



**Town Board of Trustees
Tuesday, December 10, 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.*

CALL TO ORDER - 6:00 PM

Mayor McKibbin called the meeting to order at 6:00 p.m.

ROLL CALL - 6:05 PM

TRUSTEES PRESENT

Anne McKibbin, Kevin Brubeck, Andy Jessen, Scott
Turnipseed, Paul Witt

TRUSTEES ABSENT

Mikel Kerst and Matt Solomon

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
Jill Kane, Finance Director/Treasurer
Deron Dircksen, Utilities Manager
Joey Stauffer, Police Chief
Brian Hall, Special Event Manager
Lynette Horan, Human Resources Manager
Carrie Buhlman, Sergeant

ADOPTION OF AGENDA

Mayor McKibbin stated that the agenda will be amended to move the agenda item discussion for community funding items to the January 14, 2020 meeting.

PUBLIC COMMENT

Merv Lapin - Provided the Board with an update on the annexation for planning area 1-6 of Red Mountain Ranch. Expressed concern with third party consultant working on this project and delays in setting public hearing. Requested Board to demand from staff to post the notice of hearing to take place prior to February 3, 2020 or he may pull the application. Stated he would provide final resubmittals and a plat that were fair and complete. Additionally, requested the Town assume payment of the third-party consultant as of today.

Mayor McKibbin requested Brandy Reitter provide the Town Board with an update on this project. Brandy stated she will do so by January 14, 2020 or sooner.

PRESENTATIONS

1. Purchase Renewal Energy (PuRE), Holy Cross Energy

Mike Steiner Account Specialist for Holy Cross Energy provided review of the PuRE Program using renewable resources as an offset for members. Requested the town to consider joining this program.

Board Comments: stated this was a good program with minimal financial impact for a big benefit. Requested numbers for the Town to see financial impact on joining this program.

2. Eagle Valley Land Trust Request - Sweetwater Lake, Bergen Tjossem

Jim Daus and Bergen Tjossem were present from the Eagle Valley Land Trust and presented information on Save the Lake campaign for Sweet Water Lake. Funding support is being requested in an amount the Town can provide.

Board Comments: Board will review budget implication for inclusion of this request with the 2020 Budget and 2021 Budget. Overall the Board expressed support of the campaign for this area. Concern using Town Open Space funds for this property. Town Manager will review ballot language to ensure whether those funds can be used for this project. Concern regarding transfer of property to Forest Service for management. Additional information was provided that a resort permit could be obtained by the Forest Service for the operations of Sweet Water Resort. The Conservation Funds intent is to purchase the property and then transfer sale to the Forest Service. Land Trust would accept any amount available from the Town prior to year-end and communicate to the funding authorities showing the additional funds.

CONSENT AGENDA

Board Comments: Eagle River Watershed Council payment is for testing not for the River Park.

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

1. Minutes - November 12, 2019
2. Bill Pay - November 2019
3. Resolution 46, Series 2019 A Resolution of the Board of Trustees of the Town Of Eagle, Colorado Providing that the Regular Municipal Election to Be Held April 7, 2020 Shall be Conducted as a Mail Ballot Election
4. Resolution 47, Series 2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Delegating to the Town Clerk the Authority and Responsibility to Appoint Election Judges
5. Resolution 48, Series 2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Adopting ICMA 457 Retirement Plan

STAFF REPORTS

1. Town Manager Update
Brandy Reitter reviewed her report. Requested the Board to consider a joint worksession on land use code review with Planning Commission. Staff will arrange for meeting in February and send out attendance poll.

a. Quarterly Strategic Plan Report

2. Department Update

3. Lower Basin Water Treatment Plant Update

Board Comments: Deron Dirksen provided update that meeting with consultants regarding concern with weather delays went well and project is on track.

BUSINESS ITEMS

1. Broadband Feasibility Study Presentation, Uptown Services LLC

Presentation of the Feasibility Study was provided by Dave Stockton and Neil Shaw from Uptown Services LLC.

Board Comments: inquired if survey would be good enough to use for a revenue bond. Yes, this was an investment grade feasibility study. Inquiry on whether costs to users would be based on location. Response was that it could be, but generally the numbers presented were for build out of entire Town area. Inquiry on longevity of system. Response was that this was built into the feasibility study and includes full upgrades and improvements to the system as technology evolves. Inquiry on using gigabyte service when all other providers generally only offer megabyte. Response was that this system will have the capacity and pricing structure for users is based on higher bandwidth available. General agreement on setting up enterprise fund and consider increase to the Holy Cross Franchise Fee to offset costs. Board thanked presenters and staff for the report.

Glenwood Springs partnership was discussed. Staff from Glenwood Springs were present, including Matt Langhorst Public Works Director and their Broadband Superintendent. Provided information on partnering on build out of THOR project and benefits, including RFP pricing, bonding and staffing. Glenwood plans to start construction Spring of 2020 and will be phased over five years. The urgency of Board direction to staff is to be part of the initial project contracts for construction and to reduce monthly recurring costs to the Town.

MOTION: Trustee Scott Turnipseed motioned to direct staff to move forward on the THOR project and investigate the public public partnership with Glenwood Springs. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

2. Ordinance No. 29, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Chapter 9.15 of the Eagle Municipal Code Regarding Tobacco Products and Underage Persons. (Public Hearing)
Mayor McKibbin opened this item for public hearing.

Peter McNally, Executive Director of Physician Operations at Valley View Hospital provided his support for the Ordinances and expressed concerns regarding vaping products. Encouraged Board to continue with their discussion of tobacco products and consider banning vaping products targeted toward youth and adults.

Mandy Ivanov, Eagle County Public Health. Thanked the Board for their consideration of these Ordinances and requested clarification on penalties. Penalties will be handled by Municipal Court and are listed as Class A Municipal Offenses per the penalty schedule in our code. Mandy indicated that youth cessation initiatives will be used for youth with funds generated from the Tobacco tax.

Lily Reynolds, Eagle County High School student provided support regarding the importance of the age increase.

Candace Eaves, Eagle County School District provided examples and support for age increase on youth using tobacco and vaping products.

Mayor McKibbin closed public comment, which was held for both ordinances related to tobacco.

MOTION: Trustee Kevin Brubeck motioned to Approve Ordinance No. 29, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Chapter 9.15 of the Eagle Municipal Code Regarding Tobacco Products and Underage Persons. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

3. Ordinance No. 24, Series 2019 An Ordinance of the Board of Trustees of The Town of Eagle, Colorado Adding a New Chapter 5.16 to the Eagle Municipal Code Regarding Licensing Retail Tobacco Businesses. (Public Hearing)
(Public Hearing on this item was taken during Ordinance 29, Series 2019)

MOTION: Trustee Kevin Brubeck motioned to Approve Ordinance No. 24, Series 2019 An Ordinance of the Board of Trustees of The Town of Eagle, Colorado Adding a New Chapter 5.16 to the Eagle Municipal Code Regarding Licensing Retail Tobacco Businesses. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

4. 2020 Budget Hearing (Public Hearing)
Brandy Reitter provided overview and presentation on the 2020 budget.

Board Comments: Inquiry on open space funds and what those are earmarked for. The Open Space Master Plan was not done in 2019 and is funded for 2020 again. Inquiry on the matching funds proposal by Eagle County for their affordable housing program. Requested staff to engage with Eagle County on this topic and expressed interest in participating in the matching fund proposal. Additionally, to engage with Eagle Ranch Housing Corporation on obtaining additional funding for the program. Direction from Board was to put \$10,000 into the housing assistance matching fund pool with Eagle County.

With regard to Broadband, Board was interested in reducing the overall cost of the roll out and wanted to include the public works fiber build with a proposed cost of \$117,000 as presented.

With regard to Sweetwater Lake would like staff to confirm that \$10,000 in funding could be made could be made to the Eagle Valley Land Trust in 2020.

- a. Budget Prioritization Report

- b. Ordinance 30, Series 2019 An Ordinance Appropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below, And Setting The 2020 Mill Levy For The Town Of Eagle, Colorado For The 2020 Budget Year.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 30, Series 2019 An Ordinance Appropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below, And Setting The 2020 Mill Levy For The Town Of Eagle, Colorado For The 2020 Budget Year (Roll Call Vote Required) with the amendments and additions to the budget discussed to include funding of public

works fiber build. Motion was seconded and Passed with a vote of 5 in favor (Jessen, Brubeck, McKibbin, Turnipseed and Witt) and 0 opposed.

- c. Ordinance 31, Series 2019 An Ordinance Reappropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below For The Town Of Eagle, Colorado For The 2019 Budget Year.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 31, Series 2019 An Ordinance Reappropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below For The Town Of Eagle, Colorado For The 2019 Budget Year (Roll Call Vote Required). Motion was seconded and Passed with a vote of 5 (Jessen, Brubeck, McKibbin, Turnipseed and Witt) in favor and 0 opposed.

- d. Resolution 49, Series 2019 A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting A Budget For The Town Of Eagle, Colorado For The Calendar Year Beginning On The 1st Day Of January 2020, And Ending On The Last Day Of December 2020.

MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 49, Series 2019 A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting A Budget For The Town Of Eagle, Colorado For The Calendar Year Beginning On The 1st Day Of January 2020, And Ending On The Last Day Of December 2020. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

- e. Resolution 50-2019 A Resolution of the Board of Trustees of the town of Eagle, Colorado, Establishing and Adopting A Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code

MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 50-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Establishing and Adopting A Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

5. 2020 Community Funding Requests

This item was moved to the January 14, 2020 meeting.

6. Ordinance 27, Series 2019 An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Section 3.04.066 of the Eagle Municipal Code to Increase the Sales Tax on Retail Purchases of Marijuana and Marijuana Products From 3.0% to 3.5%, and Declaring an Emergency (Public Hearing)

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

Board Comments: Request to place this item on the calendar for adoption to avoid Emergency Ordinance in the future.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 27, Series 2019 An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Section 3.04.066 of the Eagle Municipal Code to Increase the Sales Tax on Retail Purchases of Marijuana and Marijuana Products From 3.0% to 3.5%, and Declaring an Emergency. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

7. Ordinance No. 28, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Enacting a New Chapter 8.13 of the Eagle Municipal Code to Prohibit Pet Shops from Selling, Bartering, Auctioning, or Otherwise Disposing of Dogs or Cats, except when Acquired from an Animal Care Facility of Animal Rescue Organization. (Public Hearing)

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

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance No. 28, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Enacting a New Chapter 8.13 of the Eagle Municipal Code to Prohibit Pet Shops from Selling, Bartering, Auctioning, or Otherwise Disposing of Dogs or Cats, except when Acquired from an Animal Care Facility of Animal Rescue Organization. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Jessen: requested that public works add lights to the Broadway Street monuments, provided photos regarding same.

1. 2020 Board Retreat Proposal

Brandy Reitter requested the Board's direction on retreat options.

Board Comments: Requested that John Ruetten be asked to come back to facilitate updating the Strategic Plan. Brandy will obtain options for a team building and communication facilitator for full board. A half day for new board members will be facilitated. The second day will be devoted to strategic planning and will include a social component. Two full days for new board members and one- and one-half days for previous members.

2. NWCCOG Update, Mayor McKibbin

EXECUTIVE SESSION *To consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) as it relates to the Town Manager Annual Review.*

MOTION: Mayor McKibbin motioned to adjourn the regular meeting and enter into Executive Session pursuant to C.R.S. § 24-6-402(4)(f) as it relates to the Town Manager Annual Review. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed. (9:35 p.m.)

MOTION: Mayor McKibbin motioned to adjourn from Executive Session and resume the regular meeting. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

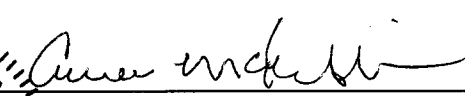
MOTION: Mayor McKibbin motioned to select Option 4 related to the Town Manager’s salary increase for 2020. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

MOTION: Trustee Witt motioned to adjourn the regular meeting. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

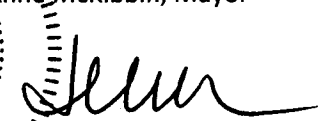
ADJOURN - 10:09 PM

Approved:
Date:





Anne McKibbin, Mayor



Jenny Rakow, CMC Town Clerk