

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**
Tuesday, December 3, 2019
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 3, 2019, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Carolyn Skowyra called the meeting to order at 7:01 p.m. and the following Council Members answered roll call: Brad Bailey, Kyle Hendricks, Renee Imamura, Karen Kaminski and Mark Nickel. Council Member Barchers was absent (excused). Staff members present were: Carri McDonnell, Acting Town Manager; Scott O'Brien, Public Works Director; Kerstin Anderson, Marketing & Communications Director; Ned West, Town Planner; Craig Simson, Marina Director; Matt Lope, Events Coordinator; Suzanne Phillipson, Marketing and Events Coordinator; Mark Heminghaus, Chief of Police and Adrienne Stuckey, Town Clerk.

APPROVAL OF AGENDA

Item #5, the Citizen's Recognition Award, was removed from the agenda.

APPROVAL OF CONSENT AGENDA

Council Member Kaminski moved to approve the following consent agenda.

- a. Minutes of Regular Meeting of November 19, 2019.
- b. Approval of Bill List dated November 29, 2019 in the amount of \$208,100.87 and Payroll Ledger dated November 22, 2019 in the amount of \$85,839.90.

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

CITIZEN COMMENTS

There were no citizen comments.

103 MAIN ST CONCEPTUAL PRESENTATION

Mark Richmond, of Dillon Development Company, LLC, stated the 103 Main Street property met the blight conditions under the Dillon Urban Renewal Authority (DURA) and wanted to present two plans for Council's consideration. Both plans included pedestrian walkways, commitment to sustainable development, housing diversity and purchase of town-owned land.

Bobby Craig, owner of Arapahoe Architects, explained Plan A would include demolishing the existing structure and construct separate Commercial and Residential buildings in two phases.

- Phase I is commercial and includes a first level restaurant and coffee shop and Phase II includes second level offices with ground level parking consisting of 27 spaces
- It will have shared residential and commercial parking during business hours with exclusive residential nighttime use, an electric vehicle charging station and realignment of Main Street with additional parking.

Mr. Craig explained Plan B would entail remodeling and improving the existing building into a restaurant, commercial office on ground level and may construct residential units above.

Mr. Craig added there will have to be parking negotiations because parking is going to be the biggest issue. They would like to hire Walker Consultants to help them address the parking issue and arrive at solutions.

Council agreed that the 103 Main Street project would have to have a parking solution in order for the project to be able to move forward.

SWEARING-IN OF OFFICER BRIAN HYDE AND OFFICER RACHEL WEINER

Police Chief Mark Heminghous introduced Officers Hyde and Weiner to Council. Mayor Skowyra administered the oath of office to Officer Hyde and Officer Weiner.

CONSIDERATION OF ORDINANCE 12-19, SERIES OF 2019

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE TO PERMIT MEDICAL MARIJUANA CENTERS IN COMMERCIAL (C) AND THE MIXED USE (MU) ZONE DISTRICTS.

Mayor Skowyra opened the public hearing at 7:19 p.m.

Town Planner Ned West explained this ordinance cleans up the code. Ordinance No. 04-17, Series of 2017, permitted the issuance of Medical Marijuana Center Business Licenses in the subject zone districts. When the Ordinance to add Medical Marijuana as a permitted business was adopted in 2017, an amendment to the permitted uses in the zoning chapter was overlooked. This amendment provides for the zoning code to permit the business as permitted in the Business License chapter of the Code.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

There being no comments from the public, Mayor Skowyra closed the public hearing at 7:21 p.m.

Council Member Bailey moved to approve Ordinance No. 12-19, Series of 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 15-19, SERIES OF 2019

Second Reading and Public Hearing

AN ORDINANCE AMENDING THE DILLON MUNICIPAL CODE CONCERNING THE DISPOSITION OF UNCLAIMED PROPERTY.

Mayor Skowyra opened the public hearing at 7:22 p.m.

Mark Heminghous, Chief of Police, explained this ordinance:

- Removes the responsibility of the unclaimed property from the Town Clerk and makes the Chief of Police responsible for it.
- Defines unclaimed property as property held by the Town for 15 days.
- Requires that the owner of property having an estimated value of more than \$500.00, be notified by certified mail or, when the owner is not known, the item be listed on the Town's website.
- Provides the owner 15 days to claim the property prior to the property becoming the property of

the Town for an appropriate disposition.

- Eliminates the requirement to notice the owner or advertise property with an estimated value of less than \$500.00.
- Specifies unclaimed property may be transferred to the Town for public purpose, destroyed, transferred to the individual who found the property, or sold, either privately or publicly.
- Specifies that the property may never be transferred to the ownership of any officer or employee of the Town, or to any relative of an officer or employee of the Town.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code.

There being no comments from the public, Mayor Skowrya closed the public hearing at 7:24 p.m.

Council Member Kaminski moved to approve Ordinance No. 15-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 16-19, SERIES OF 2019

First Reading to Set the Public Hearing

AN ORDINANCE AMENDING CHAPTER 2 OF THE DILLON MUNICIPAL CODE REGARDING PERSONNEL RULES.

Acting Town Manager McDonnell explained in the past, Council has approved and adopted personnel rules by Ordinance. However, the Town Charter does not require this practice. Staff is proposing to repeal Section 2-3-140 of the Dillon Municipal Code so that future personnel rules may be established by the Town Manager and approved by the Town Council by motion or resolution.

Council Member Imamura moved to approve Ordinance No. 16-19, Series of 2019 adding the public hearing date to be held on December 17, 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 59-19, SERIES OF 2019

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 2019 BUDGET YEAR.

Finance Director McDonnell explained this resolution allows the Town to amend the 2019 budget for the following:

General Fund:

- Amphitheater Utilities \$15,000 to be paid from unanticipated revenues
- Town Manager Search \$3,500 to be paid from unanticipated revenues
- Admin Salaries \$12,000 to be paid from unanticipated revenues
 - These items can be funded through the additional sales tax revenues of \$199k
- Concert Security \$25,000 to be paid from unanticipated revenues
- Concert Labor/Costs of Sales \$164,000 to be paid from unanticipated revenues
 - The additional costs of providing the concert series can be paid from additional event revenues of \$207k.

Marina Fund:

- Retail Cost of Sales \$8,000 to be paid from unanticipated revenues
- Parts Cost of Sales \$16,000 to be paid from unanticipated revenues
- Rental Repairs and Maintenance \$19,000 to be paid from unanticipated revenues
- Crane Repair \$21,000 to be paid from unanticipated revenues
- Credit Card Commissions \$12,000 to be paid from unanticipated revenues
 - These are additional costs associated with the increase in revenues of \$104k.

Housing 5A Fund:

- Traffic Study – CR 51 Project \$10,000 to be paid from unappropriated fund balance
 - This is the traffic study for the CR51 project to determine options for access improvements at Evergreen/Highway6/CR51.

Council Member Imamura moved to approve Resolution No. 59-19, Series of 2019. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 60-19, SERIES OF 2019

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, 2020 AND SUMMARIZING THE REVENUES AND EXPENDITURES FOR EACH FUND.

Finance Director McDonnell explained this resolution approves the adoption of the 2020 budget. The 2020 total revenues are \$14,670,816 with a beginning fund balance of \$9,969,855. 2020 total expenditures are \$15,075,069. Total reserves for all funds are \$6,880,027 leaving a fund balance of \$2,685,575 at 12/31/20.

Council Member Kaminski moved to approve Resolution No. 60-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 61-19, SERIES OF 2019

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2019 TO HELP DEFRAID THE COSTS OF MUNICIPAL GOVERNMENT FOR THE TOWN OF DILLON, COLORADO FOR THE 2020 BUDGET YEAR.

Finance Director McDonnell explained the mill levy must be certified to the Summit County BOCC prior to December 13, 2019 and therefore must be approved at this Council meeting. This resolution approves the property tax mill levy for the 2020 budget year. The assessed valuation for the town increased by 16.34% or \$11,114,200. Since the charter only allows for a 5% increase in revenues, the Town cannot take the full increase in the assessed valuation. In order to reduce the property tax revenues, the mill levy must be reduced. The reduction is .327 mills which is equivalent to \$25,849 in revenues and will be certified as a temporary reduction. If the assessed valuation goes down in the future, we can bring the mill levy back to 3.351. The general operating mill levy will be 3.024, which is split between the General Fund (2.593) and Capital Improvement Fund (.431).

Council Member Imamura moved to approve Resolution No. 61-19, Series of 2019. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 62-19, SERIES OF 2019
A RESOLUTION APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE TOWN OF DILLON, COLORADO FOR THE 2020 BUDGET YEAR.

Finance Director McDonnell explained this resolution appropriates the money for the 2020 expenditures by fund based on the 2020 budget. The total expenditures of \$15,075,069 will be paid from the total estimated fund balance at 12/31/19 of \$9,969,855 and 2020 revenues of \$14,670,816.

Council Member Bailey moved to approve Resolution No. 62-19, Series of 2019. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 63-19, SERIES OF 2019
A RESOLUTION APPROVING AN ENCROACHMENT LICENSE AGREEMENT REGARDING THE WEST ANEMONE TRAIL RIGHT OF WAY.

Public Works Director Scott O'Brien explained the owners of the Office Max Shopping Center in Silverthorne, Colorado, are requesting permission from the Town of Dillon to construct soil nails into the West Anemone Trail Right-of-Way to help stabilize the south end of the Office Max building adjacent to the W. Anemone Trail Right-of-Way.

Mr. O'Brien stated Town staff has reviewed the configuration and depth of the soil nails and has determined that there is no conflict between the proposed soil nails and the existing Town utilities (Water and Sewer) within the right-of-way. Therefore, the proposed encroachment is allowable. The Town typically buries water mains so that the bottom of the pipe is approximately 10' below the street grade. In this particular case, the soil nails will begin at a depth of 12.5'-15' below the street grade and will be an additional 2'-3' below the water main since the soil nails are sloping down and away from the foundation.

Mr. O'Brien added the proposed encroachment license area requested is greater than the ends of the soil nails shown on the sketch to accommodate longer soil nails if needed. The final length of the soil nails cannot be accurately determined until the contractor installs the soil nails. The soil nails are tested by a pull test after installation. If the test fails, then the soil nail has to be done again and typically drilled deeper into existing soils/bedrock to achieve the correct pullout strength.

Council Member Imamura moved to approve Resolution No. 63-19, Series of 2019. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 64-19, SERIES OF 2019
A RESOLUTION APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT FOR THE DILLON MARINA.

Marina Director Craig Simson stated this resolution allows the Town to extend the marina lease with Denver Water for a period of one year. Denver Water is working through the hazardous materials section of the lease and is not prepared to finalize the lease in the next month. The extension would keep the existing lease in effect for a period of one year. Staff will work with Denver Water to finish the negotiations and put the new lease in place as soon as possible.

Council Member Imamura moved to approve Resolution No. 64-19, Series of 2019. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

ACTING TOWN MANAGER'S UPDATE

Acting Town Manager McDonnell provided a written report and added the following on the MT2030 Net Zero Summit:

- Council Member Kaminski attended the Mountain Towns 2030 Conference committee meeting. Ms. McDonnell was appointed to the Finance Committee.
- The committee is asking each town to commit to seed money in the amount of \$5000.
- They also want to review Salt Lake City's budget when they hosted the inaugural MT2030 Net Zero Summit this past year.
- She will send Council a link to last year's conference and will add the MT2030 discussion to the next Work Session agenda on December 17, 2019.

MAYOR'S UPDATE:

- Mayor Skowrya attended the Rotary Club of Summit County Breakfast on December 3, 2019. Dillon was recognized for contributing to the community dinner every year since its inception.
- Council received great results from the Emergenetics meeting on November 22, 2019.

COUNCIL MEMBER COMMENTS:

There were no Council Member comments.

ADJOURNMENT:

There being no further business, Mayor Skowrya declared the meeting adjourned at 8:28 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk