



**Town Board of Trustees
Tuesday, March 12, 2019
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/>.
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
Jeremy Gross, Marketing and Events Manager
Lynette Horan, Human Resources Manager
Bill Shrum, Assistant to the Town Manager
Bryon McGinnis, Public Works Director
Frederick E. Tobias, Town Engineer
Deron Dircksen, Utility Manager
Colton Berck, Planner I

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL – Turnipseed arrived at 6:03 pm.

ADOPTION OF AGENDA – Mayor McKibbin stated we will shift Resolution 15-2019 to be heard before Hockett Gulch public hearing.

PUBLIC COMMENT – Mayor McKibbin opened public comment, there was no public comment.

OPEN PUBLIC HEARING

Land Use File Number AN17-01 Red Mountain Ranch Annexation

Mayor McKibbin opened Land Use File Number AN17-01 for public comment.

PUBLIC COMMENT:

Cynthia Lepthien – Cynthia stated she has looked at Red Mountain Annexation and expressed her concerns regarding the proposal near the river and wildlife impacts.

Mayor McKibbin thanked Cynthia for her comments and reiterated that this file will have a public hearing on March 26th.

There was no further public comment.

CONSENT AGENDA

1. Minutes
2. Bill Pay
3. Resolution 14-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving an Intergovernmental Agreement with The Eagle County Housing and Development Authority for Affordable Housing Services
4. Resolution 16-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Setting Forth Check and Electronic Fund Transfer Signing Authority *(Removed)*
5. Resolution 17-2019 A Resolution Adopting The 2018 Eagle County, Co Hazard Mitigation Plan Update and Authorizing the Chairman of Eagle River Fire Protection District to Sign the Approved Agreement – change the entity. *(Removed)*

Board Comments: Concern expressed regarding authority listed for signature in Resolution 17-2019 and whether it should be changed and moved to the March 26, 2019 Agenda. Trustee Brubeck had concern that he was not able to fulfill Resolution 16-2019 as a signor for the Town. Both Resolutions were removed from the Consent Agenda. Request to finance that any electronic payments would be noticed to the vendor.

MOTION: Trustee Witt motioned to approve the Consent Agenda for Items 1-3. Motion was seconded and PASSED with a vote of six (6) in favor (Solomon, Jessen, Brubeck, McKibbin, Turnipseed and Witt) and one (1) abstain Kerst.

TOWN MANAGER AND DEPARTMENT UPDATE

Town Manager Update – Brandy stated staff is continuing to work on home rule with Town Attorney on researching raft Charters received from Colorado Municipal League and CIRSA that can be reviewed by the public as a draft.

Board Comments: Requested annexation of the fairgrounds before the river park. Brandy will work on that with Eagle County. Concern regarding returns of large deposits and whether they have a financial impact related to expenditures in our accounts. Jill Kane stated that all expenditures are listed in the Bill Pay but are in a liability account which does not affect accounting.

Department Update – no comments.

Lower Basin Water Treatment Plant Update, MWH Constructors – Bryon McGinnis stated he met with Trustees Brubeck and Turnipseed regarding overview of the water plant and progress reports, schedule and timeline. Trustee Brubeck stated project is going as expected with some cost overruns due to weather but is still within contingencies.

NEW BUSINESS

Resolution 15-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving the Second Amendment to Annexation and Development Agreement for The Haymeadow Development

Morgan Landers stated her memo outlines pros and cons regarding the requested extension. This was noticed to the Public and no public comment has been submitted.

Rick Pylman was present and stated this is a straightforward extension due to the timing of construction. Final Plat will be submitted to the Town next week, this will give us time to ensure we do not have to come back and request another extension.

Mayor McKibbin opened this item for public comment.

PUBLIC COMMENT:

Kim Bradley, 122 Soleil Circle. Kim stated she would like to see this project kept moving forward, as delays in construction have effects other residents and developments.

Rosie Shearwood, 908 Brush Creek Road expressed her concern regarding the extension and requested the town take into consideration the changes in the Town over the past five years and the number of units approved. Also expressed concern regarding impact on wildlife and traffic. Would like to slow down this process.

Mayor McKibbin informed the public that the Planning Commission will hear this file on Tuesday March 19 and would be appropriate for additional public comments.

Mayor McKibbin closed public comment.

MOTION: Trustee Jessen motioned to approve Resolution 15-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado Approving the Second Amendment to Annexation and Development Agreement for The Haymeadow Development. Motion was seconded and PASSED unanimously.

PUBLIC HEARING - QUASI JUDICIAL HEARING

Mayor McKibbin opened File# AN18-01 and PUD 18-02.

Project: Reserve at Hockett Gulch Annexation and Planned Unit Development

Mayor McKibbin provided public with public comment process, and limited public comment to 3 minute per person.

Morgan Landers stated that the incorrect minutes were included in the board packet and offered the audience a copy of the February 5th Planning Commission Minutes.

Morgan Landers stated staff has received additional public comment since publishing the packet and entered the following into record:

Email 3-9 Levi Rozga
Email 3-9 Gary Scanlon
Email 3-11 Lucia Tvarunas
Email 3-11 Keith Klesner
Letter 3-11 Ten Residents
Email 3-6 Ellen Bodenheimer
Email 3-11 CJ Spell
Email 3-12 Andre Bujulin
Email 3-12 Jan Rosenthal

Morgan Landers stated that applicant representatives Dominic Mauriello, Dan Metzger and Lauren Brockman were present for this meeting. Morgan gave brief overview of the file and application process.

Dan Metzger provided the Board and audience with an overview of the property and the proposal in front of the Town Board and stated that as the applicant, they were not seeking approval tonight.

Dominic Mauriello provided his presentation to the board. Outlining the Reserve at Hockett Gulch PUD stated it will provide for residential and limited commercial development that can provide a catalyst for the redevelopment of the Grand Avenue corridor and West Eagle area while supporting the Eagle business community with access to housing for its employees. The project will add vibrancy to the Town by growing our population in a compact design and location with limited impacts to existing residential areas. This area is described as an infill site with opportunity to allow density that is connected to trails and easy to get to the community. The intent is to create workforce housing and apartments that are 30% deed restricted. This is not a second home community. It will create an economic influx into the community. Fiscal analysis projects 900 people when fully built out. We have water attorneys and consultants in the room. This project does not work if we must abide by the town's water fees. We are asking for a compromise. We are proposing 40% of what the town requires. A proposal and plan have been created to address concerns regarding water fees.

Board Comments: Concern regarding fee proposal for water and reasoning for the Town to reduce fees for this project. Further discussion regarding Hockett Gulch proposal to incorporate penalties for water usage outside of proposed structure. Concern regarding current citizens and developments that are required to pay the rates as outlined in the Town Code and making exceptions. Concerns about continuing hearing process if water issue is the determining factor for the approval.

Morgan Landers gave the Board the Planning Department presentation which includes the annexation, PUD zoning map and request for site specific development plan.

Michael Erion provided the Board with information regarding the water plant investment fees and information regarding EQR methodology and application. There is no process to change the EQR schedule without amending Town code. The request being made is a waiver of fees and a 60-70% reduction. Mary Elizabeth Geiger, Town Water Attorney stated that the fee structure has nothing to do with usage. It is buying into the water and sewer infrastructure. It is for water operations, maintenance and replacement. The only item that has room for negotiation is water rights dedication as it is not based on usage and is more flexible.

Michael Erion reiterated that the Town has not granted variances or waivers on plant investment fees. You have others with pending projects and were not given waivers and are paying the rates. The town does have discount for deed restricted and that is applicable for Hockett Gulch for those units. Right now, Annexation of this project with conditions listed is recommended for approval.

Board Comments: confirmation that the staff recommendations do not include waiving any plant investment fees. Discussion regarding fee in lieu for parkland, however, there is not a per acre valuation in our code . Discussion regarding height variance and if they would be amenable to 45 feet to ridge and not midpoint. Response was they were following IBC and would look at it. Storage for residents of these units was also discussed, all storage would be internal. Inquiry into ongoing costs and fiscal impact to the town for this project were requested. It was stated these were included in the analysis. LERP for rentals was also discussed and how that would be managed. Morgan stated the IGA with Eagle County will address the management of these units. Income and resale caps and amounts were also discussed. This project was intended to address middle group of citizens that make too much for assistance and those that are not able to afford single family. Financing for the project is also related to the deed restricted units as proposed.

Mayor McKibbin opened public comment (8:09 p.m.) and limited each speaker to three minutes.

PUBLIC COMMENT:

Corky Fitzsimmons recommended denial of the project due to the impact on his property and trespassers. Urged the town ask developer to purchase his land for open space to remove the trespassing issue and create an amenity for those residents and the Town.

Mick Daly, 1843 East Haystacker Drive urged approval to support the missing generation of 20-30-year olds and to strengthen the economy. This project will stimulate growth and rental costs will normalize with more units available.

Willie Powell 21 Violet Lane urged approval as there is a desperate need for housing. Public transit may be willing to make a stop at this location. Requested paved path and not soft to ensure year-round use. Would like more active recreation included in the proposal, i.e. playing field. Water fees are a perpetual right to clean water.

Corey Palmer 325 Loop concern regarding discount on water fees and impacts on future generations and residents. Other projects and town may never recover from discounts offered.

Nicole Aslin 127 Kelly Clark Ct. this is a good project for the town and community. Would like to maintain our recreation opportunities and access to Hockett Gulch, which is an undervalued asset. Would like to see the Town or developer work with Corky to access that land. Appraisal of the land should be shared with the Town to determine solutions to that property.

Keith Kleser 110 Ewing had previously submitted a letter with other Eagle residents. Traffic, density and waiving open space requirements are top concerns with this project. A rental deed restriction does not add value when there are no caps on rents and no income restrictions. Not sure if these will be affordable. The income needed to rent is calculated at \$80K, which is significant cost for these units. The open space requirement should respect our rules.

Matt Marple 7 Hermits Owner there is a problem with housing in this Town. There is a lack of inventory and it is difficult to hire employees with no housing available.

Clark Gundlach average age of employees is 24 and everyone wants to stay but cannot find affordable rental property. Approve project for next generation of Eagle residents.

Matt Jones, 70 Greenhorn compromises are difficult on housing in mountain communities. We have a lot of open space available in the Town of Eagle and this project has close proximity to open space amenities without including it in their project. Access to Hockett Gulch should be the developer's problem to solve. Deed and Rental restrictions have successfully been done in other communities including Vail.

Rosie Shearwood 901 Brush Creek Road traffic impact on highway six is a concern and density of this project is too much for the land and access.

Chris Romer Vail Valley Partnership has a regional view of this project in that it wants a thriving community. If mitigation cannot occur on water and traffic we need to find ways to say yes. Rental prices can be addressed by increasing the supply. The deed restricted units proposed by Hockett Gulch is adequate and a good target percentage at 30.

Jon Stavney cautioned compromising on water fees, allowing flexibility on housing and deed restrictions should also remain flexible. Project location is good for traffic bordering highway six, and an easement across Corky's property has value.

Steve Lindstrom 1140 Capitol as a business owner most of us are looking for more customers and employees and this project brings both. This will serve a generation that wants to live here. Allow the market to sort itself out with less restrictions, as more restrictions increases costs. No nightly rentals is more important. Urged negotiating towards approval.

Anna Robinson 29 Red Haw Close – agreed with Mick Daly in that this project supports a full community lifecycle and includes retirement and downsizing option currently not available.

Al Musser 2315 Eagle Ranch Road – this is a unique opportunity for our community and a housing option. Employees are tired of struggling to find a place to live and making sacrifices. This is a difficult decision but needs a solution, so we do not lose another opportunity. Adding residents may solve the cost of water.

Bruce Norring 702 Prince Alley – agreed with Jon Stavney's comments.

Mayor McKibbin closed public comment and opened to the Town Board.

Board Comments: Would like to see a summary of the issues that the Board needs to work through. As presented now approval could be staff recommendation. Based upon this proposal we should modify our LERP policies. With no caps on appreciation of income, unsure who can afford them. Resident occupied only restriction is new and would like to see more discussion on that topic. Interested in negotiating but finding water issue difficult in being consistent and predictable for residents and developers alike. Request by applicant attorney to keep water topics separated from plant investment fees and tap fees. Water rights dedication is the more flexible item for negotiations. Confirmed

commitment with Town Attorney that the approval is for zoning. Confirmed that deed restricted units, including rentals will run with the land and will be recorded against the property. Any conversion requests would need to approve before any changes occur.

Applicant requested technical discussion on water proposal and reduction in fees. Park land dedication would also need to be discussed further. William DeOreo water engineer for the project iterated his view and research of the water issue and methodology.

Mayor McKibbin stated that the Board would recess to executive session and resume the regular meeting afterwards.

MOTION: Mayor McKibbin motioned to enter into Executive Session pursuant to CRS Section 24-6-402(4)(b) and (e) to receive legal advice on specific legal questions and to develop a strategy and instruct negotiators regarding annexation and annexation agreement for Reserve at Hockett Gulch Planned Unit Development and will include Michael Erion, Morgan Landers and Bryon McGinnis. Motion was seconded and PASSED unanimously. (9:17 p.m.)

Mayor McKibbin resumed the regular meeting at 10:07 p.m.

MOTION: Mayor McKibbin motioned to continue Files AN18-01 and PUD 18-02 to the April 9, 2019 Town Board Meeting. Motion was seconded and PASSED unanimously.

MOTION: Trustee Witt motioned to extend the meeting until 11:00 p.m. Motion was seconded and FAILED with a vote of six (6) in favor and one (1) against. (Must be unanimous).

MOTION: Trustee Witt motioned to extend the meeting until 10:30 p.m. Motion was seconded and PASSED unanimously.

CLOSE PUBLIC HEARING

Mayor McKibbin closed the public hearing on Land Use File Number AN17-01 Red Mountain Ranch Annexation.

MOTION: Mayor McKibbin motioned to continue the public hearing on File Number AN17-01 to the March 26, 2019 Town Board Meeting. Motion was seconded and PASSED unanimously.

OLD BUSINESS

NWCCOG THOR & Broadband Options – Brandy provided the Board with supplemental information in their packets on the contract negotiations. We have a worksession meeting with NWCCOG attorneys tomorrow. We would like to share any feedback with them tomorrow. The change in participation does increase our cost for the project build and recurring monthly cost. We may need an amendment later this year.

Board Comments: Confirmed that the budgeted costs after the contract is signed will all be billed in 2019. Expressed support despite increased cost. Interested in getting anchor institutions committed in writing. The Meet Me Center would need additional funding and an operating plan if located in Town

Hall. There are choices within the contract for providers other than Mammoth. Concerns with Eagle County committing to being a partner and decision on Meet Me Center location.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

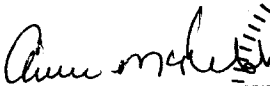
Mayor McKibbin will have an update on the Post Office. Currently drafting a letter to congressional representatives.

Trustee Solomon requested that xpressbillpay show historical data online like the paper invoices.


Trustee Solomon worksession interactive presentation on in lieu of policies, downtown parking etc. this could help with new land use code and other committees.

ADJOURN – 10:30 p.m.

APPROVED:



Anne McKibbin, Mayor



Jenny Rakow, CMC Town Clerk

