

*RECORD OF PROCEEDINGS*

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**TOWN OF DILLON  
TOWN COUNCIL  
REGULAR MEETING**  
Tuesday, November 7, 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, November 7, 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: Brad Bailey, Jennifer Barchers, Kyle Hendricks, Mark Nickel, Carolyn Skowyra, and Tim Westerberg. Staff members present were: Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Mark Heminghaus, Police Chief; Scott O'Brien, Public Works Director; 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 from October 17, 2017 Regular Meeting
- b. Approval of Bill List dated November 3, 2017 in the amount of \$121,006.91 and Payroll Ledger from October 27, 2017 in the amount of \$75,602.61.

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

**CITIZEN COMMENTS**

There were no citizen comments.

**PRESENTATION OF 2018 BUDGET**

Finance Director Carri McDonnell stated that several drafts of the 2018 budget were presented to Council at the October 17 Work Session. Council directed Ms. McDonnell to incorporate comments from this Work Session and present a fourth version of the 2018 budget. The purpose of this presentation is to entertain public comment on the proposed budget. Ms. McDonnell reviewed fund balances, expenses and reserves. She further stated that the budget will be finalized and adopted along with the appropriation and certification of the mill levy at the December 5, 2017 Council meeting.

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 7:17 p.m. There being no comments from the public, Mayor Burns closed the public hearing at 7:18 p.m.

**CONSIDERATION OF RESOLUTION NO. 57-17, SERIES OF 2017**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO,  
MAKING AN APPOINTMENT TO THE DILLON CEMETERY ADVISORY COMMITTEE.

Town Clerk Jo-Anne Tyson stated that Council interviewed Nanci Campbell at their earlier work session in consideration of the vacancy on the Dillon Cemetery Advisory Committee (DCAC), term to expire

November 2019.

Council Member Westerberg moved to approve Resolution No. 57-17, Series of 2017. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 58-17, SERIES OF 2017**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE COLORADO RANGERS LAW ENFORCEMENT SHARED RESERVE.

Chief Heminghous reported that since July 2014, The Dillon Police Department has had a relationship with the Colorado Mounted Rangers to assist in providing security, crowd and traffic control at large special events. On June 16, 2017, the Town entered into an Intergovernmental Agreement (IGA) with the City of Idaho Springs, Town of Nederland, Town of Monument, Town of Elizabeth, and the City of Fort Lupton establishing the Colorado Mounted Rangers (Rangers). This intergovernmental agreement, now named Colorado Rangers Law Enforcement Shared Reserve (CLER), and the listed law enforcement agencies establishes the group of member agencies who will share in the services of the Rangers. This resolution is the First Amendment to the IGA, establishing the following changes

- Adding the City of Fountain to the list of participating agencies
- Amending cited statutory references and document section references
- Replacing and reenacting Section 3.2 Board of Directors. This section establishes who the Board of Directors must be.
- Adding Section 3.2.1 Initial Board of Directors. and Section 3.2.2. Initial Chief of CLER. These sections appoint the initial members of the Board of Directors and initial Chief of CLER respectively.
- Amending Director term limits, duties of the Chief of CLER, voting requirements, duties of the Board, and Powers of CLER.
- Adding Section 18: Dissolution. This section establishes dissolution procedures in the event it is necessary.

Council Member Skowyra moved to approve Resolution No. 58-17, Series of 2017. Council Member Westerberg seconded the motion which passed unanimously upon roll call vote.

**EXECUTIVE SESSION**

Mayor Burns moved to go into Executive Session at 7:24 p.m. Executive Session for discussion of a personnel matter under C.R.S. § 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to a particular employee, and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. § 24-6-402(4)(e), specifically pertaining to amendment of the Town's Employment Agreement with the Town Manager, contract negotiations regarding a potential sale of land, and negotiations regarding an agreement pertaining to a restrictive housing covenant. No action was taken during the executive session. At 8:56 p.m. Council concluded the executive session.

**CONSIDERATION OF RESOLUTION NO. 59-17, SERIES OF 2017**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO,

**APPROVING A RESTRICTIVE HOUSING COVENANT AND AGREEMENT FOR WORKFORCE HOUSING.**

Town Engineer Dan Burroughs reported that this resolution approves a covenant for workforce housing between the Town of Dillon and the Dillon Urban Renewal Authority. This covenant is a requirement of the existing amended Agreement for Disposition and Development for Lots 16R, 17A and 17B, Block A, New Town of Dillon subdivision. This covenant will run with the land and subsequent property owners will be bound by the covenants in perpetuity. The agreement establishes twelve (12) of the forty-eight (48) condominium units as restricted workforce housing for sale units. There will be six (6) units in each of the two buildings. These twelve (12) units require a qualified applicant to work within Summit County a minimum of thirty (30) hours a week and are also bound to the following conditions:

- Awarding the unit to a buyer through a lottery system if there are multiple qualified applicants for a unit.
- Limitation on Closing Costs, which prevents the buyer from paying the owner’s customary closing costs.
- Limitation on maximum sales price being equal to the current prices established by the then current AMI rates.
- Limitation on real estate commissions to 2%.
- Allowance for capital improvement recovery in the amount of 3% of the original purchase price, over the preceding 10 years of ownership.
- Prohibition against using the workforce units as short-term rentals.
- Provision to allow the unit to be resold if the unit is unoccupied for 120 days or more.
- Provision to allow the unit to be resold for other violations of the covenants.
- Provision to allow the Town the option to repurchase the unit if there is a violation of the covenants.

Eight (8) of the units will also be sold to Qualified Occupants at a maximum sales price meeting the AMI (Area Median Income) restrictions presented below. This agreement also allows some flexibility and allows the unit to be sold at an AMI 20% lower than the maximum AMI rates shown below to provide an AMI range to allow more people to qualify for the units.

|                                |                 |
|--------------------------------|-----------------|
| (2) One Unit at 90% of AMI     | (70%-90% AMI)   |
| (2) One Unit at 100% AMI       | (80%-100% AMI)  |
| (2) One Unit at 120% of AMI    | (100%-120% AMI) |
| (2) Three Units at 130% of AMI | (110%-130% AMI) |

The Town will work with the Summit Combined Housing Authority to find qualified applicants that meet the various AMI levels outlined above. Mr. Burroughs stated that the first sentence in section 14 of the Restrictive Housing Covenant and Agreement was amended to read, “The restrictions and covenants enumerated herein this Restrictive Covenant include, without limitation, to short term rentals of a Restricted Unit by Owner or through another company such as VRBO, Orbitz, FlipKey or Airbnb.”

Council Member Westerberg moved to approve Resolution No. 59-17, Series of 2017 as amended to include the change to section 14 of the Restrictive Housing Covenant Agreement for Workforce Housing. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO ENTER INTO A FIRST AMENDMENT TO EMPLOYMENT AGREEMENT WITH JOHN T. "TOM" ACRE; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID FIRST AMENDMENT TO EMPLOYMENT AGREEMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Finance Director Carri McDonnell stated that this resolution allows the Town to amend Town Manager Tom Acre's employment contract allowing for compensation for the period of October 16, 2017 through November 3, 2017. Mr. Acre will use sick leave not currently earned and replenish it each month upon returning to work.

Council Member Westerberg moved to approve Resolution No. 60-17, Series of 2017. Council Member Skowrya seconded the motion which passed unanimously upon roll call vote.

### **ACTING TOWN MANAGER'S UPDATE**

Acting Town Manager Carri McDonnell reported on the following items:

- At the recent Mayor's, Manager's and Commissioner's luncheon, a field house discussion was held. Discussion included the cost of an initial study, funding sources, placement and size of facility, programming, and target audience.
- Climate Action Plan: Ms. McDonnell provided additional information on the Climate Action Plan proposal. Council directed Ms. McDonnell to move forward with supporting the Plan.
- Kerstin Anderson, Marketing and Communications Director will be the Town representative to the Summit County Chamber of Commerce Board of Directors.
- Ice Castles will tentatively open mid-December. Snow Play will be located on the basketball courts.
- Dillon Flats project is changing its name to Sail Lofts at Lake Dillon.
- Short Term Disability Discussion: Ms. McDonnell will look to see if short term disability can be added at a later time. This may be considered in 2019.
- Discussions regarding the transportation of hazardous materials through the Eisenhower Johnson Tunnel included fire suppression system, run away truck ramps, and protecting Dillon's source water.

### **MAYOR'S UPDATE**

Mayor Burns reported that election results were posted; indicating Dillon Ballot Issue 2B failed but Ballot Question 2 passed.

### **COUNCIL MEMBER COMMENTS**

Council discussed increasing Ms. McDonnell's salary beginning November 1, 2017 while she performs the duties of Acting Town Manager.

### **ADJOURNMENT:**

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

Respectfully submitted by:

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Jo-Anne Tyson, CMC/MMC, Town Clerk