# MEETING MINUTES
# Town Board of Trustees
# Tuesday, April 14, 2020
# ON-LINE MEETING

*This agenda and the meetings can be viewed at www.Townofeagle.org.*
*Times listed are approximate and are subject to change.*

**MEETING INSTRUCTIONS**

Mayor McKibbin briefed the public on meeting access using the Zoom platform.

Virtual Meeting Procedure
Register in advance for this meeting:
https://zoom.us/meeting/register/v5cocO6rrj0oPBEz2-1pK19ljZs3MzfXZw

Please note: All participants are automatically muted.
In order to be called upon and unmuted you will need to use the "raise hand"

1.

All votes will be by roll call.

When it's your turn to speak, the moderator will unmute your line and you will have three (3) minutes for public comment.

For technical difficulties please email bill.shrum@townofeagle.org and we will do our best to assist you.

**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, 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
Chad Phillips, Community Development Director/Town Planner
Bryon McGinnis, Public Works Director
Joey Staufer, Police Chief
Lynette Horan, Human Resources Manager
Dennis Wike, Town Engineer

**ADOPTION OF AGENDA**

Town Clerk provided that the Ordinance number has been updated for the Board Pay Ordinance discussion. There were no changes to the agenda.

**PUBLIC COMMENT**

Mayor McKibbin opened public comment.

Scott Schlosser requested clarification and discussion on the pending trail openings.

Mayor McKibbin acknowledged that Pam Schultz from the Gypsum Town Council passed away last week, and wanted to send best wishes and condolences to the Town of Gypsum.

**PRESENTATIONS**

1. Letter of Commendation from the Town Board of Trustees

   Mayor McKibbin presented this item and read into the record a letter to the Town Manager from the Eagle Town Board expressing support for her and the Town team at this time.

2. Introduction of New Staff, Chad Phillips Community Development Director/Town Planner and Dennis Wike, Town Engineer

   Brandy Reitter introduced Chad Phillips Community Development Director and Town Planner and Dennis Wike Town Engineer. Chad and Dennis both introduced themselves to the Town Board and public.

3. Proclamation Arbor Day 2020

   Mayor McKibbin opened this item and read the Proclamation into the record declaring Arbor Day, April 24, 2020.

**CONSENT AGENDA**

1. Minutes - March 24, 2020

2. Bill Pay - March 2020

3. Sweet Leaf Pioneer LLC Retail Marijuana Store License and Cultivation License Renewal

4. Resolution 14, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Adopting an Annexation Plan for the Town of Eagle, Colorado"

5. Resolution 15, Series 2020, "A Resolution of The Board of Trustees of the Town of Eagle, Colorado Supporting a Grant Application to the Colorado Department of Local Affairs for Project THOR"

6. Resolution 17, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

Trustee Solomon - inquired about the minutes and recognizing the change from Crowdcast to Zoom. Also inquired about town operations and exit plan from the current plan.

**MOTION: Trustee Kevin Brubeck motioned to Approve the Consent Agenda with a correction of the Minutes for meeting platform changes. Motion was seconded and passed with a vote of 7 in favor (McKibbin, Brubeck, Solomon, Jessen, Kerst, Turnipseed, Witt) and 0 opposed.**

**STAFF REPORTS**

1. Town Manager Update
Brandy Reitter thanked outgoing members Brubeck, Witt, and McKibbin for their service to the Town. -Also thanked the Town Clerk and election judges for turnout and election work during COVID restrictions.
Board Comments: inquiry on public health orders and if the Town can open parks if the County does not allow it. Town Attorney Mire stated until the County lifts their order, we are bound by it. Brandy provided an update on the opening of trails and request for closing the parking lot in the Bluffs. Request for an update on Lower Basin Water Treatment Plant from Bryon McGinnis. Bryon provided the project is on schedule and does not anticipate any extensions at this time. COVID reports are filed weekly.

2. Department Updates

3. Lower Basin Water Treatment Plant Project Report

1. LIQUOR LICENSE AUTHORITY - Modification of Premises (Parklet on Third Street), DJ Saxx, Inc. d/b/a Brush Creek Saloon
Mayor McKibbin recessed the Town Board of Trustees into the Liquor License Authority.

The Town Clerk provided an overview of the application and request for a Modification of Premises.

Board Comments: Confirmed that a building permit is needed for the outside area.

Applicant Jan Balas was present and stated they have used this parklet before in Carbondale and confirmed they will follow all building permit and code requirements. The applicant stated he will be planning to install as soon as able.

**MOTION: Trustee Andy Jessen motioned to Approve Findings and Order approving modification of premises of licensed premises for DJ Saxx, Inc. d/b/a Brush Creek Saloon and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado. Motion was seconded and passed with a vote of 6 in favor (McKibbin, Brubeck, Jessen, Kerst, Turnipseed, Witt) and 1 opposed (Solomon).**

Mayor McKibbin adjourned as Liquor License Authority and resumed the regular meeting as the Town Board of Trustees.

2. Ordinance 06, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, Regarding Short-Term Rentals"

Bill Shrum opened this item and stated staff took the suggestions from the Board and included in the Ordinance for review tonight.

Board Comments: Concern that extra language was added in the Ordinance that the Board did not discuss. Staff provided an explanation of software costs for first-year and how costs were calculated for subsequent years based upon growth in rentals. Discussion on the timing of obtaining the license and request to have it match current business license language which requires obtaining a license within 10 days of operation. Discussion on the registration language and whether the Board wished to have registration and a business license as presented, or only a business license. Town Attorney Mire provided that the Ordinance concept is centered around a registration program and not a business license for the regulations. Board felt the $75 business license fee would cover the costs of the program without an additional registration fee. Further discussion to leave registration language in the Ordinance and start with a zero fee that could be amended with the Fee Schedule adopted annually. Notice requirements were also discussed and requested the Town Attorney to determine whether email notification could apply instead of certified or regular mail. Town Attorney will research language on time frames for complaints and if the Ordinance can avoid listing specific time frames. Concern on whether the current Board should continue the discussion or if the new Board/Council being seated on April 28th should review. Town Attorney Mire stated this could be placed on the agenda prior to the new Council being seated to consider for approval by the current Board, but didn't recommend it. Additional requests to review parking language, inspections with notice, and violation/fine schedule to include first violation with no fine. Town Attorney Mire provided that violations are at the discretion of the Town and are generally a last resort and further stated the violation schedule may have to be included in the Ordinance and will confirm if it can be in the Fee Schedule. The Ordinance will be prepared for consideration on April 28th.

Mayor McKibbin noted that public comment will be taken on April 28th.

3. Ordinance 07, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Establishing the Town of Eagle Stormwater Utility Enterprise and Adopting a Stormwater Management Fee"
Mayor McKibbin opened this item. Brandy Reitter stated this Ordinance is part of the 2020 budget execution. This serves to establish the program, we are not recommending or proposing a fee, and any fee would be approved by the Board during the budgeting process.
Board Comments: Concern that the stormwater fee is a tax on every resident and if they should vote on this. Brandy Reitter stated the fee is not considered a tax, it is the fee for the impact every resident has on stormwater. The Town currently has no funding mechanism to address stormwater needs. This Ordinance sets up an enterprise fund to address this need. Request for additional information on rational nexus for determining a fee. The initial proposal was for separate fees for residential and commercial. It was confirmed that revenue bonds for stormwater could be secured with an enterprise fund in place. Suggestion to use impervious square footage to use for impact calculations. A fee will be determined at a later date to include within the budget.
**MOTION: Trustee Andy Jessen motioned to Approve Ordinance 07, Series 2020, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Establishing the Town of Eagle Stormwater Utility Enterprise and Adopting a Stormwater Management Fee. Motion was seconded and passed with a vote of 6 in favor (McKibbin, Brubeck, Solomon, Jessen, Kerst, Turnipseed) and 1 opposed (Witt).**

4. Ordinance 10, Series 2020, "An Emergency Ordinance of the Board of Trustees of the Town of Eagle, Colorado Increasing the Compensation to be Paid to the Newly Elected Council Members and Mayor"
Mayor McKibbin opened this item. Brandy Reitter provided that now is the time to review or make changes for

new board members. The board requested to see when Gypsum increased their council pay – staff provided this took place in 2002 and they are paid $300 for council members and $500 to the Mayor. Staff was not able to complete the additional request to go back through all compensation and adding 3% per year. This increase will only be in effect for new members, not current.

*Brief recess at 8:00 p.m. for community howling.*

Board Comments/Discussion: Discussion on using 18-year-old compensation from another Town. Suggestion to increase $500 for Trustees and $800 for Mayor.

**MOTION: Trustee Paul Witt motioned to Approve Ordinance 10, Series 2020, "An Emergency Ordinance of the Board of Trustees of the Town of Eagle, Colorado Increasing the Compensation to be Paid to the Newly Elected Council Members and Mayor with amounts to be $500 for Trustees and $800 for Mayor. Motion was seconded and passed with a vote of 5 in favor (McKibbin, Brubeck, Solomon, Jessen, Witt), 0 opposed and 2 abstain (Kerst, Turnipseed)."**

5. Ordinance 15, Series 2020, "An Ordinance of the Board of Trustees of the Town of Eagle, Colorado, Amending Section 3.06.030 and Section 3.04.066 of the Eagle Municipal Code to Increase the Excise Tax on Unprocessed Marijuana From Two and One-Half Percent (2.5%) to Three and One-Half Percent (3.5%) and to Annually Increase the Excise Tax on Unprocessed Marijuana and Sales Tax on Retail Marijuana"

Mayor McKibbin opened this item. Jill Kane presented the staff report.

**MOTION: Trustee Andy Jessen motioned to Approve . Motion was seconded and Passed with a vote of 7 in favor (McKibbin, Brubeck, Solomon, Jessen, Kerst, Turnipseed, Witt) and 0 opposed.**

6. Lower Basin Water Treatment Plant – Change Order Authorization Thresholds Amendment from 5% to 8% of the Guaranteed Maximum Price

Bryon McGinnis and Jill Kane presented this item. Staff is asking to raise the Town Manager's approval threshold to 8% to give her permission to sign Change Orders to keep the project moving forward. Project Managers will be coming back in June with a thorough financial report.

Board Comments/Discussion: Inquiry on whether this project is exempt from the budget freeze. Brandy Reitter stated this is a mandatory item and is exempt.

**MOTION: Trustee Kevin Brubeck motioned to Approve the COMMENT. Motion was seconded and passed with a vote of 7 in favor (McKibbin, Brubeck, Solomon, Jessen, Kerst, Turnipseed, Witt)and 0 opposed.**

7. 2020 Budget COVID-19 Financial Impacts Presentation

Brandy Reitter thanked Finance Director for putting this presentation together in a short amount of time.

Jill Kane presented this item and reviewed the staff memo included in the board packet.

Board Comments/Discussion: inquiry on other areas for sales tax revenues and what those numbers include. Staff provided these are generally from online sales. Concern that this was a lot of analysis and information to discuss on short notice and preference to have more time to review. A worksession was proposed so that new council members can review and have focused discussions. Staff stated this analysis can be updated as sales tax numbers come in to show changes to the budget. Staff will be including this information every month. Options were included to think about projections. Staff would like to remain in a budget freeze for a few months until we know more about revenues and effects. Staff will likely be requesting decisions from the Council on April 28th regarding the budget. Inquiry on receiving FEMA payments, staff was not overly optimistic about receiving funding. Due to the restrictions on what qualifies for relief. Inquiry on self-collection of sales tax and if that would provide those revenues faster. Staff stated yes, self-collection is now an option with Home Rule, however, this would take staff and software to ensure compliance for collections to be done. Overall, the Board was amenable with a reserve of 25% and will discuss further at an upcoming worksession.

## BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Jessen: Requested the Town open up whatever trails it can safely to spread out users. Thanked Mayor and Trustees Witt and Brubeck for their service.

Trustee Brubeck thanked all Board members.

Trustee Witt thanked all Board members for the experience.

Brandy Reitter stated staff is having a discussion on the yard waste facility. We are currently delaying the opening to align with the public health orders. Staff may be proposing fee abeyance for the remainder of the year.

Trustee Solomon thanked Mayor and Trustees Witt and Brubeck. Looked forward to reviewing COVID orders at the next meeting on the timetable for lifting restrictions.

Mayor McKibbin thanked the Board and staff.

1. Board Committee Review

   Request to add the Economic Vitality Committee to this list. Kevin Brubeck indicated he would like to stay on this committee.

## EXECUTIVE SESSION - 9:18 PM

To hold a conference with the Town's attorney to receive legal advice on specific legal questions, as it relates to Red Mountain Ranch Annexation and Development Agreement and the Eagle River Park pursuant to C.R.S. § 24-6-402(4)(b) and 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.

1. **MOTION: Mayor Anne McKibbin motioned to Adjourn to hold a conference with the Town's attorney to receive legal advice on specific legal questions, as it relates to Red Mountain Ranch Annexation and Development Agreement and the Eagle River Park pursuant to C.R.S. § 24-6-402(4)(b) and 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 and adjourn the regular meeting after the Executive Session. Motion was seconded and passed with a vote of 7 in favor (McKibbin, Brubeck, Solomon, Jessen, Kerst, Turnipseed, Witt) and 0 opposed.**

**ADJOURN - 10:09 PM**

**MOTION: Trustee Kevin Brubeck motioned to Adjourn the Regular Meeting. Motion was seconded and passed with a vote of 7 in favor (McKibbin, Brubeck, Solomon, Jessen, Kerst, Turnipseed, Witt) and 0 opposed.**

Approved:
Date:

Anne McKibbin

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

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TOWN OF BAGLE
Est. 1905