

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, March 2, 2021

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, March 2, 2021, via teleconferencing. Mayor Carolyn Skowyra called the meeting to order at 7:02 p.m. and the following Council Members answered roll call: Council Members 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; Craig Johnson, Detective; 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

Work Session Agenda Item #9, Council Member Comments and Committee Reports was moved to Regular Meeting Agenda Item #12, Council Member Comments.

APPROVAL OF CONSENT AGENDA

Council Member Bailey moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of February 16, 2021
- b. Approval of Bill List dated February 25, 2021 in the amount of \$155,570.00 and Payroll Ledger dated February 26, 2021 in the amount of \$72,655.67
- c. Consideration of Ordinance No. 04-21, Series of 2021
First Reading to Set the Public Hearing
AN ORDINANCE AMENDING ARTICLES VII AND VIII OF CHAPTER 6 OF THE DILLON MUNICIPAL CODE TO PERMIT MARIJUANA SALES WINDOWS IN CONNECTION WITH LICENSED MARIJUANA STORES, AND TO CORRECT REFERENCES TO STATE LAW APPLICABLE TO MEDICAL AND RETAIL MARIJUANA
- d. Consideration of Ordinance No. 05-21, Series of 2021
First Reading to Set the Public Hearing
AN ORDINANCE ADOPTING BY REFERENCE AN AMENDMENT TO THE SUMMIT COUNTY BUILDING CODE TO EXTEND THE TRAINING PERIOD FOR RESIDENTIAL PROJECT COMPLIANCE WITH THE SUMMIT SUSTAINABLE BUILDING CODE.

Council Member Barchers seconded the motion which passed four to three, with Council Members Barchers, Bailey, Hendricks and Mayor Skowyra in favor and Council Members Imamura, Kaminski and Milroy in opposition.

CITIZEN COMMENTS

Shannon Fender, Director of Native Roots, 815 Little Beaver Trail, Dillon, stated they have been operating a walk-up window for three months, under the Marijuana Enforcement Division’s Emergency Rule, and have not had any problems with it.

The following citizens expressed concern for their community and opposed marijuana sales windows in licensed marijuana stores in Dillon:

- Keith Brown, 84 Shepard Circle, Breckenridge read a letter from Otto Rivera
- Catherine Smith, 312 Hummingbird Circle, Silverthorne
- Milena Quiros, 199 Guyot Lane, Dillon
- Sean Butson, 101 Gold Run Circle, Dillon
- Susannah McManus, 126 Gold Run Cir, Dillon
- Myra McManus, 126 Gold Run Cir, Dillon
- Holly McManus, 126 Gold Run Cir, Dillon
- Lisa Webster, 734 Blue Ridge Rd, Breckenridge
- Esteban Fernandez, 1163 Straight Creek Dr, Dillon Valley
- Keven Stout, 102 Gold Run Cir, Dillon

Mayor Skowyra read letters from the following citizens who expressed concern for their community and opposed marijuana sales windows in licensed marijuana stores in Dillon:

- Anne & Collis Chandler, 136 Gold Run Circle, Dillon
- Trish & Shane Aschan, 149 Gold Run Circle, Dillon
- Gayle Westerberg, 225 Tenderfoot Street, Dillon
- Janet Pasterkamp, 155 Tenderfoot Street, Dillon
- Kelie Gray, 84 Beaver Ct, Dillon Valley
- Nanci Campbell, 233 Tenderfoot Street, Dillon
- Sophia Henry, 417 Frisco St, Frisco
- Vern & Judy Morgan, 308 Tenderfoot Street, Dillon
- Tony Scalise, 512 Tenderfoot Street, Dillon

John & Judy Jordan, 567 Fly Line Drive, Silverthorne & owners of Pug Ryan’s, Dillon, encouraged Council to make it work with the Ice Castles so that the Ice Castles remain in Dillon. Letting them leave Dillon would be a step backwards for the Town.

CONSIDERATION OF ORDINANCE NO. 01-21, SERIES of 2021

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE TO PERMIT MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN THE COMMERCIAL AND MIXED-USE ZONE DISTRICTS AND TO ESTABLISH PARKING SPACE REQUIREMENTS THEREFOR

Mayor Skowyra stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowyra opened the public hearing at 8:01 p.m.

Ned West, Town Planner, explained this ordinance is necessary because of the September 15, 2020 Town Council approval of Ordinance 17-20, Series of 2020 establishing licensing provisions for Marijuana Hospitality and Sales Establishments on the premises of existing retail marijuana store establishments.

Mr. West stated the ordinance amends Article III of Chapter 16 of the Dillon Municipal Code (“Code”) to permit marijuana hospitality and sales establishments within the Commercial (C) and Mixed Use (MU) zone districts in accordance with Chapter 6 of the Code. The ordinance also amends the table set forth in Article VI of Chapter 16 of the Code to set forth parking space requirements for such establishments.

This amendment permits marijuana hospitality and sales establishments within the C and MU zone districts and establishes parking space requirements for such establishments. It also provides the required parking for a retail marijuana store so that the Code is clear in the intended parking requirements for these businesses. Because patrons of a marijuana hospitality and sales establishment will dwell in the location for a similar amount of time as a patron at a restaurant or bar, the marijuana hospitality and sales establishment is required to provide an equivalent amount of parking of one space for every 120 square feet of the licensed premises area. The retail marijuana store has the same required parking as a typical retail establishment, being 1 space for every 400 square feet.

There were no comments from the public.

Council asked if this was parking specifically for the marijuana hospitality sales establishments. Mr. West replied the code clarifies retail parking in the code and establishes marijuana hospitality establishment parking too.

There being no comments from the public, Mayor Skowrya closed the public hearing at 8:08 p.m.

Council Member Barchers moved to approve Ordinance No. 01-21, Series of 2021. Council Member Bailey seconded the motion which passed which passed four to three, with Council Members Barchers, Bailey, Hendricks and Mayor Skowrya in favor and Council Members Imamura, Kaminski and Milroy in opposition.

CONSIDERATION OF ORDINANCE NO. 02-21, SERIES of 2021

Second Reading and Public Hearing

AN ORDINANCE AMENDING TABLES 13.2 AND 13.3 IN ARTICLES II AND III OF CHAPTER 13 OF THE DILLON MUNICIPAL CODE REGARDING MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT WATER AND SEWER USAGE

Mayor Skowrya stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowrya opened the public hearing at 8:16 p.m.

Mr. West explained this ordinance is necessary because of the September 15, 2020 Town Council approval of Ordinance 17-20, Series of 2020 establishing licensing provisions for Marijuana Hospitality and Sales Establishments on the premises of existing retail marijuana store establishments.

This ordinance amends Article II of Chapter 13 of the Dillon Municipal Code (“Code”) regarding marijuana hospitality and sales establishment water and sewer usage.

This amendment provides water and sewer tap fees (EQR’s) for water and sewer usage in marijuana hospitality and sales establishments. Due to the dwell time of patrons of such establishments, it is anticipated that such establishments will lead to additional water and sewer usage.

Mr. West stated Town staff reviewed the existing water and sewer schedule classifications and

determined the impacts on the Town's water and sewer utilities for marijuana hospitality and sales establishments might be most closely correlated with a delicatessen which are assessed 0.5 EQR's in conjunction with other commercial classifications to which they are associated. So, a marijuana hospitality and sales establishments will be assessed 0.5 EQR's in addition to the EQR's assessed for the associated retail marijuana store, with a credit applied for the retail space converted to the hospitality establishment.

There being no comments from the public, Mayor Skowrya closed the public hearing at 8:18 p.m.

Council Member Barchers moved to approve Ordinance No. 02-21, Series of 2021. Council Member Bailey seconded the motion which passed which passed four to three, with Council Members Barchers, Bailey, Hendricks and Mayor Skowrya in favor and Council Members Imamura, Kaminski and Milroy in opposition.

CONSIDERATION OF ORDINANCE NO. 03-21, SERIES OF 2021

Second Reading and Public Hearing

AN ORDINANCE AMENDING CHAPTERS 7 AND 10 OF THE DILLON MUNICIPAL CODE TO REGARDING MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS

Mayor Skowrya stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Skowrya opened the public hearing at 8:27 p.m.

Mr. West explained this ordinance is necessary because of the September 15, 2020 Town Council approval of Ordinance 17-20, Series of 2020 establishing licensing provisions for Marijuana Hospitality and Sales Establishments on the premises of existing retail marijuana store establishments. This ordinance amends Chapters 7 and 10 of the Dillon Municipal Code ("Code") regarding marijuana hospitality and sales establishments.

Mr. West said this amendment reconciles Ordinance No. 17-20, Series of 2020, with the Town's air quality and smoking regulations found in Chapter 7 of the Code by creating an exception to the prohibition of smoking in "public places" for the smoking of marijuana products on the licensed premises of a marijuana hospitality and sales establishment in accordance with applicable law.

The draft ordinance would also clarify that marijuana may be used or consumed on the licensed premises of a marijuana hospitality and sales establishment without giving rise to a violation of Article X of Chapter 10 for open and public use of marijuana.

There being no comments from the public, Mayor Skowrya closed the public hearing at 8:29 p.m.

Council Member Bailey moved to approve Ordinance No. 03-21, Series of 2021. Council Member Barchers seconded the motion which passed which passed four to three, with Council Members Barchers, Bailey, Hendricks and Mayor Skowrya in favor and Council Members Imamura, Kaminski and Milroy in opposition.

CONSIDERATION OF RESOLUTION NO. 10-21, SERIES OF 2021

A RESOLUTION APPROVING A FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND DENVER WATER.

Carri McDonnell, Finance Director, explained this resolution approves a first amendment to the

Intergovernmental Agreement (IG) between the Town and Denver Water for boat inspections at the Dillon Marina. This extension is for two years until December 31, 2022 and increases the total reimbursement from \$60,000 to \$75,000 over two years. The Town is reimbursed for actual costs associated including staff time and any supplies or capital improvements needed to perform the boat inspections for aquatic nuisance species (ANS).

Council Member Imamura moved to approve Resolution No. 10-21, Series of 2021. Council Member Kaminski seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 11-21, SERIES OF 2021

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE DILLON MARINA’S CONSIDERATION AS A YAMAHA AUTHORIZED SERVICE CENTER AND APPROVING CONTRACT DOCUMENTS IN CONNECTION THEREWITH.

Craig Simson, Marina Director, explained that Evinrude, the Marina’s primary motor vendor, is no longer in business. This resolution authorizes the Town of Dillon Marina to submit an application to be a Yamaha Authorized Service Center and approve the contract document.

Council Member Milroy moved to approve Resolution No. 11-21, Series of 2021. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER’S UPDATE

Manager Johnson included a written report and added the following:

- Colorado has vaccinated 70% of its 70+ age population.
- The 5-Star Certified Businesses are eligible to go to Level Blue today, March 2, 2021. Summit County is currently in Level Yellow.
- President Biden announced he anticipates the federal government will have enough vaccines for all adults by May 2021.
- Due to a third vaccine being approved earlier this week, made by Johnson & Johnson, front line employees will be vaccinated earlier and anticipating restaurant employees will be eligible March 21, 2021.
- The Senate begins debating the 1.9 trillion-dollar bill tomorrow, March 3, 2021 and will vote on it on Friday, March 5, 2021.
- The Ice Castles season ends this Saturday, March 6, 2021.
- Town Hall is back at 50% capacity.

Council Member Milroy asked if Council can go back to meeting in person once everyone is vaccinated?

Manager Johnson replied under current public health order, due to capacity issues, we can’t do it. Staff is thinking if we have everyone vaccinated, staff is hoping that it may be possible in the future from a Public Health standpoint. Staff is also thinking of waiting to open Town Hall, until everyone is vaccinated, before introducing staff to the public.

MAYOR’S UPDATE:

Mayor Skowyr reported on the following:

The Mayor discussed council member roles, responsibilities, effectiveness and the importance of acting in the best interest of the Town.

COUNCIL MEMBER COMMENTS:

Council members offered varying responses to the Mayor’s comments.

COUNCIL MEMBER COMMENTS AND COMMITTEE REPORTS:

This item was moved from Work Session Agenda Item #9, Council Member Comments and Committee Reports, to Regular Meeting Agenda Item #12, Council Member Comments. There were no Council Member Committee Reports.

EXECUTIVE SESSION

Mayor Skowrya moved to go into Executive Session at 8:56 p.m. pursuant to Section 3-4(a)(1) of the Town of Dillon Home Rule Charter, and C.R.S. Section 24-6-402(4)(e), for the purposes of determining positions, developing strategy and instructing negotiators relative to matters that may be subject to negotiation, specifically pertaining to a potential license agreement with Ice Castles for future seasonal use of Town Park or other Town property. No action was taken during the executive session. At 9:45 p.m. Council concluded the executive session.

ADJOURNMENT:

There being no further business, Mayor Skowrya declared the meeting adjourned at 9:47 p.m.

Respectfully submitted by:

Adrienne Stuckey, Town Clerk