

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, September 15, 2020
7:00 p.m.

Virtual Meeting Via Microsoft
Teams

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, September 15, 2020, via teleconferencing. Mayor Pro Tem Brad Bailey called the meeting to order at 7:00 p.m. and Mayor Carolyn Skowrya and the following Council Members answered roll call: Jennifer Barchers, Karen Kaminski, Renee Imamura and Steve Milroy. Council Member Kyle Hendricks was absent. Staff members present via teleconferencing were: Nathan Johnson, Town Manager; Carri McDonnell, Finance Director; Cale Osborn, 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 Barchers moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of September 1, 2020
- b. Approval of Bill List dated September 11, 2020 in the amount of \$169,443.86 and Payroll Ledger dated September 11, 2020 in the amount of \$88,742.75

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

CITIZEN COMMENTS

There were no citizen comments.

NEIGHBORHOOD COALITION INTRODUCTION AND PRESENTATION

Julian McManus spoke on behalf of the Neighborhood Coalition which consists of 70 residents of Dillon and addressed the group's concerns over the PowerPoint presentation introduced on August 18, 2020 which discussed Marina kayak and SUP activity area parking ideas. The Neighborhood Coalition would like to:

- Move the SUP business to the West side of the Marina and move the boat trailers elsewhere for parking
- Do not build parking lots because it will promote tail gaiting. Redirect traffic to the Marina.
- No parking along Gold Run Circle. Make it a no loading/unloading zone as well as the end of the dirt road access to the utility building.
- Move parking to the existing Marina parking and launch ramp.
- Redirect traffic away from the residential neighborhoods.

Mr. McManus stated his concerns were based on safety.

CONSIDERATION OF ORDINANCE NO. 17-20, SERIES OF 2020

Second Reading and Public Hearing

AN ORDINANCE AMENDING ARTICLE 8 OF CHAPTER 6 OF THE DILLON MUNICIPAL CODE REGARDING MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS.

Nathan Johnson, Town Manager, explained House Bill 19-1230 went into effect January 1, 2020 which allows a municipality the authority to license Marijuana Hospitality and Sales Establishments. The attached draft ordinance would allow the Town to grant licenses for marijuana hospitality and sales establishments to businesses already licensed to sell marijuana at retail.

Mayor Pro Tem Bailey stated that this public hearing shall be conducted by electronic participation in accordance with the policy adopted by Council Resolution No. 20-20, Series of 2020. This hearing by electronic participation shall be conducted in a manner that reflects, to the greatest extent possible, a hearing conducted in person.

Mayor Pro Tem Bailey opened the public hearing at 7:18 p.m.

Don Parsons, 130 E. LaBonte Street Dillon, was against the passing of this ordinance and addressed Council with his concerns of second-hand smoke and its health hazards.

Truman Bradley, Executive Director of Marijuana Industry Group, 2930 Vance St, Wheatridge, and looks at marijuana policies across the state and gave suggestions to Council on how to change and/or update the ordinance.

Maggie Runte, 35 Corinthian Circle, Dillon stated the Marijuana Hospitality and Sales Establishments would be a negative influence on Dillon and many negative consequences.

Roland Gaasch, Dillon resident, e-mailed a letter to the Town of Dillon and it was read into record by Mayor Pro Tem Bailey. He does not want a Marijuana Hospitality and Sales Establishment in Dillon nor does he feel it is needed.

Bill and Clare Freas, 118 Lookout Ridge, Dillon e-mailed a letter to the Town of Dillon and it was read into record by Mayor Pro Tem Bailey. They were adamantly against permitting Marijuana Hospitality and Sales Establishments in Dillon.

Lake Dillon Condominiums, Homeowners Association Board, e-mailed a letter to the Town of Dillon and it was read into record by Mayor Pro Tem Bailey. The HOA Board asked to delay the final voting until additional information was gathered and questions answered to ensure it doesn't have lasting negative effects on Dillon.

Lee and Chris Szmurlo, 11 Corinthian Cir, Dillon, e-mailed a letter to the Town of Dillon and it was read into record by Mayor Pro Tem Bailey. They adamantly opposed allowing a Marijuana Hospitality and Sales Establishment in Dillon.

Jim and Karen Doyle, 332 Buffalo Dr, Dillon, e-mailed a letter to the Town of Dillon and it was read into record by Mayor Pro Tem Bailey. They did not want to allow Marijuana Hospitality and Sales Establishments in Dillon.

Council Member Hendricks joined the Regular Meeting at 7:30 p.m.

The notice requirements of the Town's Electronic Participation in Quasi-Judicial Hearing Policy have been satisfied.

Mayor Pro Tem Bailey stated the documents included within the record for this public hearing include all materials included in the Town Council packets; any PowerPoint or other presentations given tonight; all written referral and public comments received regarding the Ordinance; and the Town's applicable ordinances and other regulations.

Council then asked questions and made comments regarding this ordinance.

Mayor Pro Tem Bailey closed the public hearing at 8:03 p.m.

Council Member Barchers made a motion to approve Ordinance No. 17-20, Series of 2020.

Council Member Hendricks seconded the motion which passed five to two with Council Members Imamura and Kaminski in opposition.

CONSIDERATION OF RESOLUTION NO. 41-20, SERIES OF 2020

A RESOLUTION APPROVING A FIRST AMENDMENT TO DEVELOPMENT AGREEMENT IN CONNECTION WITH THE DILLON MEDICAL BUILDING PUD DEVELOPMENT PLAN.

Town Attorney Nick Cotton-Baez explained this is a first amendment to Vail Health Medical Office Building. The Town has taken over the construction of the water main improvements withing the North Dillon Dam Road right-of-way due to the discovery of diesel fuel in the bedding material surrounding the existing North-South 8" water main located in the southbound lanes of the road. The PUD developer has agreed to reimburse the Town for their scope of work which will be removed from the developer's development agreement scope.

In 2020, Ten Mile Holdings, LLC sold the project to another developer known as Dillon Medical Properties, LLC ("DMP") which is a subsidiary of MBRE. Vail Health and MBRE/DMP have a contractual relationship with Vail Health whereby MBRE owns the development and Vail Health essentially becomes the tenant, or something to that effect.

The first amendment to the development agreement accomplishes the following:

1. Formally assigns the PUD to DMP
2. Requires DMP to reimburse the Town for the construction of a portion of the water main in North Dillon Dam Road; except for the additional scope of work costs for the removal of the existing tee & valves, addition of a new tee and three valves, stubbing the water main to the north, and completing the capping of the north end of the abandoned segment.
3. Removes \$32,640 from the Improvement Guarantee for the PUD.

Council Member Milroy made a motion to approve Resolution No. 41-20, Series of 2020.

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

CONSIDERATION OF RESOLUTION NO. 42-20, SERIES OF 2020

A RESOLUTION ESTABLISHING AND SETTING PARAMETERS FOR THE TOWN OF DILLON DOWN PAYMENT ASSISTANCE LOAN PROGRAM.

Finance Director Carri McDonnell explained this resolution establishes the down payment assistance loan program for employees and then outlined the program:

- Town will lend up to \$25,000 or 10% of purchase price, whichever is less

- The loan will be secured with a second or lien of mortgage depending on value of other loans
- 1% interest over 20 years
- Payment will be made every two weeks through payroll deduction
- Must be used on residential house/townhome/condo in Summit County or an adjoining county as approved on a case by case basis by the Town Manager. The approval will be subject to distance requirements for each department. For example, public works employees on-call are required to report within 30 minutes.
- Loan is due in full upon the refinance of the first mortgage or sale of the home
- Loan is due in full 20 years from loan closing or one year after termination of service with the Town of Dillon
- The home must be owner occupied during the term of the loan. The loan shall become immediately due and payable in full in the event the home is not owner occupied at any point during the term of the loan.
- The loan is paid to the title company at the time of closing.

Eligibility requirements include:

- Must be a fulltime employee and have six (6) months of employment with the Town of Dillon.
- Assistance is only available to employees who do not currently own a house/townhome/condo.
- If more employees apply for the program than the appropriated and budgeted funding allows, applications received will be processed first come, first served until the appropriated and budgeted funding is depleted. Council could consider a supplemental appropriation during the budget year in order to fund additional loan requests.

Ms. McDonnell added because the Town is using 5A funds, we will need to amend Section 2 and Section 3 B5 to reflect that an employee has to purchase property in Summit County.

Council Member Barchers made a motion to approve Resolution No. 42-20, Series of 2020, amending any reference to residential property, residential property must be included in Summit County. Madam Skowyra seconded the motion which passed unanimously upon roll call.

TOWN MANAGER'S UPDATE

Manager Johnson reported on the following:

- The Governor announced today, September 15, 2020, based on the new CDPHE dial, we are currently in Level 2 – Safer at Home. They came out with new guidelines: Isolation is 10 days if a positive or presumptive positive with symptoms and quarantine is 14 days if exposed to a positive or presumptive positive.
- Marina weekend sales and reservations are up.
- The last Farmers Market of the 2020 season will be on Friday, September 18, 2020.
- Staff received a proposal to repair the CR 51 water tank and hope to have the repairs done by this fall. They are still working out particulars with the contractors.
- The Dillon Dam Road Water repair will begin next week. There will be an outside contractor doing soil samples.
- Craig Johnson was recently promoted to Sergeant. They will have Detective interviews today.
- The health insurance renewal came back with a 0% increase in rates which is unheard of. Staff is proposing to give out a \$500 bonus to full-time employees and give them three options, going into effect January 1, 2021:

1. Put it into their HSA or FSA account

2. Put it into a 457-retirement account
3. Take the cash

This is a one-time expense of \$18,000 and are happy to reward our employees.

- October 1, 2020 will be the CDOT HazMat Risk Study Stakeholder virtual meeting
- Staff has been working with Dallas Everhart on Visioning, part of the Emergenetics training, and will be sending out an e-mail asking Council basic questions on Visioning.

MAYOR'S UPDATE:

Mayor Skowyra did not have any updates.

COUNCIL MEMBER COMMITTEE REPORTS AND COMMENTS:

Council Members did not have any committee reports or comments.

EXECUTIVE SESSION

Mayor Pro Tem Bailey moved to go into Executive Session at 9:03 p.m. for the purpose of discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f), and not involving: any specific employees who have requested discussion of the matter in open session; any member of the Town Council, the appointment of any person to fill a vacancy on the Town Council; or personnel policies that do not require the discussion of matters personal to particular employees; specifically, to discuss the town manager's evaluation. No action was taken during the executive session. At 9:18 p.m. Council concluded the executive session.

ADJOURNMENT:

There being no further business, Mayor Pro Tem Bailey declared the meeting adjourned at 9:21 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk