



# The Town of Eagle

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Meetings:  
2nd and 4th Tuesdays

**MINUTES**  
**Town Board of Trustees**  
**Tuesday, January 12, 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](http://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.*

<b>PRESENT</b>	<b>STAFF</b>
Yuri Kostick – Mayor	Tom Boni, Town Planner
Anne McKibbin, Mayor Pro Tem	Jenny Rakow, Interim Town Manager/Town Clerk
Sarah Baker	Ed Sands, Town Attorney
Kevin Brubeck	Matt Farrar, Assistant Town Planner
Andy Jessen	John Staight, Open Space Coordinator
Geoff Grimmer	Angie Haskins, Administrative Technician
Doug Seabury	Amy Cassidy, Marketing & Events Director

**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.*

Mick Daly – With regard to the search for new town manager – Mick stated he is interested in the selection and suggested input from outside the town board. The proposal is to approve committee to be involved with selection process to include 3-4 business community and 3-4 non business citizens who would be allowed to interview the candidates separately from town board and reach own conclusions to provide as input.

Cindy Callicrate 770 Castle Drive. Concern regarding the timeline for finding Town Manager and that qualified candidates will not apply. Would like interim town manager until new board is seated.

John Cook 419 Harrier Circle. This concerns termination and settlement with Mr. Stavney. A suggestion toward regaining trust of groups regarding Open Meetings Act and suggestion and offer to split cost of mediator to review recordings made of the executive session regarding any decisions made to ensure the board complied with the law.

Melanie Richmond 95 Big Safe Ct. – Offered assistance with the search - if citizens can be involved.

**PRESENTATIONS**

Eagle Police Department Officer Commendation – Chief Staufer

Chief Staufer provided background for commendation of Officer Jeremy Hawkins for his efforts regarding assistance with a citizen.

**LIQUOR LICENSE AUTHORITY**

Brush Creek Saloon – Renewal Application (Town Clerk and EPD) *(Due to incidences documented by Eagle PD, applicant was requested to appear.)*

Sgt. Toy provided history of contacts made by EPD at Brush Creek and provided information regarding plan to resolve concerns with over service. Sgt. Toy provided update regarding applicant’s cooperation and provided information regarding attempts and plans to address issues cooperatively with applicant to voluntarily participate in the review process. Suggested review will be conducted by EPD staff and Town Clerk. Decision to return to TBOT for review will be made administratively. Updates will be provided.

Ed Sands noted that the Board can set a public hearing to review violations or concerns if it deems necessary. The agenda item tonight is review and update only. Clarified that conditional approval is not being sought, rather the public hearing would need to occur.

Trustee Baker requested statistical data regarding comparisons with similar establishments.

Town Board wanted consideration taken for Brush Creek because there are no other establishments open as late in Eagle.

**DISCUSSION, DECISIONS OR DIRECTION REQUESTED**

1. MEAC Event Funding – Amy Cassidy *(Request for Board approval of MEAC recommended event funding for 2016)*

Amy Cassidy provided slide presentation, highlighted new events and also outlined MEAC review and proposal process.

MOTION: Trustee Brubeck motioned to accept MEAC’s funding proposal for special events and community requests for 2016. Trustee Jessen seconded. Motion was approved unanimously.

2. Haymeadow Wildlife Fence – John Staight and Scott Schlosser *(Request regarding necessity of wildlife fencing)*

John Staight Open Space Coordinator presented this item. Scott Schlosser representing the property owner was also present. John Staight outlined the request. Current fencing for this property is barbed wire along BLM and haymaker boundary no northern and eastern addressed in the Annexation and Development Agreement. ADA reads to have the fence to delineate property from BLM and keep livestock from entering the property. Scott Schlosser has obtained a grant for wildlife friendly fencing and has since discovered DOW would prefer no fence. Consultants were contacted regarding this proposal and area regarding fence. Timing of the fence requirement is upon final plat, thereby the fence is not required at this time. The agreement going forward would be to reevaluate when timing of the development as it is spelled out in the ADA. Due to circumstances regarding grazing on this portion of BLM, livestock is not using this area, as it is not suitable for grazing as it once was. If that case continues, the fence may be moot, but will be decided at a later time when designated in the ADA. Fencing requirements do affect town Open Space and ultimately the Town would be responsible for fencing out any potential livestock (if there were no fence). Two options are available: Haymeadow can use existing materials and install wildlife friendly fence. Fences do help control pirate trails. In general, waiting for BLM to determine what its intent is for that grazing parcel. Installing new fence should be postponed to determine if it is needed at the time of the ADA. This would allow Scott to return the fencing obtained by the grant to the Department of Wildlife.

Ed Sands stated he has spoken to Abrika's attorney and is staff is looking to update the board regarding the DOW's statement regarding the need for fence in this area and for direction on whether the Town is interested in fencing with the wildlife friendly fence obtained by Abrika.

Planning Department was requested to keep list of subdivision plat and to check in on the fence issue.

Scott asked for a letter from the Town to return the fence to the DOW. Scott also agreed to return the fence with the knowledge that a future board may decide a fence is needed if circumstances change.

There is no timing requiring a fence. At first subdivision plat then a plan should be submitted to the Board.

MOTION: Trustee Baker made a motion to direct town staff to memorialize the agreement with the application the plan under section 9.3 will also including information on the timing of the construction of the fence. Seconded by Mayor Kostick. Motion PASSED. ABSTAIN: Seabury.

3. Resolution 2016-09 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Approving an Agreement with BCP-ARR Water, LLC Concerning Reimbursement of Costs *(Allows the Town to invoice for reimbursable costs related to this action.)*

Attorney Ed Sands this deals with the Frost Creek Development they have asked us to amend the water service agreement and we do anticipate costs associated with that process for water attorney and engineering.

- a. Agreement Concerning Reimbursement of Costs

MOTION: Trustee Motion McKibbin to approve Resolution 2016-09. Seconded by Trustee Seabury. Motion PASSED unanimously.

#### **EXECUTIVE SESSION**

MOTION: Mayor Pro Tem motioned to enter into Executive Session pursuant to C.R.S. § 24-6-402(4) (a) to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property. Seconded by Mayor Kostick. Motion PASSED unanimously.

MOTION: Mayor Pro Tem motioned to adjourn from Executive Session and return to the Regular Meeting. Seconded by Seabury. Motion PASSED unanimously. (Kostick was absent and Sarah Baker left for meeting in Gypsum).

**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 December 8, 2015
2. Bill Paying and Payroll
3. Resolution 2016-01 A Resolution Designated the Place for Posting of Notices of Meetings for the Boards and Commissions of the Town of Eagle *(Annual designation and statutory requirement – no changes from previous years)*
4. Resolution 2016-03 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado, Appointing Kevin Sharkey Murphy To Serve As Town Representative On The Eagle Recreation Facility Advisory Corporation Board (Formerly held by Tom Gosiorowski and recommended replacement by Tom - approved by Dusty Walls.)
5. RIVER CORRIDOR PLAN Consultant Agreement – S2O Design and Engineering for River Engineering Design, Permitting and Construction Oversight Services for Eagle River Park Instream & Riverbank Improvements (Tasks 4-9) *(Contract included for formal ratification/approval. This was a budgeted item and previously executed.)*
6. RIVER CORRIDOR PLAN Construction Contract – studioINSITE LLC Design for Eagle Riverfront Park *(Contract included for formal ratification/approval. This was a budgeted item and approved in concept at December meeting.)*
7. RIVER CORRIDOR PLAN Landscape Architectural Services – studioINSITE LLC Architectural Basic Services for Eagle Riverfront Park Concept *(Contract included for formal ratification/approval. This was a budgeted item.)*

MOTION: Trustee Jessen motioned to approve items 1-7 on the Consent Agenda. Trustee Seabury seconded. Motion PASSED unanimously. McKibbin abstained from approving the Minutes.

**RIVER CORRIDOR PLAN CONTRACTS**

1. Resolution 2016 10 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Consultant Agreement Between The Town And S2o Design Engineering, Inc. For The Purpose of Assisting the Town in the Design of the Eagle Valley Trail Connection *(Contract for work Trail connection between Chambers Park, River Park and Riverbank Improvements.)*
  - a. Consultant Agreement – S2O Design and Engineering Inc. for Design Serves for the Eagle Valley Trail

Tom Boni noted that the items in Consent Agenda were previously approved and these contracts are for trail connection chambers park and the second contract to design a wall.

MOTION: Trustee Seabury motioned to approve Resolution 2016-10 and 2016-11. Trustee Jessen seconded. Motioned PASSED unanimously. (Kostick and Baker absent)

2. Resolution 2016 11 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Consultant Agreement Between The Town And Ground Engineering Consultants, Inc. For The Purpose of Assisting the Town with the Proposed Chambers Park Trail (*Contract for work Trail connection between Chambers Park, River Park and Riverbank Improvements.*)

a. Consultant Agreement – Ground Engineering Consultants for Subsurface Exploration and a Geotechnical Report Concerning the Proposed Chambers Park Trail

**LAND USE**

1 John Poukish - Pre Annexation Discussion (Tom Boni)

Tom Boni presented this item and an overview. Mr. Poukish owns 31 acres of land north of Town off of Eby Creek Road. He has had discussions with Town staff looking towards annexing to Town of Eagle. Before we got too far into discussions it was decided to have Mr. Poukish present his preliminary idea to the Town Board to possibly enter into a pre-annexation agreement prior to expending efforts on design and engineering work.

Mr. Poukish presented his proposed plan, which included parking, trails, proposed transfer tax, housing geared towards working families. This was an effort to address affordable housing in close proximity to established business. Ed Sands noted this parcel was turned down previously. Mr. Poukish this is a different proposal – the previous issue was a water agreement with the Kummer property and out of town service agreement that ended the deal. The parcel is the same 31 acres. Mr. Poukish noted his company specializes in work force housing.

The Board encouraged Mr. Poukish to return with a refined proposal including cost benefit information for the Board to consider.

2 Resolution 2106-04 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado, Adopting An Amendment To The Annexation Plan For The Town Of Eagle, Colorado. (*Three Mile Plan attached*)

MOTION: Trustee Baker motioned to approve Resolution 2016-04. Trustee Grimmer seconded. Motion PASSED unanimously.

3	Project:	Highway Six Annexation
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	File #:	AN15-01
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	Applicant:	Town of Eagle
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	Location:	Highway Six
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	Staff contact	Tom Boni (Town Planner)
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Attorney Ed Sands briefed the Town Board on the annexation process and the unique annexation for Highway Six.

Mayor Pro Tem opened this item for public comment. There was no public comment.

Trustee Baker inquired about specific title commitments obtained from CDOT for each individual parcel that crosses private landowners. Ed Sands noted his agreement that securing these commitments would be advised prior to annexation.

- a. Resolution 2016 05 A Resolution Concerning The Annexation Of Certain Property Mapped As The As The Highway 6 Annexation A To The Town Of Eagle, Colorado.
- b. Resolution 2016 06 A Resolution Concerning The Annexation Of Certain Property Mapped As The As The Highway 6 Annexation B To The Town Of Eagle, Colorado.
- c. Resolution 2106 07 A Resolution Concerning The Annexation Of Certain Property Mapped As The As The Highway 6 Annexation C To The Town Of Eagle, Colorado.
- d. Resolution 2016 08 A Resolution Concerning The Annexation Of Certain Property Mapped As The As The Highway 6 Annexation D To The Town Of Eagle, Colorado.
- e. Ordinance 2016 01 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 2016 02 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 2016 03 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 2016 04 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.

MOTION: Trustee Baker motioned to continue File #AN 15-01 Highway Six Annexation to the next scheduled meeting on January 26, 2016. Trustee Seabury seconded. Motion PASSED unanimously.

4	Project:	Second Street Suites Hotel
	File #:	DR15-05
	Applicant:	Daniel Ritsch (Wall Street Family Partners, LLC)
	Location:	120 Second Street & 214 Wall Street
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Major Development Plan review of a 23-unit boutique hotel.
	Mayor Pro Tem McKibbin opened this item for public comment. There was no public comment.	
	MOTION: Trustee Baker motioned to continue File# DR15-05 to January 26, 2016. Trustee Jessen seconded. Motion PASSED unanimously.	
5	Project:	Second Street Suites Hotel
	File #:	MS15-02

Applicant:	Daniel Ritsch (Wall Street Family Partners, LLC)
Location:	120 Second Street & 214 Wall Street
Staff Contact:	Tom Boni (Town Planner)
Request:	Minor Subdivision to consolidate two tax lots into one larger lot.
Mayor Pro Tem McKibbin opened this item for public comment. There was no public comment.	
MOTION: Trustee Brubeck motioned to continue File# MS15-02 to January 26, 2016. Trustee Jessen seconded. Motion PASSED unanimously. (Mayor Kostick returned to meeting at 9:06 p.m.)	

**DISCUSSION ITEMS**

1. Ballot Initiative Update – Tom Boni and Matt Farrar

Tom Boni and Matt Farrar reviewed their staff reports regarding park cost estimates, financing mechanisms, finance options and economic benefits. Specific examples were used from Colorado towns and conversation and meetings previously had with them to ascertain answers and data.

On January 26, 2016 there will be a public meeting for input on river park design and to address financing questions for voters. This meeting will be at the Brush Creek Pavilion on the 26<sup>th</sup> at 6:00 p.m.

Andy Jessen stated his interest in forming a support committee for the project.

Matt Solomon from 713 Bull Run stated his support of the river park and corridor plan, but does not support the sales tax option as he believes it will negatively affect businesses. Urged alternatives for funding and more information on sales tax and costs.

2. Election Update – Jenny Rakow

Staff memo was provided in packets.

3. Town Manager Search Update – Jenny Rakow

Consultant has requested additional board members to participate on the hiring committee. The following volunteered to be on the committee: McKibbin, Seabury, Kostick and Baker. Additional discussion regarding citizen and/or community involvement with the selection process will be communicated to the consultant for consideration.

With regard to timeline Trustee Baker stated finding the right candidate with the process we have is the focus, it may happen before the election or it may not, but the intent and goal to hire the right person over any timeline.

Ed Sands provided information on a Town Manager contracts, the process for hiring and the statutory officer appointment process as it relates to the Town Manager. Statute is written that the office automatically becomes vacant with the election of the new board. The appointment must then occur within 30 days after the election. Ultimately when the offer is made, the contract the next Town Manager provides will have to address the Statutory limits.

**PARTNER/STAFF UPDATES AND CORRESPONDENCE – NO ACTION**

1. Eagle Information Center *(Reports from Manager on Referrals, Revenue and Visitor Numbers for last quarter 2015.)*

**FUTURE AGENDA ITEMS/BOARD COMMENTS**

Trustee Baker would like the school zone light at Brush Creek Elementary looked into. Kevin Sharkey stated he will check into the timing.

Trustee McKibbin stated she plans to attend the CML conference in Denver on January 29<sup>th</sup> and invited other board members.

Mayor Kostick announced that he will not seek reelection in April as he wishes to focus on his family and business.

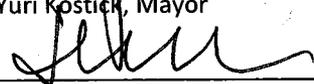
**ADJOURN**

MOTION: Trustee Baker motioned to adjourn at 10:35 p.m. Trustee Seabury seconded. Motion PASSED unanimously.

1-26-16

Date

  
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Yuri Kostick, Mayor

  
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Jenny Rakow, CMC Town Clerk

