Town Board of Trustees
Tuesday, July 23, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

MINUTES OF MEETING

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

TRUSTEES PRESENT

Anne McKibbin, Kevin Brubeck, Matt Solomon, Andy Jessen, Mikel, Kerst, Scott Turnipseed, Paul Witt

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Carrie McCool, Interim Town Planner/Comm Dev Director
Kelly Huitt, Finance
Bryon McGinnis, Public Works Director
Deron Dircksen, Utilities Manager
Dawn Koenig, Community Development Administrative Assistant

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

Roxie Deane, made request for additional funding of $3,000.00 for the Community Table event. The Town and MEAC have contributed $500 each.

Board Discussion took place regarding contingency funding available, which was estimated at $5000.00. Board supported the request and determined $3,000.00. was appropriate.

MOTION: Trustee Kevin Brubeck motioned to Approve the request of $3,000.00 to Our Community Table Event. Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) and 0 opposed. *(Roll call vote was taken)*

CONSENT AGENDA

1. Minutes - July 9, 2019

   MOTION: Trustee Andy Jessen motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 6 in favor, 0 opposed and one Abstain (Witt).

PRESENTATION

1. 2018 Audit Presentation, Roger Maggard

   Roger Maggard presented this item. The outcome of the audit was that the Town's books and records were in excellent working order. Additionally, Balance sheet accounts were reconciled, revenues and expenses were properly classified, and all transactions were adequately explained. We noted good awareness and compliance with sound business practices and controls, and no unusual adjustments to the financial records were necessary. We commend the Town's management and administration on its attention to detail and the Board's involvement and oversight in overall operations.

   MOTION: Trustee Matt Solomon motioned to Accept the 2018 Audit as presented and direct the Town's auditor to send to the State of Colorado. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

2. MWH, Michael Harmon - Lower Basin Water Treatment Plant Update

   Michael Harmon presented his update.

TOWN MANAGER AND DEPARTMENT UPDATE

1. Town Manager Update

   Brandy Reitter reviewed her report. Update on THOR was discovered that CDOT will let us use conduit in the roundabouts. This should result in a significant decrease in costs.

   Board Comments: Requested how much THOR will cost the Town after grants. Brandy provided the following answer: Meet Me Center would be a onetime cost of $238,488.00, there would be a monthly charge of $7900.00 per month. We intent to use the Holy Cross Community Enhancement funding towards THOR in the amount of approximately $168,00.00 which will further offset these costs. Further reduction could take place with new access point by using CDOT location in the roundabouts.

   The leasing of the remaining office space at Old Town Hall is being considered for the Vail Art Guild.

2. River Park Update, John Usery NV5

   John Usery updated the Board regarding the change order being requested for approval.

a. Change Order Number 010 in the amount of $64,512.76 to Hobbs Excavating and Trucking *Roll call vote required*

   MOTION: Trustee Andy Jessen motioned to Approve Change Order Number 010 in the amount of $64,512.76 to Hobbs Excavating and Trucking. Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) and 0 opposed. (Roll call vote was taken)

3. Town Board Mini Retreat Summary

Board Comments: Requested to clarify comment regarding staff being honest about their capacity and what can be accomplished in a reasonable about of time.

PUBLIC HEARINGS - QUASI JUDICIAL HEARINGS

1. 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. *Request for continuance to the September 24, 2019 Town Board Meeting*

Mayor McKibbin opened File# 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 at 6:59 pm.

Mayor McKibbin stated the applicant has requested to speak to the Board regarding items they are interested in negotiating as part of this project.

Applicant provided the board with points needed for direction. The list included Open Space Conveyance Proposal, Vested Property Rights Proposal, Transfer Assessment Covenant Proposal and LERP Proposal.

Mayor McKibbin opened the Public Hearing. There was no public comment.

Public Hearing was closed at 7:10 p.m.

EXECUTIVE SESSION

1. **MOTION: Trustee Anne McKibbin motioned to Adjourn the Regular Meeting and 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 Red Mountain Ranch Annexation and File#'s: AN17-01, PUD 18-01 and S18-02. Roll call vote required. Motion was seconded and with a vote of 7 in favor and 0 opposed. (7:10 p.m.)**

Meeting Resumed at 8:15 p.m.

Mayor McKibbin stated to applicants that staff will be in touch regarding the requests and proposals made tonight.

MOTION: Trustee Anne McKibbin 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. Motion was seconded and Passed with a vote

of 7 in favor and 0 opposed.

OLD BUSINESS

1. Resolution 33-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Adopting the Town of Eagle Employee Handbook

   Mayor McKibbin opened this item. Brandy noted that staff has included changes from last meeting and suggestions from board. The sick leave proposed will grandfather current staff and is intended to address accumulation. The cap is proposed at 480 hours to make it consistent with short term disability.

   Board Comments: concern with language regarding "business casual attire" and too look into requiring exempt employees to clock in.

   MOTION: Trustee Kevin Brubeck motioned to Approve Resolution 33-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Adopting the Town of Eagle Employee Handbook with changes to sick leave accumulation and to verify clocking in requirement for exempt employees. Motion was seconded and Passed with a vote of 5 in favor and 2 opposed.

2. Proposed Revision of EQR Table

   Dawn Koenig presented this item.

   Board Comments: Discussion took place regarding differences between square footage and how gross floor area is calculated and using lot size. Reiterated that the intent to making these changes was the implementation on remodels and new construction due to not having a definition of "Sleeping Room" and issues caused by applicants adding rooms that are not designated as bedrooms to avoid triggering the EQR calculations. Staff was directed to prepare an ordinance with language for charging equivalent residential unit based upon lot size, adding definition for sleeping room and deleting the public improvement fee for accessory dwelling unit. Staff indicated there may be additional definitions to review with intent to clarify.

3. Downtown Pilot Parklet Program Proposal, Brandy Reitter

   Brandy Reitter presented this item. Dana Hedrick owner of Brush Creek Saloon was present for this item. Dana indicated she would like to do a patio using three parking spots. Dana briefly described the patio, how it would be used and the seasonal operation. This would not be built until Spring 2020. Board Comments: location of the patio on Third Street vs. Broadway. Cost of the parking spots for annual lease purposes to be outlined in a license agreement. It will be separate from the permit process. Board would like to see costs for planter removal and designs for patio on Broadway. Direction to staff regarding use of parking spaces was addressed and discussion to support either sidewalk use or parking spot usage to move forward. Input was provided regarding thoughts on usage of public parking sports on a trial basis.

Request from staff is to allow approval of parklets on a trial basis to move the request forward. Intent will be to provide definitions, uniform requirements and maintain this as a temporary allowance. Board agreed to move forward on a trial basis. The sidewalk on Broadway was a preferred alternative if the planter removal was a reasonable. This would need to be decided on a case by case basis depending on location. Staff will bring an agreement for approval and reviewing the planter removal during the budget process. Board supported the parklet program as presented on a trial basis and to explore options using sidewalk on Broadway.

NEW BUSINESS

1. Future Eagle County Referral - Base Camp Eagle Campground Special Use Permit

Tambi Kateib was present with The Colby's as part of a referral mission by the applicants for their application with Eagle County. This is a camping project that requires a special use with no change to zoning. It will be referred to Eagle in next month. This is a 44-pad campsite. Intent is construct it next summer in phases. We are looking for direction on letter of support for this project, new trail construction and recommendation on future annexation.

Board provided direction for staff to draft a letter in support that can be signed by either staff or the Mayor.

2. Violet Lane Water Line Easement Purchase Agreement, Temporary Construction Easement, and Water Line Easement with Vance and Melissa Carroll and William and Nancy Powell. *Roll call vote required*

Bryon McGinnis presented this item. This is time sensitive and was budgeted.

MOTION: Trustee Solomon motioned to approve the Easement Purchase Agreement, Temporary Construction Easement and Water Line Easement for William P. Powell and Nancy N. Powell and Vance Carroll and Melissa Carroll. Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) and 0 opposed. *(Roll call vote was taken)*

MOTION: Mayor McKibbin motioned to approve authorization of future Union Pacific Railroad Quitclaim Deed of property and Partial Release and Quitclaim of Easements on format draft by the Town's Attorney. Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) and 0 opposed. *(Roll call vote was taken)*

3. Cigarette Tax/Ballot Question, Brandy Reitter

Brandy Reitter presented this item. If the Town passes a tax on cigarette sales it would eliminate the state revenue provided to the Town approximately $11,000.00.

Board Comments: Confirmation that the Town would not have to collect this tax. The Town can set it's own rate. The Town would be implementing the age increase and tax to be consistent within Eagle County. Concern about taxing those that are lower income and ability to access health benefits the tax provides as an offset to the community. Forfeiting revenue was a concern and overall desire to implement the tax to be consistent. Concern regarding raising the age to 21. Felt forced to consider it because the County will be.

MOTION: Mayor Anne McKibbin motioned to Direct Staff to let the State know the Town of Eagle is interested in considering a sales tax measure to tax Cigarettes. Motion was seconded and Passed with a vote of 6 in favor and 1 opposed.

MOTION: Mayor Anne McKibbin motioned to Direct Staff to let the State know the Town is interested in increasing the from 18 to 21. Motion was seconded and Failed with a vote of 2 in favor and 5 opposed.

MOTION: Trustee Solomon motioned to not direct staff to let state know we are interested in raising the age limit. With intent to not have it brought up again. Motion was briefly discussed and there was no second. Motion Failed for lack of a second.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

1. Joint Meeting with Planning & Zoning Commission
   Suggested dates are August 20 or October 1st. Town Clerk will send out a poll.
2. Correspondence from Kirchner Slaugh - Livestock Auction

ADJOURN - 10:00 PM

Trustee Solomon would like the board budget. Brandy stated staff will provide with department updates. Trustee Witt stated he spoke to Brian at the Post Office and was informed all post office boxes are currently rented.

Approved Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk