



MINUTES
Town Board of Trustees
Tuesday, May 24, 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
Andy Jessen	John Schneiger, Town Manager
Paul Witt	Jenny Rakow, Town Clerk
Mikel "Pappy" Kerst	Ed Sands, Town Attorney
Matt Solomon	Tom Boni, Town Planner
Kevin Brubeck, Mayor Pro Tem	Matt Farrar, Assistant Town Planner
Doug Seabury	John Staight, Open Space Coordinator
Absent	
Anne McKibben, Mayor	

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.

Michael Caccioppo stated to the Board he is running for State Representative.

PRESENTATIONS

Events on Broadway (Ryan Murray, Red Canyon Café) Trustee Jessen recused himself from this discussion and stepped down from the dais. Ryan Murray presented to the Board his letter and concerns regarding events held on Broadway and their impacts on businesses, mainly loss of access to businesses. He proposed events be held at venues more suitable for crowds and that do not block access to businesses.

Andy Jessen spoke to the Board as owner of Bonfire Brewing and sponsor of the Bonfire Block Party event on Broadway scheduled for June 3rd. Andy provided information regarding what the event promoter extended to Red



Canyon as a means to mitigate the location of the stage and access to his business. The event is growing and is part of a bigger picture of events located in Eagle. A better long term solution will be sought and considered for future events.

The Board agreed it will work and support solutions for down town businesses balanced with events held down town.

Vail Valley Trail Connection Update (*Rich Carroll, President*) Rich Carroll provided the Board with an update and request for a support letter for the IMBA and the VVTC's application for Eagle County and Eagle being an IMBA Ride Center. The Board provided its verbal support and authorized the Mayor Pro Tem to sign the letter of support.

Eagle Valley Land Trust Update (*Jessica Foulis, Stewardship Manager*) This item was canceled by the Land Trust and will be presented at a later date.

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 – May 10, 2016

MOTION: Trustee Seabury motioned to approve the Consent Agenda with minor correction. Motion was seconded and PASSED unanimously.

EXECUTIVE SESSION – Previous and Current Personnel Actions and Reviews CRS § 24-6-402(4)(f). It was determined the Executive Session was not necessary for tonight's meeting.

DISCUSSION, DECISIONS OR DIRECTION REQUESTED

Reappointment of Officers – Town Manager, Treasurer, Town Clerk, Municipal Judge, Town Attorney.

MOTION: Trustee Witt motioned to appointment Jenny Rakow as Town Clerk and Treasurer, John Schneiger as Town Manager, Buck Allen as Municipal Judge and Ed Sands as Town Attorney. Motioned was seconded and PASSED unanimously.

Oaths of office were read into the audio record and signed by all appointees in attendance.

Resolution 24-2016 A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Approving A Memorandum Of Understanding Between A & R Investment Limited Liability Company And The Town Of Eagle Concerning Certain Easements Requested By Black Hills Corporation.

Ed Sands stated this Resolution is approving a MOU needed for closing slated to take place tomorrow, May 25th at 11:00 a.m. This addresses the lack of agreement between the Ebers and Black Hills Energy on the price negotiated for



an access easement. The Town will own the property tomorrow and it will be the Town's responsibility to negotiate further. The Ebers have expressed that the Town provide a best effort attempt to collect on the access easement they initially had appraised at \$24,0000 and, if collected, be returned to them.

MOTION: Mayor Pro Tem Brubeck motioned to approve Resolution 24-2016. Motion was seconded and PASSED unanimously.

LAND USE

1. Project:	Eagle Tubing and Photography
File #:	TU16-01
Applicant:	Ken Hoeve
Location:	100 Fairgrounds Road / Chambers Park
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Temporary use permit for a mobile vendor at Chambers Park.

Trustee Solomon stepped down from this item citing personal connections and removed himself from the dais. Tom Boni, Town Planner presented this item pursuant to the Land Use Code and the application submitted by Eagle Tubing and Photography. Considerations for the Board were regarding compatibility with the neighborhood, whether bond or security is needed to return the area to its original condition, and whether the use complies with the Town's regulations, goals and policies. The Planning Commission denied the application at the Planning Commission Meeting with a 4-3 vote. Letters of support and denial of the application were provided in packets.

The area of proposed operation is owned by the Town of Eagle. Staff is currently unaware of any Town policy prohibiting this request or its use as submitted. The request is a Temporary Use and staff is recommending a four month approval with conditions listed in the staff report.

Applicant Ken Hoeve was presented and provided the Board with his application and answered questions regarding his request. Mr. Hoeve believes this concept fits the Town of Eagle and the location. The unit would be mobile, not left over night, and have private changing rooms. All liability insurance would be obtained.

Staff addressed written public concerns regarding public land for private use and referenced Ski Areas, rafting in general, events held at Town Parks and the uses allowed at Old Town Hall.

Mayor Pro Tem Brubeck opened this item for public comment.

Tom Olden 1864 Eagle Ranch Road stated his concerns with regard to public property for private use, requiring other commercial properties to provide adequate parking and concern with subsidizing one business over another. Overall would like to see the park built first before vendors.

Brian Malone representing Eagle Crossing Shopping Center and tenants. Concerns centered around little to no sales tax or property tax benefit to the Town which all other businesses pay to operate. Also concerned with liability and



the public in the river. Private commercial ventures should not be allowed to use open space. The private parking lot for Eagle Crossing was used for Summer Jam and owners are concerned their parking will be used. There is limited parking in the summer and semi-truck parking will be affected.

Michael Caccippo requested the Town Attorney to cite the legal authority to allow Andy Jessen to vote on this project.

Public comment was closed at 7:23 p.m.

Attorney Ed Sands stated the request is a two-step process. Tonight before the Board is the Land Use issue regarding the temporary use and if this location is appropriate. A lease agreement would be separate and would address the other issues regarding specific uses.

The Town Board in general expressed their desire to have better process and procedures in place to address requests like this. Temporary uses are coming up more and more, like the fruit stand and other temporary or seasonal vendors and it needs to be treated fairly with other businesses in town.

John Schneiger stated he was at the Planning Commission meeting where it was denied and felt they looked at it and believed their decision for denial was appropriate. Ultimately it is a public policy issue.

Since the land use issue was not in question the Board felt it was more the lease and how to address the issues brought up by public comment and the Board. Giving direction to Staff and Attorney to come up with viable lease agreement for discussion. Indemnification and liability was also discussed.

MOTION: Trustee Jessen motioned to approve Land Use File TU16-01 with conditions recommended by staff: Applicant shall locate the trailer outside of the I-70 right-of-way and in a location that does not take up parking spaces for the Visitor Center/Chambers Park. 2. Prior to commencement of operations, the applicant shall obtain a lease from the Town of Eagle in order to locate their operation on town property. Conditions of the lease shall be subject to approval by the Board of Trustees. 3. Applicant shall provide the town with a security, subject to the Town Attorney, to ensure that the area where the trailer is located will be restored to its original condition. Amount of security will be determined by town staff based on potential impacts of the temporary operation. 4. Prior to commencement of operations, applicant shall provide the town with proof of liability insurance that provides coverage for the Town of Eagle. 5. Signage for the temporary operation shall be limited to one (1) sandwich board sign that shall be in conformance with the town's signage regulation. Motion was seconded and PASSED with a 3-2 vote. (Jessen, Witt, Seabury in favor, Brubeck and Kerst opposed and Solomon abstained/recused)

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.

MOTION: Mayor Pro Tem motioned to continue this file until June 28, 2016. Motion was seconded and PASSED unanimously.

STAFF UPDATES AND REQUESTS

Charitable Contributions from Municipal Court (*Erin Ivie, Eagle Police Department*) Erin Ivie presented to the Board the history of the court charitable contributions. Direction was requested regarding excess funds and future donations. Some language in our current Code contradicts practices in place and staff would like direction going forward. Ed Sands was asked to update the Code to reflect current practices and intent of the discretionary contributions as part of the penalty and fine assessments in municipal court. The Board commented it likes the notion of this program and prefers that contributions to charities or causes stay within Eagle. One suggestion was to keep the charitable contribution assessment to juvenile cases only. An update to the Town Board with this direction will be forthcoming in a code and/or update.

Eagle River Corridor Project (*Article in American Whitewater, Bond Committee Update*) Ed Sands noted that DA Davidson will underwrite the bonds and we are full speed ahead in the process. Tom Boni expressed a positive meeting with Eagle County personnel regarding the River Park.

Board Retreat Topics (*Draft Agenda*) John Schneiger asked the Board for input on the draft agenda and whether they wanted the retreat facilitated by someone outside of staff. Board agreed a facilitator was a good idea, also suggested was some homework on priorities and strategic planning.

Manager's Report – John reported he found a place to live and said it has been a good first seven days. Continuing progress on personnel policies and continuing to involve staff in the decisions will be a priority. Attended a CML outreach meeting in Avon and received update regarding the State Energy Impact Program and lack of tax credits currently available for our river front project, however they may be added in the future.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Jessen inquired if the new federal labor laws regarding overtime affected any of the policies the Town was currently working on. Jill Ewing did attend the CML webinar.

Trustee Seabury stated the Flight Days Committee and MEAC are working well together on this year's Flight Days event. Looking forward to the changes.



Matt Farrar asked for additional direction for the Recreation Committee tomorrow night. Board agreed priorities are landscaping at the River Park, the WECMRD site and parks. Assigning leaders and possibly allowing the committee to elect its own chairperson to conduct and manage the meetings.

ADJOURN (8:58 pm)

8-14-16

Date



Kevin Bruback, Mayor Pro Tem

Lenny Rakow, CMC Town Clerk