



**Town Board of Trustees
Tuesday, March 26, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

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Times listed are approximate and are subject to change.*

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL

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
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Carrie McCool Interim Town Planner
Jill Kane, Finance Director/Treasurer
Colton Berck, Planner I
Bryon McGinnis, Public Works Director
Jeremy Gross, Marketing and Events Manager

1. Moment of Silence for Eric Hill

Mayor McKibbin opened the meeting and allowed Trustee Kerst to say a few words about Eric Hill and then called for a moment of silence.

ADOPTION OF AGENDA *(Opportunity for amendment or deletions to this evenings agenda.)*

Mayor McKibbin stated there were no changes to tonight's 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. Those who are speaking are requested to sign in.*

Mayor McKibbin opened public comment. There was no public comment.

PRESENTATIONS - 35 Minutes

1. Employee Introductions: Charlie Davis Building Official, Suzanne Goodwin Information Center Manager and Kyle Anderson and Daniel McFadden Water/Wastewater Operators (5 Minutes)

Brandy Reitter introduced new employees to the Town Board. Board thanked the staff for joining the Town.

2. One Book One Valley Proclamation, Lori Barnes Vail Public Library (10 Minutes)
Mayor McKibbin read the One Book One Valley Proclamation into the record.
3. Elevate Eagle, Colton Berck Planner I (10 Minutes)
Colton Berck presented the Elevate Eagle update to the Town Board. Board thanked Colton for the presentation and update.
4. Greater Eagle Fire Protection District Proposed Wildfire Mitigation Projects” - Hugh Fairfield-Smith GEFPD Wildland Coordinator (10 minutes)
Hugh Fairfield-Smith gave update to the presentation as shown previously. He reviewed homeowner contacts made regarding the proposal and regarding the mitigation in Eagle Ranch. Hugh stated he encountered support for the mitigation project. Tonight, he is asking for formal permission to begin with the mitigation projects as proposed.

Public Comment: Melanie Richmond stated her support of project.

MOTION: Trustee Matt Solomon motioned to Approve the Greater Eagle Fire Protection District Proposed Wildfire Mitigation Projects. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

CONSENT AGENDA - 5 Minutes *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. (5 Minutes)*

1. Minutes - March 12, 2019
2. 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, Bill Shrum Assistant to the Town Manager
Board Comments: Confirmed Bryon McGinnis is representative for the mitigation plan and that the Town agrees with the mitigation's listed in the plan. Agenda title was incorrect, but the Resolution included in packets is correct.

MOTION: Trustee Kevin Brubeck motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

TOWN MANAGER AND DEPARTMENT UPDATE - 20 Minutes

1. Town Manager Update
Brandy Reitter updated the Board that the Town received a \$25K grant from DOLA for downtown assessment. The was awarded the Tree City USA designation today as well. The Community Development Director position opening closes April 8th. The Reserve at Hockett Gulch hearing is coming back on April 9th. The Town Board

nominated Trustee Turnipseed to be on the hiring committee for the Community Development Director.

Board Comments: Regarding the Art Wall, the consultant will do an open house to get feedback from the community for this item.

2. Eagle River Park, NV5

John Usury from NV5 was present for this item and provided an update. John stated the project is on track to meet ribbon cutting on May 24th. There were no board comments.

a. Change Order No. 9 Eagle River Park \$65,585.00

John Usury from NV5 presented this item. This amount is for two feet of sand, drainage and borders for the sand located by feature by number 2. This is a park amenity and will help with storm water drainage. The Executive Committee recommends approval.

Board Comments: there is interest in a sponsor for this feature. Inquired about longevity of sand and if it will wash out every spring. John Usury stated it will have a two-foot barrier but will require routine maintenance. The cost fits within our bonding capacity.

MOTION: Trustee Scott Turnipseed motioned to Approve the Change Order No 9 Eagle River Park in the Amount of \$65,585.00. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

3. Change Order Lower Basin Water Treatment Plant – Proposed Backup Generator Upsizing \$460,000.00, Bryon McGinnis Public Works Director (Roll Call Vote Required)

Bryon McGinnis presented this item and request for upsizing the generator and the Lower Basin Water Treatment Plant. Warren Swanson from SGM was also present and provided the Board with background and information on why this request is being made.

Board Comments: Bryon provided that there has been some savings on other areas with this project that could make this less impactful on the budget. Questions regarding if solar was considered as an alternative. Warren Swanson stated he did not believe solar would be robust enough power source to power the plant at the same cost.

MOTION: Trustee Kerst motioned to Approve Change Order Lower Basin Water Treatment Plant – Proposed Backup Generator Upsizing \$460,000.00 . Motion was seconded and Passed with a vote of 7 in favor (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) and 0 opposed.

PUBLIC HEARING - Quasi Judicial Hearing - 90 Minutes

Project: Red Mountain Ranch Planned Unit Development (Separate Attachment in Packet)

File #: PUD18-01 / AN17-01 / S18-02

1. **Applicant:** Mervyn Lapin and Red Mountain Ranch Partnership, LLP

Location: Approximately 130 acres on the east end of the town boundaries, south of Highway 6, north of the

Eagle River. Parcel Numbers 193926300012, 193927400039, 193927300029, 193934200041, 193934200042, 193933100004, 193933100002 in unincorporated Eagle County.

Staff Contact: Carrie McCool, Interim Planner

Request: Request for a Planned Unit Development (PUD) Zoning Map Application – max of 153 dwelling units of various types, limited commercial areas and open space/park areas. Site Specific Development Plan (vesting of property rights). Annexation from unincorporated Eagle County to the Town of Eagle and request for a Subdivision Sketch Plan.

OPEN PUBLIC HEARING

Mayor McKibbin opened File# PUD 18-01, AN17-01 and S18-12 and stated the intent will be to allow one hour and fifteen minutes for presentation and then allow public comment.

Carrie McCool Interim Town Planner introduced this item and stated the applicants are requesting the following: 1. Annexation; 2. (PUD) Zoning Map Application - max of 153 dwelling units of various types, limited commercial areas, and open space/park areas; and 3. Site Specific Development Plan (vested property rights) and 4. Subdivision Sketch Plan.

The Applicant was represented by Rick Pylman, who introduced several support team members in the audience. Rick provided the Town Board with his presentation.

Rick provided the applicants response to the conditions from staff and planning commission:

Condition 1: Development shall be prohibited in Planning Areas 3 through 7 until such time that Town water and sewer service connections can be provided at the developer's expense, with the exception of vault toilets for campgrounds, trailheads, and other similar town facilities. Applicant has agreed with condition.

Condition 2: The PUD Guide be revised to reflect a 75-foot setback from the high-water mark except for soft surface trails, irrigations structures, and other low impact encroachments. Still working on this condition and would like to modify it to 50 feet in certain areas.

Condition 3: Cash in Lieu payment can be accepted in place of on-site units provided that if a negotiated amount cannot be agreed upon, the town's on-site LERP requirement will remain in place. Applicant is still working on this condition with staff.

Condition 4: Planning Area 5B shall be dedicated at first subdivision filing and access at Hwy 6 to the parcel be completed within a certain timeframe not tied to phasing of development. Applicant would like to modify this to allow for infrastructure to be in place prior to dedication. Public ownership in the middle of construction is the concern. Offers to change the condition to parcel 4 or 5a.

Condition 5: Payment of impact fees shall be required at time of Development Permit or residential subdivision where individual lots are being created. Applicant agrees to this condition.

Condition 6: The requirement for review and approval of a Riparian Management Plan with the submittal of the first development shall be documented in the PUD guide. The Riparian Management Plan shall allow for adequate

public access to the river and open space parcels while protecting environmentally sensitive areas. Applicant agrees with this condition.

Planning Commission included Condition 7: If file PUD18-01 Red Mountain Ranch PUD is not approved; the sketch plan will become void.

Carrie McCool presented the town staff report for this project. There were some changes presented tonight and staff has not had a chance to review those, therefore we have no comments or recommendations on those.

Carrie went over the process milestones; the standards of approval for each of the four application types and the recommendations including conditions. Carrie entered into the record comments received from Annie Egan.

Board Comments: Confirmation that Parcels 6 and 7 are outside the Town's growth boundary. Interest in further information regarding the 100-year flood plain and high-water mark and impacts on the setbacks as proposed of 50 and 75 feet within the project. The 1/6 contiguity was requested to be confirmed. Inquired if staff agreed on how the water and sewer connections were going to occur. Staff has concerns about length of pipe and subsequent water quality for this project with the need for flushing. Looping could occur if RED Development parcel is built and linked with this project.

Mayor McKibbin opened this item for public comment: (8:17 p.m.)

Michael Cacioppo: expressed his concern with the 1/6 contiguity and previous issues Vail had with this type of situation. If there is not contiguity, the annexation discussion is moot.

Stan Kensinger: this project provides economic vitality to the town and public access for fishing and river use. The open space is unheard of with a development. The Bernstein report is a very compelling report. My stand on our need for multifamily and attainable housing is that we need more density and more people living in eagle where they spend their money and live and play. This is a great project of 90 units. Encourages board approval.

Mick Daly: With the Eagle River Corridor Plan we will see first element of its vision come to reality with the whitewater park and upland park. This project can be the second phase of that plan. We all saw the video and my vision is the Eagle River can help this project become the amenity and jewel Eagle wants it to be.

Frank Johnson: for last year we have been trying to sell our house in Vail and take the money and invest in a smaller home. We talked to Merv about this project and it is an attractive project to us. We are impressed with this project and what it has to offer. Merv is a heartfelt guy and sounds as if the work he has he is trying to create a project to benefit the community and those who would be lucky enough to live there. Please continue to work with him.

Markian Feduschak President Walking Mountain Science Center: stated this is an educational opportunity on 15 acres that will connect to Walking Mountain Science Center. This property has unparalleled educational opportunity. We do not have this kind of access. It is close to the schools. Would like to see a bridge in the future. We have a successful model in Avon and we have this vision of trails focused on the river. This is more public access to the river. This project allows access in a good way.

Cynthia Lepthein: stated this is a great opportunity to educate our kids to be better stewards of the land. We

were told it is a bad idea to build in riparian areas. Eagle is in planning bind. This land is too narrow of an area to develop in. It looks great the pictures, but it does not represent how crowded it will be and how much beautiful vegetation will go away for developed area. These areas are for wildlife corridors and the deer use in the spring. The areas designed are areas where the homes are going, and I know where they are. It is a big dilemma everything left is sensitive. I would ask that the Board go more slowly and not approving all at once. There are problems with water delivery and need to be sure that the wildlife can eat food in April.

Mayor McKibbin closed public comment. (8:32 p.m.)

Board Comments: Concern about language in PUD guide regarding stream setbacks and defining what formal landscaping is allowed in that area. What is the camping proposal and how much is planned. Agreed that fee in lieu is a good idea for the LERP. Estimate would be value of \$25K-\$40k per each unit. Would like analysis of price for sale vs free market rate of those units. Clarification that the public amenities in this proposal the Town must construct and maintain, and we may not have the money for that anytime soon. Suggestion that all density be on the first two parcels to cluster the development and leave the remainder as open space to mitigate the cost of maintenance on the infrastructure extended to the other parcels.

Concerns regarding flood plain the run off that may occur this year. How usable is the open space on Parcel 4 and what is the access? Would like Short Term Rentals addressed in the Land Use Code. The building height of 40 feet needs to be discussed further. Confirmation that there is a three-year period to start development before an extension may be granted.

Would like applicant to work with staff on water to come up with an agreement. Would like to see more of a buffer between river and buildings. Board would like to see what the riparian management plan would look like and how it will be enforced. Requested clarification timing of vesting and how long it lasts and the expiration for certain plans.

Merv Lapin - owner of parcel 1 and 2 and general manager of Red Mountain Ranch. Provided that the densities requested, and their locations are due to the agreement to connect to the Town's water and sewer systems. This will be a great potential tourist attraction for the town. The boat launch location was selected to tie in with water park. Parcels 1,5 and 6 will be first to be developed. By not dedicating Parcel 5 to the Town at the beginning, will allow private ownership to work faster with CDOT requirements. We want control over parcels until water and sewer is installed. We have spent 4 years planning this project and input of town managers and planning staff to come up with this.

Dave from SGM stated the applicant will work with town staff and Mott McDonald on an engineering analysis to get answers regarding the infrastructure and address water quality concerns.

Board Comments: with regard to a public safety impact fee, these are a onetime fee. Would like applicant to consider sharing a portion of the transfer fees for public safety.

MOTION: Trustee Scott Turnipseed motioned to Continue the Red Mountain Ranch File# PUD18-1, AN17-01 and S18-02 until the April 23, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

OLD BUSINESS - 20 Minutes

Mayor McKibbin called a 10-minute break.

1. Resolution 19-2019 A Resolution Approving An Agreement Between The Town Of Eagle, Colorado And The Northwest Colorado Council Of Governments (NWCCOG) For Project Thor Meet Me Center, Brandy Reitter Town Manager *(Roll Call Vote Required)*

Mayor McKibbin stated we will allow public comment on this item. The deadline is tonight for a decision on this topic and proposed Resolution.

Mayor McKibbin opened Public Comment.

Jawaid Bazyar ForeThought, asked the Town Board to think twice about signing off on THOR. Provided the Board with a handout outlining concerns about the project. Expressed concern regarding providing a government subsidy and that the Town cannot afford the capital. Called the project a rip off. Believed the community has been misled that they are getting improved internet and that is not the case. Believed Eagle's money should stay in Eagle and not support other communities. Asked that the vote be delayed.

Michael Caccioppo stated he was surprised that Gypsum did not agree to partner with this project. State he spoke with Jon Stavney and verified that this money does subsidize other communities and does not bode well for taxpayers and is a bad deal. The company you are signing an agreement with wrote the RFP. Stated he has a problem with competition from government with Comcast and CenturyLink. Requested the Board table this Resolution.

Board Comments: we have only a few weeks to agree to this and will be signing 3-year contract. Would still like to see numbers on what revenue can be generated and projections. Concerns that Eagle County will benefit if we pay for it up front. Have not seen the numbers if we run this as a utility.

Where do we stand if we don't sign? Brandy stated if we don't sign we will tell the NWCCOG that we are withdrawing, and costs will increase for other entities. The contracts need to be in place first of April for the grant. Right now, they need to know if they will build in Eagle. For us to do an Eagle feasibility study it will take 6-9 months. We could try for a grant to complete it. We will miss out on the DOLA match if we do not commit. CDOT is not charging THOR for fiber access to bring to Meet Me Center and we have a window to access for free.

The redundancy loop is why other entities participating is necessary. Attorney Matt Mire stated that we have 180 days to terminate contract after the three years. Confirmation that the bidding process for providers in THOR was competitively bid. There are no other offers on the table to provide service. This contract brings an asset into the town that we can take advantage of and we can move it to anchor institutions. By partnering with them we can consider creating a utility with providers and distribute it. The other issue related to having high speed fiber is related to quality of life and broadband coverage.

This is an investment in our community which is what we are charged with. With this in place, we have ability to provide options for residents at some point. This does not prevent any other provider the ability to come to town and provide services.

MOTION: Mayor McKibbin motioned to Approve Resolution 19-2019 A Resolution Approving An Agreement Between The Town Of Eagle, Colorado And The Northwest Colorado Council Of Governments (NWCCOG) For Project Thor Meet Me Center. Motion was seconded and Passed with a vote of 4 in favor (Jessen, Brubeck, McKibbin and Witt) and 3 opposed (Kerst, Solomon and Turnipseed).

2. Town of Eagle Check and Electronic Transfer Signing Authority, Jill Kane Finance Director
Jill Kane presented this item. There were no board comments.

- a. 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

MOTION: Trustee Matt Solomon motioned to Approve 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 . Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

- b. Resolution 18-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Appointing Scott Turnipseed as an Authorized Signer for Check and Electronic Transfers While the Mayor Pro Tem is Unable to Perform Such Duties

MOTION: Trustee Matt Solomon motioned to Approve Resolution 18-2019 A Resolution of The Board of Trustees of The Town of Eagle, Colorado, Appointing Scott Turnipseed as an Authorized Signer for Check and Electronic Transfers While the Mayor Pro Tem is Unable to Perform Such Duties. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

NEW BUSINESS - 60 Minutes

New Business items were postponed to the next Town Board Meeting on April 9th.

1. Fee Schedule Amendments and Proposals
 - a. Construction Water and Sewer Proposal, Jill Kane Finance Director
 - b. Ordinance 10-2019 Public Safety Impact Fee Draft Language, Bill Shrum Assistant to the Town Manager

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 15 Minutes

1. VVP Economic Development Council Meeting, March 21, 2019

ADJOURN - 10:00 p.m.

MOTION: Trustee Matt Solomon motioned to Adjourn. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

Approved:

Date:



Anne McKibbin, Mayor



Jenny Rakow, CMC Town Clerk

