Town Board of Trustees
Tuesday, June 11, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.

TRUSTEES PRESENT
Scott Turnipseed
Kevin Brubeck, Mayor Pro Tem
Mikel "Pappy" Kerst
Andy Jessen

TRUSTEES ABSENT
Anne McKibbin, Mayor
Matt Solomon
Paul Witt

STAFF
Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Administrative Assistant
Carrie McCool Interim Town Planner
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Joey Staufer, Police Chief
Erin Ivie, Assistant to Police Chief

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL -

Mayor Pro Tem Brubeck noted that Trustee Solomon, Trustee Witt and Mayor McKibbin were absent.

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

Matt Scherr Eagle County Commissioner introduced himself and provided updates Eagle County initiatives.

OPEN PUBLIC HEARINGS *OPEN PUBLIC HEARING - - Must be open for One Hour*

Mayor Pro Tem Brubeck opened Red Mountain Ranch Annexation, Planned Unit Development (PUD), Site Specific Development Plan (vesting of property rights) and Subdivision Sketch Plan - File #: AN17-01/ PUD18-01 and S18-02 and Reserve at Hockett Gulch Annexation, Planned Unit Development (PUD) and Site-Specific Development Plan (vesting of property rights) - File#: AN 18-01 and PUD18-02 at 6:07 p.m.

Town Attorney Matt Mire noted that with regard to Reserve at Hockett Gulch, the Board is being requested to table this item and not extend to a date certain. We are awaiting a full submittal before scheduling it again and will re notice this to the public. Staff needs the complete packet to review before being able to present to the Board.

MOTION: Trustee Andy Jessen motioned to Table Reserve at Hockett Gulch Annexation, Planned Unit Development (PUD) and Site-Specific Development Plan (vesting of property rights) - File#: AN 18-01 and PUD18-02. Motion was

seconded and Passed with a vote of 4 in favor and 0 opposed.

Public Comment: (UNK) stated he came to talk about Hockett Gulch Project. Mayor Pro Tem Brubeck stated the public notice for the next meeting will be posted for upcoming public comment. There was no information included tonight for discussion. A request was made for referendum information and (UNK) was directed to contact the Town Clerk.

TOWN MANAGER AND DEPARTMENT UPDATE

1. Town Manager Update

   Brandy Reitter thanked public works, marketing and police for their effort on the Bonfire Block Party and Eagle Outside Festival. Updated the transition with community development and plans to interview two people on Friday. Announced that Jeremy's last day will be June 24th. Brandy is meeting with someone on Thursday for interim event contract. The position has been posted. Home Rule Roundtable is June 17th at 5:30 here at Town Hall. This will be opportunity to educate public on Home Rule. The river park water is high and there is some damage. Staff will assess this once the river comes down as it relates to budget. We will need to be creative on how to repair. There are Elevate Eagle events coming up in July. We are moving along on broadband and will have a franchise agreement to present next month.

2. Department Update

   No Board Comments.

3. Lower Basin Water Treatment Plant Project Report

   Bryon McGinnis stated that everything is moving along well. Will schedule another tour with Trustees. The project is on schedule.

CONSENT AGENDA

1. Minutes from May 28, 2019

2. Bill Pay for May 2019

MOTION: Trustee Andy Jessen motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 4 in favor and 0 opposed.

PUBLIC HEARINGS - QUASI JUDICIAL HEARING

1. Reserve at Hockett Gulch Annexation, Planned Unit Development (PUD) and Site-Specific Development Plan (vesting of property rights) - File#: AN 18-01 and PUD18-02. *(Requesting Continuance,)*

2. Tumbleweed Retail Special Use Permit - File#: SU19-03.

Mayor Pro Tem Brubeck opened the Public Hearing for FIle#SU19-03. Carrie McCool presented this item and noted that the Tumbleweed dispensary applicants are here to answer any questions.

Carrie provided the requirements for the standards for approval had been met, which included: The proposed use is consistent with the provisions of this Chapter and with the Town's; goals, policies and plans, and 2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and 3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and in provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and 4. The special conditions for specific uses, as provided in this Section, are met.

Staff provided feedback and input on the conditions for approval, which were suggested as follows: 1. Occupancy of the property for the approved use shall not be permitted prior to the issuance of State of Colorado Licenses for the references uses. 2. Upon issuance of licenses by the State of Colorado, Special Use Permit 13-11 shall become void. 3. The Chambers Avenue access shall not be permitted for exiting the property. 4. The Applicant shall apply for a building permit within one (1) year of this approval or the special use permit shall expire.

Tumbleweed architect Maggie Fitzgerald provided the board with an overview of the building, landscaping and parking. Maggie indicated the applicant had no concerns with the conditions staff recommended for approval.

Mayor Pro Tem Brubeck opened File#SU19-03 for public comment. There was no public comment.

Board Comments: confirmation that the stone yard special use permit would vacate with the issuance of this special use permit. Confirmation that only retail sales will be occurring at this location. Suggestion that the timeframe for building permit application be changed to three months from one year. Scott Schlosser representing the applicant agreed that would be acceptable.

a. Resolution 20-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving The Tumbleweed Retail Special Use Permit

MOTION: Trustee Turnipseed motioned to approve Resolution 20-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving The Tumbleweed Retail Special Use Permit with the amendment to the conditions to applicant would apply for building permit within three months. Motion was seconded and Passed with a vote of 4 in favor and 0 opposed.

3. Red Mountain Ranch Annexation, Planned Unit Development (PUD), Site Specific Development Plan (vesting of property rights) and Subdivision Sketch Plan - File #: AN17-01/ PUD18-01 and S18-02.

Carrie McCool presented this item. Tonight, staff and the applicant wish to provide the Board with an update on the review process and outstanding issues. A number of submittal documents for this meeting were received just prior to the packet deadline and staff has not had adequate time to review. Staff reviewed all items that have been revised and are currently under review. Applicant is requesting direction and timing modifications to staff recommendations.

Applicant provided a presentation on the items they are seeking direction on. This included the fiscal impact analysis as it relates to public safety, the request for flexibly on construction timing of the Local Employee Residency Program and the applicant's proposal of cash in lieu which is lower than the County's per unit rate calculation, a request in variation of payment the impact fees associated with this development and timing of open space dedication. Applicant provided comments that the variations are being requested for financing, economic conditions, concerns with public access to open space dedication parcels during construction, collateralization of all parcels to fund water and sewer installation and reasoning for reduced LERP cash in lieu offer.

Mayor Pro Tem Brubeck opened the public hearing on Reed Mountain Ranch Annexation, Planned Unit Development and Subdivision Sketch Plan for File# AN17-01, PUD17-01 and S18-02.

Markian Feduschak 004 Blue Grouse, addressed the Board regarding the land dedication for Walking Mountains Science Center and stated he is in support of this project.

Stan Kensinger 2753 East Haystacker Drive addressed the Board as Chairman of the Business Advocacy Council and requested the Board compromise with the developer for approval. The residents from this development will contribute to the Town's sales tax revenue as will the tourists drawn to the river access this project provides.

Mick Daly 1843 E Haystacker Drive referenced his email to the board and echoed his support for approval of this project.

Kraige Kinney 2677 Brush Creek stated he was in support of this project in principle but had concerns regarding the LERP requests and suggested the developer provide a letter of credit for the open space.

Steve MacDonald Avon stated this parcel is unique for the Town of Eagle and it should want it annexed as it is a well-planned development.

Mayor Pro Tem Brubeck closed public comment.

Board Comments: Matt Mire asked if the Board wished to hold the Executive Session as listed on the agenda, the Board declined the necessity to hold Executive Session. Board inquired about how the LERP number was calculated. Response was that it was an amount to offset the land costs per unit, not fully fund a housing unit. Developer indicated they are willing to build the units instead of offering cash in lieu.

Additional comments included timing of the LERP could be spread out based upon parcels and number of units on those parcels, instead of calculating them up front. Staff reiterated that the PUD Guide is the location where LERP requirements should be listed as the property could be sold and this requirement could get lost if it applied at some future date and not approved now. Applicant believed that it should be applied at development stage and would be 10% for each development permit applied for.

Applicant stated they were not disputing the impact fees or LERP units, only the timing of them. Board agreed spreading out the LERP during the development was acceptable. Impact fee timing was discussed, and staff and our code requires these be paid at application and not approval. Matt Mire believed the town may need an ordinance to address this issue more specifically for our code and to allow for payment to be made at permit, not application.

The Board agreed on request to split the transfer fee of 1% with .5% going to the Town. Applicant made comment that the open space dedication timing was critical for financing and would end the project if dedication cannot be delayed. A request for a date certain for dedication was requested and applicant agreed to a 10-year time limit.

Date for continuance was discussed, staff requested additional time to review the revisions submitted last week and the updates that will be generated from tonight's discussion. August 13 or 27 was suggested.

MOTION: Mayor Pro Tem Brubeck motioned to continue Red Mountain Ranch Annexation, Planned Unit Development (PUD), Site Specific Development Plan (vesting of property rights) and Subdivision Sketch Plan - File #: AN17-01/ PUD18-01 and S18-02 until the July 23, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 4 in favor and 0 opposed.

CLOSE PUBLIC HEARINGS Mayor Pro Tem Brubeck closed the public hearing for Red Mountain Ranch Annexation, Planned Unit Development (PUD), Site Specific Development Plan (vesting of property rights) and Subdivision Sketch Plan - File #: AN17-01/ PUD18-01 and S18-02. (8:25 p.m.)

OLD BUSINESS

1. Resolution No. 30, A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Construction Contract With Horizon Roofing, Inc. For The Replacement Of The Waste Water Treatment Plant Roof *(Roll Call Vote Required)*

   Bryon McGinnis presented this item.

   MOTION: Trustee Turnipseed motioned to Approve Resolution No. 30, A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Construction Contract With Horizon Roofing, Inc. For The Replacement Of The Waste Water Treatment Plant Roof. Motion was seconded and Passed with a roll call vote of 4 in favor (Jessen, Brubeck, Turnipseed and Kerst) and 0 opposed.

NEW BUSINESS

1. Ordinance 13-2019 An Emergency Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Renumbering Certain Chapters In Title 9 Regarding Public Peace, Safety And Morals *(Roll Call Vote Required)*

   Town Attorney Matt Mire stated this Ordinance references a codification issue that needs to be corrected.

   MOTION: Trustee Turnipseed motioned to Approve Ordinance 13-2019 An Emergency Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Renumbering Certain Chapters In Title 9 Regarding Public Peace, Safety And Morals. Motion was seconded and Passed with a roll call vote of 4 in favor (Jessen, Brubeck, Turnipseed and Kerst) and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

1. TBOT Mini Retreat Agenda for June 26, 2019

   Brandy Reitter requested input from the Board to finalize the agenda for the June 26, 2019 Town Board retreat. Currently we plan to discuss updates on strategic plan and budget items. Trustee Turnipseed requested to discuss staff issues.

2. 2020 Census Information

Brandy Reitter updated the board with her report which included information about what might be required from the town to support this effort.

3. ERWC

Board stated they agreed to send letter to the Watershed Council.

Trustee Turnipseed: requested signage at the River Park concern and expressed concern with safety. Bryon McGinnis stated we have same concerns and signs have gone up referencing using at your own risk. Rules will be posted as well. Discussion regarding recent flooding of the river path.

Trustee Jessen thanked Town staff for efforts during Bonfire Block Party.

ADJOURN 8:33 p.m.

Approved:
Date: 6.27.19

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk