

**TOWN OF DILLON
TOWN COUNCIL
REGULAR
MEETING**

Tuesday, April 4, 2017

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, April 4, 2017, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Burns called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Brad Bailey, Jen Barchers, Kyle Hendricks, Mark Nickel, Carolyn Skowyra and Tim Westerberg. Staff members present were: Kerstin Anderson, Marketing and Communications Director; Tom Breslin, Town Manager (via Skype); Mark Heminghous, Police Chief; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; Ned West, Town Planner; and Jo-Anne Tyson, Town Clerk.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Council Member Bailey moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of April 4, 2017.
- b. Approval of Bill List dated March 31, 2017 in the amount of \$112,993.42 and Payroll Ledger dated March 31, 2017 in the amount of \$70,639.16.
- c. Consideration of Resolution No. 18-17, Series of 2017
A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH A-PEAK, INC. FOR THE 2017 ASPHALT OVERLAY PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

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

CITIZEN COMMENTS

Two individuals spoke in favor of the Crossroads project and encouraged Council to reconsider their vote or table the resolution presented at tonight's meeting. One Dillon citizen spoke against the Crossroads project stating that he felt the project was too big and was disappointed when the applicant stated he could not do anything in relation to the height of the project. One Dillon businessperson/citizen questioned the purpose of the Crossroads resolution and what the future of the project holds.

Consideration of Resolution No. 19-17, Series of 2017

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS UNFAVORABLE TO THE LEVEL IV DEVELOPMENT APPLICATION FOR THE CROSSROADS AT LAKE DILLON PLANNED UNIT DEVELOPMENT ON LOTS 1, 1A, 1B, AND 1C, BLOCK B, NEW TOWN OF DILLON, LOCATED AT 122, 134, AND 176 LAKE DILLON DRIVE, DILLON, COLORADO; AND, DENYING THE APPLICATION FOR THE CROSSROADS AT LAKE DILLON PLANNED UNIT DEVELOPMENT.

Town Planner Ned West reported that the Town Council reviewed the Crossroads at Lake Dillon PUD Level IV Development Application in a Public Hearing at their regularly scheduled meeting on February 21, 2017, and continued the Public Hearing to March 21, 2017. The motion to approve the project did not pass, thus denying the application. Mr. West stated that there were several items causing the application to be incomplete including parking, Lake Dillon Fire Rescue fire authority issues, and non-compliance in several areas of the Dillon Municipal Code.

Council Member Skowyra moved to approve Resolution No. 19-17, Series of 2017. Council Member Bailey seconded the motion which passed 6 to 1 with Council Member Nickel in opposition.

Consideration of Ordinance 05-17, Series of 2017

FIRST READING

AN ORDINANCE AUTHORIZING AND DIRECTING THE TOWN OF DILLON, COLORADO TO ENTER INTO AND SIGN A SEVENTH AMENDMENT TO THE LEASE AGREEMENT WITH BULLWINKLES GRILL COMPANY, INC. FOR THE LEASE OF A PORTION OF THE PROPERTY AT THE DILLON MARINA; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Manager Tom Breslin reported that this Ordinance is the 7th amendment to the existing lease agreement between the Town of Dillon and “Bullwinkle’s Grill Company, Inc.”, DBA Tiki Bar (Concessionaire). The Ordinance removes Paragraph 31, “Option to Renew,” Sub-paragraph F from the Lease Agreement allowing for the option to renew to be included in the Consent to a Lease Agreement.

Council Member Skowyra moved to approve Ordinance 05-17, Series of 2017. Council Member Westerberg seconded the motion which passed unanimously.

Consideration of Resolution No. 20-17, Series of 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO CONSENT TO A LEASE ASSIGNMENT BY AND AMONG THE TOWN OF DILLON, COLORADO, BULLWINKLES GRILL COMPANY, INC. AND ROLLING BOIL, LLC.

Mr. Breslin stated that this resolution represents the lease assignment from Bullwinkles Grill Company, Inc. to Rolling Boil, LLC for the Tiki Bar concessionaire. All items outlined in the original lease and amendments 1 – 6 to the existing lease agreement between the Town of Dillon and Bullwinkle’s Grill Company, Inc. will be held in force with the new concessionaire.

Council Member Westerberg moved to approve Resolution No. 20-17, Series of 2017, approving the lease assignment between the Town of Dillon and Bullwinkles Grill Company, Inc. to Rolling Boil, LLC effective at such time as the 7th Amendment to the Existing Lease is approved on second reading by Ordinance 05-17, Series of 2017 scheduled to be heard on April 18, 2017. Council Member Skowyra seconded the motion which passed unanimously.

Consideration of Resolution No. 21-17, Series of 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH RKR, INC, FOR THE 2017 HWY 6 WATER MAIN REPLACEMENT PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Public Works Director Scott O'Brien reported that this project includes the replacement of the 8 inch water main transmission line from the South PRV to the East Anemone Trail water main loop. This section of main has had multiple failures over the past several years due to excessive corrosion caused by alkaline soil conditions. The project is scheduled to begin and be completed in April (at Colorado Department Of Transportation's (CDOT) request) prior to their Hwy 6/9 Overlay Project which is scheduled from May to October 2017. Mr. O'Brien stated that CDOT regulations do not allow roadway construction activities for a period of one year following any capital improvement or overlay project so the project must be completed this spring.

Council Member Bailey moved to approve Resolution No. 21-17, Series of 2017. Council Member Skowyra seconded the motion which passed unanimously.

Consideration of Resolution No. 22-17, Series of 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH CC ENTERPRISES TRAFFIC CONTROL SPECIALISTS, INC., FOR THE 2017 HWY 6 WATER MAIN REPLACEMENT PROJECT –TRAFFIC CONTROL; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. O'Brien stated that this project includes the CDOT permit required for traffic control for the 2017 Hwy 6 Water Main Replacement Project. CC Enterprises is the same traffic control company which CDOT will be utilizing for the Hwy 6/9 overlay project. Traffic Control will be required for the duration of the water main project which will be completed in April 2017.

Council Member Westerberg moved to approve Resolution No. 22-17, Series of 2017. Council Member Skowyra seconded the motion which passed unanimously.

Consideration of Resolution No. 23-17, Series of 2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AUTHORIZING THE TOWN TO ENTER INTO A RETAIL SALES TAX LOCATION CODE ERROR REIMBURSEMENT AGREEMENT BETWEEN THE TOWNS OF DILLON, BLUE RIVER, BRECKENRIDGE, FRISCO, MONTEZUMA AND SILVERTHORNE AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Finance Director Carri McDonnell reported that this resolution represents an agreement between the Towns of Dillon, Blue River, Breckenridge, Frisco, Montezuma and Silverthorne and Summit County to reimburse each other in the event that Colorado Department of Revenue (CDOR) sales tax collections are received in error. This is a rule change that went into effect last year and impacts all taxing entities. CDOR will no longer go back any further than three years to make corrections and provide reimbursement to the correct taxing entity. The finance staffs currently work together to ensure that sales tax received for the wrong agency is sent back to the state to be redistributed to the correct agency. This agreement formalizes the process and ensures that all agencies are working together to ensure that the proper agency has received their sales tax collections.

Council Member Skowrya moved to approve Resolution No. 23-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously.

TOWN MANAGER'S UPDATE

Manager Breslin reported that the newly hired Summit County Housing Director has turned down the offer due to the high costs of living in Summit County. The Summit County Housing Authority will reconvene and determine the process of hiring a new Executive Director.

MAYOR'S REPORT

Mayor Burns did not provide a report.

EXECUTIVE SESSION

Mayor Burns moved to go into Executive Session at 8:03 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), specifically to discuss negotiations regarding Town economic development agreements. No action was taken during the executive session. At 8:14 p.m. Council concluded the executive session.

ADJOURNMENT:

There being no further business, Mayor Burns declared the meeting adjourned at 8:15 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Town Clerk