Town Board of Trustees
MEETING MINUTES
Tuesday, January 14, 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 6:0

ROLL CALL - 6:05 PM

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
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Joey Staufer, Police Chief
Thomas Rich, Sergeant
Deron Dircksen, Utility Manager
Lynette Horan, Human Resources Manager

ADOPTION OF AGENDA - 6:05 PM

There were no changes to the amended agenda.

PUBLIC COMMENT - 6:10 PM

Brian Aberle - 43 Pats Circle. Informed the Town Board of a post office updated policy regarding mailing addresses and using the "x PO BOX" after the physical address to ensure packages can be delivered either to the home address if UPS or FedEx can also be delivered to a resident's post office box. The post office is informing customers they will not allow this anymore. Requested support from the Town Board on this issue. Mayor McKibbin offered to provide contact information of congressional delegates that have been working on post office issues in our area.

Trustee Witt stated that we lost a community icon this past week. Rosie Shearwood was a champion of our community for many years. Wanted to find a way for the town to thank her and express appreciation to her family and friends. A moment of silence was held for Rosie.

PRESENTATIONS - 6:10 PM

1. Proposed Home Rule Charter, Brent McFall, Chair of Home Rule Charter Commission

   Brent McFall - 703 Founders Ave. Chair of the home rule charter commission. Brent provided an update on the commission's efforts and highlighted areas of the charter for the Board. Next steps are to finalize the charter after the next two public hearings and request the Board place the Charter on the April 2020 ballot. Brent thanked members and staff for their work.

   Attorney Mire encouraged any Town Board members to attend the commission public hearings to provide feedback and input.

2. Eagle Municipal Court Update/Check In, Judge Erik Johnson

   Municipal Court Judge Erik Johnson updated the Board on municipal court goals and processes.

3. Painted Intersection Pilot, Greg and Kari McDowell

   Greg and Kari Schroeder from McDowell Engineering presented their pilot program for a painted intersection. The intent is to involve the community and address safety issues near school zones. An analysis was done and is proposed to be done after the project to determine changes in driver behavior at the intersection. Greg and Kari offered to sponsor the project and review in one year with the Board on continuing and/or expanding. The school district and residents of the Bluff's neighborhood are in support of the project. The request is work with staff to start working on the project. Staff addressed street closures and general support of the pilot as a community enhancement.

   Board Comments: inquired on how the project accomplishes traffic calming. Awareness of the school zone area in general is what brings positive results in other communities. Support of the Schroeder's on sponsoring the project and willingness to try the pilot for one year and evaluate again.

   MOTION: Trustee Matt Solomon motioned to direct staff to work with McDowell Engineering on the painted intersection pilot program as presented. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

CONSENT AGENDA - 6:50 PM

Board Comments: Inquiry on the Board budget. Information provided shows year to date actuals for 2020 and 2019 expenditures are in the general government budget. Going forward Board budget will be separated as requested.

Inquiry on electronic notices of meetings. Attorney Mire stated this is the minimum requirement and notices can be posted in addition to this requirement as needed.

Inquiry on payments to Optimum Events and Further Faster Media. Inquiry on CenturyLink allocation and confirmation from staff those invoices will be reduced after THOR is activated.

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 - December 10, 2019

2. Bill Pay - December 2019

3. Resolution 01, Series 2020, "A Resolution Designating the Place for Posting of Notices of Meetings for the Boards and Commissions of the Town of Eagle."

4. Ordinance 02, Series 2020, "An Ordinance of The Board of Trustees of The Town of Eagle, Colorado Amending Section 9.15.110 of The Eagle Municipal Code Concerning The Definitions of Open And Public Use of Marijuana."

STAFF REPORTS - 6:55 PM

1. Town Manager Update

   Brandy provided highlights of her report.

   Board Comments: discussion on revenue increase in 2019. Staff provided additional revenues and expenditures will be coming in and Board will be provided with updated year end reports. Excess revenues are generally made available to transfer to the capital improvement funds.

a. Quarterly Financial Update 2019

2. Department Update

   Board Comments: Erin Ivie leaving the police department and moving to Director position with Speak Up Reach Out, sad to see her leave and appreciation for work she did for the Town. Congratulations to April on moving to Eagle. Inquiry on past due amounts in Municipal Court. Jenny Rakow provided the bulk of those being old cases sent to collections once we secured the contract to do so. Current collections and payments appear to be up.

3. Lower Basin Water Treatment Plant Update, MWH Constructors

BUSINESS ITEMS - 7:10 PM

1. Lower Basin Water Treatment Plant, MWH Constructors and SGM - Contract schedule and financial discussion

   Bryon McGinnis - Both MWH Constructors and SGM are here to update the Board on the current schedule and budget for the lower basin water treatment plant.

   Cliff Bjorgum and Mike Harmon from MWH provided the Board with the current proposed schedule to completion. The schedule is currently estimated to be seven months behind schedule with substantial completion in February 2021 and final payment in April 2021.

Board Discussion: confirmation that there is agreement on weather days. Staff provided that there is an agreement. Amendments to the contract will be brought to the Board for approval on January 28th. Communication on weather days will be a priority. Cliff Bjorgum will be providing personal updates to the Board and is proposing those quarterly, but will be available as requested.

Warren Swanson from SGM provided the Board with an update on the budget and reviewed the construction contract, engineering services contract, and the overall construction project. MWH has been given changes. What is being presented tonight is a realistic estimate for completion.

Board Comments: Inquiry on the added costs for the sewer line relocation. Staff provided additional information on the added cost was to reduce future cost on upgrading the line. Chose to replace and relocate during this project for long term solution rather than postponing it. This also tied in with another sewer project on Violet Lane that was separately budgeted. Inquiry on project completeness, Warren felt it was at 60% and that the contingency and remaining budget that was financed with the SRF Loan would be enough to cover this project. Board requested to review the schedule on a monthly basis going forward.

Inquiry on water quality and ability to add filtering systems to accommodate new standards to remove items showing up in water supplies across the country like pharmaceuticals. Warren explained that due to the main natural water supply for Eagle being above the plant this would be less of a concern. Discussed costs associated with removal and using systems like reverse osmosis and UV. Utility usage to operate those can be cost prohibitive. If new standards are set, testing and discussion would take place at that time. Request to do testing now to see what baseline is for these contaminants to determine if they are currently present. Warren expressed concern on how to analyze the results and determine what actions are necessary. With bulk of water use going to irrigation, best way to handle would be to add a carbon filter for drinking water.

2. Marketing & Events Advisory Committee (MEAC) and Community Requests Grants

Brian Hall presented the MEAC requests for Board approval. Brandy presented the community requests based upon Board input.

Board Comments: With other budget line items increasing, would like to consider increasing community requests. Discussion on amending budget to add additional funds with agreement to review mid-year based upon revenues and/or plan to address additional funds in 2021 budget. Request to round average numbers up $50 on the amounts presented.

MOTION: Trustee Matt Solomon motioned to approve the Community Request Grants with change to rounding up $50 on each. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

Trustee Jessen recused himself from the MEAC funding discussion and left the dais.

Brian Hall provided a brief presentation on the MEAC funding requests.

MOTION: Trustee Paul Witt motioned to approve the funding requests for MEAC. Motion was seconded and Passed with a vote of 6 in favor and 0 opposed (Jessen abstain).

3. Holy Cross Energy Analysis

Mayor McKibbin called a break - 8:10 p.m.

Meeting resumed at 8:25 p.m.

Deron Dircksen and Mike Steiner from Holy Cross Energy provided the analysis of the Town's usage and provided options to enroll in the PuRE program to invest in renewable energy. Benefits are that it is a flexible plan with no upfront costs.

Board Comments: Discussion on options and costs for the different types of renewal energy. Inquiry on investing the Town in their own renewable energy with hydro on our water storage and ability to use funds from Holy Cross to do so. Concern regarding costs of building infrastructure, but held open the idea. Mike stated that Holy Cross would be a partner in working on this plan. Confirmation that the additional costs are reinvested back into the community for renewal projects and energy rebates. Confirmation the enterprise funds can support this added cost. The Town also has option to use the Community Enhancement Fund to offset costs.

The Board selected Alternative #3 with 50% wind and 50% solar for a total of $27,350.00.

MOTION: Trustee Scott Turnipseed motioned to move forward with funding the PuRE Program using Alternative #3. Motion was seconded and Passed with a vote of 6 in favor and 1 opposed.

4. Proposed Tobacco Tax April Ballot Question

Brandy Reitter presented this item. Staff has prepared memo on exploring adding a tobacco tax to the April ballot to include revenue from tobacco sales. Since Eagle County passed it in November all tax collections are going to Eagle County unless the Town passes its own tax. We would be asking voters to allow the Town to collect the tax and keep. The Board would have discretion on how to use the proceeds from the General Fund.

Board Comments: expressed preference to the Vail Ballot as presented to their constituents. Discussion on dedicating proceeds from the tax either all or in part. Determination that general fund would allow for Board discretion to make contributions towards public health if desired and not to restrict that option. Concern regarding majority voting on an issue that will affect a minority with the tax increase. Request to clearly explain to voters that the tax is not changing, the only change is that Eagle will receive the revenue instead of the County. Finance will review projected revenue to determine TABOR limit. Finance is also researching software to aid with the collection process for this and lodging tax. The software could be scalable for self-collection of all sales tax.

MOTION: Trustee Matt Solomon motioned to direct staff to draft a tobacco tax ballot Resolution matching Eagle County's current tax effective in Eagle. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

5. Home Rule Charter Review

Brand Reitter stated the Resolutions in the Board packet are draft only for review.

Board Comments: general consensus that a resolution urging and support passing of home rule was not necessary. Town Attorney Mire provided information that the resolution is the one opportunity to advocate on a ballot issue. Once the ballot is set, the Board is prevented from expending any money and advocating as a Board for passage. Board felt that placing it on the ballot was enough to show support of the initiative.

a. Resolution 04, Series 2020, "A Resolution of the 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 Ordering that Such Election be Conducted as a Mail Ballot Election."

b. Resolution 05, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting and Urging A "Yes" Vote on the Town of Eagle Home Rule Charter at the April 7, 2020 Regular Municipal Election."

c. Proposed Home Rule Charter

6. Ordinance 01, Series 2020, "An Ordinance of the Town of Eagle, Colorado, Setting Forth the Compensation to be Paid to Eagle Town Officers." *(Roll Call Vote Required)*

There was no discussion.

MOTION: Trustee Andy Jessen motioned to approve Ordinance 01, Series 2020, An Ordinance of the Town of Eagle, Colorado, Setting Forth the Compensation to be Paid to Eagle Town Officers. Motion was seconded and Passed with a roll call vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 8:40 PM

1. Designation of Representative to NWCCOG for 2020

   Decision to allow Anne McKibbin and Brandy Reitter to continue as representatives until after the April election.

2. Joint Worksession with Planning Commission on February 4th (Comprehensive Plan)

   Trustee Solomon stated he would not be able to attend. April Kroner indicated the meeting should take between one and one- and one-half hours.

3. Board of Trustees Policy Draft Document

   Trustee Solomon - provided his background on creating this draft. Intention was to get feedback and adopt in March prior to the April election and new Board members being seated.

   Board Comments: inquiry on whether to wait to include charter references if ballot passes for home rule. Include time for CIRSA and attorney review. Intent is to give to new Board members along with other guiding policies. Board agreed to review by January 28th.

Trustee Turnipseed would like to have a Proclamation for Rosie Shearwood at an upcoming meeting.

EXECUTIVE SESSION - 8:50 PM

MOTION: Trustee Anne McKibbin motioned to Adjourn the regular meeting and enter into executive session pursuant to C.R.S. 24-6-402(4)(b)(e) – to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators regarding Red Mountain Ranch Annexation and Development Agreement and after Executive Session to adjourn the regular meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed. (9:15 p.m.)

MOTION: Trustee Matt Solomon motioned to Adjourn the Executive Session. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed. (9:24 p.m.)

ADJOURN - 9:24 PM

Approved:
Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

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