



MINUTES
Town Board of Trustees
Tuesday, September 13, 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 Jenny Rakow.

PRESENT

Anne McKibbin, Mayor
Andy Jessen
Mikel "Pappy" Kerst
Matt Solomon
Paul Witt

ABSENT

Kevin Brubeck

PUBLIC SIGN IN

Kari McDowell
Anne Helene Garberg
Adam Palmer
Kyle Hoiland
Mick Daly
Kelly Anderson

STAFF

John Schneider, Town Manager
Jenny Rakow, Town Clerk
Ed Sands, Town Attorney
Tom Boni, Town Planner
Kevin Sharkey, Assistant Town Engineer
John Staight, Open Space Coordinator

Kim Langmaid
Amy Cassidy
Ron Bates
Caroline Bradford
Cynthia Lepthein

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.

Mayor McKibbin opened for public comment, there was no public comment.

PRESENTATIONS

Climate Action Plan, Kim Langmaid presented to the Board the outline of the Climate Action Plan goals. There is a hosted Community Open House in Eagle tomorrow, Wednesday, September 14th from 5-7 pm and the public, Town Board and town staff are encouraged to attend.

Hardscrabble Trails Coalition, Adam Palmer presented his request to the Board regarding additional trail assistance from the Open Space Fund, consideration for full time position and additional seasonal assistance for trail maintenance. Would like the Board to provide direction on how to bring this proposal to move projects forward. Mayor McKibbin noted that this will be a consideration during upcoming budget discussions.

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 – August 23, 2016
2. August 2016 Bill Paying and Payroll
3. Transfer of funds (\$24,000) to A&R Investment LLC for Black Hills Corporation Easement Payment per MOU and Resolution 24, Series 2016
4. Independent Contractor Agreement - Special Events Pine Productions LLC

MOTION: Trustee Wit Motioned to approve the Consent Agenda. Motion was seconded and PASSED unanimously.

DECISIONS, DISCUSSION OR DIRECTION REQUESTED

Sweet Leaf Pioneer LLC Marijuana License Renewals; Medical Marijuana Center and Medical Marijuana Center Cultivation. Mayor McKibbin opened this item and asked for any additional updates from Town Clerk. Clerk stated the renewal is pursuant to Municipal Code and requires staff review and Board approval. There are no outstanding issues and this is not a public hearing.

MOTION: Trustee Solomon motioned to Approve Sweet Leaf Pioneer LLC Marijuana License Renewals for Medical Marijuana Center and Medical Marijuana Center Cultivation. Motion was seconded and PASSED unanimously.

Frost Creek PUD Amendment Water and Bike Path Discussion. Garrett Simon and Dulcinea Hanuschak were present for this item. Mr. Simon presented the Frost Creek amended proposal for the WSA and timing of PIF payments and the following highlights: 45 net new home sites, Conversion of 15 ADUS to rental cabins for a >25% reduction.

- Bike Path easement along Brush Creek Road (~2 miles)
- \$125,000 for construction of the bike path
- 54 acres of land placed into open space parcel to protect wetland and riparian areas
- Real estate transfer fee to address wildlife enhancement in perpetuity (0.2%) - CPW recommendation
- 12 Offsite Local Resident Dwelling Units or credits purchased
- Overall reduced floor area - Building footprint size limitations added
- New Lots limited to homes of 3,000 sq. ft. to 6,000 sq. ft.
- Reduce residential square footage of all other lots from 12,500 sq. ft. to 10,000 sq. ft.
- Increased fire and wildland fire safety with more stringent requirements
- Improved landscape treatment to berm separating resort to Eaton Lane residents
- Transferring of water taps from Brush Creek Properties to Frost Creek where infrastructure already exists
- Additional traffic impact fee to Town of Eagle at \$1,016 per unit
- Additional traffic impact fees to Eagle County of more than \$5,000 per unit
- Water Plant Investment Fees

Attorney Ed Sands inquired about how this proposal addresses the West Eagle Ranch reimbursement for traffic impacts on Brush Creek Road. Ms. Hanuschak indicated they believed the \$125,000 provided at execution would go towards those costs, estimated at \$30,000.

Trustee Jessen provided the audience with a brief history of the request being considered by the Board.

Ed Sands requested and 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) and stated for the record that the session does will not be recorded because it is attorney client privilege.

MOTION: Mayor McKibbin motioned to enter 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). Motion was seconded and PASSED unanimously. (6:47 p.m.)

MOTION: Trustee Witt motioned to come out of Executive Session and resume the regular meeting. Motion was seconded and PASSED unanimously. (7:34 p.m.)

Ed Sands stated legal counsel received direction from the Board on how to proceed further with negotiations with Frost Creek on the Water Services Agreement.

Riverfront Citizen's Committee was presented by Caroline Bradford. In packets was draft of committee application and responsibilities. Intent is to invite not just residents but citizens from community at large who have interest in Eagle River, Eagle and seeing this project succeed.

Trustee Solomon offered to volunteer to be the Board appointed representative. Asked for clarification on Board appointing the Committee members and wondered if that took away objectivity. It was further discussed the Committee would form itself and the Board would simply provide affirmation of the selection by approving the members, which is similar to the formation of MEAC.

Caroline noted applications will be due end of this month, with hopes of having formation in early October. A preliminary schedule for meetings and public engagement has also been provided. Primary focus of this group will be fundraising and engaging the public on the process serving as ambassadors. The intent is not to micromanage the design. Transparency was mentioned by the Town Board as another function.

The Town Board agreed to move forward with the committee and selection process as presented.

Preliminary Special Event Policies Discussion. John Schneiger and Amy Cassidy jointed presented this item. Of note was changing the structure of the budget process to accommodate special events, capture the in-kind costs via line item for special events in both Public Works and Police Department budgets. We are tracking these items currently, but desire for additional detail for budgeting and staffing is necessary to assist with MEAC funding. Also proposed was to remove the Town from providing event support and supplies to encourage using local service providers for security, barricades, tents etc. This proposal could potentially reduce costs to the Town. The Board raised some concern that the Town should provide these services if they cannot be secured elsewhere. The term used for the Town was "vendor of last choice" and charge for the services and materials we provide. Additional process improvements would include collecting deposits, reviewing insurance requirements and creating a master event schedule.

Mayor McKibbin noted that due to her vacation for the next ten days and Kevin Brubeck, Mayor Pro Tem, being unavailable for an undetermined amount of time, it was suggested to appoint a Mayor Pro Tem to cover unexpected or emergencies that require town authority or signature.

MOTION: Trustee Solomon motioned to appoint Andy Jessen as temporary Mayor Pro Tem during Mayor McKibbin's and Trustee Brubeck's absences. Motion was seconded and PASSED unanimously.

LAND USE

Project: Rocky Mountain School of Discovery
File #: SU16-01
Applicant: Anne Helene Garberg
Location: 409 Brooks Lane

Staff Contact: Tom Boni (Town Planner)

Request: Applicant is requesting a Special Use Permit to allow for a pre- school to serve up to a maximum of 80 children on a +/- one-acre parcel of land zoned Rural Residential. Phase One: 40, Phase Two: 80.

Mayor McKibbin opened this item.

Tom Boni, Town Planner noted for the record that several public comments are included with the file with a recent email from Ron Bates. Tom gave overview of the PUC's determination that railroad crossing improvements were deemed necessary because the determined this is a commercial proposal and has traffic impacts that trigger the requirement. The Town Engineer has prepared a cost estimate which is between \$170 and \$200K. Also required is a water system improvement to replace 4-inch pipe into this neighborhood. Tom provided the findings of Planning Commission and noted that all conditions of granting the Special Use Permit were met with the exception of the railroad crossing requirement and the funding that is needed to complete that.

Anne Helene Garberg addressed the Town Board and provided her concerns regarding finding a location within Eagle to address childcare needs of the community. Expressed her desire to work with the neighbors in the neighborhood, summarized her meetings with Eagle County Commissioners, soliciting private funding to address the railroad crossing and her sincere desire to continue to find a solution in Eagle.

Kari McDowell provided the board her traffic study and opinions regarding the traffic patterns and the need for the Town to address concerns of Highway Six access from side streets regardless of this project.

Mayor McKibbin opened this item for Public Hearing.

Cynthia Lepthein 450-1 Brooks Lane. Stated she believed Brooks Lane would not accommodate the vehicles and felt because the traffic study was not done during school year the traffic numbers were not as accurate. She agreed we need child care and the site is good, but that the school itself and traffic would change the character of the neighborhood. Ms. Lepthein agreed that an analysis of Highway Six and Brooks Lane should be done.

Mayor McKibbin closed Public Hearing.

Mayor McKibbin noted that the cost of infrastructure is not something the Town can take on. In addition, since the applicant is working with the County on a funding strategy, it would seem appropriate that the application can be withdrawn as submitted and refiled at a later date.

The Board discussed how to handle this request and consider the impacts of the necessity of the Railroad Crossing costs on the Town. With the intent to provide feedback to the applicant on this file the Board responded with their thoughts on the project, despite there not being a funding mechanism proposed or available at this time to approve.

Trustee Witt stated he is not convinced at this time that the school is in the best interests of the neighborhood. Agreed that it is a wonderful business, but may be in the wrong location.

Mayor McKibbin stated she felt comfortable approving with a limit on the number of students and believed 80 to be too many. This would include a plan for offsite pick up/drop off and mitigation of traffic.

Trustee Kerst stated agreed with reducing student numbers and addressing the neighborhood concerns.

Trustee Jessen found no fault with staff findings if the street improvements for traffic were done it meets the standards required for approval.

Trustee Solomon stated we should look at more than the railroad crossing and roadway and expressed concern of applicant complying with restrictions of the permit and believed 30 students would be maximum.

Applicant Anne Helene Garberg representing Rocky Mountain School of Discovery withdrew her application for the record and stated she would refile at a later time.

STAFF UPDATES AND REQUESTS

Manager's Report and Departmental Reports

Manager updated the board on the Human Resources interim person who will start next Friday from Mountain States Employers Council. The Town also needs to consider the hiring of a permanent Human Resources Manager, which has been identified as a priority. The Board was provided with salary information and was asked permission to advertise to hire this position possibly before the end of 2016. Board asked if the position fit within the budget and Mr. Schneiger indicated it does. The board agreed to start advertising for this position.

Manager updated the board on the river clean up event that he attended this past Saturday.

Eagle Riverfront Project Update

- a. **Communications Plan**
- b. **Riverfront Park Design Schedule**

Trustees questioned the current timeline of the project and referenced comments received via email. Current meetings with stakeholders and Eagle County determined the timeline. Tom Boni stated the project and process is dynamic. Discussion points from the Town Board will be raised during the engagement process. A timeline for Board review was requested. Discussion took place regarding the park and river improvements scheduled to do both at once. The communications plan proposed is intended to address these comments, concerns and questions. John Schneiger noted the project budget and strategic planning will be part of the budget process. One on one meetings with board members to discuss and provide updates is an option. An additional worksession is also possible.

Sales Tax Report through August 2016. No comments.

Special Event Coordinator. John Schneiger and Amy Cassidy presented their update on the position that is currently being advertised. Additional duty would be to function as event producer for Flight Days, coordinate the 4th of July event and possibly manage the Pavilion and field reservations.

Water Rate and Tap Fee Study Proposal. Kevin Sharkey provided overview of the proposal from SGM. Board questioned the need for a third party study when staff performed same study a few years ago. Because of the current situation regarding development and infrastructure costs, it is best to have third party data, evaluation and recommendations to move forward. This is a very large project that will need funding. The board agreed and confirmed the proposal as submitted. The report is intended to be ready and available to use for 2017 budget.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Mayor's Update – Eagle 20/20 is scheduled for October 5th at 6 p.m. This Chamber sponsored meeting is intended to provide an update for the public on the Town of Eagle and announce the Community Impact Award winner. The Town has one hour to provide their update. Caroline Bradford has been asked to provide a River Park update. The Mayor and staff will coordinate the Town's message.

Mayor McKibbin updated everyone on the Governor's visit to Eagle.

Mayor McKibbin noted we need to set a date for the strategic planning. We have secured a facilitator. The Board agreed to schedule the worksession for Saturday, October 8th from 3-7 p.m.

Review of Town Board Applications – set interview schedule and timeline. Town Clerk handed out paper ballots. Each Town Board Member wrote names of three individuals they would like to have present at the next Board meeting for appointment. The names drawn resulted in a two-way tie, therefore four individuals were selected and they are: Adam Palmer, Scott Turnipseed, Clark Gundlach and Josh Stowell. Board members should submit their list of questions they

would like applicants to provide written responses to and verbal questions for the meeting on September 27th to the Town Clerk by Friday.

CORRESPONDENCE

Notice of Cancellation of Participation in November 2016 Coordinated Election.
NWCCOG Economic Development District Update

ADJOURN (9:57 pm)

9/27/2016
Date

Anne McKibbin
Anne McKibbin, Mayor

Jenny Rakow
Jenny Rakow, CMC Town Clerk

