MEETING MINUTES
Town Board of Trustees
Tuesday, March 10, 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

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, Paul Witt

TRUSTEES ABSENT

None

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

Ellen Bodenhemier – introduced herself as a candidate for Board of Trustees.

Andy Gould 2441 Brush Creek Road – inquired about the Haymeadow project across the road from his property. Concern that a land swap was done this winter for wetlands and location of the road. Bryon McGinnis stated they are getting their construction access from another property and this was not a land swap. Bryon will follow up. Andy also inquired about location of the water line; Bryon provided it will be Ouzel Lane.

Mayor McKibbin updated the board on the COVID 19 meeting with Eagle County.

PRESENTATIONS

1. Lower Basin Water Treatment Plant, MWH Constructors - Project Update Presentation

   MWH Construction - Tyler Hendrix and gave presentation on Lower Basin Water Treatment Plan schedule and progress. Next update will be in June.

CONSENT AGENDA

1. Minutes - February 25, 2020

Board Comments: requested the Town Clerk to correct motion for Ordinance 5. Inquiry on payment to Ewing Trucking. Staff provided this was for annual sand delivery. Inquiry on tap fund refund. Staff provided the fees were miscalculated and a refund was due. Further discussion on collection of fees and timing. Staff stated oversight will continue with engineer, public works and comm dev, and will be improved to limit errors on fee charges.

2. Bill Pay - February 2020

MOTION: Trustee Paul Witt motioned to Approve the Consent Agenda with correction. Motion was seconded and passed with a vote of 6 in favor, 0 opposed and 1 abstain (McKibbin).

STAFF REPORTS

1. Town Manager Update

Brandy Reitter reviewed her manager report. Currently working on COVID virus planning with the leadership team. A communication will go out to all staff. Also included in report was the board budget. Staff is looking for any changes or comments. The candidate forum is next Wednesday.

2. Department Update

Board Comments: Inquiry on the meeting with Terrace homeowners about the new water tank. Inquiry on increase in sales tax and if we can update the budget mid-year with the added revenue.

BUSINESS ITEMS

1. 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 opened this item and stated John Buxman, as representative, is here to answer questions. Mr. Buxman stated they are trying to add time to the process and let business catch up with cost of construction. The projects in Town are becoming a reality to support this location. This increase will help us do this project financially.

Board Comments – Inquiry on whether an outside party is being asked to develop the location and if a two-year extension will allow something meaningful to happening in 24 months. Additional Board concern regarding the contentious process to approve this project initially and impacts on surrounding neighborhood. Expected this project to be further along during this timeframe.

MOTION: Trustee Andy Jessen motioned to Approve 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. Motion was seconded and passed with a vote of 6 in favor and 1 opposed.

2. **PUBLIC HEARING:** Ordinance 03, Series 2020, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Amending the Holy Cross Energy Franchise Agreement By Increasing the Franchise Fee from 3% to 4%.

Brandy Reitter presented this item. The Board had previously asked about ratepayer impacts. Brandy reviewed the 1% impacts on average users, with an annual increase of $14.55 per year. The increase would go towards funding our municipal broadband.

Board Comments –Concern regarding passing this now and preference to wait until after the election. Inquiry on timing and if continuing would be better. Town Attorney provided the board could continue to a date certain.

Mayor McKibbin opened the public hearing. There was no public comment.

Additional Board Comments: Concern on approving an increase without specifics on what the money would be used for at this time. Preference to continue to May.

MOTION: Trustee Matt Solomon motioned to Continue Ordinance 03, Series 2020, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Amending the Holy Cross Energy Franchise Agreement By Increasing the Franchise Fee from 3% to 4% until the May 12, 2020 Town Board Meeting. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

3. Ordinance 09, Series 2020, An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 4.04.060 Of The Eagle Municipal Code, To Allow Recreational Vehicle Parks As A Special Use In The Rural Residential Zone District.

Brandy Reitter presented this item. Recreational camping would be included with lodging tax collections.

Board Comments - Inquiry on fees and tap fees. Discussion on location of rural residential locations and impact on annexations to town to allow.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 09, Series 2020, An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 4.04.060 Of The Eagle Municipal Code, To Allow Recreational Vehicle Parks As A Special Use In The Rural Residential Zone District. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

4. Short Term Rentals and Financial Analysis

Bill Shrum presented this item.

Board Comments – Discussion on breakeven point and amount of license fees and whether to charge a different amount for Short Term Rentals than hotels. Discussion on life safety inspections and whether that should impact license fees for this type. Request to have CIRSA review for risk mitigation and suggestions. Board agreed on definition of short-term rental, collection of the lodging fee, collection of sales tax and business license fee at $75. Third party process for managing would be up to staff. Staff will prepare a draft ordinance and analysis for inspections. Will also provide additional information on the hotel safety inspection process with the state or other entities for comparison. Staff will also do outreach seeking public input and can set a public hearing prior to requesting board to consider for approval.

5. Board of Trustees Facilitators Proposals

Brandy Reitter presented this item.

Board Comments: The current budget is $8000 and was for a strategic plan update. Board has also requested a facilitator for a DISC assessment and training. Discussion of pros and cons of the facilitators provided by staff. Conclusion and consensus on using a new facilitator for strategic plan update. Preference on using expanded DISC assessment with Dr. Nicolson. Staff will work on location and food budget.

MOTION: Trustee Scott Turnipseed motioned to Approve using SBrand Consulting for the Strategic Plan Update and Dr. Nicolson for the DISC assessment. Motion was seconded and passed with a vote of 7 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

1. BOT Policy Governance Document

   Board Comments: Document is long. Would like to see the clean version with all comments included. Discussion on some policies for discussion and whether the Charter would address some of them. Agreed to provide clean draft to Town Attorney for review and then forward to CIRSA by end of the week. The intent is to have ready for the new board end of April.

2. 2020 Trustee Vacancy Process

   Board Comments: Discussion on whether the new board should decide the appointment process. Staff wanted to know if there was a direction or policy the board wanted to ensure the process could move quickly with intent to have a full board seated as soon as possible. Town Attorney advised that a policy could not be created, and the Charter would supersede if passed. Advice was to wait for new board to be seated to address this topic.

3. Special Event Liquor Encroachment

   Brandy Reitter updated the board with communities that have parklets and outdoor space within events. Most other entities allowed these uses during events. Staff will be handling specifics of outdoor spaces during events with Encroachment Agreements. These will take into consideration specific locations and attendance. This will be separate from liquor license modifications and outside areas on a case by case basis. Board agreed that staff will handle these administratively.

Trustee Turnipseed - Would like to provide information on the ballot question regarding the tobacco tax so citizens know that the Town will be collecting the tax instead of Eagle County. Currently it is confusing to them. Town Attorney provided that you can pass a resolution iterating those points and there is still time do to so. Board members can speak on this subject on their own time. They key is not using town resources to promote.

Trustee Turnipseed stated he will be interviewed in a pod cast about home rule. Town Attorney will check on rules.

Trustee Brubeck – stated he received concerns regarding the Eagle Landing process and frustration with planning department. Brandy stated she met with them and it is on track.

Mayor McKibbin – stated input was requested from the Town on a high voltage line in East Avon to Gilman. There was no interest from the board to provide comments.

EXECUTIVE SESSION

1. To receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators regarding Hockett Gulch assignment and assumption, pursuant to C.R.S. § 24-6-402(4)(b) as it relates to Reserve at Hockett Gulch.

   MOTION: Mayor McKibbin motioned to adjourn into Executive Session to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators regarding Hockett Gulch assignment and assumption, pursuant to C.R.S. § 24-6-402(4)(b) as it relates to Reserve at Hockett Gulch and to adjourn from the regular meeting at its conclusion. Motion was seconded and passed with a vote of 7 in favor and 0 opposed. (9:00 p.m.)

   MOTION: Mayor McKibbin motioned to adjourn from the Executive Session. Motion was seconded and passed with a vote of 7 in favor and 0 opposed. (9:15 p.m.)

ADJOURN - 9:15 PM

Approved:
Date:

Anne McKibbin

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

Signature: Anne McKibbin

Email: anne.mckibbin@townofeagle.org

3.10.2020 Draft Minutes CORRECTED

Final Audit Report 2020-03-26

Created:	2020-03-26
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Status:	Signed
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"3.10.2020 Draft Minutes CORRECTED" History

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