



**MINUTES**  
**Town Board of Trustees**  
**Tuesday, May 10, 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>
Anne McKibbin, Mayor	Jenny Rakow, Interim Town Manager/Town Clerk
Paul Witt	Ed Sands, Town Attorney
Mikel "Pappy" Kerst	Tom Boni, Town Planner
Matt Solomon	Matt Farrar, Assistant Town Planner
Kevin Brubeck	John Staight, Open Space Coordinator
Doug Seabury	
<u>Absent</u>	
Andy Jessen	

**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 solicited public comment. Sephira student from Eagle Valley Middle School addressed the Board regarding a project she is working on regarding global warming and her concerns regarding idling vehicles in the Town of Eagle. Mayor McKibbin suggested that she meet with herself and Chief Stauffer to obtain more information regarding the Town's policy on this topic.

**PRESENTATIONS**

**Starting Hearts – CPR and AEDs** – Michael Holten Director of Marketing from Vail Valley Medical Center and Shaw Regional Cancer Center provided information regarding cardiac arrest and the value of the Starting Hearts Program in Eagle County. Lynn Blake from Starting Hearts provided information regarding the program, the eight units to be placed in the Town of Eagle, free education on AEDs and future mapping of locations via phone apps.



Charlie Wick: Town's Retirement Plan – Mayor McKibbin noted Mr. Wick has met with staff and chose to cancel his presentation to the Board at tonight's meeting.

John Poukish Pre-Annexation Discussion-Town Planner Tom Boni noted the Eagle Area Community Plan identifies this property as Rural Agricultural. There is an exception provision provided there are specific findings and that has been determined. Conditions of approval regarding the proposal were provided by the Town of Eagle Planning and Zoning Commission which were as follows:

Approval of the Exception to Plan shall be subject to the following conditions:

1. 10% of single family homes to be governed by Local Employee Residence Program LERP.
2. 40% of single family homes to be governed by a Modified LERP Covenant requiring initial sales price of \$400,000 – \$415,000 with flexibility for model upgrades as requested by buyer. The Terms of the Modified LERP Covenant shall be agreed upon by the Town and Applicant during review of the Preliminary Plan Subdivision Application.
3. Remaining 50% of single family homes deed restricted for resident occupancy (purchased and occupied by people employed Eagle County or retired from working in Eagle County) with provision to sell to a non-Eagle County employee/retiree or for the property to be used for non-resident occupancy in exchange for the payment of a 1% real estate transfer fee to be provided to the Town of Eagle for affordable housing. There shall be no initial offering price restriction. The 1% transfer fee applies each time the unit is sold to non-resident occupant as defined above.
4. The location and design of related improvements have been made to conform to the goals, policies and strategies of the Plan to the greatest degree possible.
5. This Exception to the EACP is contingent upon the property being annexed into the Town of Eagle.

Ed Sands Town Attorney noted this is not a quasi-judicial hearing, it is at the discretion of the Mayor and is an informal discussion on this issue.

John Poukish was present for this item and presented requested direction from the Board on his proposed annexation request before moving forward. Mr. Poukish stated his intent in proposing this location was that he was approached by members of the public to access providing attainable housing and believed this location to be of low impact to the Town with its proximity to amenities.

Costs of the project to the Town, engineering plans for the location, HOA considerations, creation of a Metro District and impacts and ability to provide water with current obligations the status of the lower basin water treatment plant.

Mayor McKibbin noted this was not scheduled as public hearing, however, many members of the Eby Creek HOA and Community were present in the audience and were allowed to address the Board with their concerns.



Carol Olleman, Eby Creek resident provided her view on benefits of affordable and attainable housing. Specific concerns were ensuring these stay centered on keeping these units available to residents who qualify and need this housing.

Kevin Frommer HOA President. Annual meeting was held and this parcel was discussed and members present were unanimously against this project.

Cliff Simonton, Eby Creek Resident expressed his concern about the topography and location of this request for the units described.

Teak Simonton, Eby Creek Resident was concerned about traffic, pedestrian and cycling safety.

Fred Butler, Eby Creek Resident was concerned about annexation of this property in general, specifically the SIA and Declaration of Covenants for the Eby Creek area as a whole, including this parcel, it is his belief all lots would have to agree to this annexation.

Tom Boni provided information regarding annexation process and eligibility of this request. Ed Sands requested a review of the Declarations to ensure there were no restrictions within that document from moving forward.

Mayor McKibbin called a two minute break. (7:27 p.m.)

**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 – April 26, 2016 and May 4, 2016 – Minor revisions were requested of the minutes.

Bill Paying and Payroll – Trustee Brubeck requested additional information regarding bill paying.

**MOTION: Trustee Witt motioned to approve the Consent Agenda. The Motion was seconded. Motion PASSED unanimously.**

**DISCUSSION, DECISIONS OR DIRECTION REQUESTED**

**Ordinance 14-2016** An Ordinance Of The Town Of Eagle, Colorado, Increasing The Town's Sale Tax By One-Half Of One Percent, Effective July 1, 2016, In Accordance With A Ballot Issue Approved By The Registered Electors Of The Town Of Eagle On April 5, 2016

**MOTION: Trustee Solomon motioned to Approve Ordinance 14-2016. Motion was seconded. Motion PASSED unanimously.**



**Ordinance 13-2016** An Ordinance Of The Town Of Eagle, Colorado Approving The Third Amendment To The Development Improvements Agreement, Dated May 10, 2016, Between The Town Of Eagle And Eagle Health Care Center, Inc.; And Approving An Amendment To A Site Specific Development Plan Establishing A Vested Right Pursuant To Article 68 Of Title 24 C.R.S. And Section 4.17.030 Of The Eagle Municipal Code

Turn lane on Sylvan Lake Road threshold for vehicle traffic is part of this agreement and amendment will require posting of Letter of Credit for those turn lanes. Staff will monitor the traffic and indicate to the applicant regarding necessity of the construction of turn lanes. Trustee Brubeck requested for minor modification to the letter of credit to ensure there is enough time prior to expiration to review.

Terrill Knight and Eagle Medical Center representatives were present. This is a request for an extension for the turn lanes.

**MOTION: Trustee Brubeck motioned to Ordinance 13-2016 with modification to the letter of credit timing. Motion was seconded. Motion PASSED unanimously.**

**Ordinance 15-2016** An Ordinance Of The Town Of Eagle, Colorado Amending Subsection (A)(4) Of Section 9.12.050 Concerning Harassment

Chief Staufer noted this is a cleanup of our Municipal Code that is ongoing. This provision provides the inclusion of social media as a form of harassment that was not previously addressed in our Code.

**MOTION: Trustee Kerst motioned to approve Ordinance 15-2016. Motion was seconded. Motion PASSED unanimously.**

**Resolution 23-2016** A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Authorizing The Mayor And Mayor Pro Tem To Execute All Documents Necessary For The Acquisition And Permanent Preservation Of The A & R Investment Property Located In Eagle County, Colorado

John Staight Open Space Coordinator stated this is to ensure closing on this property can occur on the date all documents are ready for signature. There have been some minor changes from previous agreements, but are not substantial.

Jamie Harrison suggested appointing a third eligible signatory in case Mayor Pro Tem is unavailable since the Mayor will be out of town. Trustee Seabury was suggested to fulfill that role.

Mayor McKibbin noted the Resolution should be approved with amendments changing phrasing to authorizing Mayor or Mayor Pro Tem and provision authorizing Doug Seabury as additional signatory for these documents.

**MOTION: Trustee Kerst motioned to approved Resolution 23-2016 as amended. Motion was seconded. Motion PASSED unanimously.**

- a. Access Easement Agreement (Eagle Valley Land Trust)
- b. Conservation Easement and Management Plan Changes

Discussion regarding open space considerations and minor modifications that were agreed upon by all parties.



1. DPW approvals - Throughout the CE document, actions that previously required Colorado Division of Parks and Wildlife approval have been changed to requiring "Funding Partners" approval. The Funding Partners include the Town, Eagle County, and Eagle Ranch Wildlife Committee. (The Division of Wildlife is legally entitled to one seat as part of the five member Eagle Ranch Wildlife Committee).
2. Improvements - Picnic tables and benches are allowed on the property per the CE, but now must be approved by Eagle County and the Eagle Ranch Wildlife Committee as part of the Management Plan approval.
3. Roads – No roads will be allowed on the property per the CE unless determined necessary and approved by the Eagle Ranch Wildlife Committee and EVLT.
4. Seasonal Closures - The requirements for the December 15 to April 15 winter wildlife closure was moved from the CE to the Management Plan.
5. Special Events - In the previous CE draft, special events were allowed as long as they were approved by the Town and EVLT. The current version allows for special events that are specifically approved in the Management Plan and are approved by the Town, EVLT, Eagle County, and the Eagle Ranch Wildlife Committee.
6. Commercial Activities – The previous CE version allowed for commercial uses as long as they were consistent with the CE's stated purpose. The current version allows for commercial uses, but they are to be treated as a special event and are subject to the special event approval provisions.

Mayor McKibbin called a break at 8:31 p.m.

**LAND USE**

1. Project: Land Use Code Updates

File #:	LURA16-01
Applicant:	Town of Eagle
Location:	N/A
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	<p>1. Revise Section 4.03.040 to define dog daycare facility. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p> <p>2. Revise Section 4.04.070 to define regulations for dog daycare facilities. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p> <p><del>3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.</del></p> <p>4. Revise Section 4.04.070 to define regulations for marijuana testing facilities. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p> <p>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></p>

Matt Farrar stated staff is requesting that items 1 & 2 (Dog Daycare) and items 4 & 5 (MJ regulations) be continued to June 28, 2016. These Code amendments are still being reviewed by the Planning Commission.



**MOTION: Trustee Solomon motioned to Continue Items 1, 2, 4 and 5 to the June 28, 2016 Town Board Meeting. Motioned was seconded. Motion PASSED unanimously.**

**2. Project: Trotter Minor Subdivision**

File #:	MS16-01
Applicant:	Rob Trotter
Location:	1125 Chambers Avenue
Staff Contact:	Tom Boni (Town Planner)
Request:	Subdivide Lot C-12, Eagle Valley Commercial Park subdivision (1125 Chambers Avenue) into two (2) lots.

Mayor McKibbin opened Land Use File MS16-01 Trotter Minor Subdivision. Matt Farrar presented this item.

Both the Planning Commission and Staff recommend approval of MS16-01 based on a finding of compliance with the minor subdivision standards, subject to the following conditions:

1. Technical revisions to the Final Plat by the Town Attorney and town's engineering department.
2. Design and approval of water and sewer service lines to Lot C-12B by the town's engineering department.

Mayor McKibbin opened this item for public comment. There was no public comment.

**MOTION: Trustee Witt motioned to approve Land Use File MS16-01 with the conditions set forth and recommended by the Planning Commission and staff. Motion was seconded. Motion PASSED unanimously.**

**STAFF UPDATES AND REQUESTS**

Board Retreat Dates - Dates chosen were June 20<sup>th</sup> and 21<sup>st</sup>. Draft agenda will be prepared.

HR Update (*Jenny Rakow*)

Eagle River Corridor Project (*Committee Update*)

Matt Farrar reviewed the update prepared for packets.

Board Calendar (*Request to submit vacation and availability schedules to Clerk to keep on main calendar*)

Information Center Update (*Barbara Meese Memo information only.*)

Marketing & Events Director Transition

Town Clerk and Mayor negotiated a three month transition contract has been negotiated with Amy Cassidy to continue event management and marketing for Eagle's 2016 event schedule. This allows the Town to pursue her replacement, allow



for proper training and reduce disruption in our service level for events. No budget implications at this juncture. If there are, they will be addressed upon hiring of replacement.

**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Mayor McKibbin stated Chris Moffet will be available at the May 24th meeting regarding appointment of officers.

Trustee Solomon requested to receive Planning and Zoning Commission discussion or bullet list prior to Board hearing to review items discussed at their meetings to eliminate repetition and redundancies. Trustee Seabury agreed and felt this had been a discussion in the past after both boards had met. A request to revisit these priorities was requested and should be made part of the Board Retreat. Tom Boni stated procedures related to this were also considerations to be made in the revisions to the Land Use Code.

Trustee Brubeck said he was interested in assisting with the Bike to Work Day on June 22<sup>nd</sup>.

Mayor McKibbin inquired about alternate attendee for the Climate Action Group meeting she will miss. It was determined Deron Dirksen can attend alone and Matt Farrar if he has time.

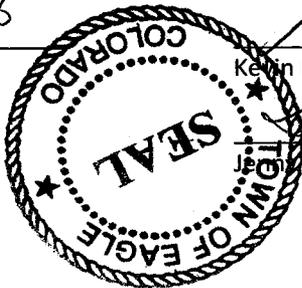
**EXECUTIVE SESSION:** MOTION: Trustee Witt made a motion to enter into Executive Session pursuant to CRS 24-6-402 (4)(b) to receive advice from the Town Attorney on negotiations regarding Black Hills Energy. Attorney Ed Sands stated for the record that the discussion would be attorney client privilege and is not subject to recording. (9:29 p.m.)

MOTION: Mayor McKibbin motioned to adjourn from Executive Session and resume the Regular Meeting. Motion was seconded. Motion PASSED unanimously.

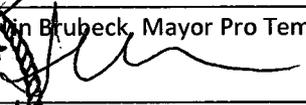
**ADJOURN (10:25 pm)**

5/24/16

Date



  
Kevin Brubeck, Mayor Pro Tem

  
John Rakow, CMC Town Clerk