

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, March 3, 2020

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, March 3, 2020, 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, Jennifer Barchers, Kyle Hendricks, Renee Imamura, Karen Kaminski and Mark Nickel. Staff members present were: Carri McDonnell, Acting Town Manager; Mark Heminghous, Chief of Police; Dan Burroughs, Town Engineer; Ned West, Town Planner; Kerstin Anderson, Marketing & Communications Director; Scott O'Brien, Public Works Director and Adrienne Stuckey, Town Clerk.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Council Member Kaminski moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of February 18, 2020
- b. Approval of Bill List dated February 28, 2020 in the amount of \$126,711.10 and Payroll Ledger dated February 28, 2020 in the amount of \$74,719.25.
- c. Consideration of Ordinance No. 07-20, Series of 2020
First Reading to Set the Public Hearing
AN ORDINANCE ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO.
- d. Consideration of Resolution No. 11-20, Series of 2020
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING APPOINTMENTS TO THE PARKS AND RECREATION COMMITTEE.
- e. Consideration of Resolution No. 12-20, Series of 2020
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING AN APPOINTMENT TO THE DILLON CEMETERY ADVISORY COMMITTEE.

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

CITIZEN COMMENTS

There were no citizen comments.

APPEAL OF THE IMPACT FEE ASSESSMENT FOR ANEMONE URGENT CARE

Mark Richmond, Attorney for Anemone Urgent Care, explained the Anemone Urgent Care at 956 Anemone was billed the rate of \$2 per square foot for all commercial use as outlined in the town's Impact Fee Policy. The total amount billed was \$7,240. The workforce housing units were not assessed any impact fees as provided in the Impact Fee Policy.

Mr. Richmond said Dr. Assi, owner of the Anemone Urgent Care, is requesting a waiver of the Impact Fee assessed of \$7,240 because he will be providing housing for 3-6 employees. He requested Dr. Assi's e-mail to Acting Town Manager, Carri McDonnell, be added to the public record. He said the Anemone Urgent Care is mitigating its impact on local housing and should not be penalized twice for the same issue.

Nick Cotton-Baez, Town Attorney, explained to Council that this is a quasi-judicial hearing where the Town Council can consider Dr. Assi's request. Mr. Cotton-Baez added the Town of Dillon's Resolution No. 57-18, Series of 2018 into the record.

Council Member Nickel moved to waive the Impact Fee of \$7,240.00. Council Member Kaminski seconded the motion which passed 5-2 with Council Member Barchers and Madame Skowyra in opposition.

CONSIDERATION OF ORDINANCE NO. 03-20, SERIES OF 2020

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTER 11 OF THE DILLON MUNICIPAL CODE TO PERMIT CLASS 1 ELECTRICAL ASSISTED BICYCLES TO TRAVEL ON BIKE PATHS AND OTHER PATHWAYS IN TOWN.

Mayor Skowyra opened the public hearing at 7:43 p.m.

Public Works Director Scott O'Brien explained the Colorado General Assembly adopted, and the Governor signed into law House Bill 17- 1151, providing that, subject to local authority, certain types of electrical assisted bicycles may travel on bike or pedestrian paths where bicycles are authorized to travel. This Bill did allow local jurisdictions to allow or not allow such use. He described Class I electrical assisted bicycles as bicycles equipped with electrical motors that assist the user only when pedaling and only at speeds less than 20 miles per hour.

He stated that on April 23, 2019, the Board of County Commissions approved Resolution No. 2019-27 amending the regulations for Summit County Open Space and Trails to permit Class I electrical assisted bicycles to travel on the Summit County Recreational Pathway System.

Town Attorney, Nick Cotton-Baez, after receiving direction from Council from the first reading, added the definition of bike and bicycles. He said this doesn't address right of way and bike paths in town parks.

Mr. O'Brien added that Uniform Vehicle Code addresses the rules of the right of way.

Council has concerns regarding knowing which class bike is being ridden on the bike path, speeding, being able to enforce that only Class I e-bikes are on bike paths and if rules and regulations could be posted.

Mr. Cotton-Baez added state legislature requires the labeling of electrical bikes from Class I – Class III e-bikes.

Mr. O’Brien also added that the Town could speak to businesses selling and renting Class I E-bikes and putting up signs with the rules and regulations.

There being no comments from the public, Mayor Skowrya closed the public hearing at 7:51 p.m.

Council Member Bailey moved to approve Ordinance 03-20, Series of 2020. Council Member Imamura seconded the motion which passed 6-1 upon roll call vote with Council Member Hendricks in opposition.

CONSIDERATION OF ORDINANCE NO. 04-20, SERIES OF 2020

Continuation of Public Hearing

AN ORDINANCE REPEALING AND RE-ENACTING WITH AMENDMENTS ARTICLES I AND II OF CHAPTER 16 OF THE DILLON MUNICIPAL CODE.

Mayor Skowrya re-opened the public hearing at 7:51 p.m.

Ned West, Town Planner, explained this proposed amendment to Chapter 16 “Zoning” Articles I “General Provisions” & II “Zoning Application Review Process” addresses technical issues with the Code, organizes the process criteria for greater chronological flow, provides new and revised definitions, updates submittal requirements, provides additional application fee language, removes conflicts, and refines the public hearing and appeals process. The amendment also removes the Town Council call-up process in response to due process concerns. The amendment also migrates the conditional use provisions in Page 2 the Code from the PUD article such that conditional use criteria do not apply to PUD’s. Another amendment provides for a separate process for temporary structures which do not fit well into the typical development permit process.

He stated this Ordinance also compels an amendment to Chapter 19 Appendix 19-A “Schedule of Fees” relating to appeals to associated with Development Permit application decisions. If passed, the Ordinance amending Articles I and II of the Zoning Code would set forth revised appeals processes and would require the setting of corresponding fees to cover staff time in preparing appeals. The draft Ordinance amending the fee schedule is thus proposed to follow the Ordinance amending Articles I & II of the Zoning Code.

He also explained that since the Chapter 19 fee amendment is in effect at the same time as these Chapter 16 amendments, and given the timing of the public notices provided for the two amendments, staff suggests the public hearing for the Chapter 16 amendments be opened on February 18th, and then continued to March 3rd such that the Chapter 16 and Chapter 19 amendments might be approved on the same date.

There being no comments from the public, Mayor Skowrya closed the public hearing at 7:56 p.m.

Council Member Imamura moved to approve Ordinance 04-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 05-20, SERIES OF 2020

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTER 19 OF THE DILLON MUNICIPAL CODE TO ADD APPLICATION FEES FOR APPEALS OF ADMINISTRATIVE INTERPRETATIONS AND ZONING DECISIONS.

Mayor Skowrya re-opened the public hearing at 7:57 p.m.

Ned West, Town Planner, explained this Ordinance to amend Chapter 19 Appendix 19-A “Schedule of Fees” provides fees for appeals to development application decisions. If passed, the Ordinance amending Chapter 16, Articles I and II would set forth revised appeals processes and would require the setting of corresponding fees to cover staff time in preparing appeals.

There being no comments from the public, Mayor Skowrya closed the public hearing at 7:58 p.m.

Council Member Kaminski moved to approve Ordinance 05-20, Series of 2020. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF EMERGENCY ORDINANCE NO. 08-20, SERIES OF 2020
AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM UNTIL MAY 5, 2020 UPON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF WIRELESS FACILITIES IN TOWN RIGHTS-OF-WAY IN ANY ZONE DISTRICT.

Acting Town Manager, Carri McDonnell, explained staff has employed the service of attorney Ken Fellman, of Kissinger and Fellman, P.C., a leading expert on telecommunications. In talking with Mr. Fellman, not only should staff be working on our small cell facilities but on our Chapter 16 wireless facilities as well. The Town has the first draft but Staff needs more time to review and provide recommendations to Council. Staff is recommending imposing a moratorium until May 5, 2020.

Council Member Imamura moved to approve Emergency Ordinance 08-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 13-20, SERIES OF 2020
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING APPOINTMENTS TO THE SUMMIT COMBINED HOUSING AUTHORITY.

Acting Town Manager McDonnell stated this resolution will appoint Carolyn Skowrya to the Summit County Housing Authority (SCHA) board as the alternate to Town Manager, Nathan Johnson.

Council Member Kaminski moved to approve Resolution 13-20, Series of 2020. Council Member Bailey 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:

- She thanked staff, especially department heads, for their support over the past two and half years. She also thanked Nick Cotton-Baez, Town Attorney, for his invaluable service and expertise, and thanked Council for their support, encouragement and kindness.
- The Summit Combined Housing Authority will present its 2019 Summit County Housing Needs update to the public in April. Before that, Amy Priegel, Executive Director, will present to Council to review the processes and information in the report.
- Acting Town Manager McDonnell asked Council if they would like to do a “Meet & Greet” or “Meet the Candidates” with the two incumbents and one new Council member. Council decided to have “Meet & Greet” with all of Council and Ms. McDonnell will send out a google poll on which date works best.
- She informed Council that the Moratorium on Parking in Lieu Fee expired on February 29, 2020. Staff is going to do another extension on the moratorium and will present it to Council.

MAYOR'S UPDATE:

- Mayor Skowyra thanked Acting Town Manager McDonnell for her dedication and hard work and presented her with a poem and gift.

COUNCIL MEMBER COMMITTEE REPORTS AND COMMENTS:

- Council Member Hendricks asked staff and Council if Council could be made aware if a Town Manager wants to remove an employee. Council will hold an executive session to provide their expectations to new Town Manager Nathan Johnson.

EXECUTIVE SESSION:

- Mayor Skowyra moved to go into Executive Session at 8:19 pm 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. § 24-6-402(4)(e), specifically pertaining to negotiations of town-owned land around 103 Main Street. No action was taken during the executive session. At 9:05 p.m. Council concluded the executive session.

ADJOURNMENT:

There being no further business, Mayor Skowyra declared the meeting adjourned at 9:06 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk