



**Town Board of Trustees  
Tuesday, January 22, 2019  
Public Meeting Room / Eagle Town Hall  
200 Broadway Eagle, CO**

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*Times listed are approximate and are subject to change.*

**TRUSTEES PRESENT**

Anne McKibbin, Mayor  
Kevin Brubeck, Mayor Pro Tem  
Scott Turnipseed  
Matt Solomon  
Paul Witt  
Mikel "Pappy" Kerst  
Andy Jessen

**STAFF**

Brandy Reitter, Town Manager  
Matt Mire, Town Attorney  
Jenny Rakow, Town Clerk  
Morgan Landers, Town Planner/Comm Dev Director  
Jill Kane, Finance Director/Treasurer  
Jeremy Gross, Marketing and Events Manager  
Colton Berck, Planner I  
Deron Dirksen, Utility Manager  
Bryon McGinnis, Public Works Director

**6:00 PM – REGULAR MEETING CALLED to ORDER and ROLL CALL** Mayor McKibbin noted for the record that all members were present for tonight's meeting.

**ADOPTION OF AGENDA**

The Executive Session with the Town's Water Attorney was moved on the Agenda to be heard after Presentations.

**PUBLIC COMMENT**

Mayor McKibbin opened Public Comment. There was no Public Comment.

**PRESENTATION** – Judge Allen Service Thank You

Mayor McKibbin and the Town Board presented Judge Allen with recognition for 20 years of service to the Town of Eagle. Judge Allen provided reflection on his service and thanked the Town for his opportunity to serve the community.

## **EXECUTIVE SESSION**

**MOTION: Trustee Solomon motioned to enter into Executive Session To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) TOPICS: Haymeadow Water Discussion with Town Water Attorney Mary Elizabeth Geiger. Motion was seconded and PASSED unanimously. (6:10 p.m.)**

Town Attorney Matt Mire certified for the record that the meeting was attorney client privileged and would not be recorded.

**MOTION: Trustee Turnipseed motioned to exit the Executive Session and resume the Regular Meeting. Motion was seconded and PASSED unanimously. (6:23 p.m.)**

**Resolution 2019-11** A Resolution of The Board of Trustees of The Town of Eagle, Colorado Authorizing Town Staff to Take Certain Actions Regarding Town Water Rights.

**MOTION: Trustee Solomon motioned to approve Resolution 2019-11 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Authorizing Town Staff to Take Certain Actions Regarding Town Water Rights. Motion was seconded and PASSED unanimously.**

## **CONSENT AGENDA**

1. **Minutes** – January 8, 2019
2. **Resolution 05-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Accepting Certain Public Improvements From 316 Wall Street Investment, LLC And Authorizing A Reduction in The Associated Performance Guarantee, Frederick E. Tobias, Town Engineer
3. **Resolution 06-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Accepting Certain Public Improvements from Chambers Lofts, LLC And Authorizing A Reduction in The Associated Performance Guarantee, Frederick E. Tobias, Town Engineer
4. **Resolution 07-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Reappointing Holli Snyder, Jeff Boyer, And Kim Bradley, And Appointing Yvonne Schwartz To the Town of Eagle Marketing and Events Committee, Jeremy Gross, Events and Marketing Manager
5. **Resolution 10-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Adopting an Annexation Plan for The Town of Eagle, Colorado, Morgan Landers, Town Planner
6. **Audit Engagement Letter for Maggard & Hood PC**, Jill Kane, Finance Director/Treasurer

Trustee Solomon noted that the audio and video were not function and neither he nor Trustee Kerst were able to either view or listen to the meeting and requested that the Minutes be voted on separately.

**MOTION: Trustee Turnipseed motioned to approve Item #1 of the Consent Agenda. Motion was seconded and PASSED with a vote of five (5) in favor (Jessen, Brubeck, McKibbin, Turnipseed and Witt) and two (2) abstain (Solomon and Kerst).**

Trustee Brubeck inquired about the Resolution 05-2019 and the Performance Guarantee estimates. Town Engineer Fred Tobias provided information regarding how the estimate was modified due to revisions made during applicant meetings with Town Staff and work completed by the developer for a cost savings.

**MOTION: Trustee Turnipseed motioned to approve Items #2-#6 of the Consent Agenda. Motion was seconded and PASSED unanimously.**

## **TOWN MANAGER AND RIVER PARK UPDATE**

Town Manager Update – Brandy noted that the Building Official position has been posted and closes February 3<sup>rd</sup>. SafeBuilt is performing services for our building department and we have extended the existing contract. Staff is hopeful that the budget for 2019 contract services will cover the in-house staff position.

Elevate Eagle has a planning week coming January 29-31 and we will be soliciting feedback on our comprehensive plan.

A feasibility study with Eagle County and Town of Gypsum is being conducted on broadband and we are planning a February 12<sup>th</sup> presentation with those results. NWCCOG will consider a contract for THOR before March. The Town Board will have an opportunity to review that contract in February.

Home Rule information has been posted to our website. Board Comment: request that Magellan provide both pros and cons for Home Rule polling.

Eagle River Park, NV5 – John Usury presented this item. Board Comments on the delay in purchasing of the rapid blocks. Modeling of the project is in progress and will determine how many rapid blocks will need to be purchased. The intent was to only purchase after the consultants have completed this research.

Change Order Request- Board Comment: would like the Town arborist to audit the plant list prior to approval. Town Attorney Matt Mire indicated the Board could approve the Change Order contingent upon satisfactory review by the arborist.

**MOTION: Trustee Turnipseed motioned to approve Change Order #08 for Hobbs Excavating and Trusting Eagle River Park in the amount of \$169,006.95 contingent upon satisfactory review by the Town’s arborist. Motion was seconded and PASSED unanimously.**

## **PUBLIC HEARING– QUASI JUDICIAL PROCEEDINGS**

1. Project: 120 E. Third Street  
File #: SU18-08  
Applicant: Lisa Kunkel; Kit Austin – Pierce Architecture  
Location: 120 East 3<sup>rd</sup> Street  
Staff Contact: Colton Berck, Planner 1  
Request: Special Use permit for ground floor residential in the Central Business District (CBD).

Mayor McKibbin opened File #SU18-08.

Trustee Solomon noted for the record that he received a phone call from the applicant and discussed this with the Town’s Attorney. Trustee Solomon also recused himself on the letter sent on behalf of the Masonic Lodge adjacent to this property.

Colton Berck presented the file.

Mayor McKibbin solicited Board Comments, there were no comments.

**Mayor McKibbin opened Public Comment. There was no Public Comment.**

**Mayor McKibbin closed Public Comment.**

**Resolution 08-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving A Special Use Permit for A High Density, Multifamily Dwelling At 120 East Third Street.

**MOTION: Trustee Turnipseed motioned to approve Resolution 08-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving A Special Use Permit for A High Density, Multifamily Dwelling At 120 East Third Street. Motion was seconded and PASSED unanimously.**

2. Project: 101 & 115 E. Second Street  
File #: LLA18-07  
Applicant: Bryan Desmond; Marcin Engineering, LLC  
Location: 101 & 115 E. 2<sup>nd</sup> Street  
Staff Contact: Colton Berck, Planner 1  
Request: Lot Line Adjustment to remove the shared lot line between lots 18-20, block 19 of the Eagle Subdivision, creating a single lot.

Mayor McKibbin opened File #LLA18-07.

Colton Berck presented the file.

Board Comments: Inquiry regarding what the effect of a Town Board denial would have on this project. Town Attorney Matt Mire indicated that the effect would be the inability to obtain a Building Permit for this location. The project is considered approved. The process of confirming the Planning Commission's findings is following the Town Code process. The review criteria is limited in this instance and is the process written our Land Use Code.

Applicant Brian Desmond was present for this item and had no comments for the Board.

Mayor McKibbin opened Public Comment. There was no Public Comment.

Mayor McKibbin closed Public Comment.

**Resolution 09-2019** A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving A Lot Line Adjustment for Property Known as Town of Eagle, Block 19, Lots 19, 20, And A Portion of Lot 18.

**MOTION: Trustee Turnipseed motioned to approve Resolution 09-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving A Lot Line Adjustment for Property Known as Town of Eagle, Block 19, Lots 19, 20, And A Portion of Lot 18. Motion was seconded and PASSED unanimously.**

### **OLD BUSINESS**

**2018 and 2019 Budget**, Jill Kane, Finance Director

**Ordinance 02-2019** An Ordinance Reappropriating Funds to The Various Funds and Spending Agencies, In the Amounts and For the Purpose as Set Forth Below for The Town of Eagle, Colorado For The 2018 Budget Year.

**MOTION: Trusteed Turnipseed motioned to approve Ordinance 02-2019 An Ordinance Reappropriating Funds to The Various Funds and Spending Agencies, In the Amounts and For the Purpose as Set Forth Below for The Town of Eagle, Colorado For The 2018 Budget Year. Motion was seconded and PASSED unanimously.**

**2019 Budget – Adopting Final Certified Budget**

**MOTION: Trustee Turnipseed motioned to Certify the 2019 Budget as presented. Motion was seconded and PASSED unanimously.**

### **NEW BUSINESS**

**Vail Honeywagon Recycling Proposal.** Jennifer Collins, Shawn Bruckman, Brian Copley and Matt Donovan were present from Vail Honeywagon and Jesse Masten was present from Eagle County Landfill. A review of recycling options available and pros and cons for each was presented.

Board Comments: Asked if individual homeowners can sign up for different options, due to the discounts available under the Town’s contract, the entire contract must participate in the recycling option chosen. The Town of Eagle is the only Town currently using dual stream, with a few exceptions. Other areas are doing single stream. The increase in rates was a concern, as the town has also recently increased water and sewer rates. Eagle County has initiated waste diversion as a goal to be 30% by 2030. The option Vail Honeywagon suggested was to open up the Town’s yard waste facility to resident’s outside of the Town limits to increase the diversion rate. A compost facility can be located in the Town at no charge, with participants paying for access. A poll of residents was discussed as an option to choose what is best for the entire community.

Mayor McKibbin reiterated the options the Town is currently interested in, which includes working with Town staff to find a suitable location for a compost drop off location. Staff will work with PR Studios on a plan to poll residents on the recycling options presented by Vail Honeywagon and use that information in any decision to change our current system.

### **BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Joint Meeting with Town of Gypsum and Planning Commission – Staff will reach out to Gypsum and try and choose a suitable date on a regular meeting night.

Special Meetings may be scheduled for Planning Commission due to large files currently under review. It was suggested to look at the Comp Plan meeting schedule and coordinate a meeting centered around that discussion. Brandy will look at the schedule and send out dates for consideration.

Worksession Dates for 2019 – due to conflicts, staff will continue to look for suitable dates for Town Board to attend.

Trustee Solomon: the audio-visual system needs to be remedied. Alternatives should be considered.

Trustee Jessen will be absent from the February 12, 2019 meeting. Inquired about the dip on Capitol by the County Building. Bryon McGinnis stated he is not ready to dig into the street at this time, it is in our capital budget for 2020.

Trustee Turnipseed will not be at the February 12, 2019 meeting.

Trustee Witt stated the post office is out of post office boxes. We should see if they can attend a meeting to see what solutions are out there and what pressure the Town can provide to gain more boxes for upcoming development and current residents who are being told they cannot get a PO Box.

Mayor McKibbin will be gone for both the April 23, 2019 meeting and May 13, 2019.

**EXECUTIVE SESSION**


**MOTION: Mayor McKibbin motioned to enter into Executive Session To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) TOPICS: CenturyLink and Public Comment Procedures with Town Attorney Matt Mire. Motion was seconded and PASSED unanimously. (8:15 p.m.)**

Town Attorney Matt Mire certified for the record that the meeting was attorney client privileged and would not be recorded.

**MOTION: Mayor McKibbin motioned to exit Executive Session and resume the regular meeting. Motion was seconded and PASSED unanimously.**

**ADJOURN (8:40 p.m.)**

APPROVED



*Anne McKibbin*  
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Anne McKibbin, Mayor

*Jenny Rakow*  
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Jenny Rakow, CMC Town Clerk