

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, September 19, 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, September 19, 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, and Carolyn Skowyra. Council Member Westerberg was absent (excused). Staff members present were: Tom Acre, Town Manager; Kerstin Anderson, Marketing and Communications Director; 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

Council Member Skowyra moved to remove agenda item #9, Resolution No. 45-17, Series of 2017 from the regular meeting agenda. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

APPROVAL OF CONSENT AGENDA

Council Member Bailey moved to approve the following consent agenda:

- a. Minutes from September 5, 2017 Regular Meeting
- b. Approval of Bill List dated September 15, 2017 in the amount of \$28,394.45 and Payroll Ledgers from September 1, 2017 in the amount of \$89,266.14 and September 15, 2017 in the amount of \$88,543.28.

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

CITIZEN COMMENTS

Marketing and Communications Director Kerstin Anderson thanked the firefighters for their efforts battling the #Tenderfoot 2 Fire. Several entity members briefed Council on their roles in fighting #Tenderfoot 2 and spoke highly of the professionalism, comradery, and coordination of efforts among the entities.

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, Phase 2, located at 235 E. LaBonte Street by Resolution No. PZ 11-17, Series of 2017, and Council motion not to call up the decision and to let the Planning and Zoning Commission decision become final. The application was submitted by Dillon Ridge Investments, LLC.

Town Engineer Dan Burroughs reported that on Wednesday, September 6, 2017, the Town of Dillon Planning and Zoning Commission approved a Level III Development Application for a new 24 Unit Multi-Family Condominium Building located at 235 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 11-2017, 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 235 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. Phases One (Lots 17A and 17B) and Phase Two (Lot 16R) of the Dillon Flats Condominium Project shall be administered under a single Owner’s Association for all three properties. The Developer shall create a cross parking agreement between all three lots and permanently commit six (6) of the surface parking spaces on Lots 17A and 17B for the use by the residents of the Lot 16R building. The condominium map shall also provide similar dedication language to permanently establish the link between the shared parking on these three parking lots. The cross parking agreement shall be reviewed and approved by the Town prior to issuance of a Certificate of Occupancy for the first building.
- D. The Developer shall submit final construction plans for the street improvements on E. LaBonte Street, Buffalo Street and Main Street for review and approval by the Town Engineer based on the requirements for the development agreement for this project.
- E. The proposed building will require several revocable encroachment licenses for the roof overhang(s) beyond the property line. Prior to issuance of a building permit, the Developer shall prepare metes and bounds descriptions, prepare an exhibit map for each of the license areas required and pay the required license fees.
- F. The Developer shall enter into a right-of-way snow and ice removal agreement with the Town of Dillon on all four sides of the property.

Council Member Skowyra moved to not call up the Level III Development Application for a new 24 Unit Multi-Family Condominium Building called Dillon Flats, Phase 2, located at 235 E. LaBonte Street and let the Planning and Zoning Commission decision become final. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 08-17, SERIES OF 2017

AN ORDINANCE BY DILLON TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AMENDING CHAPTER 16, "ZONING," ARTICLE VIII, "DESIGN GUIDELINES" OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO TO ADD A NEW SECTION 16-8-120, "MARCH 2017 TOWN OF DILLON DESIGN GUIDELINES;" AND, SETTING FORTH DETAILS IN RELATION THERETO.

Marketing and Communications Director Kerstin Anderson reported that this is the second reading and public hearing of Ordinance 08-17, Series of 2017. This Ordinance provides the Dillon Municipal Code adoption by reference language to support the "March 2017 Town of Dillon Design Guidelines" (Guidelines) document use as a guiding document. This document is designed to create complimentary, high quality developments in the Town of Dillon. The Guidelines were developed as baseline standards for both project applicants and the Town of Dillon to reference, ensuring the achievement of the community's desired visual character. The Guidelines were developed through a four (4) month collaboration with the Town of Dillon's Planning and Zoning Committee, Council, and community. The goal of these Guidelines is to be a detailed, yet flexible document with visual examples that communicate design principles and their application to future developments and renovations. Ms. Anderson reported that 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 7:23 p.m. There being no comments from the public, Mayor Burns closed the public hearing at 7:24 p.m.

Council Member Barchers moved to approve Ordinance No. 08-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 43-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH THE LAW FIRM OF LIGHT KELLY, P.C. FOR TOWN ATTORNEY SERVICES; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Manager Tom Acre reported that Council reviewed several submittals to the Town's Request for Proposal for Town Attorney services during their August 15, 2017 Executive Session and directed staff to schedule interviews with two (2) firms. After interviewing these firms on August 31, 2017, Council negotiated services with Light Kelly, P.C. and directed staff to move forward and enter into an agreement for Town Attorney services beginning October 1, 2017.

Council Member Skowyra moved to approve Resolution No. 43-17, Series of 2017. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

APPOINTMENT OF NEW TOWN ATTORNEY KATHLEEN KELLY

Town Clerk Jo-Anne Tyson administered the oath of office to new Town Attorney Kathleen Kelly. Ms. Kelly is an attorney with Light Kelly, P.C.

CONSIDERATION OF RESOLUTION NO. 46-17, SERIES OF 2017

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING UTILITY EASEMENTS FOR THE BLOCK 6 AMENDMENT TO THE DILLON RIDGE MARKETPLACE PLANNED UNIT DEVELOPMENT, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Burroughs stated as part of the Planned Unit Development Approval of the Dillon Vistas Apartments

located on Block 6, Dillon Ridge Marketplace P.U.D., the applicant is required to convey two (2) additional utility easements for fire hydrants to the Town of Dillon. This resolution approves the utility easement for this property.

Council Member Bailey moved to approve Resolution No. 46-17, Series of 2017. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 47-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE INTERMOUNTAIN TRANSPORTATION PLANNING COMMISSION; 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 resolution represents an Intergovernmental Agreement which allows the Town of Dillon to participate in a regional planning commission (IMTPR) which includes municipal and county governments within the counties of Eagle, Lake, Pitkin and Summit. This planning commission was established by the Colorado Department of Transportation (CDOT) to solicit local review of the progress and product of the Colorado Department of Transportation or their designee related to transportation planning and analysis activities within the region, and to incorporate suggested updates and amendments as necessary to the State Transportation Plan. The IMTPR meets quarterly, and provides the Town of Dillon an opportunity to discuss CDOT activities relevant to the Town and Summit County.

Council Member Skowyra moved to approve Resolution No. 47-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 48-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH BROWNS HILL ENGINEERING & CONTROLS FOR THE 2017 WATER AND SEWER COMMUNICATIONS UPGRADE; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. O'Brien stated that the Water and Sewer Department budgeted to upgrade the Town's water and sewer communication system in 2017. The system currently employs the use of multiple radio transceivers which communicate directly to a single programmable logic control (PLC) unit which aids in controlling multiple devices or facilities through our central Supervisory Control and Data Acquisition system (SCADA). These three components control all operational functions at the water plant and remote facilities such as lift stations and storage reservoirs. The system no longer meets the needs of the plant or remote stations and is in need of improvement. The Town solicited proposals to upgrade the system and selected a hybrid broadband industrial control network. Total cost for the project is projected to be \$164,334.00 with Silverthorne, Dillon Valley and Summit County contributing funds for their portions of the project. The Town of Dillon's share is \$116,081.00

Council Member Bailey moved to approve Resolution No. 48-17, Series of 2017. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 49-17, SERIES OF 2017

A RESOLUTION DECLARING AND AFFIRMING THAT THE TOWN OF DILLON IS A COMMUNITY WHICH RESPECTS DIVERSITY, ABHORS DISCRIMINATION, PROMOTES TOLERANCE AND

PROVIDES A PLACE WHERE ALL PERSONS WILL BE TREATED EQUALLY AND WITH RESPECT AND DIGNITY.

Manager Acre reported that prior to Council's June 20, 2017 Work Session, Council Member Skowrya updated Council about other municipalities supporting their immigrant workers. In light of recent news coverage and threats of deporting immigrants, Council discussed their individual positions on this topic and requested examples of other municipality's direction. Staff solicited input from Colorado Municipal League (CML), Northwest Colorado Council of Governments (NWCCOG), and other entities to obtain examples of resolutions supporting immigrant workers in communities for Council to consider at a future work session. At Council's September 5, 2017 Work Session, Council considered six (6) immigration support examples from other Colorado municipalities and directed staff to draft a resolution closely mimicking the Town of Gypsum's resolution. Council Member Skowrya requested this resolution be translated into Spanish. Council requested staff to place both English and Spanish versions of this resolution on the Town website.

Council Member Skowrya moved to approve Resolution No. 49-17, Series of 2017. Council Member Bailey seconded the motion which passed on a 5-1 vote with Council Member Nickel in opposition.

CONSIDERATION OF RESOLUTION NO. 50-17, SERIES OF 2017

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, TO ADOPT THE AMENDED AND RESTATED ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST AND ADOPTION AGREEMENT; AND, TO AUTHORIZE AND DIRECT THE APPROPRIATE TOWN OFFICERS TO SIGN SAID PLAN DOCUMENTS.

Finance Director Carri McDonnell reported that this resolution approves the amendment to the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust for sworn police officers and the Finance Director. All other Town employees participate in the CCOERA retirement program. Sworn officers are not allowed by state statute to participate in CCOERA and department heads were set up with ICMA instead of CCOERA in the 1990s as directed by a previous town manager. The Finance Director is the only department head remaining in ICMA. The only change to this agreement is the increase of public safety employees from five percent (5%) to ten percent (10%) for the employee share and town share. The employee and town will no longer contribute five percent (5%) each to the 457 plan with ICMA. Ms. McDonnell stated that this change is necessary in order to prepare for the conversion to the FPPA plan.

Council Member Bailey moved to approve Resolution No. 50-17, Series of 2017. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 51-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) FOR ANS INSPECTIONS; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID ANS AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Marina Director Phil Hofer reported that this Resolution is the Second Amendment to an Inter-Governmental Agreement (IGA) between the Town of Dillon and the City and County of Denver, acting by and through its Board of Water Commissioners ("BOARD"). This IGA is a renewal of an existing IGA requiring the Dillon Marina to perform inspections and decontaminations on watercraft entering and exiting the Dillon Marina. The term of this IGA is for a two-year period ending March 28, 2018, at which time a new IGA will be negotiated.

Council Member Skowyra moved to approve Resolution No. 51-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 52-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH ICE CASTLES, LLC. FOR THE 2017/2018 ICE CASTLE ANIMATION IN DILLON TOWN PARK; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Ms. Anderson stated that this resolution is proposing a contract with Ice Castles, LLC for the 2017 – 2018 winter season. Ice Castles, LLC creates, maintains and operates castle-like structures made of ice with walking paths inside. A user fee to visitors will procure five percent (5%) of gross sales up to \$30,000.00. While the operation is weather dependent, anticipated user dates are December 2017 to early March 2018. Preparation of the infrastructure may begin as early as October 2017. The structures will be located in Town Park.

Council Member Barchers moved to approve Resolution No. 52-17, Series of 2017. Council Member Skowyra seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Town Manager Tom Acre reported on the following items:

- he is glad to hear the #Tenderfoot2 fire is getting under control.
- he has been visiting with Council Members and having productive conversations.
- he attended the I-70 coalition meeting with Mayor Burns and felt Senator Gardner received good input from local representatives.
- he will be meeting one on one with staff over the next few weeks.
- a staff retreat is being planned in October.

MAYOR'S UPDATE

Mayor Burns reported on the following items:

- in addition to Manager Acre's report on the I-70 coalition meeting, local representatives stressed to Senator Gardner that I-70 should be a priority if federal funding or grant opportunities become available.
- he thanked Town Attorney Mark Shapiro for his years of professional service and dedication to the Town of Dillon.

COUNCIL MEMBER COMMENTS

- Council Member Bailey thanked outgoing Town Attorney Mark Shapiro and welcomed new Town Attorney Kathleen Kelly.
- Council Member Nickel thanked Town Attorney Mark Shapiro for his service and reminded Council of Mr. Shapiro's retirement party at Pug Ryan's on Thursday, September 28, 2017.

AMPHITHEATRE UPDATE

Mr. Burroughs reported that the walls and colors are coming along at the Amphitheatre. The project is ahead of schedule and under budget. The foundation and walls for the stage, concession stand, and rest rooms are moving along.

ADJOURNMENT:

There being no further business, Mayor Burns declared the meeting adjourned at 7:53 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Town Clerk, CMC/MMC