**Town Board of Trustees**
**Tuesday, August 27, 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.*

## 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
April Kroner, Town Planner/Comm Dev Director
Kelly Huitt, Finance
McGinnis, Public Works Director
Deron Dircksen, Utilities Manager
Joey Staufer, Police Chief
Thomas Rich, Sergeant

## ADOPTION OF AGENDA

Mayor McKibbin noted there were no changes to the agenda.

## PUBLIC COMMENT

Tom Boni: thanked the board for support of the Mushroom and Wild Food Festival .

Annie Egan: 215 Howard Street. Requested schedule for paved path repairs in the Terrace. Bryon McGinnis noted those paths are owned by the Homeowner's Association. Annie also requested a comprehensive traffic study be conducted regarding the projects being proposed and built in the Town of Eagle. Brandy Reitter noted that staff is working on collecting all traffic studies and placing them on the website in one place for public to view.

Ellie Reynolds: was present for the tobacco issue. Mayor McKibbin noted this item will be heard later on the agenda for public comment.

## PRESENTATION

1. Eagle County Animal Control Unified Animal Code Revision, Nathan Lehnert Eagle County Animal Services
   Nathan Lehnert, Animal Services Director from Eagle County presented this item. Nathan described the proposal

to adopt the county resolution regarding unified animal control codes within Eagle County to assist with education and enforcement. Proposal is estimated sometime in early 2020 for presentation to the Eagle County Towns for approval.

Board Comments: inquired about dangerous animals and cat licensing. Additional comments would be submitted to Brandy Reitter. Chief Staufer indicated his support for uniform animal codes.

**TOWN MANAGER AND DEPARTMENT UPDATE**

1. Town Manager Update

   Brandy presented her board report.

   Board Comments: rapid block adjustments to be made at low water as needed.

2. Town Website Update

**CONSENT AGENDA**

The Minutes from the Consent Agenda were removed for a separate vote.

**MOTION: Trustee Paul Witt motioned to Approve the August 13, 2019 Town Board Minutes. Motion was seconded and Passed with a vote of 6 in favor, 0 opposed and one Abstain (Turnipseed).**

**MOTION: Trustee Paul Witt motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.**

1. Minutes - August 13, 2019

2. Resolution 35-2019 A Resolution of the Board Of Trustees of the Town of Eagle, Colorado Amending the Fee Schedule Concerning Public Safety Impact Fees

3. Resolution 37-2019 A Resolution Approving a Professional Services Agreement Between the Town of Eagle and Carlson Edwards & O'Connor Attorneys at Law, P.C. for Municipal Court Prosecution Services

4. Medical Marijuana License Renewal: Sweet Leaf Pioneer LLC Medical Marijuana Cultivation/Optional Premises License at 0245 Marmot Lane #5 and Medical Marijuana Center License for 825 "A" Chambers Ave.

**PUBLIC HEARINGS - QUASI JUDICIAL HEARING**

1. Reserve at Hockett Gulch Annexation and Planned Unit Development

   Mayor McKibbin opened Reserve at Hockett Gulch Annexation and Planned Unit Development this File AN 18-01 and PUD18-02. Dan Metzger and Dominic Mauriello presented the project and current proposal for approval.

Carrie McCool gave her presentation on the request being for annexation from Reserve at Hockett Gulch. Items addressed were water and sewer service, water and sewer plant investment fees, raw water irrigation credit and cash in lieu payment for water dedication. The change and current request from applicant is to pay the cash in lieu at the time of first building permit. Building height and municipal and park land dedication were agreed upon according to the town's code. The deed restriction was removed from the PUD guide and listed as an exhibit. The exhibit was not received in time to include in the Town Board packets. A review of the public comments received to date were included along with additional letters received after the packet deadline. All will be included with the file record.

Board Comments: inquired why the deed and rental restrictions were not in the packet. Applicant indicated that the final points would be in a form approved by the Town Attorney. Board requested to review the entire exhibit before approving. Offer to approve the annexation agreement with exhibits to be approved by Town Attorney. Discussion regarding rental unit restrictions and applicability of the language from the Eagle County Guidelines for the occupancy restrictions. Attorneys indicated they were comfortable with occupancy restrictions being addressed as policies and not items recorded against the title of the property. Employers vs Town and County for preferences were also discussed. Attorneys preferred County employers over Town. Noted references in the Annexation Agreement did not reference the correct section in the PUD Guide, due to the LERP requirements becoming a separate exhibit. Water Rights timing was discussed. Town Code states these are due on annexation, applicant is asking for payment at first building permit. Discussion regarding timing of this scenario was discussed with attorneys and error was found regarding timing of this payment in the annexation agreement, which would be amended. Discussion regarding timing of this payment and effect on the project.

Mayor McKibbin opened Public Comment

Katherine Delanoy: 214 Howard Street. Requested traffic impacts be addressed.

Gary Scanlon: Against the project due to variances being requested.

Nicole Asselin:127 Callie Clark Ct. Requested access to open space and trails on this property before approving.

Pierce Church: 2705 Montgomerie Circle. Against the project due to traffic impacts.

Stan Kensinger: 2753 East Haystacker Drive. Representing the Business Advocacy Council and Chamber of Commerce. Supports the project.

Mark Heron: 81 Deerfield Way Edwards. Representing the Vail Valley Partnership. Supports the project for businesses in Eagle.

Patrick Tvarkunas: 358 Bluffs Drive. Against the project due to scale, requested the people vote on proposal.

Willy Powell: 21 Violet Lane. Had concerns regarding parking, not enough restrictions for rentals and lack of a playing field.

Jeff Kennedy: Owner Moes BBQ. In support of the project to meet business housing needs.

Rosie Shearwood: 9081 Brush Creek Road. Against the project due to size.

Charlie Gundlach: 530 Founders Place, owner of Color Coffee Roasters. In support of the project to meet business housing needs.

Steve Lindstrom: 1140 Capitol. In support of the project, this type of housing is missing from our community.

Sarah Baker: 740 Hernage Creek Road. In support of the project. Encouraged flexibility on fee in lieu payment.

Anne Robinson: 29 Red Haw Close. In support of this project.

Kraige Kinney: 2677 Brush Creek Road. Against the project due to size and traffic impacts.

Jon Stavney: 36 Red Haw Close. In support of this project and location of density.

Levi Rozga: 72 West Double Hitch. In support of this project.

Mick Daly: 1843 East Haystacker Drive. In support of this project.

Mayor McKibbin closed Public Comment at 8:33 p.m.

Mayor McKibbin called a five-minute break.

Mayor McKibbin resumed the meeting at 8:42 p.m.

Mayor McKibbin iterated the points of discussion for the Board related to the timing of the payment for fee in lieu water dedication and desire to see final documents for the exhibits related to the deed restrictions.

Town Attorney Matt Mire stated that for applicant confirmed the applicant is willing to put time frame on dedication of water rights. The payment would be made at building permit or one year from annexation whichever is sooner.

Board Comments: Request to deliberate and delegate to staff to make decisions on the timing and deed restrictions. Counter request to view the full agreement with exhibits before deciding. Board agreed to continue the decision to September 10th. Request was made for Irrevocable Letter of Credit for the water rights dedication payment. Concern on the delay payment and fairness to other developers who pay at annexation. Deferral was not viewed as an impact to the Town with Letter of Credit. Not all Board agreed on this payment deferral. Additional comments on deed restrictions. Applicant is using Eagle County's guidelines and Town of Vail has been doing similar restrictions for 30-40 years successfully. This is new to Eagle. Language would be changed to reflect Eagle business owners or employees as a guideline for occupancy restrictions. A future review of the restrictions may be beneficial to ensure they are effective. Concern regarding market rate rentals fulfilling the housing needs. Board members thanked those that participated in the public process and provided their opinions. Traffic is difficult to address due to many factors that cause it.

**MOTION: Trustee Matt Solomon motioned to Continue File#: AN 18-01 and PUD18-02 the Reserve at Hockett Gulch Annexation and Planned Unit Development to the September 10, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.**

a. Ordinance 15-2019 An Ordinance of the Board of Trustees of the Town Of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory Located in Eagle County and Approving the Associated Annexation Agreement (Reserve at Hockett Gulch)

Hockett Gulch Annexation Agreement

b. Ordinance 18-2019 An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Zoning Certain Newly-Annexed Property as Planned Unit Development and Creating Vested Property Rights (Reserve at Hockett Gulch)

Hockett Gulch PUD Guide

**OLD BUSINESS**

1. Resolution 34-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Setting Forth the Candidates for Election to the Town's Home Rule Charter Commission to be Chosen at the Town's Special Municipal Election on November 5, 2019

**MOTION: Trustee Matt Solomon motioned to Approve Resolution 34-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Setting Forth the Candidates for Election to the Town's Home Rule Charter Commission to be Chosen at the Town's Special Municipal Election on November 5, 2019. Motion was seconded and Passed with a vote of 6 in favor, 0 opposed and 1 abstain (Jessen).**

2. Ordinance 20-2019 Amending Chapter 9.15 Regarding Tobacco Products and Underage Persons

Mayor McKibbin opened this item and public comment.

Eagle Valley High School students along with Eagle County Public Health were present.

Lilly Reynolds provided comments in support of increasing the age to 21 for tobacco purchases and licensing of tobacco retailers.

Ella Srholez provided comments in support of increasing the age to 21 for tobacco purchases and licensing of tobacco retailers.

Rebecca Shifanelli provided comments in support of increasing the age to 21 for tobacco purchases and licensing of tobacco retailers.

Riley Dudley provided comments in support of increasing the age to 21 for tobacco purchases and licensing of tobacco retailers.

Jamil Gastelum provided comments in support of increasing the age to 21 for tobacco purchases and licensing of tobacco retailers.

Mandy Ivanov provided comments in support of increasing the age to 21 for tobacco purchases and licensing of tobacco retailers.

**MOTION: Trustee Matt Solomon motioned to extend the regular meeting until 10:30 p.m. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.**

Board Comments: vaping is an issue for all communities and should be addressed at the federal and national level. Agreement with rationale behind the proposal and supportive of county-wide initiative. Responsible for actions at age 18 and concern for changing age. Support of the age increase was to show support for parents, teachers, counselors and kids to make it more difficult for them to get involved with tobacco. Fear of undermining Eagle County's plans on this initiative. Board had consensus on creating a licensing process for tobacco sales.

**MOTION: Trustee Anne McKibbin motioned to Approve Ordinance 20-2019 Amending Chapter 9.15 Regarding Tobacco Products and Underage Persons. Motion was seconded and Failed with a vote of 3 in favor and 4 opposed.**

## NEW BUSINESS

1. Lower Basin Water Treatment Plant: Change Order No. 4 - Agreement Language *(Roll Call Vote Required)*

   **MOTION: Trustee Paul Witt motioned to Approve Lower Basin Water Treatment Plant: Change Order No. 4 - Agreement Language. Motion was seconded and Passed with a vote of 6 in favor (Solomon, Brubeck, Kerst, McKibbin, Turnipseed, Witt), 0 opposed and 1 abstain (Jessen).**

2. Resolution 39-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving a Professional Service Agreement for a Broadband Assessment and Feasibility Study between the Town of Eagle and Uptown Services *(Roll Call Vote Required)*

   **MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 39-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving a Professional Service Agreement for a Broadband Assessment and Feasibility Study between the Town of Eagle and Uptown Services . Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed, Witt) and 0 opposed.**

3. Resolution 40-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Agreement For Professional Services for Geotechnical Services between the Town of Eagle and Kumar & Associates *Haymeadow Soils Testing (Roll Call Vote Required)*

   **MOTION: Trustee Paul Witt motioned to Approve Resolution 40-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Agreement For Professional Services for Geotechnical Services between the Town of Eagle and Kumar & Associates Haymeadow Soils Testing. Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed, Witt) and 0 opposed.**

4. Waste Water Treatment Plant Improvements: Roof Replacement - Pay Application No. 3 *(Roll Call Vote Required)*

   **MOTION: Trustee Scott Turnipseed motioned to Approve Waste Water Treatment Plant Improvements: Roof Replacement - Pay Application No. 3 . Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed, Witt) and 0 opposed.**

5. Violet Lane Water Line: Pay Application No. 2 *(Roll Call Vote Required)*

**Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed, Witt) and 0 opposed.**

**<u>BOARD DISCUSSION AND FUTURE AGENDA ITEMS – Rescheduled to a future meeting due to time.</u>**

1. Bicycle Dismount Proposal, Mayor McKibbin

2. Meeting Agenda Revision Proposal

3. NWCCOG Update, Mayor McKibbin

4. Eagle Vision 20/20 October 2, 2019

5. Community Impact Award Nominations Solicitation Active

**<u>ADJOURN - 10:29 PM</u>**

Approved Date:

OFFICIAL SEAL TOWN OF EAGLE Est. 1905

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk