



**Town Board of Trustees
Tuesday, February 12, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

This agenda and the meetings can be viewed at www.Townofeagle.org. Meetings are also aired online at <https://vimeo.com/channels/Townofeagle/>.

Times listed are approximate and are subject to change.

TRUSTEES PRESENT

Anne McKibbin, Mayor
Kevin Brubeck, Mayor Pro Tem
Scott Turnipseed (absent)
Matt Solomon
Paul Witt
Mikel "Pappy" Kerst
Andy Jessen (absent)

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Jenny Rakow, Town Clerk
Morgan Landers, Town Planner/Comm Dev Director
Jeremy Gross, Marketing and Events Manager
Lynette Horan, Human Resources Manager
Bill Shrum, Assistant to the Town Manager
Bryon McGinnis, Public Works Director
Vern Brock, Town Engineer
Frederick E. Tobias, Town Engineer

6:00 PM – REGULAR MEETING CALLED to ORDER and ROLL CALL – Mayor McKibbin noted for the record that Trustees Jessen and Turnipseed are absent for tonight's meeting.

ADOPTION OF AGENDA There were no changes to the Agenda.

PUBLIC COMMENT – Mayor McKibbin opened public comment, there was no public comment.

PRESENTATION

THOR – HRGreen - Brandy Reitter, Town Manager – Ed Barrett from HR Green presented the Project THOR Analysis and ten-year financial review to the Town Board.

Board Comments: Eagle County's commitment was discussed and how that would be negotiated within the board member structure of the authority. Discussion regarding the potential risk for the partners shown in the model was discussed and how the numbers and revenues were not interesting to the private sector. Competition for limited capital was discussed as possible reasoning for non-interest.

Hosting options were discussed for Meet Me Centers.

Structure of the authority and Meet Me Center locations can be determined at a later date. Ed Barrett believed that the formation of the authority is political in nature and did have a recommendation for the Town. This report is financials only.

Becoming a public utility for broadband is also an option, which would impact the financials and increase cost in the infrastructure. Overall when compared to other public services, the investment would be lower.

NWCCOG plans to present the contract to the Town Board in March.

MOTION: Trustee Solomon motioned to direct staff to work with stakeholders to set up as a broadband utility and engage in a feasibility study. Motion was not seconded and thus failed.

Brandy Reitter indicated she will bring back a proposal that explores the options discussed tonight.

Red Development Visioning Proposal – Brandy Reitter, Town Manager – Stuart Borne introduced himself as the developer with Foothills Housing currently working on the Red Development parcel. A proposal regarding the process for discussion and visioning of the former RED Development parcel was discussed with the Town Board, with four options proposed.

Board Comments: Matt Mire Town Attorney confirmed that it will be a quasi-judicial decision with a developer on a proposal and cautioned the board that any discussions would need to be done carefully. Board members felt the town was not a partner in the project and believed it was not appropriate to have pre-discussions prior to a formal submittal. The applicant was encouraged to utilize the town's strategic plan, land use code and community plans in forming the proposal to determine the town's priorities and align with the town's needs and desires. Acknowledgement that a revision of the land use code will assist with the process in the future.

MOTION: Trustee Witt motioned to pursue Option 4 and would not give input ahead of time and this would follow the traditional PUD review process. Motion was seconded and PASSED unanimously.

CONSENT AGENDA

1. **Minutes** – January 22, 2019
2. **Bill Pay** – January 2019
3. **Resolution 12-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Authorizing Release of The Remaining Funds in Escrow Due to Completion of The Sylvan Lake Roundabout Planned Unit Development, Frederick E. Tobias, P.E. Town Engineer

Board Comments: request for detail regarding payment on the wastewater fund debt to US Bank. Correction to minutes references Matt Scherr to the correct Eagle County representative during the Vail Honeywagon agenda item.

MOTION: Trustee Witt motioned to approve the Consent Agenda with correction noted to the Minutes. Motion was seconded and PASSED unanimously.

TOWN MANAGER AND DEPARTMENT UPDATE

Town Manager Update – update on Home Rule process regarding the survey and phone interviews. After receiving 238 responses the results were favorable. The final report will be presented to the Board when completed. The Town is hosting a reveal party on February 27th at the Brush Creek Pavilion.

Building Official applicants are being reviewed for interview process.

Board Comments: Requested additional education on Home Rule including arguments for and against and scenarios specific to Eagle on what Home Rule will fix.

Department Updates

4th Quarter Sales Tax 2018

Lower Basin Water Treatment Plant, MWH Constructors

Eagle River Park, NV5 – John Usury presented the update. Steve Tarrant is reviewing the tree species list now for approval of the change order.

OLD BUSINESS

MOTION: Mayor McKibbin motioned to enter into EXECUTIVE SESSION To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) as it relates to the Municipal Court Judge Finalist. Invited attendees will include Lynette Horan, Matt Mire and Brandy Reitter. Motion was seconded and PASSED unanimously. (7:45 pm)

MOTION: Mayor McKibbin motioned to resume the regular meeting. Motion was seconded and PASSED unanimously. (8:10 pm)

Municipal Court Judge Finalist, Brandy Reitter, Town Manager stated that Erik Johnson was offered and has accepted the position. Erik provided the Board with brief overview of his qualifications and thanked the Board for the opportunity.

Motion: Trustee Brubeck motioned to Motion to accept hiring committee recommendation, Erik A. Johnson, Attorney at Law, and direct staff to start contract negotiations with an official appointment by the board on February 26. Motion was seconded and PASSED with a vote of (4) four in favor (Brubeck, Kerst, McKibbin and Witt) and (1) one opposed (Solomon)

NEW BUSINESS

Eagle County Housing Intergovernmental Agreement, Morgan Landers, Community Development Director/Town Planner presented the agreement and proposed changes regarding flat fee payment of \$500 for closings when Valley Home Store is not the listing broker. Intent was to recoup costs of process when they are not receiving a commission on the sale. This could present a shortfall in the budget depending on the number of sales in 2019. We could reassess mid-year to make any adjustments.

Board Comments: asked staff to investigate if fee can be included in closing costs or rolled into the financing for the buyer and not paid by the Town. Concerns regarding budgeting for unknown program costs on a per transaction basis. Consider an option to grant fund these costs using the Town's down payment assistance program.

MOTION: Trustee Solomon motioned to direct staff to proceed with agreement and remove the \$500 flat fee and scope of work; and bring an amendment and draft resolution for consideration adoption at the next regular board meeting. Motion was seconded and PASSED unanimously.

Ordinance 04-2019 An Ordinance of The Board of Trustees of The Town of Eagle, Colorado Amending Section 9.15.070 Of the Eagle Municipal Code Concerning the Consumption of Beer and Wine in Designated Town Parks, Brandy Reitter, Town Manager.

Board Comments: inquired if we can regulate Eagle River Park before it is annexed. Staff will review use agreement to determine enforcement.

MOTION: Trustee Solomon motioned to approve Ordinance 04-2019 An Ordinance of The Board of Trustees of The Town of Eagle, Colorado Amending Section 9.15.070 Of the Eagle Municipal Code Concerning the Consumption of Beer and Wine in Designated Town Parks. Motion was seconded and PASSED unanimously.

Ordinance 05-2019 Prohibit Photography and Videography in Areas of Public Buildings Where Notice is Posted, Brandy Reitter, Town Manager.

Board Comments: inquired about the purpose of this Ordinance. Staff provided response that staff has been confronted by public with video and photography in Town Hall, this ordinance would allow for posting of signage and allow staff some expectation of privacy in their work areas. Without an ordinance, we are not able to enforce it. Current language may be too broad, staff will readdress the language to address specific areas for next meeting.

There was not a Motion on this item as presented.

Eagle Outside, EBikes, Jeremy Gross Marketing & Events described the unique opportunity regarding EBikes during Eagle Outside for a test period on Town trails.

Board Comments: concerns were raised regarding a trail modification to accommodate the test and create a loop was discussed. Concerns regarding closing trails to EBikes after allowing them for a test was discussed. Code would need to be changed to allow them permanently, and the town does have moto trails where they are currently allowed. Legal changes at the State level may require the town to take action to prohibit EBikes, otherwise they would be allowed. Communication to adjacent property owners was suggested. Winter closures were briefly addressed and would be a different discussion for the board to consider.

MOTION: Trustee Solomon motioned to approve request from staff for a weekend test on Eagle Town bike trails that staff deems appropriate without cutting new trails for EBikes during Eagle Outside Festival. Motion was seconded and PASSED unanimously.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS (15 minutes)

NWCCOG Update, Anne McKibbin Mayor.

Alternative Transportation on Sidewalks Discussion, Anne McKibbin Mayor - staff will address and bring language for the board to discuss in March or April.

Eagle River Watershed Council, Anne McKibbin Mayor

Board Comments: would like additional direction for staff and consultants on handling questions. Concerns regarding the misinformation and lack of notice from a partner agency were discussed. Requested any further questions in writing. Board consented to allowing the Mayor to address the Boards concerns regarding the letter sent to the Vail Daily by Director of the ERWC Holly Loff and determined not to arrange a second meeting.

Post Office, Anne McKibbin, Mayor – Brandy will ask the Eagle Postmaster to attend an upcoming public meeting to formally address what plans are in the place to improve their situation.

General comments: all trustees recently received email on a Planning Commission file, the all trustees email is on our website and available for the public to access. Upholding the process on land use files can be challenging when public contact occurs out of the formal process.

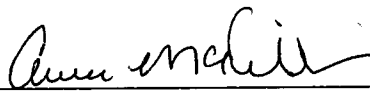
Impressed with the public works snow and road crews, staff was thanked for their efforts.

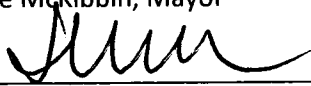
WORKSESSION – Economic Vitality & Town Revenues

Board determined that due to the late hour, this worksession would be postponed to the February 26, 2019 Town Board meeting.

ADJOURN (9:27 P.M.)

APPROVED:



Anne McKibbin, Mayor


Jenny Rakpw, CMC Town Clerk

