Town Board of Trustees
MEETING MINUTES
Tuesday, February 25, 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

ROLL CALL

TRUSTEES PRESENT
Kevin Brubeck, Matt Solomon, Andy Jessen, Mikel, Kerst, Scott Turnipseed, Paul Witt

TRUSTEES ABSENT
Anne McKibbin

STAFF PRESENT
Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Joey Staufer, Police Chief

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

Maren Cerimele: 79 Bluffs Drive. Introduced herself as a trustee candidate.

PRESENTATIONS

1. Planning Commission Service Acknowledgements, Jason Cowles and Stephen Richards

   Mayor Pro Tem Brubeck - Introduced recipients and acknowledged the community service of Jason Cowles and Stephen Richards.

2. West Eagle Housing Proposal, Tori Franks

   Brandy Reitter introduced this item. This proposal was prompted by the Brush Creek Road extension. Tori Franks was present and updated the housing proposal from the Board of County Commissioners.

   Board Comments: preference on considering a mix of housing types in this area and not necessarily opposed to single family. Staff is only working with the County now, there are no budget impacts at this time. Tori Franks stated that the County will be doing an RFQ for development of the property, budget impacts will be later in the process. Request to include deed restriction in the RFQ. To move forward the Town will have to annex and zone the property. Request to consider annexation of the fairgrounds during this process. Request for community outreach from the County. Tori Franks provided that outreach and community meetings will be part of the process.

CONSENT AGENDA

Minor correct to vote to adjourn.

MOTION: Trustee Matt Solomon motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 4 in favor, 0 opposed and 2 abstain (Turnipseed and Witt).

1. Minutes - February 11, 2020

STAFF REPORTS

1. Town Manager Update

Brandy Reitter highlighted her report. Additionally, thanked public works and police during the recent snow events.

Board Comments: request for budget implications for using McCool Planner for interim of Community Development Director position. Inquiry on timing and cost of fiber to public works for THOR. Brandy noted that staff intends to apply for a separate DOLA grant in April to finish this portion. Intent is to bring it in house using our own broadband consultant. Grant award will be in June of this year.

BUSINESS ITEMS

PUBLIC HEARING - LIQUOR LICENSE AUTHORITY

1. New Hotel & Restaurant License: The Assembly, LLC Address: 1143 Capitol Street Unit 104 A&B, Eagle, CO, Caleb and Jaimie Mackey

Mayor Pro Tem opened as the Liquor License Authority for this item and opened the public hearing.

Trustee Turnipseed stepped down due to relationship with the owners.

Kim Bradley and Kelly Moser were present on behalf of the applicant. Stated the owners are interested in opening in June.

Mayor Pro Tem asked for public comment, there was no further comments.

MOTION: Trustee Andy Jessen motioned to Approve the New Hotel & Restaurant License: The Assembly, LLC Address: 1143 Capitol Street Unit 104 A&B, Eagle, CO, Caleb and Jaimie Mackey and approve the Findings of Fact and Order. Motion was seconded and Passed with a vote of 5 in favor, 0 opposed and 1 abstain (Turnipseed).

2. Black Hills Energy Gas Pipeline Replacement Project and Request to Expand Asphalt Scope of Work on Highway 6 - $100,000 *(Roll Call Vote Required)*

Bryon McGinnis introduced this item. With Black Hills' pipeline going in southern lane on Highway Six entering Eagle and their obligation is to only repave that portion, staff's request is to pave the full highway. Staff is also requesting the Board to determine what fund to use to pay for the paving. Options are the pavement management funds or devolution funds. Estimate is between $85K and 100K for Eagle's portion of the paving.

Board Comments: inquiry on changing the lift of the road and CDOT standards. Bryon indicated that the road will be to CDOT standards as those are higher than the Towns.

Anna Smith from Black Hills Energy provided a presentation of the project along with Dale Solstrom the engineer. The six-mile replacement will be in the easement and they will be changing from 3" to 6" pipe. Direction from all parties is to be in the south lane. They are currently in the bidding process. The start date will be in April. The town would select the paving contractor for the paving in the Town of Eagle.

Board Comments: inquiry on the staging area, Black Hills stated the contractor will determine and locate the staging area. The only pavement replacement will take place in Eagle, Gypsum portion will not be in the roadway. One lane will be open at all times. Concern about using devolution funds at this point, since those are limited. Staff stated the Town is dedicating funds into the devolution fund as part of the budget process annually. Bryon also indicated staff would like to keep the pavement management fund for priorities in Town, such as the Terrace. Board requested communication to the public on the road construction, Black Hills indicated they will have a point person on Town staff to use for communication and be using a message sign. Bryon indicated there is funding for reimbursement to the Town for using staff for communication. Black Hills was thanked for upgrading the service line for more capacity.

MOTION: Trustee Paul Witt motioned to Approve using up to $100K from the Highway 6 Devolution Fund for the paving on highway 6 for this project. Motion was seconded and Passed with a roll call vote of 6 in favor (Solomon, Jessen, Kerst, Brubeck, Turnipseed and Witt) and 0 opposed.

3. Resolution No. 11, Series 2020, " A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Amendment to the Development Improvements Agreement for the Village Market."

Brandy Reitter presented this item. This request is for amending the Development Improvements Agreement for Village Market. They are requesting a two-year extension to June 23, 2022. The Town attorney has reviewed the resolution and amendment.

Board Comments: concern regarding the extension and that the board should consider not doing these in the future. Inquiry on whether there will be any action taken with this extension. Staff provided that the applicant felt the extension and timing is better with new development approved and starting in Eagle for this project. Inquiry on what if the board does not approve the extension, staff stated they would need to start over and reapply. Concern that nothing has happened in the previous 5 years and felt there was not enough reasoning provided for extension. Staff and Town Attorney stated the Board has until June 2020 to consider extension, as that is the current expiration. Board reached consensus to direct staff to obtain more information from the applicant and place on the agenda with appropriate parties in attendance.

4. Marijuana Licensee Feedback

Mayor Pro Tem opened this item.

Dieneka Manzanares was present as owner of Sweet Leaf Pioneer. Sweet Leaf celebrated 10 years in business two weeks ago. She thanked Town of Eagle and stated they take these licenses seriously. Expressed concern with changing the marijuana requirements and locations as they invested a lot of finances into where they were allowed to locate, which is next to their competitor. Believed marijuana businesses would be sharing revenue and not growing substantially. Additionally, Sweet Leaf will be starting their wholesale operation and contributing additional tax from those sales. Would like to continue giving back to the community and work with local organizations.

Board Comments: acknowledged that this request from staff related to budget discussion on revenue. Consensus that support of current businesses was a priority and that this industry was supported by the citizens with their vote for population-based expansion. Based upon feedback, additional exploration for expansion was deemed not necessary at this time.

5. Public Investment Fee (PIF) Waiver Request

Town Attorney Mire stated he spoke with staff and reviewed the legislation and stated the board does not have a role in determining a refund. We did talk about options with the Town Manager and you can provide comments directly to her. This is a staff decision.

Wendy Sacks stated this is not a waiver request and felt it never should have been charged in the first place. In her review she did not find where a building permit prompts the Public Investment Fee. She also stated this was pre-approved and was existing with rough already done.

Mayor Pro Tem Brubeck stated the Board must take the attorney's professional opinion on the Boards role in this. The Town Manager will connect with requestor on next steps.

6. Short Term Rental Policy Proposals

Bill Shrum presented this item. For the Boards consideration, there are three main options. Staff is looking for ideas, feedback and for direction to bring back a policy.

Board Comments: Confirmation that short term rentals are not defined in our current code. Preference to keep it simple and collect the lodging tax. Homeowner's Associations should be enforcing covenants where violations occur currently. Town Attorney Mire stated he can provide Town of Vail's registration policy to consider. Administrative costs were discussed, staff provided that software could possibly handle the licensing and collection to make it a self-sufficient program. Discussion that experience with short term rentals is that they allow some locals to own their homes with supplemental income and stay in the area. Staff has received complaints regarding short term rentals related to life safety issues, noise and parking. Discussion on whether to require a business license. Consensus that less regulation is better for this program and for staff. Goal is to even the playing field with hotels and our lodging tax. Staff will prepare cost and revenue projections, using a low, medium and high scale. Town Attorney will also provide a template for registration for consideration. Staff will prepare an ordinance to review.

7. Ordinance 05, Series 2020 "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Repealing and Reenacting Section 4.03.080 of the Eagle Municipal Code Concerning Land Use Application Fees and Costs."

Brandy Reitter presented this item. This Ordinance is a result of staff review of the process and application of reimbursable and collection of deposits.

Board Comments –requested future consideration on the timing of payment of tap fees. Discussion on deposit amount of 10%, some members felt this was low. Existing deposits and projects would not be affected, this will be for new files going forward. Would like language in the Ordinance to that effect that current development is bound by agreements already signed. Remedy's for payment also include holding the file for placement on agenda until payment is received or not issuing a certificate of occupancy with an outstanding balance. Concerns for developers who accumulate fees and services and do not get approved and deposit does not cover those amounts. Suggestion to increase the deposit to 20% of the total estimated costs to ensure we have money to pay reimbursable expenses.

MOTION: Trustee Matt Solomon motioned to Approve Ordinance 05, Series 2020 "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Repealing and Reenacting Section 4.03.080 of the Eagle Municipal Code Concerning Land Use Application Fees and Costs." With changes to deposit at 20% of estimated expenses and language stating current development is bound by agreements or codes at the start of the development. Motion was seconded and Passed with a vote of 6 in favor and 0 opposed.

8. Resolution 10, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Bill Nutkins, Brent Mcfall, Robert Townsend and Lani Webb to Fill Vacancies on the Town of Eagle Planning and Zoning Commission."

   Robert Townsend was present and introduced himself.

   MOTION: Trustee Andy Jessen motioned to Approve Resolution 10, Series 2020 "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Bill Nutkins, Brent Mcfall, Robert Townsend and Lani Webb to Fill Vacancies on the Town of Eagle Planning and Zoning Commission. "Motion was seconded and Passed with a vote of 6 in favor and 0 opposed.

<u>**BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 8:30 PM**</u>

Trustee Brubeck inquired about having a planning scorecard on our website for citizens to review regarding housing to increase transparency on pending projects. Brandy stated we could look into metrics and benchmarking to track projects.

Trustee Kerst inquired when the Christmas lights would be taken down. Staff indicated Broadway businesses had asked to keep them lights up longer this year.

Trustee Turnipseed thanked public works for the snow removal on Sunday. Brought up concern with the land use code update and flaws in the development process for someone to develop areas that may require changes in zoning or density to make the project work.

Trustee Witt stated he noticed the Town has been more active on Facebook putting out information and has received positive feedback.

1. Town Board Compensation

   Discussion on whether all trustees can vote on increase in compensation, since they cannot receive the increase until they are reelected. Discussion on additional benefits, like health care or a stipend for additional duties and boards and committees attended by members. Citizen feedback supported a pay increase for these positions to be more reflective of the time commitment. Would like to consider an increase for the Planning Commission as well. Requested staff to bring back more comprehensive comparisons of area towns. Staff requested effective date of 2021 budget. Inquired on approving increase with additional increases on a schedule for CPI or a set amount. Town Attorney will research that possibility.

<u>**ADJOURN - 9:00 PM**</u>

MOTION: Trustee Mikel Kerst motioned to Adjourn. Motion was seconded and Passed with a vote of 6 in favor and 0 opposed.

Approved:
Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk