



MINUTES
Town Board of Trustees
Tuesday, July 26, 2016
6:00 P.M.

Public Meeting Room / Eagle Town Hall
200 Broadway
Eagle, CO

This agenda and the meetings can be viewed at www.townofeagle.org.

Meetings are also aired online at <https://vimeo.com/channels/townofeagle/>.

This meeting is recorded and a CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings as written by Angela Haskins.

PRESENT

Anne McKibbin, Mayor
Andy Jessen
Mikel "Pappy" Kerst
Matt Solomon
Kevin Brubeck, Mayor Pro Tem
Doug Seabury
Paul Witt

ABSENT

Dave Betts
Tom Olden, Jr.
Derrick Wiemer

STAFF

John Schneiger, Town Manager
Jenny Rakow, Town Clerk
Ed Sands, Town Attorney
Tom Boni, Town Planner
Matt Farrar, Assistant Town Planner
Kevin Sharkey, Town Engineer
Dusty Walls, Public Works Director
Terry Simpkins, Lieutenant
Jill Ewing, Finance Director

PUBLIC SIGN IN

John Atwood
Celena Olden

6:00 PM – REGULAR MEETING CALLED TO ORDER

PUBLIC COMMENT

Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.

Dave Betts, Eagle City Market Store Manager and John Atwood, Project Manager for City Market expansion were both present to notify the Town Board of their gratitude and satisfaction in working with Town Staff, specifically naming Deron Dirksen, Dusty Walls and John Boyd.

CONSENT AGENDA *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation.*

1. Minutes – July 12, 2016
2. Ordinance 21-2016 An Ordinance of the Town of Eagle, Colorado, Amending Resolution No. 55 (Series of 2015), A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Cindy Callicrate to Fill A Vacancy on the Town of Eagle Planning and Zoning Committee, and Resolution No.65 (Series of 2015), A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Appointing Max Schmidt to Fill A the Alternate Member Vacancy on the Town of Eagle Planning and Zoning Commission, In Order to Correct An Error Regarding the Term Expirations. *(Clerical correction to terms)*

MOTION: Trustee Brubeck motioned to approve the Consent Agenda. Motion was seconded and PASSED unanimously.

PRESENTATION

Halsey Lucas Eagle Scout Project – Halsey Lucas presented his proposal for an RC Park to be located next to the Pump Track and BMX Track on the Town's property near the Pool and Ice Rink campus. The proposal stated that Boy Scout Troop 222 would design, construct and maintain the park. There was no cost to the Town and all materials and labor would be donated. Board Members questioned the ability to convert the park into a competitive track in the future. Ed Sands stated he could prepare the basic agreement outlining the obligations of both parties and to cover liability of the location. Signage for rules and regulations would also need to be constructed and posted.

The Town Board agreed to formally consider this proposal and agreement at the next Board Meeting. The Town Attorney will prepare the agreement and the Town Manager will determine impact on staff and/or Town resources.

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) regarding Legislation for Municipal Court Regarding Warrants Defense Counsel to be held with Judge Allen.

EXECUTIVE SESSION – to hold a conference with the Town's attorney to receive legal advice on specific legal questions and items pertaining to negotiations, pursuant to C.R.S. § 24-6-402(4)(b) with regard to Frost Creek PUD Amendment Water and Bike Path Discussion (Mary Elizabeth Geiger by telephone)

(6:22 p.m.) MOTION: Trustee Witt motioned to 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) regarding Legislation for Municipal Court Regarding Warrants Defense Counsel to be held with Judge Allen and with regard to Frost Creek PUD Amendment Water and Bike Path Discussion (Mary Elizabeth Geiger by telephone). Motion was seconded and PASSED unanimously. Ed Sands certified for the record that the discussions were Attorney/Client Privileged and would not need to be recorded.

(7:32 p.m.) MOTION: Trustee Witt Motioned to adjourn the Executive Session and resume the regular meeting. Motion was seconded and PASSED unanimously. (Kerst and Solomon absent)

AUDIT PRESENTATION

2015 Audit Presentation – Hays Maggard Hood *(Materials to be presented by auditors, information will be received separately.)*

Rodger Maggard was present for this item and provided the Town Board with the professional opinion and results of the 2015 Audit of the Town of Eagle's financials. What was presented followed the Audit Report and outlined the Independent Auditor's Report – which was provided to each board member and is available as a public record.

Mr. Maggard highlighted significant audit findings as recorded in their management letter.

MOTION: Trustee Brubeck motioned to accept the 2015 Audit Report as prepared by Hays Maggard Hood PC. Motion was seconded and PASSED unanimously.

LAND USE

1. Project: Boyz Toyz Snowmobile/ATV Store
File #: SU97 (Proposed Amendment 2016)
Applicant: Gary Ratkowski
Location: 432 Grand Avenue
Staff Contact: Tom Boni (Town Planner)
Request: Special Use Permit to allow continued operation of store/repair facility.

Mayor McKibbin opened this item for discussion. Tom Boni, Town Planner handed out additional public comment received after the packets were distributed. The applicant has requested a continuance pending receipt of the survey that was requested. Staff felt additional direction and discussion on this file would be beneficial to assist applicant in moving forward. The Town Board agreed to allow public comment and also that it needed more time to review the information being provided from staff and applicant.

Mayor McKibbin opened public comment.

Jim and Stacey Maule address 436 McIntire both stated they are the closest neighbor to applicant and nothing has bothered them about this business. Applicant has been respectful and courteous of neighbors. Would like to see them able to continue business operations at this location.

Tom Olden 422 McIntire stated the problem surrounds fairness and attempting to operate a business directly behind this location. Parking and other restrictions on businesses trying to locate here can be a burden. Would like to see enforcement of the Special Use Permit, consistency and enforcement of the Town Code. With the current use there is an abuse of the public right of way. Would like to see applicant to follow the agreement and for the town to enforce it.

Mayor McKibbin closed public comment.

Board Comments: will need to review research on sound decibel limits, parking allotments, land survey results, requirements or restrictions on washing of vehicles and proposed draft of display vehicle locations.

MOTION: Trustee Seabury motioned to continue File#SU97 to the August 23, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

2. Project: Sylvan Circle Development Plan
File #: DR16-03
Applicant: Jonathon Werner (Eagle Sylvan, LLC)
Location: 58 Sylvan Lake Road
Staff Contact: Tom Boni (Town Planner)
Request: Development Review for a 42-unit Townhome project on 4.67 acres.

Mayor McKibbin reopened File#DR16-03. Trustees Seabury and Witt both acknowledged they had viewed the previous presentation on the town's website and did not need to have the project presented again tonight. The entire presentation was included in the Board Packets.

Trustee Seabury recused himself due to a potential conflict and sat in the audience.

Tom Boni provided an overview of the project and comments from his staff report and provided his staff recommendation as follows: 1. Recommend approval of Variance to Development Standard requiring 15-foot landscape buffer based on standard that public good would be better served by granting variance due to additional landscaping in right of way, reduction in size of remote parking lot and accommodation of stacked parking space behind the garage. 2. Staff recommends approval of the Development Plan Application based on: A. Compliance with the Town's ordinances, regulations, goals, policies and plans. B. Any adverse impacts resulting from the proposed development are reasonably and adequately mitigated by the applicant to minimize such impacts.

Mayor McKibbin opened this item for public comment. There was no public comment.

Board Comments: Discussion regarding Adequate Public Facilities. The Town is faced with impending decision on the expansion of water treatment facilities due to the number of already approved projects. Ed Sands acknowledged that the Town will provide services on first come first serve and reserves are based upon payment of water service fees. Board agreed in its concern regarding approving additional units when the threshold for building the new treatment plant has been met on paper. Mitigation was also discussed with using grey water, reducing summer consumption, xeriscape requirements and impacts on current established landscape and residents. Mayor McKibbin acknowledged concerns and added a significant building permits would need to be issued to create capacity concerns under current use.

Parking for guests and residents was cautioned as it would likely not be enough. Staff stated the project is over the requirement for parking by about 8 spaces.

Discussion regarding the Local Employee Residency Program (LERP) units. Board requested changes to unit type and location to include a one-bedroom unit and for the units be dispersed. Pricing of the units, timing of applications for LERP units and lottery for reservations will be confirmed with the Town's representative to make sure it complies with the program. Applicant agreed to the recommendations on the LERP units.

Recommendation to allow Mayor to sign the Resolution and Development Improvements Agreement as amended tonight.

Resolution 39-2016 A Resolution of the Board of Trustees Town of Eagle, Colorado Approving A Development Plan For the Construction of Forty-Two (42) Multi-Family Residential Units to Be Subdivided Into Townhouse Units and Appurtenances on Lot 1 of the West Eagle Addition, Filing 2, Subdivision Within the Town of Eagle; Approving A Development Improvements Agreement, Dated July 26, 2016 Between the Town and Eagle Sylvan, LLC.; Granting A Design Variance to Landscaping Requirements; Approving A Site Specific Development Plan Establishing A Vested Property Right Pursuant to Article 68 of Title 24, C.R.S. and Section 4.17.030 of the Eagle Municipal Code; and Authorizing the Issuance of a Major Development Permit for Said Property.

MOTION: Trustee Solomon motioned to approve Resolution 39-2016 with change in LERP units as presented tonight, with staff recommendations and signing would be conditional upon review by Mayor and Town Attorney. Motion was seconded and PASSED unanimously (Seabury recused).

3. Project: Highway Six Annexation
File #: AN15-01
Applicant: Town of Eagle
Location: Highway Six
Staff Contact: Tom Boni (Town Planner)
Request: 3200 feet of Highway Six in Four Sequential Annexations

Highway Six Annexation

- A. Resolution 35-2016 A Resolution Concerning the Annexation of Certain Property Mapped as the State Highway 6 Parcel A Annexation to the Town of Eagle, Colorado.
- B. Resolution 36-2016 A Resolution Concerning the Annexation of Certain Property Mapped as the State Highway 6 Annexation B to the Town of Eagle, Colorado.
- C. Resolution 37-2016 A Resolution Concerning the Annexation of Certain Property Mapped as the State Highway 6 Annexation C to the Town of Eagle, Colorado.
- D. Resolution 38-2016 A Resolution Concerning the Annexation of Certain Property Mapped as the State Highway 6 Annexation D to the Town of Eagle, Colorado.
- E. Ordinance 22-2016 An Ordinance of the Town of Eagle, Colorado, Annexing Certain Territory to Be Known as the Highway 6 Annexation A to the Town of Eagle, Colorado
- F. Ordinance 23-2016 An Ordinance of the Town of Eagle, Colorado, Annexing Certain Territory to Be Known as the Highway 6 Annexation B to the Town of Eagle, Colorado.
- G. Ordinance 24-2016 An Ordinance of the Town of Eagle, Colorado, Annexing Certain Territory to Be Known as the Highway 6 Annexation C to the Town of Eagle, Colorado.
- H. Ordinance 25-2016 An Ordinance of the Town of Eagle, Colorado, Annexing Certain Territory to Be Known as the Highway 6 Annexation D to the Town of Eagle, Colorado.

Mayor McKibbin opened this item. Ed Sands stated due to issues regarding legal descriptions, this file will need to be continued.

MOTION: Trustee Witt Motioned to continue File#AN15-01 to August 9, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

4. Project: Land Use Code Updates
File #: LURA16-01
Applicant: Town of Eagle
Location: N/A
Staff Contact: Matt Farrar (Assistant Town Planner)
Request:
1. Revise Section 4.03.040 to define dog daycare facility. (*Continue to September 27th*)
 2. Revise Section 4.04.070 to define regulations for dog daycare facilities. (*Continue to September 27th*)
 3. Revise Section 4.04.070 to define regulations for marijuana testing facilities.
 4. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted.

Matt Farrar noted items 1. and 2. are requested to be continued until September 27th. Matt stated the revisions proposed regarding marijuana was to creative flexibility in the regulations and expand area for marijuana related businesses. There are no changes to existing regulations. Matt further stated the Police Chief was heavily involved in reviewing the language and proposed revisions. The existing limit on stores and cultivations will

remain the same at 1 per 5,000 in population and only increase once population surpasses 10,000. Staff is recommending approval of the proposed revisions and they will be included in Ordinance form on a future Consent Agenda.

Comments were made that the correlation between population and types of marijuana businesses is not a close correlation when it comes to wholesale. Testing facility and export would have the same impact as a retail store front. Staff noted it was presented as unlimited in the number of businesses outside of retail, but the Planning Commission kept that provision in the regulations and is recommending it not change.

MOTION: Trustee Jessen Motioned to continue Items 1 and 2 to September 27, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

MOTION: Trustee Jessen Motioned to approve items 3 and 4 regarding revisions to Marijuana and direct staff to prepare an Ordinance for approval on August 9, 2016. Motion was seconded and PASSED unanimously.

DECISIONS, DISCUSSION OR DIRECTION REQUESTED

ORDINANCE 19-2016 An Emergency Ordinance Relating to the Issuance of the Town of Eagle, Colorado, Sales Tax Revenue Bonds, Series 2016, In the Principal Amount of \$[5,200,000], For the Purpose of Financing A Town River Park and the Other Purposes Described Herein; Providing For the Pledge of the Town's Sales Taxes, and Other Revenues; Providing For the Form of Bond and Other Details and Covenants With Respect thereto; Repealing All Ordinances In Conflict therewith; Ratifying All Action Heretofore Taken In Connection therewith.

Trustee Seabury asked when bond fund would be available. Trustee Brubeck noted mid-September bond proceeds would be released. Funds would be kept in interest bearing account.

MOTION: Trustee Solomon motioned to approve Emergency Ordinance 19-2016. Motion was seconded and PASSED unanimously.

Contract for Caroline Bradford – River Corridor Project – John Schneiger noted Caroline has already begun consulting work on the River Corridor Project and her assistance has been invaluable. There was minor correction noted on exhibit that will be changed prior to Mayor's signature.

MOTION: Trustee Witt Motioned to approve the Contract for Services for Caroline Bradford. Motion was seconded and PASSED unanimously.

Contract for Amy Cassidy – Marketing Services – John Schneiger noted this contract will take us through the end of the year. There was also a request to change the name in the contract to "Take Aim Marketing" and not Amy Cassidy. Negotiation on the contract entailed reducing number of hours from 30 to 20 per week. Trustee Solomon inquired as to the rate and would like see it reduced or a counter offer. Trustee Kerst agreed that the rate seemed high. Other Board comments supported the rate and felt it was reasonable for the work performed. Trustee Brubeck suggested talking to Town of Gypsum regarding their event coordinator position to compare. Continuity and stability through year end is the goal of the contract. Board members would like to see an update provided monthly regarding events and marketing. Consideration regarding this position and how it is funded and whether portions of it are contracted out will need to be considered at budget time.

MOTION: Trustee Seabury Motioned to approve Contract for Take Aim Marketing for the remainder of 2016. Motion was seconded and PASSED with a vote of five (5) in favor (Jessen, Brubeck, McKibbin, Seabury and Witt) and two (2) opposed (Solomon and Kerst).

Planning Commission Vacancies/Reappointments (*Direction requested on process desired to fill vacancies.*) Board direction was to advertise the vacancies for appointments.

STAFF UPDATES AND REQUESTS

Manager's Report – we have approximately 50 applicants for the part-time events coordinator position that closed on Monday.

Eagle River Corridor Project Update (*Staff will answer questions and attempt to provide current updates on project goals, timelines and budget.*) GOCO representatives are here tomorrow meeting at the site with staff present. Matt stated he prepared a draft budget and monitoring plan. Once additional data is obtained this can be a workable public document. August 10th is the proposed date for a work session with staff and the Board on the river corridor plan, progress and updates. An additional meeting will need to set up to meet with Planning and Zoning as there is too much to cover in one.

November Election Topic Update –Marijuana Excise Tax and Public Notice Publication Requirements

- Municipal Excise Tax on Marijuana Cultivation Facilities (*Staff Memo to postpone placing this on the November Ballot*)
- Additional Information for Publication of Ordinances by Title Only and CML Information on Ballot Language
 - Budget Numbers, Estimates (*Staff Memo – Board should determine if cost savings warrant placing on the November Ballot.*)

Board agreed that adding these items to the ballot is not a necessity or priority at this time. Only Broadband will continue to be considered.

Eagle County Sales Tax Comparisons – Obtained from State (*Information Only*)

EXECUTIVE SESSION – to Consider Personnel Matters, Pursuant to CRS § 24-6-402 (4)(f) – this was cancelled due to the late hour.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Mayor's Update – thanked Matt Farrar for his service. This is his last Board Meeting and his last day is this Friday.

Mayor and staff met with Merv Lapin regarding the Green Bridge property. Feedback was there was nothing showing a fatal flaw in their proposal.

Mayor still plans to meet with Jason Cowles and discuss joint meeting with Board of Trustees.

Mayor is working on Town Manager 90-day goals and will be emailing it to everyone.

Trustee Seabury encouraged other board members to review the water model and projections.

Appointment to NWCCOG – this will be handled at a future meeting.

ADJOURN (10:48 pm)

8/9/16

Date



Anne McKibbin, Mayor



Jenny Rakow, CMC Town Clerk