



**MINUTES**  
**Town Board of Trustees**  
**Tuesday, July 12, 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	John Schneiger, Town Manager
Andy Jessen	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
	Kevin Sharkey, Town Engineer
<u>ABSENT</u>	Dusty Walls, Public Works Director
Doug Seabury	Terry Simpkins, Lieutenant
Paul Witt	

**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.*

Mike Vaughn 21 Golden Eagle asked the Town Board to consider reducing speed limit in Terrace neighborhood. Mr. Vaughn also offered his assistance.

Shara Korn 711 Bull Run was present to address memo prepared by Town Clerk regarding request to utilize the Studio. Shara felt the memo was biased. Mayor McKibbin stated this item is on the agenda and will be discussed tonight, public comment will be taken at that time.

**PRESENTATION**

NWCCOG Annual Report and Water Quality/Quantity Presentation Liz Mullen and Torie Jarvis. Town of Eagle needs to delegate an appointee to the NWCCOG member board. Meetings are held 3-4 times a year.



**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; June Bill Pay and Payroll

MOTION: Trustee Solomon 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 (*Leases were negotiated with both entities based upon criteria directed by Town Board, building costs and interest by both non-profit entities. See staff memo.*)

Trustee Solomon felt that each entity should be responsible for rent plus their proportion on utilities. Town Clerk indicated that the amounts being charged are to cover utility costs and provide for some building maintenance. The Board agreed that an overall policy on uses of public property is necessary to address future situations.

Town Board agreed to set the limit on utilities at the estimate of \$7500 and if exceeded, lessees would be notified and responsible for overages. Town Clerk and Attorney will address wording of the lease and Town Clerk will monitor utilities.

MOTION: Trustee Solomon motioned to approve Resolution 31, Series 2016 with amendment to lease if utility usage exceeds \$7500 lessee will be responsible for that overage. Motion was seconded and PASSED unanimously.

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 (*Leases were negotiated with both entities based upon criteria directed by Town Board, building costs and interest by both non-profit entities. See staff memo.*)

MOTION: Trustee Solomon motioned to approve Resolution 32, Series 2016 with amendment to lease if utility usage exceeds \$7500 lessee will be responsible for that overage. Motion was seconded and PASSED unanimously.

RESOLUTION NO. 33 (Series of 2016) A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting the Agreement Between the Town of Eagle and The State Board of the Great Outdoors Colorado Trust Fund (*Resolution as requested by GOCO to finalize the School Play Yard Grant EVE received. Funds will be released shortly and construction should begin.*)

This formalizes previous presentation and grant requirements.

MOTION: Trustee Brubeck motioned to approve Resolution 33, Series 2016. Motion was seconded and PASSED unanimously.



RESOLUTION 34 (Series 2016) A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Granting A Special Use Permit for Parcel 10, Eagle Park East Subdivision, Eagle Colorado, Town of Eagle, County Of Eagle, State Of Colorado *(This item was approved at the July 12, 2016 TBOT Meeting, this Resolution formalizes the decision and grants the permit with conditions.)*

MOTION: Trustee Jessen motioned to approve Resolution 34, Series 2016. Motion was seconded and PASSED unanimously.

### LAND USE

1. 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.
Project:	Rocky Mountain School of Discovery

*(The hearing on the Rocky Mtn Discovery School was continued by the Board of Trustees from their meeting on June 14. The hearing was continued so that additional information pertaining to the file could be compiled. Additional information requested by the Trustees at the July 14 hearing included a traffic study, cost estimates for railroad crossing improvements and improvements to Brooks Lane, a student drop-off and pick-up plan, input from emergency service providers and input from the Public Utilities Commission (PUC))*

Materials were passed out to the board which included a letter to residents from applicant, comments from Ron Bates, Delia Massei, a memo from Tom Boni regarding the PUC, a memo from Deron Dirksen regarding Brooks Lane cost estimate, a memo from McDowell Engineering regarding a Brooks Lane Traffic Study Update, a memo from applicants regarding options to reduce/avoid use of the railroad crossing on Brooks Lane for student drop off and a drop off/pick up schedule from applicant.

Applicant Anne Helene Garberg spoke to the board regarding her meeting with neighbors, proposed travel plan for students to be picked up at the Town Park or parents using the walking path and pedestrian bridge from the fairgrounds and the alternatives available to parents.

Tom Boni spoke regarding the questions to be asked of the PUC regarding the traffic study and railroad crossing.

Mayor McKibbin opened this item for public comment.

Ron Bates 450 Brooks Lane. Mr. Bates stated he questioned the traffic study, the location of the counters, the timing of the study and the perceived conflict of the traffic engineer who conducted the study. Mr. Bates would like an independent third party conduct the study.

Mayor McKibbin closed public comment.



The Town Board asked the Town Engineering Department to review the traffic study.

Matt Farrar stated staff does not have a recommendation at this time and is requesting direction on how to proceed with this file.

Tom Boni stated there are two components that need to be addressed prior to being able to have a recommendation; 1. With regard to the PUC we need to know if we need a new permit. With that permit improvements will be defined with a cost estimate. This usually takes two to three months.

Trustee Solomon stated with regard to the traffic study, the Town appears to be on the hook for over a million dollars in improvements in order to grant this request. It is a risk.

Dana Stiles 400 Brooks Lane stated the decision from 2006 from the PUC states that if the Town grants two residential permits or one commercial permit the improvements will have to be made.

Trustee Jessen stated the PUC permit seems subjective and would like to know what level of service factors actually triggers the improvements.

Additional studies were discussed to confirm whether or not the impact will require improvements. Discussion regarding who should pay the costs for the studies and ensuring they can be done quickly to give applicant appropriate direction and answers. Town Board also discussed lack of attention to Brooks Lane from a maintenance standpoint regarding road and utilities and to decide what, if any, improvements are needed.

Staff requested one month to return to the Board with answers, specifically from the PUC.

MOTION: Trustee Kerst motioned to continue File# SU16-01 to the August 23, 2016 Town Board Meeting. Motion was seconded and PASSED unanimously.

2. 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.

*This item is requested to be continued until the July 26, 2016 Town Board Meeting*

Tom Boni stated while this item will need a continuance, the applicant is present and would like to provide the Board a presentation on the project and answer questions.

Jonathan Warner from Creative West Architects presented the Sylvan Circle Development.

Highlights of the proposed project included:



- Additional access on highway six in addition to Sylvan Lake Road access
- Open space easement along the creek and improvements
- Soft path trail to connect to trail system with vesting period to be dedicated to the Town
- Modified and additional landscaping

Staff recommendation of approval included Planning and Zoning Commission recommendations:

1. Final review and approval of landscape plan by Town Staff. Final landscape plan to address landscaping along Highway 6 to ensure its longevity, in addition to landscaping and/or fencing along Brush Creek to limit access to designated points along the creek.
2. Public Works approval of remaining details related to water and sewer distribution and easements.
3. Construction of any units located in the existing floodplain shall only be permitted upon approval of floodplain map revisions by FEMA.
4. Final positive determination of adequate public facilities.

Staff is requested a continuance to address these conditions and to prepare a Resolution and Development Improvements Agreement.

Ed Sands asked if the open space would be maintained by the Town or the HOA; applicant stated the HOA. The HOA would also maintain the landscaping requested to be placed in the Right of Way.

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

Tom Boni handed out public comment from the Greater Eagle Fire Protection District signed by the Fire Chief in support of this project.

Gary Brooks Alpine Engineering, applicant's Engineer spoke regarding the FEMA map error discovered with this project and the current review that is pending to have the flood plain redrawn that affects this property.

First phase of the project would be constructed in spring/summer of 2017.

Board comments were regarding parking, use of potable water for landscaping, dumpsters vs. individual trash cans, lighting of the development, cross-walk, adequacy of parking for residents, guests and public access, and Town's ability to provide water.

MOTION: Trustee Jessen motioned to continue File#DR16-03 to the July 26, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

3. 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. <i>Applicant is requesting continuance to July 26, 2016</i>

Town Board requested update on whether to continue this file or close it based upon inactivity since initial proposal. Town staff stated they received drawings last week and believed applicant will be ready to present after staff review.

MOTION: Trustee Brubeck motioned to continue File# DR15-05 to the August 23, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

4. 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. <i>Applicant is requesting continuance to July 26, 2016</i>

MOTION: Trustee Brubeck motioned to continue File# MS15-02 to the August 23, 2016 Town Board meeting. Motion was seconded and PASSED unanimously.

Mayor McKibbin called a Break (8:40 – 8:45 p.m.)

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

Manager's Report and Staff Reports -John Schneiger requested feedback on staff reports. Board stated they like having information on current topics to answer questions from the public. John also informed the board that the installation of the Community Impact Award Kiosk for the Dusty Boot is a priority to complete as the the next award is slated to be decided in September/October.

Dusty Walls Public Works Director requested the Boards approval of spending excess street funds on curb and gutter on the south side of the Town Park. Town Board stated they approved the request.

Trustee Brubeck asked if the staging area by Black Hills on Arroyo could be used as special event or overflow parking to lessen neighborhood impact. Kevin Sharkey stated he will check to see if that area could stay as parking and not be revegetated.

Eagle River Corridor Project Update (*Staff will answer questions and attempt to provide current updates on project goals, timelines and budget.*) John Schneiger stated this project is nearing a point where a worksession to update the board is necessary. There are a lot of moving parts and the Board did request frequent updates during the board retreat. Staff feels it would be best to dedicate a worksession for that discussion. Caroline



Bradford has started working with the Town on this project and a contract for her services will be on the next agenda.

#### November Election Topic Update – SB152 Broadband, Marijuana Excise Tax and Public Notice Publication Requirements

- Draft Resolution for Broadband
- Draft Resolution for Publication of Ordinances by Title Only and CML Information on Ballot Language
- Draft Resolution for Municipal Excise Tax on Marijuana Cultivation Facilities

Ed Sands presented these items. Discussion on Broadband was straightforward, as was the language for the ballot. Most towns get this ordinance passed so they have the ability to act on opportunities and grant funding for improvements.

The Excise Tax on Marijuana also is a straightforward proposal as it is based on State language and restrictions. Discussion and feedback from board was get additional numbers to the tax implications and also to consider exempting transactions with Eagle business. Question regarding staff capability was also raised. Town Clerk believed that while it was an additional process, the forms and ability to collect was not a problem. Additional public comment on this question would be necessary to know if we want to move forward placing this on the ballot. Also requested to get feedback from current licensee.

Publication of Ordinances by Title Only is also straightforward language and is a request as cost saving measure to both the town and applicants who have to pay for publication costs as it relates to their projects. Notices are easily accessible via email and web, however, it would be a public decision if they wanted to continue reading these notices published in full in the newspaper. Pam Boyd from Colorado Mountain News Media stated this has come up in the past and continuing the full notice in the paper was stoutly defended by the previous editor.

#### 2016 First Quarter Sales Tax Reports

- Highest Returns are now
- Returns are up 14% over 2015 through May 2015 and up 25% over 2014
- Best year prior to now was 2008

*Memo on Public Use of Town Owned Facilities (Studio) and Staff Recommendation (Town Clerk reviewed current policies and usage of Pavilion Campus and Brush Creek Park. This area sees heavy rental and public activity uses that would be impacted by additional full-time occupancy of the Studio.)*

Shara Korn was not present for this item, however, the memo was in response to the request she made of the Board regarding use of the Studio for child care. The Town Board agreed that the Studio was part of a larger area that sees heavy public use in a variety of ways. The impacts on public space was a concern. In addition, the Board believes the Town needs policies in place to address use of public property and use those policies to determine requests like this in the future. The Board agreed that day care at this location was not feasible. Board requested that Shara be contacted and both the Mayor and the Town Manager were available if she wanted to meet in person.



Joint Work Session with Planning and Zoning Commission *(As discussed during Board retreat, setting up a joint session to discuss planning items, process and coordination of responsibilities)*

Planning Department will send out a notice to set a best time for this meeting. Mayor McKibbin will also reach out to the Planning Commission Chair Jason Cowles regarding the intent and scope of the worksession. To alleviate additional meetings, it was a consideration to also include a River Corridor Update.

Recreation Committee Update *(Committee has had two meetings, however, with timing of special projects and limited resources, staff is requesting postponement of committee to 2017 to obtain further direction on committee goals, feasibility, and 2017 budget review.)*

John Schneider stated with current staff managing this committee has become difficult. The intent and scope of duties is also a concern. To best handle the Board's request to have this committee, it is being requested to decommission the committee and reevaluate in 2017. The intent was to have a staff member help facilitate, Matt Farrar was selected as the chairperson, which has become a burden to want to assist, but not having the time or resources to do so.

Town Board expressed concern that we have interested citizens wanting to provide input, while also understanding the current capacity of staff. John Schneider was requested to send a letter to the Recreation Committee members with this information.

**Correspondence:**

- Eagle County Commissioners Public Opinion Survey – Affordable Housing & Childcare *(Information received at recent Mayor Manager's Meeting at Eagle County)*
- Multijurisdictional Housing Authority in Eagle County
- Mayor/Manager's Meeting Topics from July 1<sup>st</sup>
- Vacation Home Rental Best Practices Report
- July 4<sup>th</sup> Correspondence from Gypsum *(We are reaching out to Eagle Fire to determine if we have alternate locations for fireworks to choose from for 2017. It has been suggested to try and duplicate community event Gypsum did and possibly host at Brush Creek Park.)*

**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Trustee Kerst spoke with Western Enterprises who does the fireworks and they are able to move show to Eagle Ranch area if the Town desires to change locations.

Trustee Solomon would like to revisit retreat priorities and goals to not lose sight of what was discussed.

Trustee Brubeck stated Ryan Murray desires feedback on his concerns regarding the block party.

Trustee Brubeck would like some follow up on Rick Evancho's request regarding concern for a cross walk by his property.

John Schneider stated his 90 day review period is coming up and would like to set manager goals with the Board.



Mayor's Update –

PBR baseball is going to be here this week. Japanese teams will be here.

Requested Home Rule follow up discussion with Geoff Grimmer. Public meetings with CIRSA and/or CML representatives was also mentioned.

Will follow up on Old Town Hall historic site documentation.

**ADJOURN (9:50 pm)**

7/26/14

Date

Anne McKibbin

Anne McKibbin, Mayor

Jenny Rakow

Jenny Rakow, CMC Town Clerk