



**Town Board of Trustees
Tuesday, April 9, 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
Bryon McGinnis, Public Works Director
Jeremy Gross, Marketing and Events Manager

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

There were no 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. Those who are speaking are requested to sign in.*

Mayor McKibbin opened Public Comment for items not on tonight's agenda, there was no public comment.

PUBLIC HEARING - QUASI JUDICIAL HEARING - 30 Minutes

1. Request to continue Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02.

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

- a. Executive Session - To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and 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) as it relates to Reserve at Hockett Gulch Annexation and Planned Unit Development.
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MOTION: Mayor Anne McKibbin motioned to adjourn the regular meeting and enter into Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and 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) as it relates to Reserve at Hockett Gulch Annexation and Planned Unit Development. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

Mayor McKibbin opened the Public Hearing for Public Comment.

Lisa Nerion stated she was against Hockett Gulch and felt it was too large with too many units. Expressed concerns regarding wildlife and the declining elk population, increasing the population of Eagle by 15%, the request for reduction in water, reduction in parking spaces, disagreed that there is a housing shortage and has concerns regarding building height.

Michael Cacioppo- agreed that the housing crisis is not as bad as being reported. Also has concerns regarding traffic.

MOTION: Trustee Witt motioned to continue Hockett Gulch Annexation and Planned Unit Development File# AN 18-01 and PUD 18-02 to the May 14, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

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. (5 Minutes)*

Trustee Solomon requested clarification to a comment in the Minutes regarding short term rentals, in that they be address in our land use code.

1. Minutes March 26, 2019
2. Bill Pay March 2019

MOTION: Trustee Turnipseed motioned to approve the Consent Agenda with correction noted. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

TOWN MANAGER AND DEPARTMENT UPDATE - 15 Minutes

1. Town Manager Update

Brandy updated the Board that the Com Dev Director position opening will be extended one week. Provided invitation to attend public outreach events. Comcast has approached the Town with interest in providing services and entering into a franchise agreement. Will be meeting with them later this month. Board inquired if this was a necessary considering the THOR approval, Brandy indicated that the Town is interested in additional services for Eagle and possibility to partner with THOR last mile delivery.

Michael Cacioppo – stated that a franchise agreement is a benefit and could include community-based interface like Vail has had since 1976.

2. Department Update

3. Lower Basin Water Treatment Plant, Michael Harmon

Bryon McGinnis stated he took Trustees Turnipseed and Brubeck on a tour of the project. Ben McGeachy is here with MWH to provide a project update and report on construction. Board members were invited to tour the project anytime.

4. Arbor Day Proclamation

Mayor McKibbin read Proclamation 02-2019 into the record for Arbor Day. This was In honor of the Town of Eagle being named a Tree City USA.

PUBLIC HEARING - QUASI JUDICIAL HEARING - 30 Minutes

1. Haymeadow Subdivision, Filing 1 Final Plat and Subdivision Improvements Agreement – File#: S18-01

Carrie McCool stated staff will need more time to review the Subdivision Improvements Agreement, as it is the document that sets forth all public improvements. We will need a few more weeks to finalize that document. We have recommended the applicant make a brief presentation, open this topic for public comment and then we are recommending a continuance to the April 23rd Board agenda.

Rick Pylman presented to the Town Board and iterated that no vote is being requested this evening. Presentation included historical approvals and process for Haymeadow, wildlife impact studies, traffic impact studies and planned improvements.

Board Comments: confirmation that studies for wildlife and traffic have not been updated since original approvals. Requested detail on the transfer assessment for Town review purposes. Confirmation that the fire department has reviewed the changes made for their location within Haymeadow.

Mayor McKibbin opened Public Comment for File# S18-01.

Ellen Bodenheimer: would like additional studies done on wildlife due to the time that has passed since initial approvals. Requested the town expand the open space department with additional staffing. Requested cleanup of the land where agricultural equipment and other debris.

Rick Pylman stated they have met with Craig Wescoatt regarding wildlife concerns and they are amenable to his suggestions. Will update about those amendments to the wildlife plans to the town. The open space will be cleared prior to dedicating to the town as there is a cleanup plan included in the approvals.

Michael Cacioppo: questioned whether the assessment is a tax. Town Attorney confirmed that is an assessment approved within the PUD.

MOTION: Trustee Brubeck motioned to continue Haymeadow Subdivision, Filing 1 Final Plat and Subdivision Improvements Agreement – File#: S18-01 to the April 23, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

OLD BUSINESS - 10 Minutes

1. Ordinance 05-2019, An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 9.12.040 Of The Eagle Municipal Code To Prohibit Photography And Videography In Areas Of Public Buildings Where Access Is Restricted Brandy Reitter, Town Manager

Brandy updated the board on changes made that were based upon feedback to include restricted access and to define those areas more.

Board Comments: concern that the definitions are too broad and would ask that they be more specific to include what areas are restricted and why.

Public Comment:

Michael Cacioppo: concerns that there are not enough definitions and that it restricted first amendment rights. Did not believe it protected public health or public welfare.

Staff will bring Ordinance 05-2019 back at a future meeting for review.

NEW BUSINESS - 45 Minutes

1. Fee Schedule Amendments and Proposals
 - a. Construction Water and Sewer Proposal, Jill Kane Finance Director

Jill Kane presented this item and described the intent was to determine how to calculate and bill the cost of construction water. Options for consideration were discussed.

Bryon McGinnis provided examples of issues that arise with current practice of billing for all construction water at one time and not monthly. With the new tiered rates this causes concern as water is charged in the highest tiers. The Town will need to consider installing meters with remotes to bill monthly. In our utility records we need to clarify if it is the homeowner or the builder who gets billed prior to TCO.

Board Comments: agreed that we should have a monthly bill for water for construction. Setting up a remote reader and basing rates on the current structure appears appropriate. Staff concerns regarding meters freezing, would be the responsibility of the builder or the homeowner listed on the utility account. Board agreed that protection of the meter is up to those parties. Concerns regarding charging for sewer was also discussed.

Staff stated that it provided wastewater rates but did not see other districts charging for this service.

Board Comments: Agreed that wastewater/sewer would be used after TCO, but not much prior.

Board direction was to keep the current rate structure, install meters to bill monthly and not charge for wastewater prior to TCO.

- b. Ordinance 10-2019 Public Safety Impact Fee Draft Language, Bill Shrum Assistant to the Town Manager
Brandy presented this item on behalf of Bill Shrum. Staff is requesting board feedback on this proposal. A development impact fee specifically impacts public safety. This is a onetime fee to be used for capital improvements and not for staffing. The Town should also decide if streets is another impact fee we should look at as well. This fee will apply to land development activity, redevelopment and modifications that increases services with new uses.

Board Comments: asked if staff has received developer feedback. Staff has discussed with current developers and they are aware of this proposed impact fee. There was some agreement that the Town has a good indication of what their reaction will be, as it is an added cost to their development. A periodic or annual review of these fees is recommended by staff to ensure they remain appropriate with conditions.

Chief Staufer provided his input on calls for service and impacts from development and increases in our population. The gap will come with future capital purchases needed. Acknowledgement that fire districts have impact fees in place to fund their capital infrastructure. Having low property taxes and relying on sales tax for funding is not proving sufficient.

Board Comments: Members discussed the low, medium and high proposals. Acknowledged that impact fees will end or slow with development trends and is not a steady flow of revenue.

MOTION: Mayor McKibbin motioned to approve draft Ordinance 10-2019 with the following amendments to include the \$1319.00 Impact fee per dwelling unit for residential land use and .31 per square foot for commercial land use. Motion was seconded and Passed with a vote of 5 in favor (Jessen, Brubeck, Kerst, McKibbin and Turnipseed) and 2 opposed (Solomon and Witt).

Staff will bring amended Ordinance for consideration at upcoming Town Board Meeting.

- c. Ordinance 07-2019 An Ordinance Of The Town Of Eagle, Colorado, Amending Sections Of The Eagle Municipal Code Concerning Various Fees And Costs, And Authorizing Fees To Be Set By Resolution Of The Board Of Trustees
Jenny Rakow Town Clerk

Jenny Rakow presented this item. There were no Board Comments.

MOTION: Trustee Solomon motioned to approve Ordinance 07-2019. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

2. Extraterritorial Water Service Agreement – 177 Mosher Lane, Deron Dircksen Utilities Manager and Bryon McGinnis Public Works Director

Bryon McGinnis presented this item.

MOTION: Trustee Turnipseed motioned to approve the Extraterritorial Water Service Agreement – 177 Mosher Lane. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

3. Entertainment Districts Overview and Proposal, Town Clerk, Police and Events

MOTION: Trustee Turnipseed motioned to direct staff to prepare an Ordinance for consideration to allow for Entertainment Districts in the Eagle Town Code. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

Resolution 21-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Authorizing Town Consultants And The Mayor To Take Certain Actions Regarding The Town's Green Mountain Reservoir Contract *(Roll Call Vote)*

- 4.

Brandy Reitter presented this item.

MOTION: Trustee Turnipseed motioned to approve Resolution 21-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Authorizing Town Consultants And The Mayor To Take Certain Actions Regarding The Town's Green Mountain Reservoir Contract. Motion was seconded and Passed with a vote of 7 (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 10 Minutes

1. NWCCOG Meeting Update/Recap

Trustee Solomon requested response to Derrick Weimer's letter.

Brandy invited board to attend a Growing Water Smart Workshop April 24-26.

Trustee Brubeck will be acting Mayor Pro Tem at the next two meetings.

ADJOURN - 8:30 PM

Approved:

Date:



4/23/19

Kevin Brubeck, Mayor Pro Tem



Jenny Rakow, CMC Town Clerk

