Town Board of Trustees
Tuesday, October 8, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO
MEETING MINUTES

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

CALL TO ORDER - 6:00 PM

Mayor McKibbin called the meeting to order at 6:03 p.m.

ROLL CALL - 6:05 PM

TRUSTEES PRESENT

Anne McKibbin, Kevin Brubeck, Andy Jessen, Mikel, Kerst, Paul Witt

TRUSTEES ABSENT

Scott Turnipseed and Matt Solomon

STAFF

Brandy Reitter, Town Manager
Jenny Rakow, Town Clerk
April Kroner, Town Planner/Comm Dev Director
Kelly Huitt, Interim Finance Director
Bryon McGinnis, Public Works Director
Lynette Horan, Human Resources Manager
Joey Staufer, Police Chief
Carrie Buhlman, Sergeant
Erin Ivie, Records & Evidence Supervisor
Joshua Sanders, Patrol Officer
Dominik Scriver, Patrol Officer
Hernan Samudio, Patrol Officer
Joe Shaffer, Patrol Officer
Tyler Stonum, Sergeant
Thomas Rich, Sergeant

ADOPTION OF AGENDA *Opportunity for amendment or deletions to this evening's agenda.*

There were no changes made to the agenda.

PUBLIC COMMENT *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

Mayor McKibbin opened Public Comment for items not on tonight's agenda, there was no public comment.

PRESENTATIONS - *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. Eagle County Paramedic Services, Chris Montera

   Will Dunn was present on behalf of Chris Montera and provided information on the Gallagher Amendment and its effects on the Eagle County Paramedic Services funding with a video. The Board of Trustees thanked Will for his information.

2. Recognition and Life Saving Awards, Eagle Police Department Chief Staufer

   Chief Staufer presented the recognition and lifesaving awards to Officers Joshua Sanders and Dominik Scriver. The Board thanked both their service to the Town.

CONSENT AGENDA *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes)*

MOTION: Trustee Kevin Brubeck motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

1. Minutes - September 24, 2019

2. Bill Pay - September 2019

3. Resolution 41, Series 2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Changing Ordinance No. 18 (Series Of 2019) Adopted July 9, 2019 To Ordinance No. 18A (Series Of 2019)

STAFF REPORTS *The Town Manager and Department Staff prepare and provide internal updates to the Board.*

1. Town Manager Update

   Brandy provided an overview of her report.

2. Department Update

a. Eagle LBWTP - Progress Report 10.8.19

BUSINESS ITEMS *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the Board.*

1. Ordinances No. 23, Series 2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Awarding

Comcast Of Colorado IX, LLC A Ten (10) Year Nonexclusive Revocable Franchise To Construct, Operate, Maintain, Construct And Build A Cable System Within The Town Of Eagle, Colorado.

Mayor McKibbin opened this item for discussion.

Brandy Reitter presented the staff report for this item. Gabrielle Daley from Kissinger & Fellman was present as Legal Counsel for the Town on the Franchise Agreement. In addition to the Franchise Agreement a Side Letter Agreement was prepared due to pending legislation that may affect the franchise fee calculation.

Andy Davis was present on behalf of Comcast for this item. Overview of the agreement was provided and there is consensus on this agreement by both parties. This is a cable franchise agreement and does not govern fiber or broadband. Comcast is proposing build out to the entire community including upper Kaibab and Eby Creek Mesa.

Comcast staff in attendance: Lawrence Stephens, Tim Shannon, Kari Conley and Neal Henzler.

Gabrielle Daley provided an overview of the franchise agreement for the Town Board covering building out requirements, compliance with federal law, opportunity for public access channel, franchise fee calculation, implementation and auditing clause in the agreement.

Board Discussion:

Confirmation that Upper Kaibab and Eby Creek Mesa are included in the build proposal and the same time incorporated areas of Eagle will be built. Comcast already has franchise agreement with Eagle County to provide to these areas and the build plan will include them. Comcast will provide communication and host community meetings regarding this build process. Discussion regarding the calculation and formula for the franchise fee and confirmation of auditing capability of the Town to ensure they are properly applied. The video portion of service is subject to the 5% fee. Gabrielle Daley provided references within the agreement related to auditing of the fees and formula. Assurances regarding customer service and reliability was discussed. Comcast stated it was confident it can delivery good service and be a good partner with the Town. Inquiry as to how Eagle and Gypsum will be built. Comcast stated Gypsum will have a hub site and is slightly ahead in the build process, but once this agreement is approved, the next step will be to meet with the Town of Eagle on the build timeline and process. Also discussed was "Side Letter" agreement which was created due to the pending appeal regarding service to public buildings being considered part of the franchise fee.

Mayor McKibbin opened this item to the public for comment. There was no public comment.

Further Board Discussion: inquiry if the terminology used in the agreement regarding "town council" instead of "board of trustees" would be an issue. Legal Counsel stated it would not.

MOTION: Trustee Paul Witt motioned to Approve the Ordinances No. 23, Series 2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Awarding Comcast Of Colorado IX, LLC A Ten (10) Year Nonexclusive Revocable Franchise To Construct, Operate, Maintain, Construct And Build A Cable System Within The Town Of Eagle, Colorado and the Side Letter Agreement dated October 8,2 019. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

2. 2020 Budget Presentation

Brandy presented the updated 2020 proposed budget.

Board Discussion: Inquiry into the timing of revenues related to development. Brandy stated most would be recognized in 2020. Discussion regarding sales tax revenue increase of 5% over last year and whether it was the on-line sales collection and if the Town could put more of that revenue back into our local business. Inquiry regarding healthcare plan and what the bidding process was. Bond refinancing was also discussed, Brandy did have an analysis done of our outstanding debt and we may have opportunity to refinance some debt in two years. Marketing budget and investment in our communications with dedicated internal support was also discussed. Sustainability initiative details were not included in this budget presentation, Brandy stated staff will provide more specifics on those.

MOTION: Trustee Anne McKibbin motioned to set the 2020 Budget for a public hearing on October 22, 2019. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

3. Violet Lane Water Line: Pay Application No.6 in the amount of $187,329.13 to Hobbs Excavating and Trucking, LLC (Roll Call Vote Required)

Bryon McGinnis provided an update on this project

MOTION: Trustee Anne McKibbin motioned to Approve the Violet Lane Water Line: Pay Application No.6 in the amount of $187,329.13 to Hobbs Excavating and Trucking, LLC (Roll Call Vote Required). Motion was seconded and Passed with a vote of 5 in favor (Jessen, Brubeck, Kerst, McKibbin, and Witt) and 0 opposed.

4. Resolution 42, Series 2019 A Resolution Of The Board Of Trustees Of The Town of Eagle Applying For Brownfield Assistance With CDPHE And Acting As Fiscal Agent for Environmental Hazard Abatement at 410 Broadway

Brandy Reitter presented this item.

Board Discussion: Inquiry as to why the Town is involved with this grant. Brandy stated that State agencies prefer to work with local government on grants of this type rather than private citizens. This grant is a way to help with mitigation and speed up redevelopment for this property.

MOTION: Trustee Andy Jessen motioned to Approve Resolution 42, Series 2019 A Resolution Of The Board Of Trustees Of The Town of Eagle Applying For Brownfield Assistance With CDPHE And Acting As Fiscal Agent for Environmental Hazard Abatement at 410 Broadway. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

1. Town Manager Annual Review

Board agreed to do similar review process using outside consultant. Information will be forthcoming from Human Resources Manager.

ADJOURN - 8:20 PM

Approved:
Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk