

**TOWN OF DILLON
TOWN COUNCIL**

REGULAR MEETING

**Town Hall Council Chambers
7:00 p.m.
Tuesday, May 17, 2016**



AGENDA

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Consent Agenda
 - a. Minutes of Regular Meeting of May 3, 2016
 - b. Approval of Bill List and Payroll Ledger
 - c. Consideration of Approval to Use Town-Owned Property – Town of Dillon
 - d. Notification to Council of Planning and Zoning Commission approval of a Level III Development Application for a Conditional Use Permit for an Accessory Dwelling Unit at 11 Corinthian Circle, Lot 1a, Block 1, Corinthian Hill Subdivision, Dillon, Colorado, by Resolution No. PZ 03-16, Series of 2016, and Council motion not to call up the decision and to let the Planning and Zoning Commission decision become final.
4. Consideration of Ordinance No. 07-16, Series of 2016
Second Reading and Public Hearing

AN ORDINANCE AUTHORIZING AND DIRECTING THE TOWN OF DILLON, COLORADO TO ENTER INTO AND SIGN A SIXTH AMENDMENT TO THE LEASE AGREEMENT WITH BULLWINKLES GRILL COMPANY, INC. FOR THE LEASE OF A PORTION OF THE PROPERTY AT THE DILLON MARINA; EXTENDING THE LEASE AGREEMENT FOR THE FIRST FIVE YEAR OPTION TERM TO OCTOBER 31, 2021; AND, SETTING FORTH DETAILS IN RELATION THERETO.
5. Town Manager's Update
6. Mayor's Update
7. Adjournment

Town of Dillon
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**TOWN OF DILLON
TOWN COUNCIL
REGULAR MEETING**

Tuesday, May 3, 2016

7:00 p.m.

Dillon Town Hall

CALL TO ORDER & ROLL CALL

A regular meeting of the Town Council of the Town of Dillon, Colorado, was held on Tuesday, May 3, 2016, at the Dillon Town Hall. Mayor Burns called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Brad Bailey, Jen Barchers, Kyle Hendricks, Mark Nickel, Carolyn Skowyra and Tim Westerberg. Staff members present were: Tom Breslin, Town Manager; Dan Burroughs, Town Engineer; Carri McDonnell, Finance Director; Mark Heminghaus, Police Chief; Scott O'Brien, Public Works Director; and Jo-Anne Tyson, Town Clerk.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Council Member Westerberg moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of April 19, 2016
- b. Approval of Bill List dated April 29, 2016 in the amount of \$89,213.79 and Payroll Ledger dated April 29, 2016 in the amount of \$60,269.32.
- c. Excused Absence for Council Member Westerberg for April 19, 2016 Town Council Meeting

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

CITIZEN COMMENTS

Representatives from the Flight For Life Memorial Park Committee presented Council with an update on the county's memorial park honoring Patrick Mahany and all first responders. This memorial park will be located at the Flight for Life helicopter crash site by St. Anthony's Hospital in Frisco. The committee stated that they have received roughly 1/3 of the total funding they are seeking to complete the project.

CONSIDERATION OF ORDINANCE 06-16. SERIES OF 2016

Second Reading and Public Hearing

AN ORDINANCE OF THE TOWN OF DILLON, COLORADO, AUTHORIZING THE TOWN TO ENTER INTO AN OPTION TO PURCHASE AGREEMENT WITH DILLON GATEWAY DIAMOND IN THE RUFF, LLC GRANTING DILLON GATEWAY DIAMOND IN THE RUFF, LLC THE OPTION TO PURCHASE CERTAIN TOWN REAL PROPERTY; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID OPTION; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Manager Tom Breslin stated that this is the second reading and public hearing of this Ordinance. The Town wishes to enter into an Option to Purchase Agreement with Dillon Gateway Diamond in the Ruff, LLC (“DGDR”) wherein the Town grants to DGDR an option to purchase certain real property owned by the Town described as Lots 1A and 1C, Block B, New Town of Dillon Subdivision, Town of Dillon, County of Summit, State of Colorado for the amount of \$549,000.00, granting the option to purchase the Property for a period of one (1) year for a consideration of \$500.00. He further stated that the purpose of this option agreement is to bundle the Town owned property with two privately held parcels to encourage a large development project at the Southwest Corner of Lake Dillon Drive and US Highway 6, which is the main entrance to Town.

Mr. Breslin stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Mayor Burns opened the public hearing at 7:24 p.m. There being no public comment, Mayor Burns closed the public hearing at 7:25 p.m.

Council Member Bailey moved to approve Ordinance No. 06-16, Series of 2016. Council Member Westerberg seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 07-16, SERIES OF 2016

First Reading

AN ORDINANCE AUTHORIZING AND DIRECTING THE TOWN OF DILLON, COLORADO TO ENTER INTO AND SIGN A SIXTH AMENDMENT TO THE LEASE AGREEMENT WITH BULLWINKLES GRILL COMPANY, INC. FOR THE LEASE OF A PORTION OF THE PROPERTY AT THE DILLON MARINA; EXTENDING THE LEASE AGREEMENT FOR THE FIRST FIVE YEAR OPTION TERM TO OCTOBER 31, 2021; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Breslin reported that this Ordinance is the 6th amendment to the existing lease agreement between the Town of Dillon and “Bullwinkle’s Grill Company, Inc.”, DBA Tiki Bar (Concessionaire), to extend the term of the lease agreement for a five year period ending October 31, 2021 in conformance with the Concessionaire’s right to exercise its first option to renew. The lease agreement still requires a rent of 10% of monthly gross revenues during the term of the first option.

Council Member Westerberg moved to approve Ordinance No. 07-16, Series of 2016. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER REPORT:

Town Manager Tom Breslin did not have any additional items to review with Council as he gave an update earlier during the Work Session.

MAYOR’S REPORT:

Mayor Burns reported that the County will be hosting a retreat for new Council Members on workforce housing needs in the near future. Details will be forthcoming.

EXECUTIVE SESSION:

Mayor Burnes moved to go into Executive Session for the purpose of conducting a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically to discuss economic

development issues within the Town. Council Member Westerberg seconded the motion which passed unanimously. 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 Burns declared the meeting adjourned at 8:47 p.m.

Respectfully submitted by:



Jo-Anne Tyson, CMC/MMC, Town Clerk

DRAFT

Report Criteria:

Detail report.

Invoice detail records above \$ included.

Paid and unpaid invoices included.

Invoice Detail.GL Account = 10100100-91990000

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3069	Stuart C Irby Co	9448605.001	alumc dms50-80w48led;4k-r-le3f-	04/23/2016	39,296.50	39,296.50	05/10/2016
441	DRREC COORDINATOR	050116	Marina Lease	05/01/2016	24,542.56	24,542.56	05/10/2016
3368	Cesare Inc	16.5013.1	dillon amphitheater	04/29/2016	12,000.00	.00	
3041	SINK COMBS DETHLEFS	1514.01-5	professional services through Feb	03/09/2016	9,605.71	9,605.71	05/06/2016
3128	Ceres Plus LLC	1332	Dillon Town Park Phase 1 design	05/03/2016	9,480.52	.00	
237	TOWN OF SILVERTHORNE	361	monthly rate, per ticket	04/01/2016	4,487.97	.00	
3041	SINK COMBS DETHLEFS	001514.01-7	Amphitheatre Concept Master Pla	04/30/2016	3,790.02	3,790.02	05/12/2016
1259	Triangle Electric Inc	24399	Dillon Marina Lift Station	04/27/2016	3,600.00	.00	
716	COLORADO MOUNTAIN NEWS	100308804301	seasonal crew, committee vacanci	04/30/2016	3,595.50	.00	
3469	Lake Dillon Theatre Company	050316	cooler purchase 50% share	05/03/2016	3,000.00	3,000.00	05/04/2016
3503	Summit Water Quality Committee	032216	2016 SWQC dues	03/22/2016	2,931.79	.00	
3503	Summit Water Quality Committee	032216	2016 SWQC dues	03/22/2016	2,931.78	.00	
3622	Orozco Concrete Inc	16009-1	4"concrete pad	05/11/2016	2,918.10	.00	
174	MARK R SHAPIRO PC	043016	April 2016 billing	04/30/2016	2,803.50	.00	
2791	XCEL ENERGY 1140601	312400203-61	300030506	05/02/2016	2,634.15	2,634.15	05/13/2016
240	SNOWBRIDGE INC	D 122 16	stop SSO from manhole in easem	04/22/2016	2,114.00	.00	
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	2,077.21	.00	
3128	Ceres Plus LLC	1333	landscape architectural services	05/04/2016	1,981.25	.00	
51	COLORADO ASSOC OF SKI TO	799	CAST annual membership dues 2	03/01/2016	1,733.00	1,733.00	05/06/2016
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	1,597.86	.00	
1897	Mountain Striping Co.	16-09	upper/lower Anenome	04/28/2016	1,463.20	.00	
93	THYSSENKRUPP ELEVATOR	3002511113	service 5/1-7/01/16	05/01/2016	1,420.02	.00	
3886	MUNICODE	269969	reprinted supplement pages, bind	05/05/2016	1,215.53	.00	
2674	Browns Hill Engineering	11267	vmSCADA Lease agreement Jun	04/28/2016	1,172.50	.00	
2674	Browns Hill Engineering	11267	vmSCADA Lease agreement Jun	04/28/2016	1,172.50	.00	
2800	ACORN PETROLEUM INC	771185	fue	04/26/2016	1,026.05	.00	
444	Century Link	970468047108	970 468 0471 088	05/01/2016	901.36	.00	
123	GRAINGER INC	9096481073	drench shower w eyewash	04/28/2016	881.64	.00	
2791	XCEL ENERGY 1140601	619356115-31	300069706	05/02/2016	860.25	860.25	05/13/2016
2791	XCEL ENERGY 1140601	619355627-31	300073131	05/02/2016	823.07	823.07	05/13/2016
526	HAMPTON INN	042716	confirmation # 81636227 3 rms fo	04/27/2016	801.00	.00	
2790	XCEL ENERGY 1012864	619324488	street lights	05/02/2016	663.99	663.99	05/13/2016
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	639.14	.00	
2791	XCEL ENERGY 1140601	619357677	304127097	05/02/2016	637.33	637.33	05/13/2016
2765	The Key People Co.	40516169	may cleaning	05/02/2016	625.00	.00	
674	COLORADO DEPT OF PUBLIC H	FER1600256	Cust # VC00000000125187- Ref	04/28/2016	600.00	600.00	05/04/2016
2970	Adamson Police Products	211456	976/usa9mm-co	05/06/2016	570.00	.00	
614	CASELLE INC	72802	support & maintenance 6/30/16	05/01/2016	498.00	.00	
204	PEAK PERFORMANCE COPIER	042916	meter billing	04/29/2016	497.81	.00	
314	XCEL ENERGY	618001561-61	300125053-300146509	04/21/2016	492.38	492.38	05/13/2016
2078	COLORADO ACTIVITY CENTER	21235	explore COlorado distribution Jun	05/01/2016	400.00	.00	
1425	ALOE UP	193094	marina store inventory	04/25/2016	388.80	.00	
3512	Rocky Mnt Instrumental	48930	RML# 16-40394A case # 16-1909	05/06/2016	380.00	.00	
3512	Rocky Mnt Instrumental	48931	RML# 16-40394-A	05/06/2016	380.00	.00	
174	MARK R SHAPIRO PC	043016	April 2016 billing	04/30/2016	370.00	.00	
3181	Colorado Analytical Lab, Inc.	160413029	TTHMS, HAA5, TOC, Total Colfor	04/27/2016	365.10	.00	
1232	TIMBERLINE DISPOSAL LLC	63883	Month service	05/01/2016	359.00	.00	
1232	TIMBERLINE DISPOSAL LLC	63883	Month service	05/01/2016	359.00	.00	
1302	Lake Dillon Fire Protection	050316	permit/inspection for Lake Dillon B	05/03/2016	350.00	350.00	05/04/2016
3901	Julia Schmidt	050616	headstone deposit reimbursement	05/06/2016	350.00	.00	
3506	ASCAP	051216	acct # 500739616 license fee	05/12/2016	336.00	336.00	05/13/2016
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	319.57	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	319.57	.00	
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	319.57	.00	
3198	OCS	18287	leak test, gauge calibration Colora	04/25/2016	295.00	.00	
3604	U-Trau, Inc	244218	blair tank royal	04/26/2016	293.16	.00	
3357	Lowes	11784	2 cu ft premium brown mul	04/28/2016	285.00	.00	
174	MARK R SHAPIRO PC	043016	April 2016 billing	04/30/2016	240.50	.00	
101	ROBERT EVANS	043016	parts to repair gator	04/30/2016	227.63	227.63	05/04/2016
174	MARK R SHAPIRO PC	043016	April 2016 billing	04/30/2016	222.00	.00	
237	TOWN OF SILVERTHORNE	909669	corporate membership	05/09/2016	220.00	.00	
716	COLORADO MOUNTAIN NEWS	466331840430	backyard 2016	04/30/2016	220.00	.00	
1250	SUMMIT NET TREKKER	3775	misc problems	04/27/2016	218.75	.00	
716	COLORADO MOUNTAIN NEWS	100308804301	seasonal crew, committee vacanci	04/30/2016	211.28	.00	
39	CARQUEST AUTO PARTS	507259	brake rotor, brake pad	04/21/2016	210.13	.00	
2874	AFLAC WORLDWIDE HEADQUA	967858	A3W23	05/15/2016	208.44	.00	
367	TRANSWEST TRUCKS	9261240039	lateral cntl rod cab	05/03/2016	207.04	.00	
39	CARQUEST AUTO PARTS	506111	oem wire terminal, eld beacon, se	04/11/2016	206.10	.00	
3888	Nell Nauroth	042716	per diem Mental Body Armor	04/27/2016	191.25	.00	
3898	Chris Scherr	042716	per diem mental body armor	04/27/2016	191.25	.00	
3899	Clayton Denney	042716	per diem mental body armor	04/27/2016	191.25	.00	
2970	Adamson Police Products	211456	976/usa9mm-co	05/06/2016	190.00	.00	
2791	XCEL ENERGY 1140601	619353924	300126490	05/02/2016	188.10	188.10	05/13/2016
3850	JoAnne Tyson	050616	MSEC Human Resorces Class -	05/06/2016	171.66	.00	
1946	CHARLES NYGREN	050916	OVERPAYMENT OF WATER BIL	05/09/2016	171.43	.00	
641	The LIGHTHOUSE	251215	LED lighthouse	05/04/2016	161.81	.00	
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	159.79	.00	
1250	SUMMIT NET TREKKER	3755	management	05/01/2016	159.79	.00	
2793	XCEL ENERGY 1141131	618550897-61	300018443-300049050	04/26/2016	159.31	159.31	05/06/2016
204	PEAK PERFORMANCE COPIER	042916	meter billing	04/29/2016	154.98	.00	
136	HONNEN EQUIPMENT CO	747256	BUMPER	04/29/2016	152.32	.00	
102	FARIS MACHINERY COMPANY	15061	el 41 patwwp2	04/20/2016	142.00	.00	
2728	Techstyles Sportswear	198804	con quatro youth	04/29/2016	140.83	.00	
10	AMICH & JENKS INC	77442	4/27/16 Ryan Rice	05/02/2016	125.00	.00	
3357	Lowes	2222679	1 1cu ft ctp mud	04/13/2016	122.55	.00	
283	G & K SERVICES	1008824401-1	mats	04/30/2016	120.86	.00	
789	SUMMIT FORD	118405	brakes	05/05/2016	114.88	.00	
2791	XCEL ENERGY 1140601	619356283-31	300132330	05/02/2016	113.36	113.36	05/13/2016
3409	Texas Child Support SDU	051316	00105116162005ag5778	05/13/2016	110.77	110.77	05/13/2016
2791	XCEL ENERGY 1140601	619356373	300188926	05/02/2016	109.68	109.68	05/13/2016
3357	Lowes	1360	scott wiaa spreader	04/29/2016	107.21	.00	
1250	SUMMIT NET TREKKER	3775	misc problems	04/27/2016	105.00	.00	
2791	XCEL ENERGY 1140601	619355399	304047878	05/02/2016	101.47	101.47	05/13/2016
1579	LEXISNEXIS	1516096-2016	monthly subscription fee	04/30/2016	100.00	.00	
810	SUMMIT COUNTY WASTE FACI	1326 B	toose tonnage	04/25/2016	97.38	.00	
39	CARQUEST AUTO PARTS	507631	barrery	04/25/2016	95.80	.00	
2791	XCEL ENERGY 1140601	619356933	302111909	05/02/2016	95.64	95.64	05/13/2016
3181	Colorado Analytical Lab, Inc.	160504055	total coliform	05/06/2016	95.10	.00	
174	MARK R SHAPIRO PC	043016	April 2016 billing	04/30/2016	92.50	.00	
444	Century Link	970468385650	970 468 3856 508	04/22/2016	91.11	.00	
614	CASELLE INC	72802	support & maintenance 6/30/16	05/01/2016	88.00	.00	
614	CASELLE INC	72802	support & maintenance 6/30/16	05/01/2016	88.00	.00	
39	CARQUEST AUTO PARTS	507389	battery	04/22/2016	87.76	.00	
2791	XCEL ENERGY 1140601	619355061	300140026	05/02/2016	86.91	86.91	05/13/2016
2791	XCEL ENERGY 1140601	619355375-31	300029692	05/02/2016	84.71	84.71	05/13/2016
3357	Lowes	2065	50lb asphalt	04/09/2016	83.02	.00	
39	CARQUEST AUTO PARTS	506233	xl raven pwdr free, oil, sealer, prm	04/12/2016	77.37	.00	
3357	Lowes	2079	asphalt	04/09/2016	76.86	.00	
2791	XCEL ENERGY 1140601	619355400	300044142	05/02/2016	76.60	76.60	05/13/2016
3902	Sally Baker	051016	overpayment of headstone deposi	05/10/2016	75.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
45	KING SOOPERS CUSTOMER C	042316	KS2323 meeting expenses	04/23/2016	73.38	.00	
3357	Lowes	5357	loc 9 oz power grab	04/05/2016	71.56	.00	
283	G & K SERVICES	1008820313	jean,shirts,towels	04/04/2016	69.97	.00	
283	G & K SERVICES	1008824403	jean,shirts,towels	04/11/2016	69.97	.00	
283	G & K SERVICES	1008828492	jean,shirts,towels	04/18/2016	69.97	.00	
283	G & K SERVICES	1008832600	jean,shirts,towels	04/25/2016	69.97	.00	
2791	XCEL ENERGY 1140601	619355023	300060414	05/02/2016	68.98	68.98	05/13/2016
2791	XCEL ENERGY 1140601	619355079	300044141	05/02/2016	67.01	67.01	05/13/2016
3357	Lowes	1883	asphalt	04/22/2016	66.40	.00	
3032	Fastenal	26482	175 whdbilbed28mh	04/19/2016	66.11	.00	
142	INDUSTRIAL HEALTH SERVICE	107736	2016 annual fee adjustment, DOP	04/30/2016	65.75	.00	
39	CARQUEST AUTO PARTS	508079	pdp pmd1611ah	04/28/2016	64.59	.00	
123	GRAINGER INC	9098349179	resuscitator universal, foldabaale	04/29/2016	64.47	.00	
123	GRAINGER INC	9096481081	dry erase board	04/28/2016	64.35	.00	
3357	Lowes	2486	50 lb asphalt	04/19/2016	62.60	.00	
45	KING SOOPERS CUSTOMER C	042316	KS2323 meeting expenses	04/23/2016	59.49	.00	
2791	XCEL ENERGY 1140601	619356276	300188661	05/02/2016	59.46	59.46	05/13/2016
3357	Lowes	23342	rep lens	04/04/2016	56.88	.00	
493	HAYN ENTERPRISES	101460	marine hardware	04/26/2016	56.56	.00	
3357	Lowes	23094	tru tough steel tine leaf, turf bulde	04/25/2016	56.31	.00	
3641	Colorado Document Security	238994	document destruction	04/28/2016	55.00	.00	
3357	Lowes	23652	weller pro seriew solder, leader, to	04/21/2016	54.98	.00	
3357	Lowes	1786	asphalt	04/21/2016	53.12	.00	
444	Century Link	970468771008	970 468 7710 089	04/28/2016	53.08	.00	
2927	Lyons Gaddis	043016	Statement 224	04/30/2016	53.00	.00	
3357	Lowes	1108	50 lb permt asphalt	04/08/2016	52.68	.00	
716	COLORADO MOUNTAIN NEWS	100309504301	ordinance	04/30/2016	52.62	.00	
2791	XCEL ENERGY 1140601	619355351	300145637	05/02/2016	50.98	50.98	05/13/2016
444	Century Link	970468111039	970 468 1110 394	04/28/2016	50.09	.00	
444	Century Link	970468681537	970 468 6815 372	04/28/2016	47.98	.00	
39	CARQUEST AUTO PARTS	505503	lube, fuel, silicone lube	04/06/2016	46.52	.00	
3357	Lowes	7711	lysol, paint	04/23/2016	44.54	.00	
3357	Lowes	6915	polys prsm	04/04/2016	43.70	.00	
168	EVERIST MATERIALS LLC	232288	Dump fees	04/22/2016	40.00	.00	
3357	Lowes	23531	loclite spray, paint & rust stainless	04/30/2016	36.06	.00	
810	SUMMIT COUNTY WASTE FACI	02-366164	loose tonnage	04/28/2016	35.44	.00	
45	KING SOOPERS CUSTOMER C	042316	KS2323 meeting expenses	04/23/2016	35.39	.00	
55	CO DEPT OF LABOR & EMPLOY	71799	REGISTRATION FEE 2016	04/29/2016	35.00	.00	
3498	CCOM in Summit CHC LLC	84968	D/S collection only	05/02/2016	35.00	.00	
3357	Lowes	6005	misc supplies	04/28/2016	34.77	.00	
2791	XCEL ENERGY 1140601	619356382	300060483	05/02/2016	34.71	34.71	05/13/2016
3357	Lowes	2741	15/32 cat ac fir exterior	04/27/2016	31.59	.00	
204	PEAK PERFORMANCE COPIER	47675	remote newwork service 5/11/16 s	05/11/2016	30.00	.00	
123	GRAINGER INC	9096924908	marker holder	04/28/2016	29.68	.00	
3020	McAfee	950533616	email protection	05/01/2016	27.50	.00	
3020	McAfee	950533616	email protection	05/01/2016	27.50	.00	
2791	XCEL ENERGY 1140601	619353714-31	300124516	05/02/2016	26.89	26.89	05/13/2016
3357	Lowes	10348	chemical spl/impacct, led flashlight	04/22/2016	25.59	.00	
3357	Lowes	10348	chemical spl/impacct, led flashlight	04/22/2016	24.61	.00	
2791	XCEL ENERGY 1140601	619355842	300085865	05/02/2016	23.28	23.28	05/13/2016
39	CARQUEST AUTO PARTS	507007	oil filter, car wash concentrate	04/19/2016	22.99	.00	
283	G & K SERVICES	1008820313	jean,shirts,towels	04/04/2016	22.75	.00	
283	G & K SERVICES	1008824403	jean,shirts,towels	04/11/2016	22.75	.00	
283	G & K SERVICES	1008828492	jean,shirts,towels	04/18/2016	22.75	.00	
283	G & K SERVICES	1008832600	jean,shirts,towels	04/25/2016	22.75	.00	
3020	McAfee	950533616	email protection	05/01/2016	22.00	.00	
3357	Lowes	5214	rcp lobby corn broom	04/14/2016	20.85	.00	
3426	Colorado Dept. of Transportation	PERMIT 11652	necessary goods & services	04/22/2016	20.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3357	Lowe's	6835	diens prsm pnl	04/26/2016	18.54	.00	
3357	Lowe's	7079	1/4 inch spring nut	04/26/2016	18.46	.00	
2791	XCEL ENERGY 1140601	619354590	300155553	05/02/2016	17.56	17.56	05/13/2016
3357	Lowe's	7711	lysol all purpose paint, mud mix	04/23/2016	17.04	.00	
3357	Lowe's	2554	corona 6 in swivel grass	04/12/2016	16.13	.00	
2791	XCEL ENERGY 1140601	619354792	300133857	05/02/2016	15.74	15.74	05/13/2016
104	FEDEX	5-399-32508	shipping	04/28/2016	15.21	.00	
3357	Lowe's	10348	chemical spl/impacct, led flashlight	04/22/2016	14.54	.00	
123	GRAINGER INC	9078895183	stemball swage cable	04/11/2016	14.32	.00	
39	CARQUEST AUTO PARTS	506786	diesel exhaust fluid	04/17/2016	13.79	.00	
39	CARQUEST AUTO PARTS	507007	oil filter, car wash concentrate	04/19/2016	13.20	.00	
2793	XCEL ENERGY 1141131	618550897-61	300018443-300049050	04/26/2016	12.66	12.66	05/06/2016
2791	XCEL ENERGY 1140601	619356956	300062984	05/02/2016	11.99	11.99	05/13/2016
3357	Lowe's	8562	lck nut, hyex nut, sponge	04/25/2016	11.31	.00	
45	KING SOOPERS CUSTOMER C	042316	KS2323 meeting expenses	04/23/2016	10.97	.00	
3511	Catamaran Insurance of Ohio Inc	042216	acct 257668 P00	04/22/2016	10.00	.00	
104	FEDEX	5-399-32508	shipping	04/28/2016	9.74	.00	
3357	Lowe's	6972	rep lens	04/04/2016	9.46	.00	
104	FEDEX	5-399-32508	shipping	04/28/2016	8.92	.00	
283	G & K SERVICES	1008820313	jean,shirts,towels	04/04/2016	8.22	.00	
283	G & K SERVICES	1008824403	jean,shirts,towels	04/11/2016	8.22	.00	
283	G & K SERVICES	1008828492	jean,shirts,towels	04/18/2016	8.22	.00	
283	G & K SERVICES	1008832600	jean,shirts,towels	04/25/2016	8.22	.00	
39	CARQUEST AUTO PARTS	507724	paint marker blk, paintmrker slvr	04/25/2016	8.16	.00	
3357	Lowe's	23531	loctite spray, paint & rust stainless	04/30/2016	7.58	.00	
3357	Lowe's	5848	fruit fly trap	04/26/2016	6.62	.00	
263	UNCC	21604267	RTL transmission	04/30/2016	5.72	.00	
39	CARQUEST AUTO PARTS	506659	gas cap	04/15/2016	5.58	.00	
3020	McAfee	950533616	email protection	05/01/2016	5.50	.00	
3357	Lowe's	8562	lck nut, hyex nut, sponge	04/25/2016	4.73	.00	
39	CARQUEST AUTO PARTS	505503	lube, fuel, silicone lube	04/06/2016	4.59	.00	
39	CARQUEST AUTO PARTS	505669	lube	04/07/2016	4.46	.00	
3020	McAfee	950533616	email protection	05/01/2016	4.13	.00	
3020	McAfee	950533616	email protection	05/01/2016	4.12	.00	
45	KING SOOPERS CUSTOMER C	042316	KS2323 meeting expenses	04/23/2016	3.99	.00	
3020	McAfee	950533616	email protection	05/01/2016	2.75	.00	
3020	McAfee	950533616	email protection	05/01/2016	2.75	.00	
3020	McAfee	950533616	email protection	05/01/2016	2.75	.00	
39	CARQUEST AUTO PARTS	505503 A	credit	04/06/2016	2.00	.00	
3357	Lowe's	12576	return inv 6915	04/04/2016	43.70	.00	
601	ESRI	93127643	arcGIS 2	04/28/2016	80.25	.00	
39	CARQUEST AUTO PARTS	507834	brake rotor, brake pad	04/26/2016	99.84	.00	
Grand Totals:					170,304.16	91,108.40	

.....Approved _____ Dated ___/___/___

TOWN OF DILLON
PAYROLL LEDGER
5/13/2016

Payroll 05/13/16

Administration	\$	20,369.56
Council	\$	3,100.00
Planning/Engineering	\$	6,359.24
Police	\$	24,123.20
Public Works	\$	9,789.41
Buildings/Parks	\$	12,915.29
Street Improvement	\$	45.24
Water	\$	8,194.02
Sewer	\$	2,319.60
Marina	\$	<u>17,515.63</u>

Total Gross Payroll \$ 104,731.19

Less: Payroll Taxes \$ (19,684.64)

Less: Misc. Deductions \$ (15,575.36)

Net Payroll \$ 69,471.19

**LOCAL LICENSING AUTHORITY ACTION ITEM
STAFF SUMMARY
May 17, 2016 Town Council Meeting**

Date: May 10, 2016

AGENDA ITEM NUMBER: 3.c

ACTION TO BE CONSIDERED: Consideration of Approval to Use Marina Property – Dillon Yacht Club of Colorado

SUMMARY: The Dillon Yacht Club of Colorado has applied for four (4) Special Event Permits to sell and serve alcoholic beverages during the following dates and times:

June 11	10:00 a.m. – 11:59 p.m.
June 18	10:00 a.m. – 11:59 p.m.
July 9	10:00 a.m. – 11:59 p.m.
July 23	10:00 a.m. – 11:59 p.m.

This request from the Dillon Yacht Club of Colorado is only for permission to use Marina property and permits alcoholic beverages to be served and sold. Since the Dillon Marina property is leased from Denver Water, permission will have to be granted from Denver Water for these events.

BUDGET IMPACT: \$400.00, per the town's Special Event Fee of \$100/event

STAFF RECOMMENDATION/ACTION REQUESTED: Staff recommends approval for the Dillon Yacht Club of Colorado to use Marina property to sell and serve alcoholic beverages for the four (4) above-listed dates and times.

MOTION, SECOND AND ROLL CALL VOTE FOR APPROVAL

This action requires the affirmative vote of a majority of the members present.

DEPARTMENT HEAD RESPONSIBLE: Jo-Anne Tyson, Town Clerk

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
May 17, 2016 TOWN COUNCIL MEETING**

DATE: May 9, 2016

AGENDA ITEM NUMBER: 3.d.1

CONSENT AGENDA ITEM TO BE CONSIDERED:

Notification to Council of Planning and Zoning Commission approval of a Level III Development Application for a Conditional Use Permit for an Accessory Dwelling Unit at 11 Corinthian Circle, Lot 1a, Block 1, Corinthian Hill Subdivision, Dillon, Colorado, by Resolution No. PZ 03-16, Series of 2016, and Council motion not to call up the decision and to let the Planning and Zoning Commission decision become final.

SUMMARY:

On Wednesday, May 11, 2016, at a rescheduled regular meeting of the Town of Dillon Planning and Zoning Commission, the Commission approved a Level III Development Application for a Conditional Use Permit for an Accessory Dwelling Unit at 11 Corinthian Circle. The application was reviewed and found to meet the criteria set forth in the relevant sections of the Dillon Municipal Code of the Town of Dillon.

The application was unanimously approved by the Planning and Zoning Commission with the following conditions:

1. The applicant shall re-vegetate all disturbed areas by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.
2. The applicant shall pay the required water and sewer tap fees.
3. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.
4. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Dwelling Unit.
5. The applicant shall provide an Improvement Location Certification plat indicating the as-built location of the foundation, and providing a building height certification meeting the building setback requirements and maximum building height limit.
6. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water

Department. It is the owner's responsibility to maintain the curbside valve in an operational condition.

For additional information, the Planning and Zoning Commission Packet for Resolution PZ 03-16, Series of 2016, is attached hereto.

CALL-UP PROCESS:

Per Dillon Municipal Code Sec. 16-2-220, Town Council may, by an affirmative vote of the majority of the members present, call up any decision of the Planning and Zoning Commission for its own review under Section 16-2-230. *Otherwise, all Planning and Zoning Commission decisions on Level III applications shall stand as presented.*

The Call Up process is detailed in the Town of Dillon Municipal code as follows:

Sec. 16-2-230. Call up process.

If a Planning and Zoning Commission decision on any Level III application is called up by the Town Council, the Town Council shall then act on the application as follows:

- (1) The Level III application shall be heard by the Town Council within sixty (60) calendar days following the vote to call up the application.
- (2) All hearings conducted under this Section shall be conducted as de novo hearings.
- (3) The Town Council shall have the right to approve an application as proposed, approve it with conditions, deny it or continue the hearing. All decisions shall be based on the criteria established under the relevant sections of this Code. The Town Council's review shall be conducted at a public hearing, at either a regularly scheduled meeting or special meeting, noticed as provided in Subsection 16-2-110(e) above, except that mailed notice is not required.
- (4) The Town Council shall have a total of sixty (60) calendar days from the date of the call up to make a decision on Level III applications.

ACTION REQUESTED:

If the Town Council wishes to call up this application for review, then a Motion, Second, and Vote are required.

Otherwise nothing needs to be done.

Motions require the affirmative vote of a majority of the members present.

STAFF MEMBER RESPONSIBLE:

Ned West, Town Planner

RESOLUTION NO. PZ 03-16
Series of 2016

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT AT 11 CORINTHIAN CIRCLE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has received a Class III development application for a Conditional Use Permit for an Accessory Dwelling Unit at 11 Corinthian Circle, Lot 1A, Block 1, Corinthian Hill Subdivision, Dillon, Colorado; and

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding the application; and,

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed development should attach to the approval of the application for the Class III conditional use permit.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on May 11th, 2016, on the application for a conditional use permit for an Accessory Dwelling Unit at 11 Corinthian Circle, Dillon, Colorado, and following said public hearing makes the following findings of fact:

A. That the application for the conditional use permit for an Accessory Dwelling Unit is complete.

B. That the proposed Class III application for a conditional use permit for an Accessory Dwelling Unit complies with the specific requirements of Section 16-5-220 "Conditional use criteria" of the Town of Dillon Municipal Code, as detailed as follows:

1. The use is listed as an allowed conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

The site is zoned Residential Medium (RM). An Accessory Dwelling Unit is allowed in the Residential Medium (RM) zoning district so long as certain provisions of the Dillon Municipal Code are met. The

Accessory Dwelling Unit is consistent with the existing residential uses in this developed neighborhood, and Accessory Dwelling Units exist in nearby properties throughout the Corinthian Hill Subdivision.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Dwelling Unit to be constructed above the proposed garage addition is suitable for the parcel. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed garage and Accessory Dwelling Unit project.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation, and any areas disturbed during the project are to be re-vegetated to ensure soil stability and thus the protection of air and water quality. Town staff cannot identify any potential air quality concerns with the proposed Accessory Dwelling Unit use on this property.

4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.

The existing developed site is adjacent to existing residences. The proposed garage addition with the Accessory Dwelling Unit above will not substantially limit or impair the existing uses on the surrounding properties.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The project requires the assessment of additional water and sewer tap fees, which the applicant has agreed to pay. Such payment shall be made prior to issuance of a building permit.

Section 2. That the proposed Class III application for a conditional use permit for an Accessory Dwelling Unit complies with the specific requirements of Section 16-4-40 “Accessory Dwelling Units and secondary units” of the Town of Dillon Municipal Code, as detailed as follows:

A secondary residential unit or Accessory Dwelling Unit may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the unit.

The applicant has applied for a Level III development permit for the proposed project. The application includes a site plan indicating the proposed location of the garage addition with the 1-bedroom, 1-bathroom Accessory Dwelling Unit above.

2. The property owner shall pay all required water and sewer tap fees.

The property owner shall pay an additional 0.65 EQR water and sewer tap fee associated with the Accessory Dwelling Unit.

3. The unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, and inspections.

4. Two (2) parking spaces shall be provided per unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Dwelling Unit are provided as part of the application. The parcel is currently landscaped, and the proposed additional parking spaces are buffered from adjoining properties.

5. The habitable portion of the Accessory Dwelling Unit is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Dwelling Unit is approximately 652 square feet, and the primary structure is approximately 2301 square feet. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership, and must file said restrictive covenant as a condition of approval of this Resolution.

7. The unit is deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months.

The property owner shall execute the deed restriction preventing the short term rental of the property and must file said deed restriction as a condition of approval of this Resolution.

8. The unit design is compatible with the neighborhood and the principal structure.

The design is architecturally similar to the principal structure and is compatible with the neighborhood. The applicant provided a letter of approval from the Corinthian Hill Architectural Control Committee and the Corinthian Hills Property Owners Association, dated March 4, 2016.

9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Dwelling Unit will be constructed above a new attached garage; therefore, this sub-section does not apply.

Section 3. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for an Accessory Dwelling Unit at 11 Corinthian Circle, Dillon, Colorado with the following conditions:

1. The applicant shall re-vegetate all disturbed areas by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.

2. The applicant shall pay the required water and sewer tap fees.

3. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.

4. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Dwelling Unit.

5. The applicant shall provide an Improvement Location Certification plat indicating the as-built location of the foundation, and providing a building height certification meeting the building setback requirements and maximum building height limit.

6. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition.

APPROVED AND ADOPTED THIS 11TH DAY OF MAY, 2016 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: 
Nat Nosari, Chairperson

ATTEST:

By: 
Corrie Fischer, Secretary to the Commission

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
May 3, 2016 TOWN COUNCIL MEETING**

DATE: April 25, 2016

AGENDA ITEM NUMBER: 4

ACTION TO BE CONSIDERED: Consideration of Ordinance No. 07-16, Series of 2016
Second Reading & Public Hearing

SUMMARY: This is the second reading of Ordinance 07-16. It is the 6th amendment to the existing lease agreement between the Town of Dillon and “Bullwinkle’s Grill Company, Inc.”, DBA Tiki Bar (Concessionaire), to extend the term of the lease agreement for a five year period ending October 31, 2021 in conformance with the Concessionaire’s right to exercise its first option to renew. This Ordinance was published according to Dillon Municipal Code requirements and no comments for or against this proposal were received by the published deadline.

BUDGET IMPACT: The lease agreement still requires a rent of 10% of monthly gross revenues during the term of the first option.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 07-16, Series of 2016

ACTION REQUESTED: MOTION, SECOND AND ROLL CALL VOTE FOR APPROVAL

Recommended motion language: “I move to approve Ordinance No. 07-16, Series of 2016, to enter into and sign a sixth amendment to the lease agreement with Bullwinkle’s Grill Company, Inc for the lease of a portion of the property at the Dillon Marina; extending the lease agreement for the first five year option term to October 31, 2021.

At least four (4) affirmative votes will be required for the adoption of this ordinance.

DEPARTMENT HEAD RESPONSIBLE: Tom Breslin, Town Manager

ORDINANCE NO. 07-16

Series of 2016

AN ORDINANCE AUTHORIZING AND DIRECTING THE TOWN OF DILLON, COLORADO TO ENTER INTO AND SIGN A SIXTH AMENDMENT TO THE LEASE AGREEMENT WITH BULLWINKLES GRILL COMPANY, INC. FOR THE LEASE OF A PORTION OF THE PROPERTY AT THE DILLON MARINA; EXTENDING THE LEASE AGREEMENT FOR THE FIRST FIVE YEAR OPTION TERM TO OCTOBER 31, 2021; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Dillon and Bullwinkles Grill Company, Inc. (“Bullwinkles”) previously entered into a lease agreement dated September 6, 2011, effective as of October 1, 2011, for the lease of a portion of the property at the Dillon Marina to Bullwinkles to provide food and beverage service to visitors to the Town and the Marina (the “Original Lease”); and,

WHEREAS, the Town of Dillon and Bullwinkles have subsequently entered into five previous amendments of the Original Lease (the Original Lease and the subsequent five amendments hereinafter together referred to as the “Lease Agreement”); and,

WHEREAS, the Town of Dillon and Bullwinkles now desire to enter into a sixth amendment of the Lease Agreement to extend the term of the Lease Agreement in conformance with the Concessionaire’s exercise of its first Option to Renew and to set forth other changes to the Lease Agreement related thereto; and,

WHEREAS, entering into the Sixth Amendment of the Lease Agreement and extending the term of the Lease Agreement is deemed to be in the best interests of the Town of Dillon.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That the Town of Dillon be and is hereby authorized to enter into the Sixth Amendment of the Lease Agreement with Bullwinkles to extend the term of the Lease Agreement for a five year period ending October 31, 2021 in conformance with the Concessionaire’s exercise of its first Option to Renew, and to set forth other changes to the Lease Agreement related thereto, which Sixth Amendment of the Lease Agreement is attached hereto, marked Exhibit “A,” and incorporated herein by this reference.

Section 2. That the appropriate Town officers are hereby authorized and directed to sign and bind the Town to the Sixth Amendment of the Lease Agreement and to carry out the intention of this Ordinance.

Section 3. Repeal. All other ordinances or parts of any ordinance or code provision in conflict herewith are hereby repealed.

Section 4. That this ordinance shall take effect five days after publication following final passage.

**INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY
THIS 3rd DAY OF MAY, 2016.**

**PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED THIS 17th
DAY OF MAY, 2016.**

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Kevin Burns, Mayor

ATTEST:

By: _____
Jo-Anne Tyson, CMC/MMC, Town Clerk

4/22/16

EXHIBIT “A”

[Sixth Amendment of the Lease Agreement]

SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT, hereinafter referred to as the "Sixth Amendment," is made and entered into this ____ day of _____, 2016, effective as of November 1, 2016 (the "Effective Date") by and between the **TOWN OF DILLON, COLORADO**, a Colorado municipal corporation, hereinafter referred to as the "Town" and **BULLWINKLES GRILL COMPANY, INC.**, a Colorado corporation, hereinafter referred to as "Concessionaire".

WHEREAS, the Town and the Concessionaire entered into a lease agreement on September 6, 2011, effective as of October 1, 2011, for the lease of a portion of the Crow's Nest and related property at the Dillon Marina to Concessionaire to provide food and beverage service to visitors to the Town and the Marina, which lease is hereinafter referred to as the "Original Lease;" and,

WHEREAS, the Town and the Concessionaire entered into a First Amendment to the Original Lease on January 17, 2012, effective as of October 1, 2011, hereinafter referred to as the "First Amendment;" and,

WHEREAS, the Town and the Concessionaire entered into a Second Amendment to the Original Lease on April 3, 2012, effective as of October 1, 2011, hereinafter referred to as the "Second Amendment;" and,

WHEREAS, the Town and the Concessionaire entered into a Third Amendment to the Original Lease on August 21, 2012, hereinafter referred to as the "Third Amendment;" and,

WHEREAS, the Town and the Concessionaire entered into a Fourth Amendment to the Original Lease on April 2, 2013, hereinafter referred to as the "Fourth Amendment;" and, /

WHEREAS, the Town and the Concessionaire entered into a Fifth Amendment to the Original Lease on July 16, 2013, hereinafter referred to as the "Fifth Amendment," with the Original Lease, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and the Fifth Amendment herein together referred to as the "Lease Agreement;" and,

WHEREAS, the Town and the Concessionaire desire to further amend the Lease Agreement in order to extend the term of the Lease Agreement in conformance with the Concessionaire's exercise of its first Option to Renew and to set forth other changes to the Lease Agreement related thereto; and,

WHEREAS, the Town and the Concessionaire desire to set forth the changes to the Lease Agreement in this Sixth Amendment.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter contained, and those contained within the Lease Agreement, the parties hereto agree as follows:

1. Terms and words used herein shall have the same definition and meaning as those terms and words set forth and defined in the Lease Agreement unless specifically stated otherwise herein.

2. Paragraph 2, "Term of Lease," of the Lease Agreement shall be deleted in its entirety and replaced with the new Paragraph 2 to read as follows:

2. Term of Lease. The term of this Lease Agreement shall be for a period commencing on November 1, 2016, and shall terminate on October 31, 2021 (herein referred to as the "First Option Lease Term") unless the First Option Lease Term of this Lease Agreement shall be sooner terminated as hereinafter provided. Taking of possession by Concessionaire shall be deemed conclusively to establish that the Premises and any improvements thereon are in satisfactory condition as of the date possession was taken. Concessionaire further acknowledges that no representation as to the repair of the Premises, nor promises to alter, remodel or improve the Premises have been made by the Town.

3. Paragraph 3, "Rent," of the Lease Agreement (and all prior amendments) shall be deleted in its entirety and replaced with the new Paragraph 3 to read as follows:

3. Rent. Rent shall be paid to the Town as follows, without notice or demand: Ten percent (10.0 %) of the monthly gross revenues of the Premises.

Rent to be paid monthly, without demand, on or before the tenth (10th) day of the month immediately following the month for which the Rent is due. Rent to be paid to the Town Clerk at the address set forth herein, below.

4. Paragraph 31, "Option to Renew," of the Lease Agreement shall be amended to delete the introductory paragraph in its entirety, which introductory paragraph shall be replaced with the new introductory paragraph to read as follows:

31. Option to Renew.

Concessionaire has exercised its first Option to Renew. Provided Concessionaire is not in default of any term or condition of the Lease Agreement and that an event has not occurred which, with the giving of notice or passage of time, would constitute a default, Concessionaire shall be entitled to renew this Lease Agreement ("Second Option to Renew") for One (1) additional terms of Five (5) years each ("Second Option Term") on the following terms and conditions:

5. All references in Paragraph 31, "Option to Renew," to the "Option Terms" shall now refer to the "Second Option Term."

6. All references in the Lease Agreement to the "Term" of the Lease Agreement shall now refer to the "First Option Term."

7. In the event of any conflict, inconsistency or incongruity between the provisions of this Sixth Amendment and any of the provisions of the Lease Agreement, the provisions of this Sixth Amendment shall in all respects govern and control.

8. Except as specifically amended herein, all other terms and conditions of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Sixth Amendment on the day and year first above written.


**TOWN:
TOWN OF DILLON, COLORADO
a Colorado municipal corporation**

By: _____
Kevin Burns, Mayor


ATTEST:

By: _____
Jo-Anne Tyson, CMC/MMC, Town Clerk

**CONCESSIONAIRE:
BULLWINKLES GRILL COMPANY, INC.,
A Colorado corporation**

By:  _____
Travis Holton, President

ATTEST:

By:  _____
Anne Holton, Secretary

GUARANTOR:

Travis Holton, Individually

RECORD OF PROCEEDINGS

TOWN OF DILLON PLANNING AND ZONING COMMISSION

REGULAR MEETING
WEDNESDAY, April 6, 2016
5:30 p.m.
Town Hall

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, April 6, 2016, at Dillon Town Hall. Chairman Nat Nosari called the meeting to order at 5:30 p.m. Commissioners present were: Charlotte Jacobson, Amy Gaddis, and Jerry Peterson. Staff members present were Dan Burroughs, Town Engineer; Scott O'Brien, Public Works Director and Debbie Wilkerson secretary to the commission.

Chairman Nosari introduced Charlotte Jacobson the new Planning and Zoning Commissioner.

APPROVAL OF THE MINUTES OF JANUARY 6, 2016 REGULAR MEETING

Commissioner Gaddis moved to approve the minutes from the January 6, 2016 meeting. Commissioner Peterson seconded the motion, which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION PZ 02-16, SERIES OF 2016

Consideration of a Resolution No. PZ 02-16, Series of 2016: A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING APPROVAL OF A LEVEL III DEVELOPMENT APPLICATION FOR A DETACHED SIX CAR RESIDENTIAL GARAGE STRUCTURE AT 111 CORINTHIAN CIRCLE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO. Public Hearing is required for this application.

The Town received a Level III Development application for the construction of a detached six (6) car residential garage structure in the Residential Medium (RM) zoning district at the Centennial Townhome complex located at 111 Corinthian Circle, Dillon, Colorado. More specifically 111 Corinthian Circle is Lot 9, Block 5 of the Corinthian Hill subdivision and contains 79,816 square feet or 1.827 acres.

The existing lot contains four (4) existing Townhome buildings; two (2) of the buildings have five (5) units and (2) of the buildings have four (4) units; a total of eighteen (18) units.

The proposed garage unit will be located on the common property owned by the Centennial Townhomes Homeowner Association (HOA). After construction, the HOA plans to sell each of the six units to one of the Townhome owners within the complex. Since the use of these garage units will be bought and sold in private contractual agreements between the HOA and its members, the 6 car garage structure will remain common property of the HOA and are therefore not subdivided into individual lots or condominiums.

The materials and colors of the proposed garage unit will match the existing colors and materials of the existing Townhome Buildings.

CODE ANALYSIS:

RECORD OF PROCEEDINGS

Permitted Uses: The proposed accessory garage structure is a permitted use by right in the Residential Medium (RM) zone district.

Yards (Setbacks): The proposed garage structure will sit 10' off of the northern property line. This is in compliance with the 10 foot minimum side yard setback required by code. The proposed structure is also compliant with the 20 foot Front Yard Setback and the 20 foot Rear Yard setback.

Lot Coverage: The Centennial Townhome Lot contains 79,816 square feet. The proposed garage structure footprint will occupy an additional 1,584 square feet [six (6) 22'x12' garage units]. The four (4) existing buildings occupy 13,068 square feet according to the original site plan for the development. So the total building coverage including the existing buildings and the proposed garage structure totals 14,652 square feet which covers 18.4% of the lot surface area. This is compliant with the RM zone district which allows a maximum of 45% lot coverage by buildings.

Building Height: The proposed height of the garage structure is 18.51' which is less than the maximum allowed 35' building height in the RM zone district. This was calculated as follows:

- The highest point on the building is at an elevation of 9121.76'.
- The lowest existing ground elevation at the southwest building corner is 9099.5'.
- The highest existing ground elevation at the northeast building corner is 9107'.
- The average existing ground elevation is calculated to be 9103.25'.
- The calculated height is the 18.51' (9121.76'-9103.25').

Easements: The proposed garage structure will not be constructed within in any known easements.

PARKING ANALYSIS:

Per Town Code Section 16-6-40, each townhome unit in a multi-family structure requires 2 parking spaces. Centennial Townhomes has 18 units and therefore requires 36 parking spaces.

Proposed Parking Structure.....	6 Spaces
Building One (One Garage per unit).....	5 Spaces
Surface parking along south side of parking lot.....	<u>30 Spaces</u>
Total Parking Spaces Provided	41 Spaces

The Centennial Townhomes complex has more parking than is required by code.

Providing 6 parking spaces within a detached structure for the use of the Townhome owners at 111 Corinthian Circle is in compliance with the goals and visioning of the Town of Dillon Comprehensive Plan.

The following conditions are attached to the Level III Development Permit for a detached six car residential garage structure at 111 Corinthian Circle, Dillon, Colorado in the Residential Medium (RM) zoning district:

1. The applicant shall submit construction documents for the approval and satisfactory construction of the proposed detached six car residential garage structure at 111 Corinthian Circle, Dillon, Colorado to the Summit County Building Inspection Department and Lake Dillon Fire Rescue for review and approval.
2. The applicant shall install, maintain and provide the required fire apparatus dead-end turnaround required by Lake Dillon Fire Rescue.
3. The colors and materials used for the proposed detached garage structure shall match the colors and materials of the existing Centennial Townhome Buildings.

RECORD OF PROCEEDINGS

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 02-16, Series of 2016.

Chairman Nosari opened the Public Hearing at 5:30 pm.

Pen and Linda Wimbush, live at 273 Ensign Drive and have no problem with the parking and garage improvements. Pen also asked if residents of Corinthian Hills had been notified by letter. Dan, Town Engineer, responded they have not, but signs had been posted at the site of construction, letters were not required for this size of project.

Commissioner Peterson stated he had visited the site and didn't see any problem with the construction as far obstruction of view to other residents.

Bill Marvin, the architect of the project stated there was a lot of vegetation in the area and the Construction should not impact the view or vegetation. The overall height of garage structure is 18.51'.

The Public Hearing was closed at 5:43 pm.

Commissioner Peterson moved to approve Resolution PZ 02-16, Series of 2016 with the following conditions:

1. The applicant shall submit construction documents for the approval and satisfactory construction of the proposed detached six car residential garage structure at 111 Corinthian Circle, Dillon, Colorado to the Summit County Building Inspection Department and Lake Dillon Fire Rescue for review and approval.
2. The applicant shall install, maintain and provide the required fire apparatus dead-end turnaround required by Lake Dillon Fire Rescue.
3. The colors and materials used for the proposed detached garage structure shall match the colors and materials of the existing Centennial Townhome Buildings.

Commissioner Gaddis second the motion, which passed unanimously upon roll call vote.

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Debbie Wilkerson

Debbie Wilkerson
Secretary to the Commission

05/01/2016

Dear Dillon Town Council,

Thank you so much for selecting me as one of your Dillon Scholarship recipients. I am truly honored to have your support in my upcoming endeavours. With your generosity, I will be able to start my college career successfully. Thank you so much again for contributing to my future plans.

Sincerely,

Justine Lorch