



**MINUTES**  
**Town Board of Trustees**  
**Tuesday, April 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](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>
Anne McKibbin, Mayor Pro Tem	Jenny Rakow, Interim Town Manager/Town Clerk
Andy Jessen	Ed Sands, Town Attorney
Sarah Baker	Tom Boni, Town Planner
Geoff Grimmer	Matt Farrar, Assistant Town Planner
<b>NEW MEMBERS</b>	Dusty Walls, Public Works Director
Paul Witt	John Staight, Open Space Coordinator
Mikel "Pappy" Kerst	
Matt Solomon	

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

Mayor Pro Tem McKibbin called the meeting to order at 6:00 p.m.

**Oaths of Office for New Board Members** *(Honorable Judge Buck Allen)*

Anne McKibbin – Mayor Four Year Term Expiring in 2020  
 Kevin Brubeck – Trustee Four Year Term Expiring in 2020  
 Mikel "Pappy" Kerst – Trustee Four Year Term Expiring in 2020  
 Paul Witt – Trustee Four Year Term Expiring in 2020  
 Matt Solomon – Trustee Two Year Term Expiring in 2018

Judge Allen Swore in Kerst, Witt and Solomon as Trustees and McKibbin as Mayor.

**Mayor Welcome** *(Anne McKibbin)*



### **Appointment of Mayor Pro Tem**

Motion: Trustee Jessen motioned to appoint Kevin Brubeck and Mayor Pro Tem. Motion was seconded and PASSED unanimously.

### **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.*

Kurt Vogel 1515 Cottonwood Pass Road introduced himself as the new Fire Chief for Eagle Fire.

**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 – April 12, 2016**

**2. Ordinance 10-2016** An Ordinance Of The Town Of Eagle, Colorado, Approving The Second Amended PUD Guide For The Art's Court Minor Planned Unit Development, Lot 1; And Approving An Amendment To A Site Specific Development Plan Establishing Vested Rights Pursuant To Article 68 Of Title 24, C.R.S. And Section 4.17.030 Of The Eagle Municipal Code *(Minor PUD Amendment approved by Planning Commission)*

**3. Resolution No. 22 (Series Of 2016)** A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Approving An Intergovernmental Agreement Between Eagle County, Colorado And The Town Of Eagle, Colorado For Acquisition, Preservation And Management Of The A & R Investment Property. *(Correcting minor clerical error in previous IGA which was approved and signed on April 12, 2016)*

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

### **DISCUSSION, DECISIONS OR DIRECTION REQUESTED**

#### **Town Manager Employment Contract**

- a. Discussion regarding process up to this point
- b. Opportunity for Questions and Answers from New Board Members & Public
- c. Identify any needs for additional information
- d. Review Contract and Terms
- e. Discuss option to postpone decision until full board is present

Mayor McKibbin opened this item for discussion. The Board reviewed the employment contract and received input from Mr. Schneiger who was present. Agreed upon changes were to Section 7 regarding bonus; addition to Section 17 regarding the Town of Eagle Policy and Procedure Manual; Review period will be extended to one year and



other minor issues that will be placed in an updated contract for consideration. The Board decided it was best to attempt to have a full board present for the decision.

**MOTION:** Trustee Kerst motioned to hold a Special Meeting for the Town Board of Trustees to address the employment contract with John Schneider for the Town Manager position and meet with the Town Water Attorneys on Wednesday, May 4<sup>th</sup> from 1:00 to 4:00 p.m. Motion was seconded and PASSED unanimously.

Trustee Witt stated he would like additional information regarding the process and other options available to the Board to consider. Mayor McKibbin offered to have consultant Chris Moffet available to discuss the process for selecting Mr. Schneider and also be available to discuss the process regarding Jon Stavney. Ed Sands confirmed the board could hold an executive session to have this discussion.

**Recommendation for Approval - Bond Underwriter Proposal** (*Bond Committee reviewed proposals with Ken Marchetti and his memo provides details regarding recommendation for approval of D.A. Davidson and to sign the engagement letter.*)

Ken Marchetti the towns consultant regarding the selection of the bond underwriter and member of the bond committee was present for this item. The process needs approximately a 90 day window to implement the bond. Once issued the town receives the proceeds and we begin the pay schedule.

**MOTION:** Trustee Jessen motioned to engage DA Davidson to underwrite the bonds for the Town of Eagle's sales tax ballot and authorize Mayor McKibbin to sign the letter. Motion was seconded and PASSED unanimously.

**A&R Property Acquisition – Review of Draft Conservation Easement** (*John Staight, Open Space Coordinator*)

Other partners in attendance: Jim Dawes from Eagle Valley Land Trust, Craig Wescoatt Eagle Valley Wildlife Committee and Jamie Harrison also on the committee and Toby Sprunk from Eagle County.

John Staight provided the board with an overview of the Conservation Easement and provide feedback. The purpose of the Conservation Easement is to protect wildlife habitat public recreation scenic open space. In order to receive funding from Wildlife Committee these purposes will need to be a value that is part of restrictions placed on this land in perpetuity. It is a preservation stipulation and the impact of events and accesses are being considered with these purposes in mind. John Staight made clear his concern regarding Black Hills access through the property for their project right before the Town closing on this property. The importance of restoration and following the guidelines set by contractor are his priority to mitigate maintenance and damages done during the pipeline project.

John Staight requested any additional comments via email prior to formal presentation and adoption of this document.

**BREAK – Mayor McKibbin requested a five minute break at 8:20 p.m. Meeting resumed at 8:25 p.m.**

**Board Retreat Dates** (*Current preference is to have retreat in Eagle, need to determine facilitator date and location.*)



Dates in June and July based upon Board availability will be brought to next meeting.

**Board Meeting Date with Water Attorneys Mary Elizabeth Geiger and Michael Erion** (*Proposed Dates are: May 3, 4, 5, 10 or 11 – time requested is during the day and not during the evening, unless held on May 3<sup>rd</sup>.)*)

*Date chosen was May 4<sup>th</sup> at 1:00 p.m.*

**Black Hills Energy Pipeline Project Update** (*Dusty Walls, Public Works Director*)

Dusty Walls provided an update to the Town Board regarding this project and progress made in negotiations with Black Hills staff and engineers. Both parties will need to continue to negotiate the performance bond/letter of credit amount and reimburseables. The Board iterated that communication to residents is very important and will need to be a priority for this project. John Staight stated his concerns from an open space perspective and wanting to ensure that restoration is done properly as the effects will be seen for 15-20 years after the project is completed. Ken Sorac, Black Hills Energy stated they believe this is a relatively small piece of land for this project and restoration is part of they do with projects like this. Further stated Black Hills is committed to the reclamation process.

**Direct Report Appointments** (*Appointment of Town Clerk position and discussion regarding timing of Treasurer, Town Manager, Judge and Attorney Contract*)

Mayor McKibbin stated all positions will be considered for appointment at the May 24, 2016 Town Board Meeting.

**LAND USE**

Project:	Revisions to Section 4.03.040 - Definitions and Section 4.04 - Zoning of the Town of Eagle Land Use & Development Code
File #:	LURA16-01
Applicant:	Town of Eagle
Location:	N/A
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	<ol style="list-style-type: none"> <li>1. Revise Section 4.03.040 to define dog daycare facility. (<i>Continued to the May 10, 2016 TBOT Meeting</i>)</li> <li>2. Revise Section 4.04.070 to define regulations for dog daycare facilities. (<i>Continued to the May 10, 2016 TBOT Meeting</i>)</li> <li><b>3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.</b></li> <li>4. Revise Section 4.04.070 to define regulations for marijuana testing facilities. (<i>Continued to the May 10, 2016 TBOT Meeting</i>)</li> <li>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>Continued to the May 10, 2016 TBOT Meeting</i>)</li> </ol>

**Ordinance No. 12 (Series of 2016)** An Ordinance Of The Town Of Eagle, Colorado Amending Section 4.03.040 Of The Eagle Municipal Code Concerning Land Use And Development Code Definitions By Adding Definitions For The



Terms "Indoor Recreation Facility", "Shooting Range", And "Theater"; And Amending Section 4.04.070 Of The Eagle Municipal Code Concerning The Schedule Of Uses Permitted In Non-Residential Zone Districts, By Adding The Above Terms To Such Schedule. *(Matt Farrar, Assistant Town Planner)*

Mayor McKibbin opened this item as a public hearing.

Tom Boni and Matt Farrar presented this item. Staff asked for items in this project 1, 2, 4, and 5 are being requested to be continued to the May 24, 2016 meeting.

Staff is prepared to discuss the proposed change to the Town's Land Use Code Section 4.04.070 regarding indoor recreation facilities. Discussion took place regarding intent of calling out specific definitions and requiring special use for Shooting range in all districts. Noise abatement was discussed as the priority for defining a shooting range. Overall intent was to simplify by providing some "use by right" activities and facilitate economic growth in the CBD.

MOTION: Trustee Jessen motioned to Approve Ordinance 12-2016. Motion was seconded and PASSED unanimously.

MOTION: Trustee Solomon motioned to continue Items 1, 2, 4, and 5 of LURA16-01 to the May 10, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

#### **STAFF UPDATES AND REQUESTS**

**Eagle Recreation Committee** *(First Meeting held April 20, 2016 and Minutes attached, please note priority topics listed from the group)*

Matt Farrar provided the Board with a brief update of the Rec Committee and priorities. We are trying to give good direction so sub committees are able to function on their own and provide feedback and recommendations to the Board. Currently plan is to meet monthly.

**Old Town Hall Update** *(Memo from Town Clerk)*

**Board Committees** *(Itemize and assign board members to various local committees to ensure coverage)*

Town Clerk will keep a spreadsheet of committees that board members are serving on to ensure we have coverage and allow for all members to have opportunities to participate.

**EXECUTIVE SESSION** – Previous Personnel Actions CRS § 24-6-402(4)(f)

*This was not necessary.*



**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Ed Sands stated he provided information to the Board regarding ex parte communications and ethics information that he routinely provides to newly seated boards.

Trustee Jessen questioned the vegetation on the round a bouts on the north side of I-70.

Trustee Jessen requested a standing agenda item for updates regarding the River Corridor Plan.

**ADJOURN**

**ADJOURN (9:51 pm)**

5/11/16  
Date

Anne McKibbin  
Anne McKibbin, Mayor

Jenny Rakow  
Jenny Rakow, CMC Town Clerk

