

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, April 7, 2020

7:00 p.m.

Via teleconferencing

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, April 7, 2020, via teleconferencing. Mayor Carolyn Skowyra called the meeting to order at 7:02 p.m. and the following Council Members answered roll call: Brad Bailey, Jennifer Barchers, Karen Kaminski, Renee Imamura, Mark Nickel. Council Member Hendricks was absent. Staff members present via teleconferencing were: Nathan Johnson, Town Manager; Carri McDonnell, Finance Director; Mark Heminghous, Chief of Police; Kerstin Anderson, Marketing & Communications Director; Scott O'Brien, Public Works Director; Craig Simson, Marina Director; Dan Burroughs, Town Engineer; Ned West, Town Planner; 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 Imamura moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of March 17, 2020
- b. Approval of Bill List dated April 3, 2020 in the amount of \$561,102.76 and Payroll Ledger dated March 27, 2020 in the amount of \$72,518.48

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

Council Member Hendricks joined the meeting via teleconferencing at 7:03 p.m.

CITIZEN COMMENTS

There were no citizen comments.

CONSIDERATION OF ORDINANCE NO. 07-20, SERIES OF 2020

Second Reading and Public Hearing

AN ORDINANCE ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO.

Mayor Skowyra opened the public hearing at 7:05 p.m.

Chief of Police, Mark Heminghous, explained that the Town of Dillon currently operates under the 2010 Model Traffic Code. The purpose of the Model Traffic Code is to provide a system of traffic regulation consistent with state law and generally conforming to similar regulations and "Rules of the Road" throughout the State and the Nation.

The 2020 Model Traffic Code contains many revisions to the 2010 code's definitions and regulations,

including the addition of regulations to address technological advances in electrical modes of transportation such as the operations of low-speed electric vehicles and electrical assisted bicycles, and parking in electronic vehicle charging stations.

There being no comments from the public, Mayor Skowryra closed the public hearing at 7:07 p.m.

Council Member Bailey moved to approve Ordinance 07-20, Series of 2020. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 15-20, SERIES OF 2020

A RESOLUTION APPROVING A CONTRACT WITH MAXIMUM SERVICES, INC. FOR THE 2020 TOWN PARK UTILITIES AND EARTHWORK PROJECT

Public Works Director Scott O'Brien recommended to Council to not approve Resolution No. 15-20, Series of 2020. He recommended denying the contract with Maximum Services, Inc and reevaluating the Town Park Utilities and Earthwork Project at a later date due to the current financial uncertainty with the impacts from the pandemic.

Council Member Hendricks moved to deny Resolution No. 15-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 16-20, SERIES OF 2020

A RESOLUTION APPROVING A CONTRACT WITH A-PEAK, INC. FOR THE 2020 DILLON RIDGE ROAD OVERLAY PROJECT.

Public Works Director Scott O'Brien recommended to Council to not approve Resolution No. 16-20, Series of 2020. He recommended denying the contract with A-Peak, Inc and reevaluating the Dillon Ridge Road Overlay Project at a later date due to the current financial uncertainty with the impacts from the pandemics.

Council Member Barchers moved to deny Resolution No. 16-20, Series of 2020. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 20-20, SERIES OF 2020

A RESOLUTION ADOPTING AN AMENDED POLICY FOR ELECTRONIC PARTICIPATION IN PUBLIC MEETINGS AND QUASI-JUDICIAL HEARINGS DURING EMERGENCY SITUATIONS.

Town Attorney Nick Cotton-Baez explained this policy will amend the policy that the Town Council adopted regarding electronic meetings, which we are currently operating under, to include more detail about the conduct of quasi-judicial proceedings electronically. This policy sets forth how an applicant may request a quasi-judicial proceeding and it would discourage quasi-judicial proceedings in most instances.

A more detailed policy would allow for applications that are still coming in to be able to proceed. Some applications are perceived as relatively urgent. From a legal standpoint, quasi-judicial proceedings don't lend themselves well to electronic participation. People who participate in them regularly are very used to them happening in person. They should be used sparingly but also in recognition that so much uncertainty surrounding when things will return to normal or a new normal that it's wise to consider in the coming months having this policy readily available.

There is legal uncertainty whether due process concerns are heightened during these kinds of proceedings. There is an issue of due process because some people don't have access to the equipment to participate. In context of public hearings, there are more people than just the applicant who have legally protected interests such as neighbors, in context of the development.

This policy would allow applicants to request a hearing to be held electronically but it would give the Town Manager the ultimate discretion as to whether to grant the request. The applicant would need to give good reason for needing the hearing and expressing some urgency for it to happen faster than it can be held in person. Next, in the written application from the applicant, Town would require them to acknowledge there are inherent risks in proceeding electronically that are different then and are heightened if they were to proceed in person. Then, the Town would require them to indemnify the Town against any liability that could arise out of their decision to proceed electronically.

Staff 'srecommendation is to approve the amendment to this policy, in that way staff can sparingly hold quasi-judicial proceedings.

Council Member Barchers moved to approve Resolution No. 20-20, Series of 2020. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Manager Johnson reported on the following:

- The Governor came out with an Executive Order on Friday, April 3, 2020 allowing for the delay of sales tax remittance from April 20, 2020 to May 20, 2020. This is a substantial amount for Dillon and the budget for March is \$700,000. The Town may experience cash flow issues which may require the use of reserves in the short term.
- There are approximately 61 cases of COVID-19 in Summit County. The County has very limited tests. In the low 40s are actual tests that have been sent to the lab and are confirmed COVID-19 cases. The COVID-19 tests have a 70% success rate and false negatives are out there. In the Summit County Public Healthy Symptom Tracker, close to 1400 people have put their symptoms into the tracker. Potentially, we could have had cases in January and February.
- Staff has been meeting daily at 1pm discussing the economic downturn and contingency plans and are hoping to bring them to Council at the next meeting.
- Some of the mitigation efforts with other towns and the County have been helping. You can click on the link provided in his Town Manager's Update, <https://covid19.healthdata.org/united-states-of-america> and see real time data of COVID-19 Projections, what the curve looks like and see that the "stay at home" is working.
- Staff is looking towards recovery. There will be a pent-up demand to go out and get back to the "new" normal. Staff is putting plans in place to open the Marina and ready for the demand when it comes.
- The Mayors', Managers' & Commissioners' Meeting on April 9, 2020 was canceled.
- Looking forward, staff would like to bring other items, aside from COVID-19, to Council and help move the local economy forward.

MAYOR'S UPDATE:

Mayor Skowyra has not attended a meeting in three weeks.

COUNCIL MEMBER COMMITTEE REPORTS AND COMMENTS:

- Council Member Kaminski commented, based on the concern that citizens have expressed, as soon as Summit County opens its door, we're going to have a floodgate of people and the likelihood of potential of risk getting the disease is going to increase ten-fold for us. People are concerned that the county is going to rush to open businesses over the safety of the people.

Manager Johnson replied that the Towns and County are in daily meetings. They've asked what will this look like when we open the economy? The Towns and County are going to try to work through it the next couple of weeks to be prepared for when we do open the economy, hopefully at the end of April.

- Council Member Imamura thanked Manager Johnson for doing a great job and appreciates his updates and e-mails.
- Council Member Bailey thanked Manager Johnson for jumping into the fray and thanked staff as well.

ADJOURNMENT:

There being no further business, Mayor Skowyra declared the meeting adjourned at 7:27 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk