

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, December 1, 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, December 1, 2020, via teleconferencing. 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 Steve Milroy. 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 Jo-Anne Tyson, Human Resources Manager.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Council Member Milroy moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of November 17, 2020
- b. Approval of Bill List dated November 24, 2020 in the amount of \$152,173.01 and Payroll Ledger dated November 20, 2020 in the amount of \$78,485.63.

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

CITIZEN COMMENTS

There were no citizen comments.

CONSIDERATION OF RESOLUTION NO. 50-20, Series of 2020

A RESOLUTION AMENDING RATE OF CONTRIBUTION TO THE FPPA DEFINED BENEFIT PLAN ADMINISTERED BY THE FIRE AND POLICE PENSION ASSOCIATION FOR REENTRY POLICE OFFICERS FOR THE TOWN OF DILLON

Finance Director Carri McDonnell reported that when the Town entered into an agreement with Fire and Police Pension Association (FPPA) in 2017, contribution rates for our sworn officers and the town's share for the SDBP were set through 2021. The FPPA board has determined the new rates through 2030 have changed to where the employee will contribute 13% from 2022 to 2030. The Town's contribution will remain at 10% until 2025 when it increases .5% each year until 2030 when it reaches 13%.

Council Member Imamura moved to approve Resolution No. 50-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 51-20, Series of 2020

A RESOLUTION APPROVING A MODEL LICENSE AGREEMENT FOR THE USE OF TOWN RIGHTS-OF-WAY IN CONNECTION WITH THE OPERATION OF A SMALL CELL WIRELESS NETWORK.

Town Attorney Nick Cotton-Baez stated that only one change has been made in the draft Model Small Cell Facilities Master License Agreement (“Model MLA”) since Council reviewed it in the November 17 work session. The change was to add a new Section 14.4 to allow infrastructure (e.g., proprietary pole) owners who do not operate wireless networks to sublease their infrastructure to small cell network operators. The change will accommodate a common business model. The draft Model MLA is intended to work in tandem with the Town’s Small Cell Wireless Regulations as adopted pursuant to Ordinance No. 10-20, Series of 2020. The Model MLA is a model agreement, meaning owners/operators of small cell facilities will be able to negotiate the terms. However, changes to essential terms will require Council approval. Owners/operators will be required to pay a fee of \$2,000 (subject to reimbursement of the unused amount of the fee) to cover the Town’s costs in negotiating changes to the Model MLA (in addition to the other fees set forth in the Town’s Small Cell Facilities Fees Resolution). The Model MLA is intended to streamline approval of small cell wireless facilities in Town rights-of-way (“ROW”) by: prioritizing certain small cell facility installations over others (e.g., attachment to metal poles prioritized over standalone proprietary poles); setting forth a process for negotiating proprietary pole locations; and setting forth a process for a mutually-agreeable proprietary pole and small cell wireless facility template design. All small cell facilities must be approved by the Town in accordance with the Town’s Small Cell Wireless Regulations prior to their installation. The Model MLA will grant the subject owner/operator a 24/7 license to use Town ROW install, operate, maintain, and replace Town-approved owner/operator equipment placed in ROW in accordance with the Town’s Small Cell Wireless Regulations. However, before accessing Town ROW to perform work, the owner/operator must obtain necessary permits, pay required fees, and obtain traffic control plan approvals. The Model MLA sets up a process for emergency repairs and requires owners/operators to provide direct emergency contact information. The Model MLA sets forth processes for temporary and permanent relocation of small cell facilities if, for example, the Town needs to perform work on a site or a pole (temporary), or if the Town desires to undertake a public project (temporary or permanent). The Model MLA requires the owner/operator to indemnify, defend and hold the Town, its employees, officers, elected officials, agents and contractors, harmless from and against liability, damages, and costs or expenses arising from the installation, use, maintenance, repair or removal of the owner/operator facilities, any owner/operator activities in the ROW, and the owner/operator’s breach of the MLA.

Council Member Imamura moved to approve Resolution No. 51-20, Series of 2020. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 52-20, Series of 2020

A RESOLUTION SETTING FEES AND CHARGES IN CONNECTION WITH SMALL CELL FACILITIES IN THE RIGHTS-OF-WAY

Mr. Cotton-Baez reported that on April 21, 2020, the Town Council adopted Resolution No. 21-20, Series of 2020, setting fees in connection with small cell facilities in the rights-of-way, which are still in effect:

- An Application Fee in the amount of \$500 for a single up-front application that includes up to five small cell facilities, with an additional \$200 for each small cell facility beyond five, to offset costs incurred by the Town in reviewing applications for installation, collocation, or modification of small cell facilities in the rights-of-way;
- An annual Recurring Charge of \$270 per small cell facility installed in the right-of-way per year, to offset costs incurred by the Town in connection with small cell facilities in right-of-way including owner and operator access to right-of-way and attachment of small cell facilities Town poles.

Pursuant to Resolution No. 21-20, the Town Council reserved the right to raise the adopted fees if the Town were to determine that costs actually incurred exceeded the adopted fees. Now that the Model MLA has been developed, Town staff is proposing a “Small Cell Facilities Master License Agreement fee” to recover the costs of staff and consultant time in negotiating such agreements with owners and operators.

Council Member Barchers moved to approve Resolution No. 52-20, Series of 2020. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 53-20, Series of 2020

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, 2021 AND SUMMARIZING THE REVENUES AND EXPENDITURES FOR EACH FUND.

Ms. McDonnell explained this resolution approves the adoption of the 2021 budget. The 2021 total revenues are \$14,670,816 with a beginning fund balance of \$16,303,924. 2021 total expenditures are \$15,075,069. Total reserves for all funds are \$6,448,089 leaving a fund balance of \$5,269,888 at December 31, 2021.

Council Member Bailey moved to approve Resolution No. 53-20, Series of 2020. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 54-20, Series of 2020

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2020 TO HELP DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT FOR THE TOWN OF DILLON, COLORADO FOR THE 2021 BUDGET YEAR.

Ms. McDonnell explained the mill levy must be certified to the Summit County BOCC prior to December 13, 2020. This resolution approves the property tax mill levy for the 2021 budget year. The assessed valuation for the town increased by 2.70% or \$2,135,820. 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 by 0.327 mills. 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 Barchers moved to approve Resolution No. 54-20, Series of 2020. Council Member Milroy seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 55-20, Series of 2020

A RESOLUTION APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE TOWN OF DILLON, COLORADO FOR THE 2021 BUDGET YEAR.

Ms. McDonnell reported that this resolution appropriates the money for the 2021 expenditures by fund based on the 2021 budget. The total expenditures of \$18,240,797 will be paid from the total estimated fund balance on December 31, 2020 of \$16,303,924 and 2021 revenues of \$13,654,850.

Council Member Bailey moved to approve Resolution No. 55-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 56-20, Series of 2020

A RESOLUTION APPROVING A LEASE AGREEMENT FOR THE DILLON MARINA.

Dillon Marina Director Craig Simson stated that this resolution approves the marina lease with Denver Water through December 31, 2044. The agreement is similar to the last lease agreement with payments to DRReC of 4% of gross revenues. Mr. Simson explained changes to the lease include new rules and regulations for the use and storage of hazardous substances and the inclusion of potential improvements from the June 2020 master plan. The marina has worked with Denver Water staff to understand and ensure compliance with the new hazardous substances regulations. The potential improvements from the master plan are included in this agreement, although each new addition will need to be approved by Denver Water before construction. Staff has worked with Denver Water to extend the lease area down the shore to Point Dillon. At this time, Denver Water has not agreed to the new lease area and staff will need to have the new area surveyed before it can be included. Staff would recommend that we continue to work on the addition of the expanded lease area over the next year and provide an amendment to the lease at that time however, this agreement includes the lease area that was in the original lease agreement.

Council Member Imamura moved to approve Resolution No. 56-20, Series of 2020. Council Member Milroy seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 57-20, Series of 2020

A RESOLUTION BY THE DILLON TOWN COUNCIL TO AUTHORIZE A SERVICES AGREEMENT BETWEEN THE TOWNS OF DILLON, BRECKENRIDGE, FRISCO, AND SILVERTHORNE AND SUMMIT COUNTY, COLORADO AND SQUIRE PATTON BOGGS FOR FEDERAL AND STATE ADVOCACY SERVICES.

Town Manager Nathan Johnson reported that this resolution if approved, allows the Town to enter into the agreement with Summit County Government and the Towns of Breckenridge, Frisco and Silverthorne to hire Squire Patton Boggs to perform federal and state advocacy services for one year. Each entity will pay an equal share of the costs with a retainer of \$8,000 per month. Dillon's share will be \$1,600 per month. This is an increase of \$100 per month or \$1,200 annually from 2020 costs. Manager Johnson stated that each entity will have a vote in determining which projects Squire Patton Boggs will work on.

Council Member Imamura moved to approve Resolution No. 57-20, Series of 2020. Council Member Hendricks seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 58-20, Series of 2020
A RESOLUTION MAKING AN APPOINTMENT TO THE PLANNING AND ZONING COMMISSION.

Mayor Skowyra explained that there are three (3), three-year terms available on the Planning and Zoning Commission resulting from the resignations of Teresa England and Steve Milroy and the passing of Charlie Oliver. These seats may be filled by two Dillon residents and one non-Dillon resident. Six (6) applications were received for these positions which expired January 2020. All six applications were non-residents. Council interviewed five applicants on November 17, 2020 having previously interviewed the sixth applicant on June 16, 2020. Council recommended appointing Michael Parsons as a non-Dillon resident to the Planning and Zoning Commission.

Council Member Hendricks moved to approve Resolution No. 58-20, Series of 2020. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Manager Johnson included a written report and added the following:

- Summit County remains in level red with 1,553 reported COVID cases. Results are down based on an increase in testing facilities. Officials remain hopeful that the County may drop to an orange level soon.
- The Town of Dillon will be hosting a virtual Mayors and Managers meeting where they will discuss COVID restaurant and business relief in an effort to keep restaurants open. This county-wide program is a protection program similar to what was offered in the Spring. Council suggested a restaurant specific program and asked to structure the program by determining the type of business and its hardship and the consideration of the variance to remain open (through Summit County Public Health).
- Dillon Ice Castles survey has been launched.

MAYOR'S UPDATE:

Mayor Skowyra solicited questions and comments from Council for the upcoming Mayors and Managers meeting.

COUNCIL MEMBER COMMITTEE REPORTS AND COMMENTS:

There were no committee reports or comments.

ADJOURNMENT:

There being no further business, Mayor Skowyra declared the meeting adjourned at 8:26 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Human Resources Manager