



**MINUTES**  
**Town Board of Trustees**  
**Tuesday, June 28, 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	John Schneiger, Town Manager
Andy Jessen	Jenny Rakow, Town Clerk
Paul Witt (arrived at 6:17 p.m.)	Ed Sands, Town Attorney
Mikel "Pappy" Kerst	Tom Boni, Town Planner
Matt Solomon	Matt Farrar, Assistant Town Planner
Kevin Brubeck, Mayor Pro Tem	John Staight, Open Space Coordinator
Doug Seabury	

**6:00 PM – REGULAR MEETING CALLED TO ORDER** – Mayor McKibbin noted some order changes to the agenda.

**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.*

Judge Buck Allen thanked the Town Board for passage of Ordinance allowing court fees to go toward charities for children.

**PRESENTATION**

Community Request – Red Ribbon Project – Denise Kipp, Director of the Red Ribbon Project is requesting funding for their annual event, to be held on September 3<sup>rd</sup> in Eagle at the Dusty Boot. The Town Board requested to hear the additional funding requests this evening before making a decision.

Community Request – Wild West Days – there was no one present for this item, however, Kevin Brubeck gave a brief synopsis of what this organization does, the funding request and who it serves.

After deliberation regarding remaining contingency funds, the Board decided to fund both requests.



MOTION: Trustee Brubeck motioned to support the Red Ribbon Project request in the amount of \$700.00 and Wild West Days in the amount of \$500.00. Motion was seconded and PASSED unanimously.

Eagle Valley Land Trust – Presentation Jim Daus and Jessica Foulis. Jessica presented the board with the priorities and mission of the Land Trust. There have been two projects in Eagle with assistance by the Land Trust and other partners. Fundraisers and private donations are the key to this organizations ability to assist in these complex and legal land acquisitions. John Staight provided the Board with input regarding the Open Space budget and ability to fund a donation from that budget. Ed Sands confirmed a donation would fall within the ballot language. The Board requested additional details on forecast for 2016 and would like to consider a donation of \$5,000 once information has been obtained showing it is available.

#### **LIQUOR LICENSE AUTHORITY**

Mayor McKibbin convened the Board as the Liquor License Authority

Color Coffee Roasters – New Beer and Wine License at 717B Sylvan Lake Road. Clark and Charlie Gundlach were both present for this item. Clark handed out a business and branding portfolio for the Board to see the business plan.

PUBLIC HEARING: Mayor McKibbin opened the item for public comment. There was no public comment.

MOTION: Trustee Witt Motioned to direct the Mayor to sign the Findings and Order Approving New License. Issuance of Town of Eagle License is contingent upon approval from the State. Motion was seconded and PASSED unanimously.

Mayor McKibbin adjourned from the Liquor License Authority and resumed the regular 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 – June 28, 2016 – Mayor McKibbin asked for minor edits to the Minutes.

MOTION: Trustee Seabury motioned to approve the Consent Agenda. Motion was Seconded and PASSED unanimously.

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

RESOLUTION NO. 31 (Series of 2016) A Resolution of the Board of Trustees Town of Eagle, Colorado Approving a Lease Agreement Between the Town of Eagle and Mean Streets Boxing for Space in The Town of Eagle Old Town Hall; And Authorizing the Mayor to Execute Said Agreement

Town Clerk Jenny Rakow requested both leases of Old Town Hall be tabled. Mike Pisciotta was present with Rick Schwartz to discuss the Power Punch for Parkinson's. Rick provided some background information regarding the need, benefit and purpose of the program. Mike offered Town Board a tour of his space and provided update on potential programming for boxercise, Power Punch and youth and young adult boxing programs.



RESOLUTION NO. 32 (Series of 2016) A Resolution of the Board of Trustees Town of Eagle, Colorado Approving a Lease Agreement Between the Town of Eagle and Ute Springs Experiential Learning Center for Space in The Town of Eagle Old Town Hall; And Authorizing the Mayor to Execute Said Agreement – this item was tabled at request of Town Clerk Jenny Rakow.

Mountain States Employers Council Membership John Schneiger presented this item. John proposed becoming a member, and stated he has always had good results using this organization. We would like their assistance beginning with finishing the employee handbook. Costs are initially paid and then billed quarterly. Cost is \$5200 annually. We do have option to add services if we choose, however, many of our current needs are included in the annual fee.

MOTION: Trustee Brubeck motioned to approve becoming member of Mountain States Employer Council. Motion was seconded and PASSED unanimously.

Community Impact Award (*Discussion regarding continuing the program started two years ago and any changes to format and process*) This item was requested by Amy Cassidy to ensure the Board wants to continue with this award and begin soliciting for nominations. The Board agreed they want to continue the award and also to ensure that previous winners obtain their "award" in a timely manner. Kiosk for Dusty Boot is not complete.

First Amendment to The Intergovernmental Agreement Between Town of Eagle and Eagle County Regarding Design, Lease, And Use of the Future Eagle River Park – Matt Farrar stated the previous IGA expires end of June and this will continue the agreement for design and lease of the Eagle River Park. Ed Sands stated our bond counsel is also interested in seeing this IGA being renewed and signs for the closing on our bond issuance.

MOTION: Trustee Witt Motioned to approve the First Amendment to the Intergovernmental Agreement Between Town of Eagle and Eagle County Regarding Design, Lease, And Use of the Future Eagle River Park. Motioned was seconded and PASSED unanimously.

RESOLUTION NO. 29 (Series of 2016) A Resolution of the Board of Trustees Town of Eagle, Colorado Approving a Lease Agreement with Eagle Tubing & Photography, LLC. Ed Sands stated he prepared the Lease and included all of staff and board recommendations heard at the last meeting.

MOTION: Trustee Seabury motioned to approve RESOLUTION NO. 29 (Series of 2016) A Resolution of the Board of Trustees Town of Eagle, Colorado Approving a Lease Agreement with Eagle Tubing & Photography, LLC. Motioned was seconded and PASSED unanimously.

#### LAND USE

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.



Matt Farrar gave brief presentation of the request and project located at 12 Eagle Park East. Type of fence was discussed by the Board and Planning Commission. Applicant representative stated chain link would be coated and green in color approved by staff. Board agreed that the landscaping and fencing would help improve the lot and provide security for the business. The question regarding storage of non-business related items on commercial property was discussed, including an RV trailer and rafting supplies. Several board members felt it was not feasible to enforce and it was not a precedent they wanted to set. Providing fencing and keeping outside storage as part of a special use permit is best process in place to help control visual impacts.

MOTION: Trustee Solomon Motioned to approve File #SU16-02 with recommendations from Planning & Zoning Commission and staff. Motioned was seconded and PASSED unanimously.

Project:	Sylvan Circle Development Plan
File #:	DR16-03
Applicant:	Jonathon Werner (Eagle Sylvan, LLC)
Location:	58 Sylvan Lake Road
Staff Contact:	Tom Boni (Town Planner)
Request:	Development Review for a 42-unit townhome project on 4.67 acres.

***Applicant requests to Continue this item to the July 12, 2016 Town Board Meeting***

MOTION: Trustee Witt Motioned to continue File #DR16-03 to the July 12, 2016 Town Board Meeting. Motioned was seconded and PASSED unanimously.

2.	Project:	Boyz Toyz Snowmobile/ATV Store
	File #:	SU97 (Amended 2016)
	Applicant:	Gary Ratkowski
	Location:	432 Grand Avenue
	Staff Contact:	Tom Boni (Town Planner)
	Request:	Special Use Permit to allow continued operation of store/repair facility.

Mayor McKibbin opened this item and stated this is an advertised public hearing. Tom Boni handed out a timeline of this request and the special use permit on this property for the board to review. Also handed out was email comments from Selena and Tom Olden. Tom Boni apologized for his lack of understanding of the land use code in relation to this property and for language that was inappropriate.

One concern that has come up is the width of the right of way on McIntire. This will need to be surveyed as it appears the businesses landscaping is on it. Other concerns were regarding temporary storage of vehicles on McIntire, loading and unloading of trucks and repair vehicles, the shed that was built without a permit and to determine the property line to ensure business operations are occurring on the property and not in the right of way. The Planning Commission did recommend approval with conditions.



Gary Ratkowski was present for this item. He stated they need the SUP to continue operations. They have grown and are requesting ability to have additional vehicles on display. With regard to the trash enclosure and trash, Gary stated he could move storage crates and trash to his location in Gypsum and also build the enclosure to shield visibility of these items from McIntire.

Mayor McKibbin stated this property has been an issue for 12 years and it has been a challenging location for compliance of the SUP that was issued in 1997. The noise and fumes from this location has been brought up. Both Tom Boni and Matt Farrar stated noise and fumes compliance issues are regulated by the state.

Board members discussed mitigating factors for the neighborhood, enforceability of conditions, continuity of appearance for the town and highway six, and appropriateness of location for this business type.

Mayor McKibbin opened public comment.

Selena Olden 422 McIntire was present and spoke regarding consistency and fairness to all Eagle businesses regarding Special Use Permitting process and conditions. Concerns are centered around visual quality, impacts on neighborhood and adjacent businesses regarding parking, display vehicles, right of way usage, noise from ATVs, loading and unloading on McIntire and trash behind the building.

Gary Ratkowski stated they understand the trash concerns. He provided information that hours of operation are 9-6 Tuesday through Friday and Saturday 9-4:30.

Dan Lambert 253 Penstemmon stated he has been in Eagle for 20 years and made comment regarding loading and unloading on McIntire has the ability to be safer.

Mayor McKibbin closed public comment.

Town Board discussed ways to mitigate trash enclosure and right of way concerns. Ed Sands stated the Town has the ability to issue a license agreement for right of way usage. Consistency is also a concern of the board and needing to move forward with the right conditions that can realistically be enforced without enough staff to conduct town-wide code enforcement.

MOTION: Trustee Brubeck motioned to continue File#SU-97 to July 26, 2016 Town Board Meeting to allow additional time to obtain information from staff and applicant regarding concerns discussed with Town Board, Planning Commission, Town Staff and address Public Comments. Motion was seconded and 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 #:	LURA16-01
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.
- ~~3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.~~  
(Approved by Board of Trustees – April 26, 2016)
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.

***Staff requests this item to be Continued to the July 26, 2016 Town Board Meeting***

MOTION: Trustee Brubeck motioned to continue LURA-16-01 to the July 26, 2016 Town Board Meeting. Motion was seconded and PASSED unanimously.

EXECUTIVE SESSION – 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). This item was not necessary and was canceled.

**STAFF UPDATES AND REQUESTS**

Manager's Report – John Schneiger stated we are having staff meeting tomorrow with intention of discussing development of a monthly staff report for the Board.

Correspondence for Discussion if necessary:

4<sup>th</sup> of July Celebration at Lundgren Theater – all Board members in attendance indicated their ability to participate with Town of Gypsum.

Continued Discussion of Coordinated Election. Town Board agreed that issues for consideration at the November election could be Broadband as it relates to Senate Bill 152, adding excise tax to Marijuana cultivation pursuant to State Statutes and amending the Town's Code to allow for publication of Title only to save on costs to the Town and public applicants. Ed Sands will draft documents for review for upcoming meetings. Town Clerk will provide notice to the Eagle County Clerk of Eagle's intent to participate in the coordinated election.

**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Mayor's Update – McKibbin updated Board of her Mayor's office hours at Town Hall on Mondays from 3-5 and Thursdays from 8-10.

McKibbin- met with Caroline Bradford and property owners with regard to the Eagle River Park.

McKibbin would like to further discuss policy issues with regard to public use of town facilities and tents. A review of other town's park policies was requested.



VRBO and Air BNB issues were discussed. Their impact on rental housing in Eagle and Summit Counties is of growing concern.

Trustee Kerst updated board on availability of electronic messages signs from Beaver Creek.

Trustee Solomon requested the Town consider American flags in Town or in round-a-bouts for 4<sup>th</sup> of July.

**ADJOURN (9:29 pm)**

7/15/16  
Date

Anne McKibbin  
Anne McKibbin, Mayor  
Jenny Rakow  
Jenny Rakow, CMC Town Clerk

