

**TOWN OF DILLON  
TOWN COUNCIL  
REGULAR MEETING**  
Tuesday, December 5, 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, December 5, 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, Jen Barchers, Kyle Hendricks, Mark Nickel, and Carolyn Skowyra. Council Member Westerberg was absent (excused). Staff members present were: Kerstin Anderson, Marketing and Communications Director; Dan Burroughs, Town Engineer; Mark Hemingous, Police Chief; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; and Jo-Anne Tyson, Town Clerk.

**APPROVAL OF AGENDA**

Council Member Barchers stated that she was absent from the November 21, 2017 Council meeting. Council Member Westerberg was erroneously recorded as absent.

**APPROVAL OF CONSENT AGENDA**

Council Member Bailey moved to approve the following consent agenda as amended:

- a. Minutes from November 21, 2017 Regular Meeting
- b. Approval of Bill List dated December 1, 2017 in the amount of \$7,768.90 and Payroll Ledger dated November 24, 2017 in the amount of \$73,603.46.
- c. Excused Absence for Council Member Barchers for the November 21, 2017 Town Council Meeting.

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

**CITIZEN COMMENTS**

Danilo Ottoborgo, 240 Lake Dillon Drive, clarified that Dillon Gateway Development, LLC and Dillon Gateway are two separate companies.

**CONSIDERATION OF ORDINANCE NO. 09-17, SERIES OF 2017**

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 19, "FEES," OF THE DILLON MUNICIPAL CODE FOR THE PURPOSES OF UPDATING FEES ASSOCIATED WITH THE REQUIREMENTS OF THE DILLON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Acting Town Manager Carri McDonnell reported that this ordinance amends Chapter 19, Fees, of the Dillon Municipal Code removing those fees which are not directly referenced in the Code. The following changes are proposed:

- Chapter 1, Municipal Code Book charges are eliminated as the code is available online for no charge.
- Chapter 6 to be included in Resolution to be presented to Council on December 5.

- Chapter 11, Cemetery Fees, deposit for grave marker increased from \$350 to \$500 to more accurately reflect the cost to construct and install a grave marker in the event the purchaser of the lot does not provide one within one year of interment.
- Chapter 13, Water Fees, water usage rates increased by 2% as recommended in the 2014 water rate study and to balance the 2018 budget.
- Chapter 13, Sewers & Sewage Disposal, Rates and charges; schedule increased by 2% as recommended in the 2014 sewer rate study and to balance the 2018 budget. The sewer rate has not been increased in three years.
- Chapter 16, Level IV Development Application Fees for PUD increased from \$3,200 to \$4,800 to more accurately reflect cost of staff time to prepare and review Planned Unit Development agreements.
- Miscellaneous Fees to be included in Resolution to be presented to Council on December 5.

Ms. McDonnell 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 7:04 p.m.

There being no comments from the public, Mayor Burns closed the public hearing at 7:05 p.m.

Council Member Barchers moved to approve Ordinance No. 09-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF ORDINANCE NO. 10-17, SERIES OF 2017**

AN ORDINANCE AMENDING THE DILLON MUNICIPAL CODE TO ADOPT AN UPDATED PERSONNEL HANDBOOK.

Ms. McDonnell reported that this ordinance allows the Town to amend the Town’s Personnel Handbook to clarify benefits allowed during a leave of absence. The current handbook allows for continuing benefits including health insurance, vacation and sick leave for thirty (30) days for leave without pay, ninety (90) days for workers compensation leave but does not address for paid leave. Staff recommends consistency in providing benefits during a leave regardless of whether the leave was paid or unpaid.

Ms. McDonnell 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 7:05 p.m.

There being no comments from the public, Mayor Burns closed the public hearing at 7:06 p.m.

Council Member Skowyra moved to approve Ordinance No. 10-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF ORDINANCE NO. 11-17, SERIES OF 2017**

AN ORDINANCE APPROVING AN OPTION TO PURCHASE AGREEMENT WITH DILLON GATEWAY DEVELOPMENT, LLC.

Ms. McDonnell reported that this ordinance allows the Town to enter into an option to purchase agreement with Dillon Gateway Development for lots 1A and 1C, Block B which consist of the Old Town Hall lot on Lake Dillon Drive and the triangle lot located behind the Lake Dillon Conoco. This is the third option to purchase agreement for this property. The terms of the option include the following:

- The agreement requires the developer to reconvey a portion of the property associated with the

- required hammerhead back to the Town for public access in perpetuity.
- The option period will run for one year beginning on December 6, 2017.
- The purchase price for both parcels is \$549,000.

Dillon Gateway Development has submitted a development application for an amendment to the planned unit development. Planning and Zoning will consider the development application at their December 6, 2017 meeting. Since this amendment is a level IV application, the Town Council will hold a public hearing and consider Planning and Zoning's recommendation in January 2018.

Ms. McDonnell 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 7:07 p.m.

There being no comments from the public, Mayor Burns closed the public hearing at 7:08 p.m.

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

**CONSIDERATION OF RESOLUTION NO. 65-17, SERIES OF 2017**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, MAKING SUPPLEMENTAL APPROPRIATIONS TO VARIOUS FUNDS FOR THE TOWN OF DILLON, COLORADO FOR THE 2017 BUDGET YEAR.

Ms. McDonnell stated that Council approved the 2017 Budget on December 6, 2016 and that they have the authority to amend the budget throughout the year. Council amended the General Fund, Capital Improvement Fund and Water Plant Investment Fund on June 20, 2017. Council further reviewed the proposed supplemental appropriations at the November 21, 2017 Work Session which Ms. McDonnell briefly reviewed for Council consideration.

Council Member Barchers moved to approve Resolution No. 65-17, Series of 2017. Council Member Bailey seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 66-17, SERIES OF 2017**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, ADOPTING THE BUDGET FOR THE TOWN OF DILLON, COLORADO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018 AND SUMMARIZING THE REVENUES AND EXPENDITURES FOR EACH FUND.

Ms. McDonnell reported that this resolution approves the adoption of the 2018 budget. The 2018 total revenues are \$14,930,710 with a beginning fund balance of \$8,725,031. 2018 total expenditures are \$15,020,672. Total reserves for all funds are \$4,256,673 leaving a fund balance of \$4,378,396 at 12/31/18. This adoption includes the Summit County Telecommunications Consortium (SCTC) with revenues of \$185,449 and expenditures of \$211,187. The SCTC board, comprised of one staff person from the four towns and the county, approved the 2018 SCTC budget. The Town of Dillon acting as the lead agency includes the SCTC in our budget as an agency fund.

Council Member Barchers moved to approve Resolution No. 66-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 67-17, SERIES OF 2017**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2017 TO HELP DEFRAY THE COSTS OF MUNICIPAL GOVERNMENT FOR THE TOWN OF DILLON,

COLORADO FOR THE 2018 BUDGET YEAR.

Ms. McDonnell reported that the mill levy must be certified to the Summit County BOCC prior to December 15, 2017 and therefore must be approved at this Council meeting. This resolution approves the property tax mill levy for the 2018 budget year. The assessed valuation for the town increased by 5.38% or \$3,496,460. The home rule charter only allows an increase of 5% in property tax revenues so the Town will also certify a temporary reduction in the mill levy of 0.013 mills or \$889. If the assessed valuation goes down in the future, the Town can reassess that 0.013 mills. The general operating mill levy will now be 3.338, which is split between the General Fund (2.862) and Capital Improvement Fund (.476).

Council Member Skowyra moved to approve Resolution No. 67-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 68-17, SERIES OF 2017**

A RESOLUTION APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE TOWN OF DILLON, COLORADO FOR THE 2018 BUDGET YEAR.

Ms. McDonnell stated that this resolution appropriates the money for the 2018 expenditures by fund based on the 2018 budget. Council reviewed each fund during work sessions in August, September and October and the budget was presented on October 3, 2017 with a public hearing held on November 7, 2017. Total expenditures of \$15,020,672 will be paid from the total estimated fund balance at 12/31/17 of \$8,725,031 and 2018 revenues of \$14,930,710. This appropriation also includes the budget for the Summit County Telecommunications Consortium in the amount of \$211,187.

Council Member Barchers moved to approve Resolution No. 68-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 69-17, SERIES OF 2017**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING FEES ASSOCIATED WITH TOWN SERVICES; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Ms. McDonnell reported that Council agreed to separate fees associated with the Dillon Municipal Code in Chapter 19 by approving Ordinance 09-17, Series of 2017, and move all fees not referred to in the municipal code to a resolution for Council's consideration. In addition to the fees not referenced by Code, proposed changes include fees for Marina slips and storage. Staff recommends changing the fee structure to charge per boat length. Overall revenues to the marina will be similar but the costs to the slip holder and storage customer will decrease for smaller boats and increase for larger boats. Ms. McDonnell stated that this is an industry standard to charge according to boat size and is consistent with the changes made by Frisco Marina a few years ago.

Council Member Bailey moved to approve Resolution No. 69-17, Series of 2017. Council Member Barchers seconded the motion which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION NO. 70-17, SERIES OF 2017**

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO WAIVE THE WINTER CONSTRUCTION PROHIBITION AS SET FORTH IN SECTION 18-1-50 OF THE DILLON MUNICIPAL CODE FOR EXCAVATION, GRADING AND UTILITY CONSTRUCTION

AT 175 AND 205 E. LA BONTE STREET, MORE SPECIFICALLY ON LOTS 17A AND 17B, BLOCK A, NEW TOWN OF DILLON SUBDIVISION; IMPOSING CONDITIONS FOR SAID WAIVER; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Town Planner Ned West stated that per Town Code, staff is not allowed to issue Grading and Excavation Permits between November 1<sup>st</sup> and March 31<sup>st</sup> of the following year, unless the Town Council grants a waiver as defined in Section 18-1-50 of the Dillon Municipal Code. Mr. West further stated that this Resolution stipulates, as a condition of approval, that no work shall take place in the Town rights-of-way until April 1, 2018 due to snow storage and snow removal operation requirements and only with explicit, written prior-authorization from the Town Council, or their designee, may the Applicant be permitted to work in the right-of-way prior to April 1.

Council Member Bailey moved to approve Resolution No. 70-17, Series of 2017. Council Member Nickel seconded the motion which passed unanimously upon roll call vote.

### **CONSIDERATION OF RESOLUTION NO. 71-17, SERIES OF 2017**

A RESOLUTION AUTHORIZING THE TOWN OF DILLON, COLORADO, TO AMEND AND ENTER INTO AN EXISTING CONTRACT WITH JHL CONSTRUCTORS FOR PHASE 3 AND THE CONCESSION PHASE OF THE DILLON AMPHITHEATRE CONSTRUCTION PROJECT; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Mr. Burroughs reported that on May 16, 2017 Town Council approved Resolution No. 27-17, Series of 2017 approving a Contract with JHL Enterprises, Inc. dba: JHL Constructors, Inc. in the amount of \$7,400,000 for Phases 1 and 2 of Dillon Amphitheater Reconstruction as outlined in the contract. This resolution authorizing change order #4, approves Phase 3 (\$445,688) and the Concession Phase (\$572,831) of the project as identified in the original Guaranteed Maximum Price Contract Exhibit A, in the amount of \$1,018,519. Phase 3 includes all the of the building and site components excluded from Phases 1 & 2 which are needed to complete the buildings and the sitework in the contract. The Concession Phase funds the Concession Stand building and the first part of the concessions equipment package. The total change order amount for JHL Enterprises, Inc. dba: JHL Constructors, Inc. is for the amount of \$1,412,000.

Council Member Skowyra moved to approve Resolution No. 71-17, Series of 2017. Council Member Bailey 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:

- Planning and Zoning opening for a Dillon resident.
- Candidate Forum on Thursday, December 14, 2017. 5:30 – 6:30 p.m. at the Summit County Senior Center for individuals interested in running for municipal office.
- Colorado Sun & Ski has opened in the old Natural Grocers by Vitamin Cottage location.
- County Commissioner meeting on Tuesday, December 12 to discuss short term rental regulations.

### **MAYOR'S UPDATE**

Mayor Burns did not have a report.

### **COUNCIL MEMBER COMMENTS**

There were no Council Member comments.

### **ADJOURNMENT:**

There being no further business, Mayor Burns declared the meeting adjourned at 7:34 p.m.

Respectfully submitted by:

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Jo-Anne Tyson, CMC/MMC, Town Clerk