



MINUTES
Town Board of Trustees
Tuesday, June 14, 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
Anne McKibbin, Mayor	John Schneiger, Town Manager
Andy Jessen	Jenny Rakow, Town Clerk
Paul Witt	Ed Sands, Town Attorney
Mikel "Pappy" Kerst	Matt Farrar, Assistant Town Planner
Matt Solomon	John Staight, Open Space Coordinator
Kevin Brubeck, Mayor Pro Tem	Kevin Sharkey, Town Engineer
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.

Shira Korn addressed the Town Board and requested their consideration to allow for them to rent the studio next to the Pavilion for a child care location. The lack of child care in Eagle is a growing concern for many families who live here. Board requested Shira to reach out to John Schneiger or Jenny Rakow regarding this request and details regarding procedure and availability.

Dean Rostrom Chairman of the Evergreen Bio Mass Plant in Gypsum introduced himself and invited the Town Board for a tour of the facility, which has been up and running since January.

Mike Jakes stated he was in support of Shira and the Learning Tree use of the Town's studio building for childcare. Infant care is extremely limited.

Chris Sterns stated he is a new resident to Eagle and is finding it difficult to find child care. He is in support of finding solutions.



Pamela Green stated there is currently a waiting list and she receives calls daily from desperate parents trying to find child care.

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 24, 2016 and June 7, 2016
Bill Paying and Payroll May 2016

MOTION: Trustee Brubeck motioned to approve the Consent Agenda with minor corrections to the Minutes and needing explanation regarding payments to Trustees and Planning Commission. Motion PASSED unanimously.

DISCUSSION, DECISIONS OR DIRECTION REQUESTED

Resolution No. 25 (Series 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The Highway 6 Annexation A To The Town Of Eagle, Colorado.

Ed Sands stated the Petitions have been submitted, heirs to the highway six property have been found and deeds have been conveyed. Annexation will occur pursuant to the Boards request with proof of ownership of the easement. Resolutions tonight accept the Petitions and will set the public hearing for July 26, 2016 and notice of annexation will be published four times.

MOTION: Trustee Brubeck Motioned to approve Resolution 25-2016. Motion was seconded and PASSED unanimously.

Resolution No. 26 (Series Of 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The State Highway 6 Annexation B To The Town Of Eagle, Colorado.

MOTION: Trustee Brubeck Motioned to approve Resolution 26-2016. Motion was seconded and PASSED unanimously.

Resolution No. 27 (Series Of 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The State Highway 6 Annexation C To The Town Of Eagle, Colorado.

MOTION: Trustee Brubeck Motioned to approve Resolution 27-2016. Motion was seconded and PASSED unanimously.

Resolution No. 28 (Series Of 2016) A Resolution Of The Town Of Eagle Board Of Trustees Concerning The Annexation Petition For The State Highway 6 Annexation D To The Town Of Eagle, Colorado.

MOTION: Trustee Brubeck Motioned to approve Resolution 28-2016. Motion was seconded and PASSED unanimously.

Ordinance 16-2016 An Ordinance Of The Town Of Eagle, Colorado, Approving A Subdivision Within The Town Of Eagle To Be Known As The Trotter Minor Subdivision; 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. (Matt Farrar, Assistant Town Planner)



MOTION: Trustee Brubeck Motioned to approve Ordinance 16-2016. Motion was seconded and PASSED unanimously.

Ordinance 17-2016 An Ordinance Of The Town Of Eagle, Colorado Amending Certain Provisions Of Chapter 8.12 Of The Eagle Municipal Code Concerning Animal Control Including Changes To Conform To Recent Changes Made To Eagle County's Animal Control Regulations (*Chief Staufer*)

Chief Staufer stated this Ordinance clarifies the "common ground" provision to include all sidewalks and recreation paths, not just Town property. This will alleviate situations that occur on HOA and other properties that are not designated as private property for the purpose of enforcing the leash law and Animal Control situations.

MOTION: Trustee Brubeck Motioned to approve Ordinance 17-2016. Motion was seconded and PASSED unanimously.

Ordinance 18-2016 An Ordinance Of The Town Of Eagle, Colorado Amending Section 2.08.200 Of The Eagle Municipal Code, Concerning Court Fees And Costs, By Imposing A Charitable Organization Fee (*Chief Staufer*)

Chief Staufer stated this is to codify and ensure there are legal reasons to charge the charitable fee. Also sets guidance for the Town Board on where the fees should be donated. Would like to include "local schools" in addition to local charities. Desire is to keep these donations within the community.

Ed Sands stated this Ordinance gives the Board ultimate control over the donations and how they are distributed.

MOTION: Trustee Brubeck Motioned to approve Ordinance 18-2016 with addition to the language to include "local schools". Motion was seconded and PASSED unanimously.

Appointment of Administrative Hearing Officer (*Chief Staufer and Ed Sands*)

Chief Staufer stated this request is being made proactively to gain Board direction on appointment of administrative hearing officer. Ed Sands stated per our Town Code, this role could be fulfilled by the Town Board. The Town Board indicated their preference for an appointed third party. The Town Board approved recruitment of a qualified person to fulfill this duty for the Town on an hourly and as-needed basis. Chief Staufer estimated two times per year we would need this service. An RFP for services will be prepared.

Resolution 30 (Series 2016) A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Authorizing The Future Conveyance Of A Temporary Construction Easement On Town Open Space Near Arroyo Drive To Black Hills Corporation Or Its Affiliates (*Kevin Sharkey, Assistant Engineer*)

Kevin Sharkey stated this Resolution approves the solution reached for the temporary staging areas and easement access for the pipeline project in Eagle Ranch. They have agreed to pay \$24K for the easement to the A&R owners. They will restore the entire width as part of this project. Both Kevin and Ed Sands will review the survey and map once it is submitted as exhibit to the Easement Agreement to ensure it complies with intent of negotiations and Town Board approval.

Gretchen Giesler spoke on behalf of Black Hills Energy and stated they were present and wanted to convey their assurances they will comply with agreement.



MOTION: Trustee Seabury motioned to Approve Resolution 30-2016. Motioned was seconded and PASSED unanimously.

Board requested communication regarding this project to community. Of note was a website maintained by Black Hills for this Project. Link to this will be made available on Town of Eagle media.

LAND USE

Project:	Rocky Mountain School of Discovery
File #:	SU16-01
Applicant:	Anne Helene Garberg
Location:	409 Brooks Lane
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Special Use Permit to allow operation of a pre-school and educational facility.

Matt Farrar Assistant Town Planner opened by handing out additional public comments received after packet was produced and deadline. Matt reviewed his staff report including the findings pursuant to Section 4.05.010 of the Land Use Code. Proposed recommendations by the Planning Commission were unanimously listed as: 1. Applicant to negotiate access improvements with the Town at Brooks Lane/Highway 6 intersection conceptually to include lane widening and a pedestrian access to (School) bus stop. 2. Approval of an access from the PUC; 3. Submittal of a drop-off, pick-up management plan by applicant; 4. Submittal of a Traffic Impact Report; and 5. Number of students to be limited to 30.

Staff did not have a recommendation for this file due to the location and whether adequate street improvements are in place or will be constructed to accommodate the proposed use.

Staff read through the planning commission comments and presented public comments received in writing. Issues discussed by staff and town board included traffic capacities and the PUC with the railroad crossing. If this use triggers adding commercial to this street, it may require an update to the crossing, which could cost upwards of \$200K. This would either have to be paid for by the Town or the applicant.

Anne Helene Garberg was present for this item and discussed her background, philosophy of her application and the need for child care in Eagle. Anne provided some ideas on alternative solutions to the traffic concerns, which included parents walking children across the Fishing is Fun bridge or purchasing a van/bus to pick children up from an alternate location.

Trustee Witt inquired if Anne would be willing to reduce students to 30. Anne stated she would be happy with 30.

PUBLIC COMMENT:

Kelly Anderson stated his support of this location, providing the child care much needed to residents and willingness to work with the town to make this location work.

Shannon L. 810 Greenway, Gypsum stated her support of Anne Helene's philosophy and care she provides her students/children.



Dana Stiles 400 Brooks Lane stated she has lived at her location for 35 years and stated her concerns about the alternative of using the foot bridge to get children to the location when it's cold and snowy. There is limited parking and the driveway and road to the location is also an icy hill in the winter that could cause issues for accessing the location and impacts on neighbors.

Kris K. 101 Oxbow Court stated her support of Anne Helene and the diversity of what she has to offer parents with children. Provided advocacy for adjusting and providing options.

Ron B. 450 Brooks Lane stated Brooks Lane is a narrow, one lane dead end street. It does not have the capacity for the proposed traffic. There was a fire on the property in the recent past and trucks had difficulty getting to the location. Safety and access is a concern. Railroad Crossing is also a concern. Inquired about an opinion from the railroad on whether it is a public or private easement needs to be addressed. Ed Sands stated this was litigated and the hearing officers ruling was accepted and it was a neutral position. Trigger points are included in the ruling to improve the crossing, which include adding residential or approval of commercial operation. Twenty Five children living in the neighborhood who also need to walk to the bus stop in the mornings. The estimate is 120 additional cars on the road every day. Access to Highway Six making a left turn is also a concern in the morning, with traffic frequently backed up from the Sylvan Lake Round A Bout.

Amber Jones Brush Creek Road stated her support of Anne Helene and how she commutes to Gypsum to go to her school, even though she works in Avon.

Kim Anderson 206 Haystacker stated her support of the proposal and location and that this location has a circle drive. She currently drives to Gypsum and would like to keep her money local.

N Kenney 534 Third Street stated she is an environmental educator and supports Anne's philosophy. She is willing to walk her child to this school.

Mayor McKibbin closed public comment (7:54 p.m.)

Mayor McKibbin stated that it is obvious we need early childhood care and we are supportive of it, the challenge is finding the right location and making sure it works for the community.

Trustee Seabury stated he loves the idea and would love to see it in Eagle, but there are concerns that make it difficult to make a decision tonight, namely safety, the railroad crossing and how to pay for it.

Ed Sands stated the PUC would be interested in a traffic study for this proposal in order to make its determination on the requirement of the improvement to the crossing. Tom Boni did send a communication to the PUC to get a response on this proposal and has not had a response.

Trustee Solomon stated he loves the philosophy and many aspects of the proposal, but the board has an obligation to look at it from a neighborhood perspective. Safety of the road and access is a concern for emergency vehicles. Can the Town afford to approve this if there is a railroad crossing requirement involved? Would like more information.

Ed Sands suggested that the neighborhood could look into forming a Special Improvement District to address the road width and access issues.



Trustee Brubeck stated his desire to make this work, however, also needing to address the neighborhood concerns, safety and the potential costs of an improved railroad crossing.

Trustee Jessen asked Anne to describe a typical day. Anne stated the children are outside as often as possible, getting in touch with nature and exploring. Would like to have animals and a garden as allowed.

Trustee Kerst stated he had nothing more to add other than the access from a safety perspective for emergency responders.

Board provided their support of the philosophy and idea, but believed more information was needed regarding the railroad crossing and whether or not a traffic study is required. Additional feedback and input from Emergency Services on access and safety.

Trustee Jessen requested that the applicant and staff be given clear direction on what additional information is needed for a decision to not unduly delay the request.

Board also discussed additional concerns with Brooks Lane in general not having maintenance and needed improvements as a town road.

Carrie M. 1099 Capitol Street stated she is a traffic engineer and provided her support and ability to assist the applicant with traffic study.

MOTION: Trustee Brubeck motioned to continue File #SU-01 until to July 12, 2016 Town Board Meeting. Motioned was seconded and PASSED unanimously

EXECUTIVE SESSION – MOTION: Trustee Seabury motioned to hold a conference with the Town's attorney to receive legal advice on specific legal questions and items pertaining to negotiations, pursuant to C.R.S. § 24-6-402(4)(b). Motion was seconded and PASSED unanimously. Attorney Ed Sands certified for the record the session did not need to be recorded because it was subject to Attorney Client privilege. (8:48 p.m.)

MOTION: Trustee Witt motioned to Adjourn from Executive Session and resume the regular meeting. Motion was seconded and PASSED unanimously.

Frost Creek PUD Amendment Water and Bike Path Discussion - Ed Sands stated D. H., Chad Brue and Dominic Mauriello have been working with the Town's attorney, Mary Elizabeth Geiger on making amendments to the Frost Creek Agreement with regard to Brush Creek bike path. They are at an impasse on the Brush Creek bike path. No changes to the original agreement have been made. Attorney for Frost Creek stated they would like to construct the bike path at the time of final plat. As part of the negotiations, the town has proposed the developer pay for \$75K for design costs and we object to that change as design costs were never part of the deal and is not part of the agreement or amendment. Developer considers it redundant. Developer is not willing to be responsible for a million dollar bike path with no present plans to develop. We have agreed to dedicate the easement for the bike path.



Ed Sands reiterated major negotiations were regarding 60% prepayment of water service fees, a park land fee and a few other outstanding issues, but the bike path is our focus right now.

The Town Board had no further questions with expectation attorneys will further negotiate this item.

MOTION: Trustee Seabury motioned to enter into Executive Session consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) and will not involve specific employees and to direct attorney on how to process in negotiations pursuant to C.R.S. § 24-6-402(4)(b). Motion was seconded and PASSED unanimously. (9:31 p.m.)

Motion: Trustee Witt motioned to Adjourn from Executive Session and resume the regular meeting. Motion was seconded and PASSED unanimously. (10:31 p.m.)

MOTION: Trustee Seabury motioned to continue past 10:00 p.m. Motion was seconded and PASSED unanimously.

Project:	Colorado Slab & Tile - Outside Storage
File #:	SU16-02
Applicant:	Jason Kaples
Location:	12 Eagle Park East
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Special Use Permit to allow for outside storage.

Applicant was not present for this item. Request by staff to continue to June 28th.

MOTION: Trustee Brubeck motioned to continue File#SU16-02 to the June 28, 2016 Town Board Meeting. Motion was seconded and PASSED unanimously.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

John Schneider stated Greg Winkler from Department of Local Affairs has agreed to facilitate our Board Retreat.

CML is next week and both he and Mayor will be attending some sessions Wednesday – Friday.

A request to do a more formal grand opening for the Pump Track was requested and approved.

Discussion regarding participating in the November Coordinated Election with Eagle County was discussed. There are several items that could be addressed, Ed Sands stated state law allows for excise tax on wholesale marijuana, which would require a public vote. There is also the issue of offering Broadband via Senate Bill 152 and opting out of the law restricting using tax payer dollars to fund it. Also raised was eliminating the need to public ordinances in full (Town Clerk) which results in some publications on a single Ordinance to be over \$1,000 dollars.

Board would like to schedule a discussion on the next Agenda.
Mayor's Update



Mayor provided update on some meetings attended. Also indicated her desire to hold office hours at Town Hall for about 4 hours a week, Monday from 3-5 and Thursday from 8-10.

Trustee Brubeck stated with regarding to crosswalks he had a citizen request speed bumps to alert drives to them.

ADJOURN (10:50 pm)

6/30/16
Date

Anne McKibbin
Anne McKibbin, Mayor

Jenny Rakow
Jenny Rakow, CMC Town Clerk

