

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, August 15, 2023
7:00 p.m.

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, August 15, 2023, 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, Dana Christiansen, Kyle Hendricks, Renee Imamura, Tony Scalise, and John Woods. Nathan Johnson, Town Manager; Carri McDonnell, Finance Director; Matt Farley, Finance Manager; Cale Osborn, Police Chief; Scott O'Brien, Public Works Director; Ned West, Sr. Town Planner; Jonathon Blank, Planner I; Dan Burroughs, Town Engineer; Jessie Klehfoth, Events & Recreation Director; and Adrienne Stuckey, Town Clerk were in attendance.

APPROVAL OF AGENDA

There were no changes to the agenda.

APPROVAL OF CONSENT AGENDA

Council Member Scalise moved to approve the following consent agenda:

- Minutes of Regular Meeting of August 1, 2023
- Bill List dated July 27, 2023 in the amount of \$527,162.98 and Bill List dated August 11, 2023 in the amount of \$5,453,876.80 and Payroll Ledger dated August 11, 2023 in the amount of \$205,428.63.

Mayor Pro Tem Bailey seconded the motion which passed unanimously.

CITIZEN COMMENTS

Mike Smith, Dillon Resident, said the Town Council needs to make difficult decisions regarding the Uptown 240 project.

CONSIDERATION OF ORDINANCE NO. 06-23, SERIES OF 2023

First Reading to Set the Public Hearing

AN ORDINANCE AMENDING ARTICLE XII OF CHAPTER 6 OF THE DILLON MUNICIPAL CODE REGARDING NICOTINE AND TOBACCO

Carri McDonnell, Finance Director, stated that the purpose of the first reading of this ordinance is to approve the ordinance as written and set the date for the public hearing to Tuesday, September 5, 2023. After the first reading, the Council shall vote to amend, adopt or reject the ordinance or take such other action as it deems appropriate.

This ordinance amends the definition of tobacco products to include vaping, increases the age to ID from 30 to 50 years and eliminates the use of vending machines.

Council Member Christiansen moved to approve Ordinance No. 06-23, Series of 2023 adding the public hearing date to be held on September 5, 2023. Council Member Imamura seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 36-23, SERIES OF 2023
A RESOLUTION APPROVING A CONDITIONAL EXTENSION OF THE
DEVELOPMENT PERMIT FOR THE UPTOWN 240 PLANNED UNIT DEVELOPMENT.

Nick Cotton-Baez, Town Attorney, explained this resolution would approve a conditional extension of the development permit for the Uptown 240 Planned Unit Development and would not be extended until sold or the owner found financing. The developer reached out to the Town regarding the development permit expiration and stated the expiration has the potential to decrease the property's value. If not extended, the project will take longer to be constructed and a decrease in value will be a decrease in the amount to pay creditors.

The extension of the development permit would allow a developer to go directly to the Summit County Building Department and begin the project. By not extending it, the buyer would have to go through the PUD process and would further delay the project's completion. If the buyer wants to change the existing plans, they would have to come before the Town Council for approval.

Mr. Cotton-Baez stated the sale of the property at the public auction is occurring simultaneously as Uptown 240 is attempting to get refinancing which includes securing a bridge loan and construction loan. Section 1 of the "Conditional Extension" states, "*Upon either (a) the sale of the property, or (b) the confirmation of Developer's Plan of Reorganization and closing on a construction loan, the Development Permit for the Uptown 240 PUD Development Plan will be automatically extended for a period of one (1) year commencing on the closing of either (y) the sale or (z) the construction loan, whichever is applicable ("Extension Term")*". The conditional extension is contingent upon Uptown 240 securing a construction loan.

Mr. Cotton-Baez stated if this resolution does not pass, it would result in a lower valuation of the property and there may not be any bids to purchase this project.

Section 4 of the "Conditional Extension" appoints the Town Manager to serve as the Town representative to consult in the bankruptcy sale process set forth in the Bidding Procedures submitted by Developer to the Bankruptcy Court.

Council then discussed the pros and cons of extending the development permit for the Uptown 240 Planned Unit Development.

Mayor Pro Tem Bailey made a motion to approve Resolution No. 36-23, Series of 2023. Council Member Scalise seconded the motion, which failed five to two with Mayor Skowyra and Council Members Hendricks, Woods, Christiansen and Imamura in opposition.

CONSIDERATION OF RESOLUTION NO. 37-23, SERIES OF 2023
**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH
SUMMIT COUNTY FOR ANIMAL CONTROL AND SHELTER SERVICES**

Cale Osborn, Dillon Police Chief, stated this resolution approves an Intergovernmental Agreement with Summit County for animal control and shelter services, expiring on December 31, 2024 but can be renewed in one-year increments for a five-year period. The rates may go up as much as 5% per year of the renewal term.

The rates are as follows:

- Annual flat rate - \$2205.00
- Emergency on-call service request within or on behalf of the Town - \$125.00 per call
- Emergency medical treatment at time of impoundment - \$525.00 per animal

Council Member Christiansen made a motion to approve Resolution No. 37-23, Series of 2023. Council Member Imamura seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION NO. 34-23, SERIES OF 2023
**A RESOLUTION APPROVING AN AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT CONCERNING THE SUMMIT COUNTY
COMMUNICATIONS CENTER.**

Nathan Johnson, Town Manager, explained this is an amended and restated Intergovernmental Agreement for the Operation, Administration and Financial Support of the Summit County Communications Center between the Towns of Blue River, Breckenridge, Frisco and Silverthorne, Summit County, the Summit County Sheriff's Office, Summit Fire & EMS Fire Protection District and the Red, White and Blue Fire Protection District.

Mayor Pro Tem Bailey made a motion to approve Resolution No. 37-23, Series of 2023. Council Member Scalise seconded the motion, which passed unanimously.

TOWN MANAGER'S UPDATE

Mr. Johnson include a written report and reported on the following items:

- Xcel Energy is soliciting feedback to moving mountain communities toward electrification only.
- On August 28, 2023, there is a Workforce Housing Tour with State Representative Julie McCluskie. Interested parties will be driven by an electric Summit County transportation bus and tour work force housing sites. Mayor Skowyra and Council Member Hendricks volunteered to join the tour.
- The 2023 Housing Needs Assessment is near completion and will present to Summit County on Tuesday, September 5, 2023 from 10-11 a.m. via Zoom. A Zoom invitation will be sent to Council.
- The Regional Transportation authority is looking to create an R.T.A. in Summit County.
- Pretty Lights played at the Dillon Amphitheater on August 10-12, 2023. Beer sales were \$184,000. Pretty Lights live streamed all the concerts and over 100,000 people viewed it. Jessie Klehfoth, Events & Recreation Director, added she will ask Pretty Lights for a copy of the show.

MAYOR'S UPDATE

Mayor Skowyra reported on the following:

- She has been receiving emails from citizens who are opposed to the possibility of Lakefront construction.
- She is looking forward to the Town Park Ribbon Cutting Ceremony and Community Picnic on Saturday, August 19, 2023.

Mike Smith, Dillon resident, thanked Carri McDonnell for all her years of service to the Town of Dillon and we will be missing a perfect person when she retires.

COUNCIL MEMBER COMMENTS

There were no Council Member comments.

EXECUTIVE SESSION

Mayor Skowyra moved to go into Executive Session at 8:04 p.m. pursuant to Sections 3-4(a)(1) and (a)(6) of the Town Charter, and Sections 24-6-402(4)(e)(I) and (4)(f) of the Colorado Revised Statutes, for purposes of: (1) determining positions, developing strategy, and instructing negotiators, relative to the Lease Agreement for food and beverage concessions at the Dillon Marina; and (2) discussion of a personnel matter 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, relative to the Town Manager's annual evaluation. No action was taken during the Executive Session. At 8:46 p.m. Council concluded the Executive Session.

ADJOURNMENT

There being no further business, Mayor Skowyra declared the meeting adjourned at 8:48 p.m.

Respectfully submitted by:

Adrienne Stuckey

Adrienne Stuckey, Town Clerk