

RECORD OF PROCEEDINGS

**TOWN OF DILLON
TOWN COUNCIL
REGULAR
MEETING**

Tuesday, February 21, 2017

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, February 21, 2017, at Dillon Town Hall, 275 Lake Dillon Drive, Dillon, CO. Mayor Burns called the meeting to order at 7:00 p.m. and the following Council Members answered roll call: Mark Nickel, Carolyn Skowyra and Tim Westerberg. Council Members Brad Bailey, Jen Barchers and Kyle Hendricks were absent (excused). Staff members present were: Kerstin Anderson, Marketing and Communications Director; Tom Breslin, Town Manager; Dan Burroughs, Town Engineer, Mark Heminghous, Police Chief; Carri McDonnell, Finance Director; and Jo-Anne Tyson, Town Clerk.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Council Member Westerberg moved to approve the following consent agenda:

- a. Minutes of Regular Meeting of February 7, 2017.
- b. Approval of Bill List dated February 17, 2017 in the amount of \$69,935.01 and Payroll Ledgers dated February 17, 2017 in the amount of \$67,424.55.
- c. Resolution 10-17, Series of 2017
A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON,
COLORADO, MAKING APPOINTMENTS TO THE CEMETERY
ADVISORY COMMITTEE.

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

CITIZEN COMMENTS

No citizen comments were made.

SWEARING IN OF NEW POLICE OFFICER

Police Chief Mark Heminghous introduced two new members of the Dillon Police Department to Council, Cale Osborn and Jared Dennis. He also acknowledged that Officer Michael Crutchley has been with the Dillon Police Department for five (5) years. Chief Heminghous read the Dillon Police Department Oath to Mr. Osborn, Mr. Dennis, and Officer Crutchley. Town Clerk Jo-Anne Tyson administered the oath of office to new police officers Cale Osborn and Jared Dennis and re-administered the oath of office to Officer Crutchley.

CONSIDERATION OF RESOLUTION 06-17, SERIES OF 2017

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, ADOPTING A COMPREHENSIVE PLAN FOR THE TOWN OF DILLON.

Town Engineer Dan Burroughs stated that this public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code and that Resolution 06-17, Series of 2017 is a continuance from the February 7, 2017 Town Council meeting.

Mr. Burroughs stated that the Comprehensive Plan is a long-range, evolving document that guides the Town in achieving the vision and goals of the community by establishing a framework for developing regulatory tools and advising decision making for the future of the Town. The last update to this plan was adopted in 2015 but updates are typically considered every three years, ensuring the document's relevancy. Mr. Burroughs stated that the proposed updates reflect the community's desire to increase the number and mix of residential uses in the Town focusing on high quality housing for year round residents and workforce housing. In addition to general word-smithing for better comprehension and readability, the updates also include a revised land use map; including sales tax collections, Architectural Guidelines, and amendments to the land use element sections.

Mayor Burns closed the public hearing at 7:14 p.m.

Council Member Skowyra moved to approve Resolution 06-17, Series of 2017. Council Member Westerberg seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE 03-17, SERIES OF 2017

AN ORDINANCE OF THE TOWN OF DILLON, COLORADO, AMENDING CHAPTER 16, "ZONING," ARTICLE I, "GENERAL PROVISIONS," SECTION 16-1-50, "DEFINITIONS," ARTICLE III, "ZONING DISTRICTS," SECTION 16-3-140, "RESIDENTIAL HIGH DENSITY (RH) ZONE," SECTION 16-3-150, "CORE AREA RETAIL (CA) ZONE," SECTION 16-3-170, "MIXED USE (MU) ZONE," AND, ARTICLE V, "PLANNED UNIT DEVELOPMENT," SECTION 16-5-120, "PUD DEVELOPMENT STANDARDS," OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO; AMENDING THE DEVELOPMENT LEVEL APPROVAL PROCESS FOR RESIDENTIAL USE IN MIXED USE (MU) ZONE; AMENDING THE USES ALLOWED IN THE VARIOUS ZONING DISTRICTS; AMENDING THE PUD PROVISIONS TO ALLOW ONE-HUNDRED PERCENT (100%) RESIDENTIAL USE IN THE MIXED-USE (MU) ZONE; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Burroughs explained that this is the second reading and public hearing of Ordinance 03-17, Series of 2017. The proposed changes in this ordinance relate to Chapter 16, Zoning, primarily focusing on residential uses, but also addressing changes in the permitted and conditional use sections of this chapter. The change to the Residential High (RH) section includes repealing and replacing the "Purpose" of the section which changes the upper density value of twenty-five (25) dwelling units per acre, to sixty-five (65) dwelling units per acre, and the elimination of the minimum site and unit area criteria based on less than or more than 20% (twenty percent) slope criteria. Changes made to the Core Area (CA) section of this chapter include the elimination of a number of permitted uses such as funeral homes; clubs, lodges, fraternal organizations; schools, colleges, trade schools and business schools. These uses are now considered a

conditional use. The changes made within the Mixed Use (MU) section essentially allow residential dominance over retail, as long as workforce housing is a component of a proposed project, especially for year round working residents in the County. Changes to the Planned Unit Development (PUD) section include adding a new subsection allowing the consideration of one-hundred percent (100%) residential use in the Mixed-use (MU) zone provided it is supported by the Comprehensive Plan, complimentary to surrounding areas, and meets the criteria set forth in the Mixed Use (MU) section of the Dillon Municipal Code.

Mr. Burroughs 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 7:22 p.m. There being no comments from the public, Mayor Burns closed the public hearing at 7:23 p.m.

Council Member Westerberg moved to approve Ordinance No. 03-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF ORDINANCE NO. 04-17, SERIES OF 2017

AN ORDINANCE AMENDING CHAPTER 6 OF THE DILLON MUNICIPAL CODE BY REPEALING AND RE-ENACTING ARTICLE VII, TO ALLOW MEDICAL MARIJUANA CENTERS TO BE LICENSED UNDER CERTAIN CIRCUMSTANCES IN THE TOWN OF DILLON; AMENDING SECTIONS 1-4-40, 6-8-60 AND APPENDIX 19-A OF THE DILLON MUNICIPAL CODE TO BE CONSISTENT THEREWITH.

Town Clerk Jo-Anne Tyson reported that Council directed staff to propose changes to Chapter 6, Business Licenses and Regulations of the Dillon Municipal Code in reference to the addition of medical marijuana and dual marijuana business licenses. Staff worked with the Town Attorney and the Local Licensing Authority to develop proper code language addressing these additions. Ms. Tyson stated that while the code language for medical marijuana business licenses closely mimics the retail marijuana business licensing section, several items relate specifically to the licensing of medical marijuana licensing and dual marijuana centers. In addition to outlining application procedures, amendments to this chapter include allowing only three (3) medical marijuana centers in the Town of Dillon; establishing procedures if a current license is revoked, not renewed or terminated; allowing only those retail marijuana store license holders with valid and active retail marijuana licenses to obtain medical marijuana center licenses; not allowing patients under twenty-one (21) years of age on the premise; and medical marijuana centers must be located on the same premises as the retail marijuana store.

Council Member Skowrya moved to approve Ordinance No. 04-17, Series of 2017.

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

CONSIDERATION OF RESOLUTION NO. 09-17, SERIES OF 2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR THE CROSSROADS AT LAKE DILLON PLANNED UNIT DEVELOPMENT ON LOTS 1, 1A, 1B, AND 1C, BLOCK B, NEW TOWN OF DILLON, LOCATED AT 122, 134, AND 176 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mayor Burns opened the public hearing at 7:27 p.m.

Mr. Burroughs reported that the Town of Dillon has received a Level IV Development Permit application for the proposed Crossroads at Lake Dillon Planned Unit Development (PUD) at the southeastern corner of Lake Dillon Drive and US Highway 6, at 122, 134, and 176 Lake Dillon Drive. The Planning and Zoning Commission of the Town of Dillon reviewed the PUD application in a Public Hearing held on December 7, 2016, approved Resolution PZ 09-16, Series of 2016, and subsequently recommends the Town Council consider approval of the project.

Architect Ken O'Bryan with O'Bryan Partnership Architects stated that the project is generally described as a six (6) level, vertically mixed-use building with a small conference center, hotel rooms, residential units, and a top floor restaurant and lounge. The total building area considering all levels is 128,800 square feet, covering 28,410 square feet of the site. The development provides twenty-three (23) residential units on Levels 3, 5, & 6, of which three (3) Level 3 apartments will be reserved for employees of the project. Two (2) large penthouse residences are on the upper level and eighty-three (83) hotel rooms are located on Levels 3 and 4. A ground level one-hundred (100) seat capacity conference center; a sixty-two hundred (6,200) square foot recreation deck with two (2) large hot tubs provided for both residents and hotel guests; and a top floor restaurant, lounge and observation/event deck are also proposed in this project. On-site parking is provided in open air parking lots, as well as in a parking structure within the building.

Mr. Burroughs presented a table indicating required parking per Dillon Municipal Code, for this proposed project and demonstrated that the project is substantially lacking the required number of spaces. Mr. O'Bryan disputed several numbers in Mr. Burroughs presentation reflecting square footage and standard parking requirements and agreed to resubmit accurate numbers to consider required parking spaces for the project.

Three (3) Town of Dillon citizens spoke against the proposed project stating that the parking issues need to be addressed and that the building mass is too large. One (1) citizen and Dillon business owner spoke in favor of the project commenting that it is time to begin the revitalization of Dillon. He also stated that the concerns with parking can be resolved. Council requested additional information from the applicant to resolve the parking discrepancies and to provide additional renderings similar to those submitted for the amphitheatre project.

Council Member Westerberg moved to continue Resolution No. 09-17, Series of 2017 to the March 21, 2017 Town Council meeting. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

NOTIFICATION OF PLANNING AND ZONING DECISION ON THE CROSSROADS AT LAKE DILLON CONDITIONAL USE APPLICATION

Mr. Burroughs reported that after a public hearing on Wednesday, December 7, 2016, at a regularly scheduled meeting of the Town of Dillon Planning and Zoning Commission, the Commission approved a Level III Development Application for a Conditional Use Permit for the Crossroads at Lake Dillon Planned Unit Development located at 122, 134, and 176 Lake Dillon Drive, Dillon, Colorado. 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 approved by a majority of the Planning and Zoning Commission members present with the following conditions 1. The residential parking spaces shall be dedicated and distinct for the residential users in the building, 2. No residential use may occupy the lower level of the building, 3. All residential occupants are to be afforded legal access to the Recreation Deck on Level 3 as all, or part, of their dedicated open space. Mr. Burroughs explained that 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.

Council Member Nickel moved to not call up the Planning and Zoning decision of Resolution No. PZ 10-16, Series of 2016. Council Member Westerberg seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 11-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A CONTRACT WITH COLUMBINE HILLS CONCRETE, INC. FOR THE 2017 LODGEPOLE IMPROVEMENTS PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Burroughs reported that the Town has been working with Columbine Hills Concrete, Inc. and Stan Miller, Inc. to receive bids for the 2017 Lodgepole Street work. After reviewing the scope of the work with the contractors and considering the short construction window in Summit County, Mr. Burroughs decided that the project needed to be broken into two contracts. Columbine Hills Concrete, Inc. will conduct all of the surface work; including asphalt, concrete and roadbase installation; build storm sewers and perform the water main work west of Lake Dillon Drive. In general, the scope of work includes mobilization/erosion control/project setup, removals and earthwork, water system improvements, storm sewer installations, and roadwork for a total contract amount of \$1,116,959.45.

Council Member Westerberg moved to approve Resolution No. 11-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. 12-17, SERIES OF 2017

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO AN AGREEMENT TO BUY AND SELL REAL ESTATE WITH THE DILLON URBAN RENEWAL AUTHORITY; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Manager Tom Breslin stated that since Council approved the resubdivision of several lots in the Town Center, the next step is to transfer the lots to the Dillon Urban Renewal Authority in order to advertise them for sale under a Request for Proposals (RFP) process. Staff anticipates that the RFP will be ready for publication by the end of March 2017. This agreement includes all of the lots in the Town Center including lots 16R, 17A and 17B that were included in the RFP in 2015. The closing between the Town and DURA for the sale of the lots will take place just prior to the sale of the lots to a private developer.

Council Member Westerberg moved to approve Resolution No. 12-17, Series of 2017. Council Member Skowrya seconded the motion which passed unanimously upon roll call vote.

TOWN MANAGER'S UPDATE

Town Manager Tom Breslin provided a report at Council's earlier Work Session.

MAYOR'S REPORT:

Mayor Burns reported that he met Rob Murphy with Advocates of Victims of Assault regarding an upcoming opportunity to market a program to raise awareness of domestic abuse.

ADJOURNMENT:

There being no further business, Mayor Burns declared the meeting adjourned at 9:10 p.m.

Respectfully submitted by:

Jo-Anne Tyson, Town Clerk