



**Town Board of Trustees
Tuesday, May 14, 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

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

TRUSTEES ABSENT

Anne McKibbin, Mayor
Scott Turnipseed

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Administrative Assistant
Carrie McCool Interim Town Planner
Colton Berck, Planner I
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Joey Staufer, Police Chief
Fred Tobias, Town Engineer
Jeremy Gross, Marketing and Events Manager

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

Mayor Pro Tem Brubeck noted for the record that Mayor McKibbin and Trustee Turnipseed were absent from tonight's meeting.

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

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

PRESENTATIONS - 10 Minutes

1. Cooper Gould, Fulbright Award Selection

Kate Turnipseed was present for this item and read a letter to the Town Board and audience regarding Cooper Gould being recognized for Fulbright Award and going to Switzerland. The Board congratulated Cooper on his accomplishment.

OPEN PUBLIC HEARING - Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02.

Mayor Pro Tem Brubeck Opened the Public Hearing on Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02 at 6:01 p.m.

Mayor Pro Tem opened public comment for Reserve at Hockett Gulch.

Gary Scanlon, 1720 Montgomerie Circle; provided comments that while he supports affordable employee housing, and this is an ideal site. Was opposed to waiving the \$3 million in water service fees and that would not be good for the community. Would like the Town to follow the Land Use Code requirement. This project did not provide enough green space and the land surrounding it was not usable. Height of the project was a concern and parking for this project was also concerning as the town was reducing the number required. Was not supportive of bending any of the Town's rules for his project.

Lisa Nerio, 40 Peach Street; provided comments that she was against the development, felt it was too large for the density and not attractive. Felt that the Town did not need this development and that the housing issue was manufactured. Traffic on trails and roads and parking were also a concern. Did not believe Eagle needed to grow anymore in population and that costs would exceed the infrastructure in place and the current residents would have to pay for it.

CONSENT AGENDA - 5 Minutes

Trustee Solomon stated he would abstain from voting on the Minutes. Mayor Pro Tem Brubeck indicated an edit to include marking Trustee Solomon absent.

MOTION: Trustee Mikel, Kerst motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 4 in favor, 0 opposed and one abstain.

1. Minutes
2. Bill Pay
3. Resolution 22-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Establishing The Economic Vitality Committee

TOWN MANAGER AND DEPARTMENT UPDATE - 10 Minutes

1. **Town Manager Update**

Brandy Reitter stated the Town is republishing Community Development Director position and using GovHR. Thanked the Eagle Fire District for their open space mowing operations. Announced that Jeff Dallman from Public Works was named employee of the year at the All Staff Meeting last week. Reminded the Board about the Eagle River Park ribbon cutting ceremony on May 24th

2. **Department Update**

Trustee Solomon requested a Board Budget year to date for review in an upcoming packet.

3. **River Park, NV5 John Usery**

John Usury was present for this item. The Ribbon Cutting is planned for May 24th. Biggest challenge has been rain. There will be some additional efforts finishing up after the opening for the monitoring systems in the river.

LIQUOR LICENSE AUTHORITY - 15 Minutes

Mayor Pro Tem convened the Town Board of Trustees as the Liquor License Authority.

1. **Pickups Pizza LLC Request for Beer and Wine License at 422 McIntire Ste. 1**

Mayor Pro Tem Brubeck opened the public hearing for the New Beer and Wine Liquor License being requested by Pickups Pizza LLC. There was no public comment.

Applicant for Pickups Pizza LLC Shannon Philpott was present.

Town Clerk Jenny Rakow indicated all reviews of the application had taken place with no issues and noted this is a concurrent review application with the state.

There were no board comments.

MOTION: Trustee Paul Witt motioned to Approve the New Beer and Wine License for Pickups Pizza LLC and directed Mayor to sign the Notice of Findings. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

PUBLIC HEARING QUASI JUDICIAL HEARING - 15 Minutes

Mayor Pro Tem Brubeck adjourned the Liquor License Authority and reconvened as the Board of Trustees.

3. **EXECUTIVE SESSION: Executive Session pursuant to C.R.S. sections 24-6-402(4)(b) and (e) to receive legal advice on specific legal questions, and to develop a strategy and instruct negotiators regarding Red Mountain Ranch and Reserve at Hockett Gulch annexation agreements.**

Mayor Pro Tem Brubeck motioned to enter into Executive Session pursuant to C.R.S. sections 24-6-402(4)(b) and (e) to receive legal advice on specific legal questions, and to develop a strategy and instruct negotiators regarding Red Mountain Ranch and Reserve at Hockett Gulch annexation agreements. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

MOTION: Trustee Kevin Brubeck motioned to Adjourn from the Executive Session and resume the regular meeting. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

2. **Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02. (*Request for Continuance*)**

CLOSE PUBLIC HEARING - Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02.

Mayor Pro Tem closed the public hearing for Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02. 7:45 p.m.

MOTION: Trustee Kevin Brubeck motioned to Continue the Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02 to the May 28, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

1. **File# SU19-01 Special Use Review for 304 Wall Street (*Notice of Withdrawal*)**

Mayor Pro Tem Brubeck opened this file. Town Attorney Matt Mire indicated due to the request for withdrawal, there was no action to be taken.

OLD BUSINESS - 60 Minutes

1. **Ordinance 10-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Adopting A Public Safety Impact Fee For New Development, Brandy Reitter, Town Manager**

Brandy Reitter presented this item.

Board Comments: indicated they have received support on this amendment to our code. Agreed with the proposed rates for commercial and that the funds were being properly earmarked. Inquiry if Police Department would be interested in using Old Town Hall. Concerns were expressed regarding parking and issues with the building for this purpose.

Chief Staufer stated approval would allow the Town to align with public safety entities in the future.

MOTION: Trustee Andy Jessen motioned to Approve Ordinance 10-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Adopting A Public Safety Impact Fee For New Development. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

2. **Ordinance 11-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado, Authorizing The Creation Of Entertainment Districts In The Town Pursuant To C.R.S. § 44-3-301(11) And Establishing Application Procedures For Certification Of Promotional Associations To Operate Common Consumption Areas Within Entertainment Districts Town Clerk, Police and Events**

Board Comments: requested removal of language from Statute of the requirement of 20,000 square feet minimum to allow for state changes to this requirement and not having to update our code. Town Attorney Matt Mire indicated that the Board could approve with that condition.

MOTION: Trustee Matt Solomon motioned to Approve Ordinance 11-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado, Authorizing The Creation Of Entertainment Districts In The Town Pursuant To C.R.S. § 44-3-301(11) And Establishing Application Procedures For Certification Of Promotional Associations To Operate Common Consumption Areas Within Entertainment Districts with change made to eliminate the 20,000 square foot req. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

4. **Ordinance 14-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving The Haymeadow Filing 1 Final Plat And Haymeadow Subdivision Improvements Agreement**

Town Attorney Matt Mire stated this was previously approved by Resolution and nothing has changed other than attorneys for the district requested and Ordinance. The changes were nothing the Town Board should be concerned about. This is Ordinance is aligned to the Town Code.

MOTION: Trustee Andy Jessen motioned to Approve Ordinance 14-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving The Haymeadow Filing 1 Final Plat And Haymeadow Subdivision Improvements Agreement. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

NEW BUSINESS - 30 Minutes

1. **Ordinance 12-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Title 6 Of The Eagle Municipal Code By The Addition Of A New Chapter 6.05 Requiring A Special Event Permit For Certain Activities Affecting Town Property, Jeremy Gross Marketing & Events Manager**

Jeremy Gross stated the intent of the Ordinance is to allow for the Town to update our policies and procedures document so that it aligns with our Town Code. The previous section in Title 11 was outdated and needed updating. Staff felt the best option was to repeal and replace creating a new Chapter 6.05.

Board Comments: affirmed the intent was to create a more efficient process for both the community and staff. Clear and concise language will do a better job protecting the Town as it relates to public events. Inquiry regarding insurance limits, CIRSA approves and sets those standards, they have not changed in many years. Discussion about language and exempted parks. The exemption relates to the event being held at the park whether or not is is exempted. Discussion regarding appeals was resolved that Ordinance language would be amended to change the appeal process from Mayor to Town Manager. Discussion regarding event threshold being 50 people. This number was chosen in comparison with other municipalities and public safety issues for Eagle. Policy documents will spell out more defined situations and requirements. Some board members felt the code amendment language was too broad. Would like intent to create predictability for applicants and event promoters. Staff indicated this could be addressed by having policies approved in conjunction with this Ordinance that would go into effect at the same time to ensure that requirements are clear. Concern that approval process is not consistent and could change from event to event. Staff believed that each application does require case by case review and requirements could be different based upon the location, size and type of event not based solely on attendance or participants.

Town Attorney Matt Mire stated we can deal with these concerns offline and look at this again on May 28th.

Additional discussion regarding demonstrations and upholding constitutional rights of citizens were carefully reviewed by Police Department and issues surrounding them. Providing safe areas to demonstration is the goal. Supplemental police and fire requirements should be rational, and the Town should provide as much guidance and outline threshold standards within the process for applicants to provide predictability for planning and budgeting. Town Attorney Matt Mire stated he could add language to include reference to the policies of the Town as updated or amended from time to time to address these concerns if the Board wants to approve tonight on that condition.

MOTION: Trustee Andy Jessen motioned to Approve Ordinance 12-2019 An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Title 6 Of The Eagle Municipal Code By The Addition Of A New Chapter 6.05 Requiring A Special Event Permit For Certain Activities Affecting Town Property with amendment to appeal process changing Mayor to Town Manager, include amended language including reference to Town Policies as amended from time to time and that the Ordinance be approved by the Mayor

and Town Attorney before signing. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

2. **Resolution 26-2019 A Resolution Approving An Agreement Between Eagle County And The Town Of Eagle For Use, Operation And Maintenance Of The Eagle River Park At The Eagle County Fairgrounds Property**

Town Attorney Matt Mire opened this item that his firm works on tax assessment valuations with Christina Hooper the Eagle County Town Attorney. The Eagle County Town Attorney drafted this Agreement for the Town on behalf of the County, Matt stated his firm has no conflict we are not adverse in this agreement. Matt requested a waiver of any potential conflict of interest and a motion acknowledging our firm represents tax assessment litigation for the Eagle County. Requested the Board give authority to Brandy Reitter as Town Manager to execute this waiver as described.

MOTION: Trustee Paul Witt motioned to authorize the Town manager to execute a waiver on behalf of the Town Attorney as it relates to any potential conflict of interest in regard to working with the Eagle County Attorney on this Use Agreement. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

Brandy Reitter stated that last year we reviewed an agreement that governed the construction of the river park, in that agreement phase one and phase two were addressed. Phase two is finished and the current request is to approve use and operations of the river park. This agreement is interim until County conveys and annexes to the Town of Eagle. This is to ensure we have communication and guidelines in coordinating events and activities in the river park. The Executive Committee has reviewed this agreement and we included their suggestions. The intent is to have this in place prior to opening on May 24th.

Board Comments: addressing law enforcement at the park remains the same, Eagle PD will respond to traffic, misdemeanors and petty offenses. Events with less than 30 days' notice has potential to be difficult but both parties have committed to work together to minimize short notice as it relates to coverage. This will be worked out in the annexation agreement. This is the best we could do for this current agreement in the timeframe allowed. Chief Staufer indicated that the Sheriff has extended the underlying IGA for this year and Eagle PD will remain primary for the offenses indicated at the river park. ECSO will resume primary enforcement during Fair and Rodeo. The IGA is referenced in this Use Agreement as it relates to public safety.

MOTION: Trustee Matt Solomon motioned to Approve Resolution 26-2019 A Resolution Approving An Agreement Between Eagle County And The Town Of Eagle For Use, Operation And Maintenance Of The Eagle River Park At The Eagle County Fairgrounds Property . Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 10 Minutes

1. **Mobile Vendor Permit Proposal, Brandy Reitter Town Manager**

Brandy Reitter stated that the Town has received a lot of interest from mobile vendors. Current staff uses the Encroachment Agreement process outlined in our as that is what we have to address these. This process helps us identify safety concerns. Our Code is silent on mobile vendors. The examples in your packet were obtained from several communities that address mobile vendors. My request tonight is if the Board would like us to continue to address mobile vendors in the community using encroachment process or research and draft an Ordinance to allow clearer guidance. The public seems supportive of this approach.

Board Comments: agreed that mobile vendors should be allowed and should align with the permit process for the River Park vendors so that it consistent and has boundaries. Protection of brick and mortar businesses is also a consideration. Expressed concern with over-regulating and making assumptions that the business community will not have a self-policing impact on how businesses like these will operate. Public Safety is a priority and addressing those issues first. It would be a lower priority for staff at this time due to the number of current projects the Town has. If a policy is needed to address current interest and applications, it can be brought for Board review.

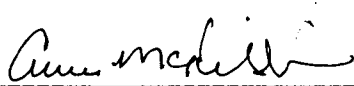
Trustee Witt: Thanked public works for pavement projects.

Trustee Solomon Requested a monthly expense report for the Town Board as a separate accounting. Noted that he will only be attending one meeting a month through the summer and will not be here in October.

Trustee Jessen: Inquired about addressing the concerns with the holes in the dog park at Eagle Ranch.

9:00 PM - ADJOURN

APPROVED:



Anne McKibbin, Mayor



Jenny Rakow, CMC Town Clerk

