2016. Council Member Skowyra seconded the motion which passed unanimously upon roll call vote.

The public hearing will remain open until the February 2, 2016 meeting when Resolution 03-16, Series of 2016 will be continued.

**CONSIDERATION OF EMERGENCY ORDINANCE NO. 1-16, SERIES OF 2016**

**AN ORDINANCE OF THE TOWN OF DILLON, COLORADO AMENDING CHAPTER 2, "ADMINISTRATION AND PERSONNEL," ARTICLE I, "ELECTIONS," SECTION 2-1-10, "WRITE-IN CANDIDATE AFFIDAVIT," OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO TO CHANGE THE TIME PERIOD FOR SUBMITTING AN AFFIDAVIT OF INTENT; SETTING FORTH DETAILS IN RELATION THERETO; AND, DECLARING AN EMERGENCY THEREFORE.**

Town Clerk Jo-Anne Tyson explained that during this past legislative session, House Bill 1130 was passed resulting in significant timeline changes to the Municipal Election Code. One of these changes effect submittals for Write-in candidate affidavits. State Statute, CRS 31-10-912. Staff wishes to modify the Dillon Town Code which currently allows Affidavit of Intent applications for a Write-In candidate to be submitted twenty (20) days prior to an election to a sixty-four (64) day submittal requirement. A twenty (20) day submittal period does not allow sufficient time to order election ballots or conform to other outlined duties pertaining to the election. By allowing Write-in Candidate Affidavits to be submitted sixty-four (64) days prior to the election, the Designated Election Official will have the necessary time to prepare the election materials. This Ordinance is declared an emergency in order to immediately adopt it and remain in conformance with election deadlines.

Council Member Raitano moved to approve Emergency Ordinance 01-16, Series of 2016. Council Member Skowyra seconded the motion which passed unanimously upon roll call vote.

**MAYOR'S REPORT**

Mayor Burns did not have a report as committees did not meet over the holidays.

**ADJOURNMENT**

There being no further business, Mayor Burns declared the meeting adjourned at 9:54 p.m.

Respectfully submitted by:



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Jo-Anne Fyson, CMC/MMC, Town Clerk

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