

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, March 5, 2024
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, March 5, 2024 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; Mary Kay Perrotti, Finance Director; Police Chief, Cale Osborn; Craig Johnson, Police Sergeant; Scott O'Brien, Public Works Director; Ned West, Sr. Town Planner; Jonathan Blank, Planner; Dan Burroughs, Town Engineer; Jessie Klehfoth, Recreation & Events Director; Craig Simson, Marina Director; Elizabeth Muzi, Administrative and Human Resources Assistant; and Jo-Anne Tyson, Deputy Town Clerk were in attendance.

APPROVAL OF AGENDA

Council determined to remove item 3iii. from the Consent Agenda and place it on the regular meeting agenda.

APPROVAL OF CONSENT AGENDA

Council Member Scalise moved to approve the following consent agenda:

- i. Minutes of Regular Meeting of February 20, 2024
- ii. Approval of Bill List in the amount of \$357,833.86 dated March 1, 2024 and Payroll Ledger in the amount of \$122,835.22 dated February 23, 2024
- iii.

Council Member Christiansen seconded the motion which passed unanimously.

Consideration of Ordinance No. 02-24, Series of 2024

First Reading to Set the Public Hearing

AN ORDINANCE APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR A PUD DEVELOPMENT PLAN FOR 626 & 652 LAKE DILLON DRIVE AND 153 & 223 W. LA BONTE STREET

Council Member Woods made a motion to approve Ordinance No. 02-24, Series of 2024. Mayor Pro Tem Bailey seconded the motion, which passed with a vote of 6-0 and Council Member Christiansen abstaining.

CITIZEN COMMENTS

- Dillon resident Ron Harper commented that lowering the speed limit on Highway 6 is a great solution to help Corinthian Hill residents cross the highway safely.

CONSIDERATION OF RESOLUTION NO. 12-24, SERIES OF 2024
A RESOLUTION APPROVING A POLICY CONCERNING EMPLOYEE CLASSIFICATIONS AND WORK SCHEDULES

Town Manager Nathan Johnson reported that the Town of Dillon’s organization is made up of both “Exempt” and “Non-Exempt” employees. Exempt employees generally include department heads and other administrative positions, whose job responsibilities meet specific criteria as provided under the Fair Labor Standards Act (FLSA). Under the FLSA, Exempt employees are “exempt” from overtime and compensatory time requirements. Exempt employees of the Town of Dillon organization are expected to work 80 hours per 14- day pay period, but may be required to work more or fewer than 80 hours per pay period depending on the respective employee’s workload necessary to completing the employee’s essential job functions during that period; and in either case—more or fewer than 80 hours worked—the employee’s base salary for the pay period remains the same. Under the FLSA, Non-Exempt employees are eligible for overtime pay at one-and-one-half (1.5) times their regular rate of pay for all hours worked in excess of their designated work period, and/or compensatory pay depending on the employer’s applicable personnel policies. Mr. Johnson stated that it was discovered that the Personnel Handbook contains policies that conflate Exempt and Non-Exempt employees, including a policy concerning Exempt employee accrual and use of compensatory time. This policy, if challenged, could result in an adjudicative determination that an employee considered by the Town organization as Exempt is actually Non-Exempt, therefore potentially affording unintended treatment to the employee under the FLSA and Personnel Handbook. Additionally, the Personnel Handbook is silent on the issue of Non-Exempt employees who work fewer than 40 hours in a 7-day work period (in the case of employees who are not sworn police officers), or 80 hours in a 14-day period (in the case of sworn police 2 officers). While Non-Exempt employees are typically scheduled for 40 hours (non-police) or 80 hours (sworn police) in the employee’s respective work period, there are occasions when a Non-Exempt employee might be scheduled for fewer hours or may elect or need to take time off. In those instances, Non-Exempt employees should be paid for only those hours the employee actually worked and should not be mandated to use accrued leave time (e.g., PTO or sick, bereavement, or compensatory time) to supplement their hours to 40 or 80 in the 7- or 14- day pay period. Non-Exempt employees have the option (as opposed to a mandate) to substitute accrued leave time of the appropriate amount and type, or make up work hours in the same pay period if feasible, both of which options would be subject to supervisor approval. Exempt employees shall not be required to use leave time (PTO, sick, or other) to supplement any pay period in which the subject employee worked fewer than 80 hours. Exempt employees are paid their full salaries even if they work fewer than 80 hours in a 14-day pay period. Town of Dillon employees, Exempt or Non-Exempt, are expected to complete work assigned to them and/or necessary to complete the essential functions of their jobs in a timely manner, and failure of an employee to do so may result in disciplinary action up to and including termination.

Mayor Pro Tem Bailey made a motion to approve Resolution No. 12-24, Series of 2024. Council Member Scalise seconded the motion, which passed unanimously.

REVIEW FUTURE COUNCIL AGENDAS

Manager Johnson stated he expects a substantial turnout for the March 19, 2024 Regular Town Council meeting. He recommended cancelling the work session for this date.

TOWN MANAGER'S UPDATE

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

- Uptown 240 closed on February 26, 2024. The owners are proposing building what was previously approved for the site.
- The Combined Housing Authority will be selecting a new director next week.
- There were 16 firms represented at the Crows Nest site visit.
- New pontoons are arriving at the Marina in preparation of the upcoming season.
- We are recruiting for Recreation Manager Terese Berger's and Administrative Assistant Elizabeth Muzi's positions. Both employees will be greatly missed.

MAYOR'S UPDATE

Mayor Skowyra reported that the Board of County Commissioners have extended an invitation to visit the County Road 51 project on March 19, time TBD. She stated it would be in the town's interest to participate.

COUNCIL MEMBER COMMENTS

There were no Council Member comments.

ADJOURNMENT

There being no further business, Mayor Skowyra declared the meeting adjourned at 7:15 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Deputy Town Clerk