



# The Town of Eagle

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Meetings:  
2nd and 4th Tuesdays

## MINUTES

Town Board of Trustees  
Tuesday, March 22, 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.*

<u>PRESENT</u>	<u>STAFF</u>
Yuri Kostick, Mayor	Jenny Rakow, Interim Town Manager/Town Clerk
Anne McKibbin, Mayor Pro Tem	Ed Sands, Town Attorney
Sarah Baker	Tom Boni, Town Planner
Andy Jessen	Matt Farrar, Assistant Town Planner
Doug Seabury	Kevin Sharkey, Assistant Engineer
Geoff Grimmer	Joey Staufer, Police Chief
Kevin Brubeck	Amy Cassidy, Marketing Director
	John Staight, Open Space Coordinator

### 6:00 PM – REGULAR MEETING CALLED TO ORDER

Mayor Kostick called the meeting to order at 6:00 p.m.

### 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.*

Mike Deacon 857 Sylvan Lake Road. Mr. Deacon asked the Board to consider Jake brake regulations for trucks using town roads. Mr. Deacon also inquired about crosswalk and traffic control devices on Sylvan Lake Road and Eagle Ranch Road to assist school children and pedestrians crossing these streets.

### PRESENTATIONS

Eagle Valley Middle School – Skate Park (Students will be present to give the Board ideas regarding placement of the skate park.)

Matt Farrar presented this item. He met with Eagle Valley Middle School students with Trustee Grimmer as part of a civics lesson regarding placement of the town's skate park. A variety of locations were considered throughout town and students are here tonight to make their informal requests to the Town Board.

Students made their presentations.

The board noted there were four proposals, one of which included placement near Town Park on County property. It was suggested to contact the County to get their sense of this being a possibility.

Ken Marchetti – Bond Underwriter Proposals. Mr. Marchetti reviewed the proposals in the board packet and gave a brief overview of the bonding process. Mr. Marchetti stated he felt confident recommending any of the three proposals.

John Staight updated the Town Board regarding the contract to purchase the A&R parcel. We are under contract and are looking at a May 31<sup>st</sup> closing date. The official sales contract will be submitted to the Town Board for approval at upcoming meeting.

**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 March 8, 2016

Ordinance 08-2016 An Ordinance Of The Town Of Eagle, Colorado, Approving A Subdivision Within The Town Of Eagle To Be Known As The Brush Creek Village Townhomes, Phase 9; And Approving A Site Specific Development Plan Establishing Vested Property Rights Pursuant To Article 68 Of Title 24, C.R.S., And Chapter 4.17 Of The Eagle Municipal Code.

Town Clerk Jenny Rakow stated item 3, Ordinance 10 will need to be pulled from the consent agenda as it was not completed prior to the meeting.

MOTION: Trustee McKibbin motioned to remove Ordinance 10 and approve the Consent Agenda. Trustee Jessen seconded. Motion PASSED unanimously.

**DISCUSSION, DECISIONS OR DIRECTION REQUESTED**

SourceGas Temporary Construction Easement (*Kevin Sharkey*) Kevin stated two members from Black Hills Energy (Formerly SourceGas) are here tonight to discuss the pipeline work they will be doing in the Town of Eagle in Eagle Ranch. Specifically road cut permits and temporary easements will be necessary and are currently being discussed between the parties. Topics for discussion are location of additional work space, revegetation requirements, private property staging areas, road crossing, water discharge, boring, hours of operation and construction traffic.

Michael Mohror and Gretchen Giesler were present from Black Hills and provided their overview of the project and requests they would be making of the Town and residents in this area.

The town board iterated their individual concerns regarding the proposed project and implored staff and town attorney to address those concerns in the permit and easement agreements that will need to be approved at an upcoming meeting once all items are addressed including a recommended contingency at 150% to cover costs. All

items discussed will need to be made part of agreements and permits to be reviewed and approved by the Town Board.

Ordinance 09-2016 An Ordinance Of The Town Of Eagle, Colorado, Amending Chapter 5.16 Of The Eagle Municipal Code Imposing An Occupation Tax On The Provision Of Retail Marijuana, And Retail Marijuana Products *(Staff was directed to meet with Sweat Leaf to address their ongoing concerns regarding the \$5 excise tax on all sales. The proposed Ordinance provides for alternatives as a proposed resolution to those concerns which are to be decided upon by the Board.)*

Ed Sands noted the Ordinance presented tonight includes provision to reduce the \$5 transaction tax to \$1 on purchases up to \$20.00. Additionally, this ordinance eliminates the tax on marijuana accessories and paraphernalia. Dave and Dieneka Manzanares were also present and provided their input regarding this proposed Ordinance. Discussion took place regarding the transaction fee being tiered and also reducing it across the board for all transactions.

MOTION: Trustee Baker motioned to APPROVE Ordinance 09, making an amendment to the wording to correct language, for the \$1 to be "up to and including \$20.00" and \$5 for everything over that amount. Trustee McKibbin seconded. Motion PASSED unanimously.

Resolution 16, 2016 A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Approving A First Amendment To Agreement Concerning Refuse Collection And Disposal Services And Curbside Recycling Services - Vail Honeywagon Contract Extension *(Waste Services Committee recommendations and administrative improvements have been added to the contract. Contract will go through March 31, 2019.)*

Matt Donovan from Vail Honeywagon was present for this item. Jenny Rakow stated renewal provisions were discussed, options from the Waste Committee were addressed and included where necessary. Contract exhibits need to be updated, but agreement has been made. Ed Sands has reviewed and approved extension and incorporated changes requested by both parties. Matt stated there will be a reduction due to ability to reroute. This reduction will begin in April.

MOTION: Trustee Jessen motioned to approve Resolution 16, 2016. Trustee McKibbin seconded. Motion PASSED unanimously.

Ordinance 07-2016 An Ordinance Of The Town Of Eagle, Colorado Amending Certain Provisions Contained In Chapter 8.12 Of The Eagle Municipal Code Concerning Animal Control. *(Previously presented at January 26, 2016 Meeting, but has since been rewritten to address concerns raised by Judge Buck Allen, Town Board and Staff)*

Chief Staufer stated his memo outlines the proposed changes for this section amendment. Board questioned whether changes at Eagle County Animal Control will affect our IGA. Chief Staufer stated we will stay aware of any modifications, but they are fulfilling the IGA with the services they are providing despite the cutbacks.

MOTION: Trustee Baker motioned to approve Ordinance 07, 2016. Trustee Brubeck seconded. Motion PASSED unanimously.

Eagle Recreation Committee Appointments *(Staff requests the committee be appointed as proposed and allow for committee to determine size, meeting frequency and dates.)* Jenny Rakow stated once the committee is appointed, scheduling first meeting will take place and organizational structure and meeting frequency will be first order of business.

MOTION: Trustee McKibbin motioned to appoint Adam Palmer, Allison Kent, Scott Hershman, Michael McCormack, Liana Moore, Nancy Olson, Sacha Kostick, Jay Lucas, Jeff Boyer, Mick Daly, Peter Dann, Eric Olsen, Lonnie Leto, Riley Dudley, Ella Srholez, Anne McKibbin, Jason Cowles, Matt Farrar and Sheryl Staten. Trustee Baker seconded. Motion PASSED unanimously.

**LAND USE**

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. <i>Applicant requests continuance to the April 12, 2016 Town Board Meeting</i>

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. <i>Applicant requests continuance to the April 12, 2016 Town Board Meeting</i>

MOTION: Mayor Kostick motioned to continue Land Use Files DR1505 and MS1502 Second Street Suites Hotel to the April 12, 2016 Town Board Meeting. Trustee Baker seconded. Motion PASSED unanimously.

Project:	Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code
File#:	LURA-16-01
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.  2. Revise Section 4.04.070 to define regulations for dog daycare facilities.  1. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.  4. Revise Section 4.04.070 to define regulations for marijuana testing facilities.  5. 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.  <i>Staff requests continuance to the April 26, 2016 Town Board Meeting</i>

MOTION: Mayor Kostick motioned to continue until the April 26, 2016 Town Board Meeting. Trustee Baker seconded. Motion PASSED unanimously.

**EXECUTIVE SESSION** – Request for Executive Session to consider personnel matters pursuant to CRS § 24-6-402(4)(f).

MOTION: Trustee Baker motioned to enter into Executive Session pursuant to CRS §24-6-402(4)(f) and (4)(b) regarding the hiring of the Eagle Town Manager. Mayor Kostick seconded. Motion PASSED unanimously. (8:44 p.m.)

(10:31 p.m.) MOTION: Trustee McKibbin motioned to adjourn the Executive Session and resume the regular meeting. Trustee Seabury seconded. Motion PASSED unanimously.

Mayor Kostick stated the two finalists for the Town Manager position are Clark Gundlach and John Schneiger. A press release regarding this announcement will be sent out.

MOTION: Trustee McKibbin motioned to accept the recommendation of the selection committee of finalists Clark Gundlach and John Schneiger. Mayor Kostick seconded. Motion PASSED unanimously.

A public meet and greet will be scheduled for Friday, March 25<sup>th</sup> from 7:30 a.m. to 9:00 a.m. at Town Hall.

**STAFF UPDATES AND REQUESTS**

Old Town Hall Proposed Non-Profit Use. Town Clerk Jenny Rakow asked the Board to give direction on current requests for uses of Old Town Hall to be for non-profit uses. The Town Board stated it agrees that uses for Old Town Hall should be for non-profit uses. Additional research and information regarding the spaces available and for specific uses are being worked out.

Additional Staff Request for Public Works and Administrative Support for Community Development/Marketing. Town Clerk Jenny Rakow stated staff is requesting permission to advertise for an Administrative Assistant for the Community Development and Marketing Departments. If a Supplemental Appropriation is necessary it will be addressed in the fall. Direction was given to move forward with job description and posting position.

Staff Value, Vision, Mission and Commitment Statement (Update). Town Board was presented with staff statement. It was suggested to implement and adopt this statement.

Trustee Baker commented on traffic control issues in the mornings by the school.

Trustee Baker requested Boyz Toyz be addressed regarding code.

Trustee Baker requested continued focus and participation by Board with pipeline project in Eagle Ranch.

Trustee Brubeck inquired about dangerous buildings and what is in our building code to address this issue. Tom Boni stated he can address and put pressure on those properties.

Trustee McKibbin provided information regarding the County Climate Action Plan and requested agenda item for April 12<sup>th</sup>.

Trustee Brubeck informed the board of a meeting with County Commissioners regarding early childhood issues on March 31<sup>st</sup> at the Eagle County Paramedic Services building in Edwards at 6:00 p.m.

Trustee Grimmer asked that school officials be contacted regarding road crossing at Brush Creek Elementary. Consideration for temporary traffic calming.

Mayor Kostick inquired about bus shelters and bike racks. Staff is working on this and it may be part of the unfinished product.

**ADJOURN (10:54 pm)**

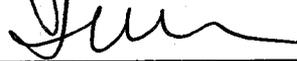
MOTION: Trustee McKibbin motioned to adjourn from the regular meeting. Mayor Kostick seconded. Motion PASSED unanimously.

4/12/14

Date



Yuri Kostick, Mayor



Jenny Rakow, CMC Town Clerk

