

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, August 15, 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, August 15, 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, Jennifer Barchers, Kyle Hendricks, Mark Nickel, Carolyn Skowyra and Tim Westerberg. Staff members present were: Kerstin Anderson, Marketing and Communications Director; Tom Breslin, Town Manager; Dan Burroughs, Town Engineer; Mark Heminghous, Police Chief; Scott O'Brien, Public Works Director; Carri McDonnell, Finance Director; 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 Westerberg moved to approve the following consent agenda:

- a. Minutes from July 18, 2017 Regular Meeting
- b. Approval of Bill List and Payroll Ledgers from July 21, 2017 and August 4, 2017

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

CITIZEN COMMENTS

- John Mirro with Summit Public Radio & TV gave a brief overview of his entity.
- Eleven (11) Dillon residents and second homeowners spoke in opposition of the Dillon Flats project expressing concern over building heights, obstruction of views, and contradiction of guiding Town documents.
- One (1) Dillon business owner and two (2) Summit County community members spoke in favor of the Dillon Flats project stating their appreciation of the work force housing component and Council's vision toward the future.
- Note: The following items were included under Citizen Comments in the Town Council meeting packet:
 - A petition containing six hundred twenty six (626) signatures from Dillon residents, Summit County residents, and out of county visitors indicating opposition to the Dillon Flats project.
 - Sixty-two (62) emails from Dillon property owners in opposition to the Dillon Flats project that Council received prior to the Town Council meeting.
 - Fourteen (14) emails from Dillon property owners in opposition to the Dillon Flats project not received by Council.
 - Seven (7) emails from Dillon property owners in opposition to the Dillon Flats project that were received after the distribution of Town Council meeting packets.

**NOTIFICATION TO COUNCIL OF PLANNING AND ZONING COMMISSION
APPROVAL OF A LEVEL III DEVELOPMENT APPLICATION FOR A NEW 24 UNIT
MULTI-FAMILY CONDOMINIUM BUILDING CALLED DILLON FLATS, LOCATED
AT 175 AND 205 EAST LABONTE STREET BY RESOLUTION NO. PZ 08-17, SERIES OF
2017, AND COUNCIL MOTION NOT TO CALL UP THE DECISION AND TO LET THE
PLANNING AND ZONING COMMISSION DECISION BECOME FINAL.**

Town Engineer Dan Burroughs explained that at a regular meeting of the Town of Dillon Planning and Zoning Commission held on Wednesday, August 2, 2017, the Commission approved a Level III Development Application for a new twenty-four (24) unit multi-family condominium building located at 175 and 205 E. LaBonte Street. The application was reviewed and found to meet the criteria set forth in the relevant sections of the Dillon Municipal Code of the Town of Dillon. The application was unanimously approved by the Planning and Zoning Commission, by passing Resolution PZ 08-2017, Series of 2017, with the following conditions:

- A. The Developer shall enter into a Development Agreement (“Agreement”) with the Town of Dillon for the proposed public improvements adjacent to 175 and 205 E. LaBonte Street and shall meet all the obligations and requirements contained therein prior to issuance of a certificate of occupancy for the building.
- B. The Developer shall enter into a Restrictive Covenant and Agreement for the provision of workforce housing (“Restrictive Covenant”) with the Town of Dillon for the Dillon Flats Condominiums, containing the provisions as follows:
 - 1. Developer shall dedicate in perpetuity six (6) deed restricted units, equaling twenty five percent (25%) of the total units in the development to serve as local workforce housing. Local workforce housing is defined as persons living in Summit County full time and working in Summit County a minimum of thirty (30) hours per week.
 - 2. Two (2) of the units will not be subject to any maximum purchase price restrictions.
 - 3. The maximum purchase price for four (4) of the units will be set at the Area Median Income (“AMI”) levels set forth in the approved agreement for Disposition and Development of Lots 16R, 17A and 17B as approved and executed by the Dillon Urban Renewal Authority at a later date.
- C. All storm sewer inlets, manholes and pipes located on Lots 17A and 17B shall be considered private and maintained by the developer in perpetuity.
- D. The Developer shall submit final construction plans for the street improvements on E. LaBonte Street for review and approval based on the requirements for the development agreement for this project.
- E. The Developer shall grant additional sidewalk and access easements for the public sidewalks being constructed on Lots 17A and 17B. The Developer shall grant a 4’ wide snow storage easement along E. LaBonte Street adjacent to the back of the public sidewalk.

Council Member Westerberg moved to not call up the Level III Development Application for a new twenty-four (24) unit multi-family condominium building called Dillon Flats, located at 175 and 205 E. LaBonte Street and let the Planning and Zoning Commission decision become final. Council Member Skowrya seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 37-17, SERIES OF 2017

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, ADOPTING THE REVISED TOWN OF DILLON CEMETERY RULES AND REGULATIONS DATED AUGUST 2017; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Clerk Jo-Anne Tyson reported that Council heard proposed changes to the Dillon Cemetery Rules and Regulations at their July 18, 2017 Work Session. These changes include allowing seventy-two (72) hours instead of forty eight (48) hours before the burial time proposed for an interment, allowing for exceptions for burials on National Holidays and Sundays in specific cases approved by the Cemetery Superintendent, allowing for the Cemetery Superintendent to notify lot owners with deteriorating fencing to request modifications or upgrades, defining materials and dimensions for permanent markers, and increasing the headstone deposit from three hundred fifty dollars (\$350.00) to five hundred dollars (\$500.00).

Council Member Barchers moved to approve Resolution 37-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 38-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO AMEND A CONTRACT WITH COLUMBINE HILLS CONCRETE, INC. FOR THE 2017 LODGEPOLE IMPROVEMENTS PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Burroughs reported that the Town Council approved and entered into a construction contract with Columbine Hills Concrete, Inc. to rebuild Lodgepole Street and repave the Marina Park parking lot. During the course of this project, several scope changes were added including subgrade stabilization, water system improvements, Amphitheatre dock road, demolition, and transformer pad preparation. These changes reflect an increase in the contract in the amount of \$172,411.60. Mr. Burroughs is requesting Council amend the original contract with Columbine Hills Concrete, Inc. to include this additional amount.

Council Member Westerberg moved to approve Resolution No. 38-17, Series of 2017. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 39-17, SERIES OF 2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AUTHORIZING THE TOWN TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF DILLON AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, FOR ELECTION SERVICES FOR A COORDINATED ELECTION ON NOVEMBER 7, 2017; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Ms. Tyson explained that on November 7, 2017, the Summit County Clerk and Recorder's Office will be conducting a coordinated election. Pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto, the Town hereby determines that it is in its best interest to participate in this coordinated election. This resolution authorizes the Town Clerk to enter into an intergovernmental agreement with the County Clerk and outlines the responsibilities of both parties in relation to the November 7, 2017 Coordinated Election.

Council Member Barchers moved to approve Resolution No. 39-17, Series of 2017. Council Member Skowyra seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION 40-17, SERIES OF 2017

A RESOLUTION OF THE TOWN OF DILLON, COLORADO, AUTHORIZING A SPECIAL ELECTION ON NOVEMBER 7, 2017, FIXING BALLOT TITLES AND QUESTIONS, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

Finance Director Carri McDonnell stated that this resolution authorizes a special election on November 7, 2017 and sets the language for a ballot question and ballot issue. The ballot question asks the voters to approve a bond issue in the amount not to exceed \$5 million to be used for workforce housing projects. The bonds would be repaid using the .72% sales tax previously approved by the voters to support workforce housing. The Town Council will decide at a later date how much and when to issue bonds. The ballot issue asks the voters to opt out of SB 152 which gives the ability for local jurisdictions to provide high-speed internet services, telecommunication services and/or cable television services.

Council Member Skowyra moved to approve Resolution No. 40-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

This being Manager Breslin's last Town Council meeting before retirement, he thanked Council for the opportunity to work with them.

MAYOR'S UPDATE

Mayor Burns stated it has been a pleasure working with Manager Breslin. He feels the Town of Dillon is significantly further along in their development goals as a result of Mr. Breslin's efforts.

COUNCIL MEMBER COMMENTS

Council Member Barchers stated she respects the work Council has put forth which has resulted in well thought out, cohesive decisions based on the best interest of the town.

COUNCIL RETREAT FOLLOW-UP

There was no council retreat follow up discussion.

AMPHITHEATRE UPDATE

Engineering Intern Charles Kudlauskas provided Council with a PowerPoint presentation on the demolition, excavation, and initial development work at the Amphitheatre site.

EXECUTIVE SESSION

Mayor Burns moved to go into Executive Session at 8:58 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), and, specifically, to discuss negotiations regarding the Town Attorney position. No action was taken during the executive session. At 9:14 p.m. Council concluded the executive session.

ADJOURNMENT:

There being no further business, Mayor Burns declared the meeting adjourned at 9:15 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Town Clerk, CMC/MMC