



The Town of Eagle

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Meetings:
2nd and 4th Tuesdays

MINUTES
Town Board of Trustees
Tuesday, January 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	STAFF
Yuri Kostick – Mayor (arrived late)	Jenny Rakow, Interim Town Manager/Town Clerk
Anne McKibbin, Mayor Pro Tem	Ed Sands, Town Attorney
Sarah Baker	Tom Boni, Town Planner
Kevin Brubeck	Matt Farrar, Assistant Town Planner
Andy Jessen	John Staight, Open Space Coordinator
Geoff Grimmer	Amy Cassidy, Marketing & Events Director
Doug Seabury	

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 Pro Tem McKibbin opened public comment. There was no public comment.

PRESENTATIONS

Eagle County Historical Society Annual Report – Kathy Heicher presented the annual update to the Town Board.

Vail Valley Trail Connection –Mike Brumbaugh and Rich Carroll presented VVTC's mission and vision to the Town Board. Goals of the organization included obtaining gold medal status for trail network from East Vail to Gypsum, IMBA ride area, a 2016 master plan, five year business plan and long term funding source. Additional VVTC would like to give a mid-year update to the Eagle Town Board, hold an open house in Eagle some time in 2016 and obtain a letter of support for IMBA rights application.

Judge Buck Allen – Animal Control Fines Regarding Habitual Offender. Judge Allen explained his perception and experience regarding Eagle Municipal Code language that pertains to habitual offenders in the animal control section and mandatory minimum fines with no discretion allowed for suspension or addressing individual circumstances. Both he and Chief Staufer do not believe that was the intent or spirit of the law when this was first adopted. Ordinance 2016-06 on the agenda tonight for approval relates to this situation. Trustee Baker requested the entire section be reviewed to ensure language is consistent to ensure the updates sought are comprehensive. Chief Staufer requested proposed Ordinance 2016-06 be removed from consideration so he can review with Judge Allen and the Town Attorney.

S20 - In Stream and River Bank Improvement Design. Scott Shipley and Dan Woolley were present for this item. Matt Farrar directed attention to request from S20 for additional work to be done with physical modeling. Scott provided justification and examples from previous venues where modeling was used to reduce costs in the final design and construction. Town Board received information regarding modeling proposal, logical phasing, possibility of adding a soft path for exiting on river left, and contingency philosophy. Mayor Kostick noted presentation of River Plan held earlier today in front BOCC with himself, Mayor Pro Tem McKibbin and staff. Scott Schlosser representing Eagle County Conservation District noted his board may have funding opportunity to address a head gate near this stretch of river planned for construction.

DISCUSSION, DECISIONS OR DIRECTION REQUESTED

Resolution 2016-12 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Providing That The Regular Municipal Election To Be Held April 5, 2016 Shall Be Conducted As A Mail Ballot Election

MOTION: Mayor Pro Tem McKibbin motioned to approve Resolution 2016-12. Trustee Seabury seconded. Motion PASSED unanimously.

Resolution 2016-13 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado, Reappointing Jason Cowles And Stephen Richards To The Town Of Eagle Planning And Zoning Commission

MOTION: Mayor Pro Tem McKibbin motioned to approve Resolution 2016-13. Trustee Brubeck seconded. Motion PASSED unanimously.

Ordinance 2016-05 An Ordinance Of The Town Of Eagle, Colorado Amending Section 9.12.090 Of The Eagle Municipal Code Concerning Loitering (*Chief Staufer*)

Chief Staufer presented this item. It has come to the attention of staff and counsel that due to recent court rulings a portion of the Eagle Municipal Code needs to be updated to reflect language that affects citizen's first amendment rights. The intent of this amendment is to address aggressive panhandling and stay within the constitutional parameters. Attorney Ed Sands has reviewed and made his revisions and the proposed Ordinance is recommended for approval.

MOTION: Mayor Pro Tem McKibbin motioned to approve Ordinance 2016-05. Trustee Jessen seconded. Motion PASSED unanimously.

Ordinance 2016-06 An Ordinance Of The Town Of Eagle, Colorado Amending Section 18.12.280 Of The Eagle Municipal Code Concerning Animal Control Habitual Offenders (*Chief Staufer*)

Chief Stauffer requested this item to be removed from consideration tonight and will resubmit with changes as previously discussed.

License Agreement with Tyler Technologies

Chief Stauffer presented this item. Feedback from other entities using this system has been positive. It will also assist department staff to be more efficient and effective.

MOTION: Mayor Pro Tem McKibbin motioned to approve the License Agreement with Tyler Technologies. Trustee Brubeck seconded. Motion PASSED unanimously.

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.*

Minutes January 12, 2016

MOTION: Trustee Brubeck motioned to approve the Consent Agenda. Mayor Pro Tem McKibbin seconded. Motion PASSED unanimously.

EXECUTIVE SESSION Pursuant to C.R.S. §24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators and C.R.S. § 24-6-402(4)(a) to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property. *(Two topics to be discussed.)*

Attorney Ed Sands noted a change to the Statute for this Executive Session. The Topics for the Executive Session will be to receive legal advice on the request by Frost Creek to amend the Water Service Agreement for the PUD filed with Eagle County and to receive legal advice on the Highway Six Annexation, pursuant to C.R.S. §24-6-402(4)(b) to receive legal advice on these specific legal questions.

MOTION: Mayor Pro Tem McKibbin motioned to enter into Executive Session pursuant to C.R.S. §24-6-402(4) (b) to receive legal advice on these specific legal questions. Mayor Kostick seconded. Motion PASSED unanimously. Attorney Ed Sands certified for the record that the Executive Session did not need to be recorded as it was attorney client privilege. (7:20 p.m.)

MOTION: Mayor Pro Tem McKibbin motioned to adjourn from Executive Session and resume the regular meeting. Trustee Brubeck seconded. Motion PASSED unanimously.

Attorney Ed Sands stated direction will be given to the Town Engineer on negotiations with Frost Creek developers as to water and direction on ownership on CDOT as it relates to the Highway Six Annexation.

LAND USE

Project:	Highway Six Annexation
File #:	AN15-01
Applicant:	Town of Eagle
Location:	Highway Six

Staff contact	Tom Boni (Town Planner)
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.

Trustee Baker opened File No AN15-01 for public comment and will leave the topic open for one hour. Public audience was polled to see if they were present or wished to speak on this File, no public comment was made. (8:20 pm)

(9:25 p.m.) MOTION: Trustee Baker motioned to continue File No AN15-01 to the February 23, 2016 Town Board Meeting. Mayor Pro Tem McKibbin seconded. Motion PASSED unanimously. Tom Boni will ask CDOT to commence quiet title action on the sections within the Town.

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.
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.

Tom Boni presented this item. Mr. Boni stated the Planning Commission has recommended this file to the Town Board for approval. Staff wishes to bring a negotiated Development Improvements Agreement to the Board with the request for approval of the Major Development and Minor Subdivision requests at the same time to keep the whole package together. Request is for a continuance to the February 23, 2016 Board Meeting.

This item was open for public comment. There was no public comment.

MOTION: Trustee Brubeck motioned to continue File Nos. DR15-05 and MS15-02 to the February 23, 2016 Town Board Meeting. Trustee Grimmer seconded. Motion PASSED unanimously.

DISCUSSION ITEMS

Ballot Initiative Update – Tom Boni and Matt Farrar

Tom Boni presented this item. Peggy Chiu and David Weinstein from Trust for Public Land were on speaker phone for this topic as well. The discussion and request regarding this topic was to determine the tax increment and repayment timeline for revenue bonds. This information is needed for Bond underwriters to calculate rates and language. The public opinion survey written and conducted by Trust for Public Land was referenced as the gauge for public support of the project and different financing mechanisms and rates. In general there is not much difference in support for a ballot with either a 10 or 20 year term. The 20 year term has a lower rate and would make sense to ask. Sales tax rate discussion surrounded polling numbers and rates deemed acceptable. With .5% it will keep Eagle's tax rate under 9% which is important for retailers and perception. All repayment figures and sales tax estimates were done very conservatively. If economic conditions exceed these projections, payoff could occur without penalty and earlier than required. Further discussion regarding what this proposed increase in sales tax would be able to cover outside of the proposed river park, i.e. existing town parks.

Board discussed and provided feedback that they were comfortable with ballot language to be written to state a sales tax increase of .5% to raise debt to \$4,000,000 to be used to repay revenue bonds over a term of 20 years.

Election Update – Jenny Rakow – no comment to memo provided.

Economic Development Advisory Council – Vail Valley Partnership. Trustee Jessen stated there is currently a position open on this Council as Doug Seabury is unable to continue. Andy stated he attends as a citizen, not as a TOE Board Member. These are quarterly meetings and the first meeting of 2016 will be February 4th from 3-5 pm. Mayor Pro Tem McKibbin indicated her desire to attend, although she would like to weigh it after the election to ensure she has time to attend.

FUTURE AGENDA ITEMS

Mayor Kostick noted the Town has been contacted by a party interested in renting Old Town Hall for organized youth activity.

Reminder that Eagle County is hosting a series of meetings on affordable housing.

Trustee Brubeck stated he attended a meeting in Glenwood today with staff and regarding our EHOP program and hosted by Funding Partners who manages it.

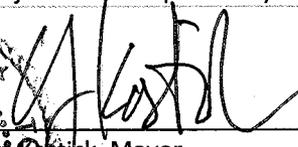
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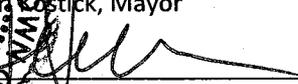
MOTION: Trustee Baker motioned to adjourn at 9:29 p.m. Mayor Kostick seconded. Motion PASSED unanimously.

2.9.16

Date




Yuri Kostick, Mayor


Jenny Rakow, CMC Town Clerk