# Town Board of Trustees
# MEETING MINUTES
# Tuesday, January 28, 2020
# 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, Matt Solomon, Andy Jessen, Mikel, Kerst, Scott Turnipseed

**TRUSTEES ABSENT**
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
Jill Kane, Finance Director/Treasurer
Deron Dircksen, Utilities Manager
Joey Staufer, Police Chief

**ADOPTION OF AGENDA**

There were no changes to the agenda.

**PUBLIC COMMENT**

Mayor opened public comment.

Gary Scanlon - provided comments regarding the home rule charter commission. Expressed concern regarding provision to change the number of signatures required on a petition for referendum and felt that could kill home rule. Stated that people feel the petitions on the last referendum were mistreated by town staff. Did not feel this was in the best interest of the Town and voters and many people are opposed to this because it does not give residents the power to vote.

Mayor McKibbin provided a clarification that the board did not craft the charter and it was prepared entirely charter commission. Mr. Scanlon indicated that it looked like a hand-picked group. Trustee solomon provided that charter added time to get signatures.

Kyle Hoiland - 135 Tanager Circle stated that he was on that commission and that he was not handpicked. He went through the process to be selected. Kyle stated he was objective and apprehensive. Kyle stated he felt the process was pure and honest and wanted the board to have faith in this process and how it was drafted. Further, the charter does not stray too far from statutory requirements and felt approval will be a good thing to the town.

**PRESENTATIONS**

1. Proclamation, Rosie Shearwood Day

   Mayor McKibbin read the Proclamation for Rosie Shearwood into the record. Scott Shearwood was present and provided his support for the board's proclamation and thanked everyone. A spring celebration of life will be announced.

2. One Book One Valley Proclamation 2020

   Mayor McKibbin read the Proclamation for One Book One Valley into the record. Laurie Barnes Director of Vail Library Services was present and thanked the board for their support.

3. CenturyLink Update, Tim Kunkleman

   Tim Kunkleman was present for this item. Tim stated he was here to update the board on changes to services. CenturyLink will be exiting the video market. The Prism product will be impacted, and CenturyLink will begin notifying communicates next month on the phase-out of this service beginning in June. There will be further discussion on the franchise agreement with the town and how this decision will impact those provisions. The intent is to strengthen our broadband services and work on diversity and redundancy. The plan is to also upgrade service speeds to 100 MB. CenturyLink will share the letters it sends to customers with the town.

**CONSENT AGENDA**

1. Minutes - January 14, 2020

   **MOTION: Trustee Kevin Brubeck motioned to Approve the Consent Agenda. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

**EXECUTIVE SESSION**

1. Executive Session to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and 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 settlement agreement offer from Abrika Properties in their water court Case No. 18CW3192.

   **MOTION: Trustee Anne McKibbin motioned to Adjourn the regular meeting and enter into Executive Session to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and 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 settlement agreement offer from Abrika Properties in their water court Case No. 18CW3192. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

   **MOTION: Trustee Anne McKibbin motioned to Adjourn the Executive Session and resume the regular meeting. The motion was seconded and passed with a vote of 6 in favor and 0 opposed. (7:09 p.m.)**

**STAFF REPORTS**

1. Town Manager Update

Brandy Reitter provided an overview of her staff report.

Board Comments: inquiry on who is attending the Glenwood Springs Board meeting on February 6th. Brandy indicated staff will be, Mayor McKibbin offered to attend on behalf of the Town Board. There is interest by the board to attend a joint groundbreaking ceremony with Gypsum and Comcast.

**BUSINESS ITEMS**

1. Mountain Recreation Tap Fee Waiver Request, Janet Bartnik

   Janet Bartnik was present for this item. The intent is for Mountain Recreation to improve the Eagle Sports Complex at the Fairgrounds property. We want to renovate the restrooms and concessions facility. The request is to waive the tap fees and water increase, which totals approximately $25K.

   Board Comments: inquiry on the overall plan for the field area with Eagle County. Janet provided that Eagle County is aware of its plans and did not discourage investment in this property. Currently, there is no food permits available without hot water. Additional Concern was raised regarding tap fees and if they are intended to cover our costs with taps. Staff provided that the tap fees are intended to cover the cost of service. Concern that we are double taxing citizens of Eagle. Janet stated that if the town waives the tap fees it would allow them to add alternate items on the bid for this project benefitting users of this facility.

   **MOTION: Trustee Kevin Brubeck motioned to Approve Mountain Recreation Tap Fee Waiver Request. The motion was seconded and passed with a vote of 5 (Jessen, Brubeck, Kerst, McKibbin, and Turnipseed) in favor and 1 (Solomon) opposed.**

2. Lower Basin Water Treatment Plant - Change Order No. 10 *(Roll Call Vote)*

   Deron Dircksen presented this item and indicated the Change Order formalizes the discussion from the last meeting with MWH and SGM.

   **MOTION: Trustee Scott Turnipseed motioned to Approve . The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, and Turnipseed) and 0 opposed.**

3. Resolution 02, Series 2020, A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting the DCI Community Assessment for the Town of Eagle

   Brandy Reitter presented this item. The intent is to strengthen the endorsement from the town for visioning for our downtowns in both Eagle Ranch and Broadway.

   Board Comments: felt that the process and participation with this program was positive. Concern was raised with the action matrix and how the town would get all of it done. Staff provided that this is a guiding document to reference moving forward. Brandy stated it could take years and annual appropriations will be made a priority for the budget. Some are multiyear ideas. A request was made to change the wording and use it as a reference. The updated language was supplied to the Town Clerk for inclusion in the Resolution. Staff agreed to update, and Mayor will sign.

   **MOTION: Trustee Matt Solomon motioned to Approve Resolution 02, Series 2020, A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting the DCI Community Assessment for the Town of Eagle with amendments made to Section 1 regarding using the Community Assessment. The motion was seconded**

**and passed with a vote of 6 in favor and 0 opposed.**

4. Resolution 04, Series 2020, A Resolution of the Town Board of Trustees of the Town of Eagle, Colorado Submitting the Proposed Home Rule Charter to the Registered Electors of the Town at the Regular Municipal Election to Be Held On April 7, 2020 and Setting the Ballot Title

Mayor McKibbin opened this item and asked for charter commission members present for any comment.

Charlie Wick provided that the key points of the charter were structural and foundational. Highlights were changing elections to November, a provision that refusal to vote on issues is in fact a yes vote, not an abstention, naming the Town Manager the Chief Executive Officer to name a few. Charlie thanked the staff for the support services throughout the process.

Scott Schlosser stated he attended the charter commission meetings and was impressed with the collaborative effort at every meeting. Wanted to assure the public they did a great job. Felt that everyone read everything.

**MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 04, Series 2020, A Resolution of the Town Board of Trustees of the Town of Eagle, Colorado Submitting the Proposed Home Rule Charter to the Registered Electors of the Town at the Regular Municipal Election to Be Held On April 7, 2020, and Setting the Ballot Title. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

5. Resolution 05, Series 2020 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Submitting a Ballot Issue to the Registered Electors of the Town of Eagle at the April 7, 2020 Regular Election to Impose a Special Sales Tax on Cigarettes, Tobacco Products and Nicotine Products

Mayor McKibbin opened this item. Brandy Reitter provided a brief overview of the proposal and ballot question.

**MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 05, Series 2020 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Submitting a Ballot Issue to the Registered Electors of the Town of Eagle at the April 7, 2020 Regular Election to Impose a Special Sales Tax on Cigarettes, Tobacco Products and Nicotine Products. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

6. Resolution 06, Series 2020 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Intergovernmental Agreement with the Eagle County Housing and Development Authority for Affordable Housing Services

April Kroner presented this item. The one difference in this agreement with years previous is the annual not to exceed the limit of $1000 to manage deed restriction documents when the Valley Home Store is not listing broker. Otherwise, it is the same. Valley Home Store representatives are here.

Board Comments: Concern that the $250 transaction fee up to $1000 is the same discussion point that was an issue previously. Tori Franks was present and provided the justification for the fees when they are not the listing broker. The $1000 is a maximum amount. The Valley Home Store staff must still qualify the buyer and ensure the closing process meets the criteria for the deed restriction even if they are not the listing broker. In addition, staff must ensure the closing process has the correct language to keep the deed restriction in place for this program. This will be charged every time someone buys a unit, and this will protect the town's investment in affordable housing. The deed restriction has to be recorded every time. The current resale inventory is about 2-3 units per year and other units are growing.

**MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 06, Series 2020 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Intergovernmental Agreement with the Eagle County Housing and Development Authority for Affordable Housing Services. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

7. Resolution 07, Series 2020 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Accepting the Improvements Installed at the Eagle Library and Reducing the Performance Guarantee

Deron Dircksen was present for this item.

**MOTION: Trustee Matt Solomon motioned to Approve Resolution 07, Series 2020 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Accepting the Improvements Installed at the Eagle Library and Reducing the Performance Guarantee. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

8. PUBLIC HEARING: 422 McIntire Eagle Auto Consignment Special Use Permit; Land Use File#SU19-05

April Kroner presented this item and reviewed her staff report and findings of the planning commission.

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

Board Comments: request to change wording related to servicing of vehicles on the property to "mechanical" servicing. Inquiry on why conditions include dealer license when they cannot operate a business without one. Additionally, inquiry to remove building permit language as that is required if changes are made to the building and not a condition of the special use. Staff agreed these conditions could be removed as they are indicated to provide notice to the applicant of the requirements.

a. Resolution 08, Series 2020, A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving a Special Use Permit for Eagle Auto Consignment

**MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 08, Series 2020, A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving a Special Use Permit for Eagle Auto Consignment with amendment to strike conditions 1 and 5 and adding the word "mechanical" in condition 3. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

9. PUBLIC HEARING: 770 Castle Drive Talley Subdivision; Land Use File#MS19-02

April Kroner presented her staff report and findings of the planning commission.

Mayor McKibbin opened the Public Hearing. There was no public comment.
Board Comments: Confirmation that other parcels have the 5-foot easement the Town is requiring from this parcel. Staff confirmed they do, and, in the future, we could ask for it again from parcels that come in for changes to made room for a sidewalk someday.

Applicant: Cindy Talley provided the board with the plan for the lots.

a. Resolution 09, Series 2020, A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving a Final Plat for the Talley Subdivision A Re-subdivision of Lot 1 of the Callicrate Subdivision, Pursuant to Chapter 4.12.06 of the Eagle Municipal Code.

**MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 09, Series 2020, A Resolution of the Board**

**of Trustees of the Town of Eagle, Colorado Approving a Final Plat for the Talley Subdivision A Re-subdivision of Lot 1 of the Callicrate Subdivision, Pursuant to Chapter 4.12.06 of the Eagle Municipal Code. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

10. Revision of the Holy Cross Energy Franchise Agreement

Brandy Reitter stated her report details the broadband conversations had with the Board to address funding with an increase to the franchise fee to 4%. This will start the public hearing process. We have noticing requirements and must set a public hearing on the Ordinance.

Board Comments: Clarification on the fee and it will be based on gross revenue collected by passing the fee onto the customer.

**MOTION: Trustee Scott Turnipseed motioned to direct staff to schedule a public hearing related to proposed Ordinance Amending Certain Provisions Of The Holy Cross Energy Franchise Agreement, Under The Terms And Conditions Contained In Ordinance No. 19, Series of 2010. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

11. Certify the 2020 Budget to send to the State by January 31, 2020

Board Comments: request to review the Board budget for 2020. Staff is working with their finance program to separate this out of the budget to report and track for the board.

**MOTION: Trustee Kevin Brubeck motioned to Certify the 2020 Budget to send to the State by January 31, 2020. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

12. Personnel Request, Permit Technician

Brandy Reitter presented this item. Staff has had to rethink the division of work in the building department. With the current outcomes, our administrative tech position usually lasts 1-2 years and feedback and they are burnt out. There are 3-4 jobs in that position, and we have a lot of growth in development. It is hard to keep up with what we have. We want to build this department and have some succession planning by bringing someone on board.

Board Comments: Clarification that some of the admin tech job duties will be moved to the permit tech. this permit tech will also support the new code enforcement position starting the end of 2020. Staff reconfirmed they are asking the board for this position because it was not in the 2020 budget. Board consensus on funding the position with excess 2020 sales tax revenue.

**MOTION: Trustee Scott Turnipseed motioned to direct staff to proceed with proposal for permit technician with funding option 2 using excess sales tax revenue. The motion was seconded and passed with a vote of 6 (Solomon, Jessen, Brubeck, Kerst, McKibbin and Turnipseed) in favor and 0 opposed.**

13. Recreation Retail Marijuana Licensing Expansion Proposal

Brandy Reitter presented this item. Described current regulations in effect on marijuana stores. This was prepared per the discussion during the budget worksession to review how the town can raise revenue. Staff is seeking board input on this proposal.

Board Comments: clarification on boundaries were discussed. Board generally felt the buffers on Chambers were sufficient. Since marijuana has been approved, it seems that the fears surrounding the stores has subsided and these are legal business in Colorado. The initial approval seems to have artificially restricted the number and location of stores. Concern that current owners have sacrificed to provide revenue to the town and increasing numbers could be detrimental to their success and survival. Thoughtful consideration should be done. Preferred that considering this proposal be in the context of the market driving this situation and not revenue related. Wish is to determine what is best for the community and business community. Desire to include current business owners in the discussion and this is a change for them. Staff will reach out to current licensees to get their input and consider options for a public hearing if necessary.

**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Trustee Solomon would like to have the short-term rental discussion and attempt to move on from this subject with a decision. Brandy noted that she has this on her list of items to discuss with the board and is working with staff on this. Bill recently presented options to the planning commission for comment. We are also including this in our land use code rewrite discussion. Board Comments included notifying Airbnb to start collecting our lodging tax and they will to keep even playing field with our hotels and letting HOA' s deal with violations in their subdivision if it is not allowed per their declarations.

Trustee Solomon inquired about municipal court process and concern regarding defendants being told to speak to the town attorney and then the attorney presents the case to the municipal judge. Citizen was concerned that they cannot represent themselves to the judge.

Trustee Solomon requested staff look into sustainable solutions to invest in for the town and how much would it cost us, i.e. solar and pressure valves to get a return on investment

Trustee Brubeck would like to review tap fees with staff for a citizen that contacted him about fees in Eby Creek.

Trustee Jessen inquiry on how much it costs to do a minor subdivision. April estimated around $2000. We should find a way to make those situations a use by right. April agreed and will be looking into with our land use code.

Trustee Kerst would like the town to purchase a table for the school district's Gala honoring Roxie and Richard Deane. Cost is $550 for the table.

**MOTION: Trustee Matthew Solomon motioned to purchase a table for $550 school district's Gala. The motion was seconded and passed with a vote of 6 in favor and 0 opposed.**

Trustee Kerst would like to fly our flags at half-staff on February 15th in honor of Jon Jon Asper. Would like to memorialize him at the February 11th Town Board meeting.

Trustee Turnipseed thanked staff for being out working on Sunday fixing a water leak on Sylvan Lake Road.

Trustee Turnipseed would like to discuss pay raises for board members. it seems unchanged for a long time. We should do something. Brandy stated she will provide comparable amounts for board consideration.

1. BOT Policy Document

   Trustee Solomon will send out the Policy document for additional feedback.

**ADJOURN - 8:45 PM**

Approved:

Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk