



**Town Board of Trustees
Tuesday, April 23, 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

Mayor Pro Tem Brubeck called the meeting to order at 6:01 PM

TRUSTEES PRESENT

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

TRUSTEES ABSENT

Anne McKibbin, Mayor
Matt Solomon

STAFF

Brandy Reitter, Town Manager
Rob Huss, Town Attorney
Bill Shrum, Assistant to the Town Manager
Dawn Koenig, Administrative Assistant
Carrie McCool Interim Town Planner
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Deron Dirksen, Utility Manager
Jeremy Gross, Marketing and Events Manager

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.

Paul Gorbald of W 95 Double Hitch said that the last month and one week his trust in the town has been eroded. The ability of town staff to provide consistent information has been lacking, he said. He said the town has really let him down in the past month. Town staff understanding of the Town Code is disappointing. He said he is looking to the Board of Trustees to provide guidance to staff on code issues and work with business owners and constituents. He said it is frustrating when code is not applied consistently across permitting and licensing processes. Gorbald said that outside business owners are treated differently.

Mayor Pro Tem Brubeck thanked Gorbald for his comments and asked him to be involved with the land use code rewrite process by participating on a citizens committee. Gorbald said he thinks we can do better as a town.

Mayor Pro Tem Brubeck closed Public Comment.

CONSENT AGENDA

Trustee Turnipseed said Resolution 24-2019 was revised slightly. Town Utility Manager Deron Dickerson described the changes that were made.

Mayor Pro Tem Brubeck mentioned a typo in the minutes that needed correction.

1. Minutes April 9, 2019
2. Resolution 24-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Accepting The Improvements Installed At The Sylvan Lake Roundabout And To Reduce The Performance Guarantee And Authorize Release Of Funds Held In Escrow (Eagle Landing at Brush Creek), Fred Tobias Town Engineer Report same

MOTION: Trustee Turnipseed motioned to accept the consent agenda with the above comments. Motion was seconded and passed with a vote of 5 in favor and 0 opposed.

TOWN MANAGER AND DEPARTMENT UPDATE - 10 Minutes

1. Town Manager Update

Town Manager Brandy Reitter gave an update on open space trail closures. She said that there will be Home rule public outreach events taking place in the near future.

She noted that policy issues that need to be addressed outside of the land use code rewrite such as a parking fee in lieu and parking impact fees would have to be contracted out as staff has limited time resources. Reitter said that there are funds available for these efforts if the Board would like to move forward on them.

Reitter said that Elevate Eagle is holding pop up community outreach events next week in areas around town.

She reported that all 9 participating jurisdictions have signed the THOR agreement.

Mayor Pro Tem Brubeck asked about a plan for electrical inspection services now that SAFEbuilt is backing out of the area. Reitter said that the Town of Gypsum is offering a cost share agreement to provide electrical inspection services for Eagle.

Trustee Turnipseed asked about the Alpine Art Wall. Reitter said they are figuring out logistics. She said that 19 people attended the kick off meeting that took place last night.

2. Eagle River Park, NV5 John Usery
John Usery said that it is just over a month until the ribbon cutting ceremony. A lot of landscaping activity will be happening in the next month. He thanked Marketing and Events Manager Jeremy Gross for organizing a volunteer effort to plant willow trees along the river banks at the water park.

PUBLIC HEARINGS - QUASI JUDICIAL HEARING - 20 Minutes

Mayor Pro Tem Brubeck opened file S18-01.

Haymeadow Subdivision, Filing 1 Final Plat – File#: S18-01

Carrie McCool presented a background of the file and mentioned what was discussed at the last hearing for this file.

She entered into the record a letter from Ellen Bodenheimer that was received earlier in the day.

Mayor Pro Tem Brubeck opened files PUD18-01 and AN17-01. 6:17PM

McCool gave a brief overview of the file. McCool stated that what the Board is being asked to approve now is the final plat for the entire development and the Subdivision Improvement Agreement for the first subdivision. She said that this is only the first filing and there will be more to come as the development moves forward.

McCool presented the 3 standards of approval for a subdivision and described the staff recommended conditions of approval. She noted that the file has been noticed and sent out for referral as required. McCool reviewed the nature of concerns that were raised with comments received from the public. She noted that staff has been working with the applicant since Planning and Zoning Commission approval on wildlife issues. McCool stated that Colorado Parks and Wildlife was contacted, and they did not have any objections to the final plat. She said the applicant has agreed to continue to work with CPW throughout the development process.

McCool stated that staff is recommending approval of the file with the 5 conditions outlined in the staff report as well as approval of the SIA.

QUESTIONS: Trustee Turnipseed asked for clarification on the real estate transfer assessment. He said that the town is supposed to get 2/10 of 1% of the transfer assessment as stipulated in the ADA. Trustee Turnipseed said he wants to have an enforcement mechanism in the declarations to ensure this is applied. Project representative Rick Pylman said that he could address this concern.

Turnipseed asked about the letter submitted by Ellen Bodenheimer. Regarding the soft surface trail, he asked if the applicant has agreed to make that change.

McCool said that she met with Ellen Bodenheimer and another concerned citizen to discuss the options for trail modifications they would like to see. She said that what they were asking for would require an amendment to the PUD and would have to go through a public process. McCool stated that it would be up to the land owner to agree to go through that process. Town Public Works Director McGinnis said that the trail in question is paved for other reasons such as maintenance of sediment ponds as well.

Rick Pylman said the real estate transfer fee stipulation is part of the HOA declarations and will be submitted to the town for review and approval as indicated in condition 2. He said that the HOA covenants will be amended from time to time, however, it will include language that ensures the section of the covenants that covers the transfer tax cannot be changed without approval from the town. He also said that the amount is actually 6/10 of 1%. Trustee Turnipseed thanked Pylman for clarifying this stipulation.

Pylman presented a depiction of the trail in question. He said that he has been talking to CPW about changing the trail in some future areas to better accommodate wildlife. He noted that they are willing to

do this, but since it would require an amendment to the PUD, they would seek some relief from the town to simplify the process.

Pylman thanked town staff for their time and efforts in reviewing this file. He introduced some of the applicant team members present at the meeting.

Pylman also noted that some of the conditions of approval require work before the final plat is recorded.

Trustee Turnipseed asked what happens if staff and the applicant do not agree on items that still need to be worked out as stipulated in the conditions. Town Attorney Rob Huss said that the file will have to come back to the Board for approval. Turnipseed asked who on town staff will determine that the conditions have been satisfactorily met. Reitter said planning and public works staff will make that determination.

PUBLIC COMMENT: Mayor Pro Tem Brubeck opened the floor to public comment. No public comments were given.

DELIBERATION: Mayor Pro Tem Brubeck said that he would like to focus on conditions, specifically, the conditions that were added after the Planning and Zoning Commission last heard the file. McCool stated that those items have been addressed. No Trustees had comment or questions on any of the 5 conditions.

Trustee Turnipseed thanked Pylman and the rest of the applicant team for their efforts.

MOTION: Trustee Witt made a motion to approve file S18-01 with the conditions as recommended by staff finding that it meets the standards of approval. Trustee Jessen seconded, and the motion passed with a with a vote of 5 in favor and 0 opposed.

MOTION: Trustee Witt made a motion to approve the Subdivision Improvement Agreement for Filing 1. The motion was seconded and passed with a with a vote of 5 in favor and 0 opposed.

1. Red Mountain Ranch - File #: PUD18-01/AN17-01/S18-02 (Request to continue to May 28, 2019 Town Board Meeting)

MOTION: Trustee Jessen motioned to continue the file at 7:17 PM. Trustee Witt seconded, and the motion passed with a vote of 5 in favor and 0 opposed.

OLD BUSINESS - None

NEW BUSINESS - 20 Minutes

1. Resolution 22-2019, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Establishing the Economic Vitality Committee" Bill Shrum, Assistant to the Town Manager
Assistant to the Town Manager, Bill Shrum presented details on proposed resolution. He said that this proposal will combine the goals of promoting economic vitality and community outreach. Shrum said that based on his research, this resolution is considered best practice. He said that staff is asking the Board to review the initial proposal and provide feedback and direction on what they would like to see from this committee.

QUESTIONS:

Trustee Witt asked how this is different from the Chamber of Commerce Business Advocacy Council and wondered if efforts are being duplicated.

Bill Shrum said that the key strength of this proposed committee will be that it is codified and will have direct interaction with town administration and the Board. He said this is a group ordained by the TBOT and they will make recommendations to the Board on behalf of the town, not from a particular group or interest perspective. This committee would report to the TBOT twice a year, Shrum said. Trustee Witt asked what authority this board would have to enter into agreements or do anything other than make recommendations to the TBOT. Town Manager Reitter said that this would be an advisory board, so they do not have any authority. She said that the TBOT could elect to give them a budget.

Trustee Turnipseed said that before moving forward, it would be good to have some of the perimeters of the committee outlined in the resolution. He also said he would like to ensure that a TBOT member serves on the committee. Mayor Pro Tem Brubeck said this is addressed in the bylaws.

Trustee Jessen said that he thinks it is worth a shot and would not hurt anything and noted that there are some names misspelled in the documents.

Mayor Pro Tem Brubeck said that it would be important to have members on the committee who are not self-serving.

Bill Shrum said that he is simply asking for direction to come back with a final version of a resolution.

Trustee Witt said that he had a slight concern about the stipulation that the Town Manager must provide staff resources and funds. He would like it to read that the Town Manager may make resources available at his or her discretion.

Mayor Pro Tem Brubeck thanked Shrum for his efforts.

Shrum thanked the members of the community for their involvement.

2. Resolution 23-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Cooperative Intergovernmental Agreement For Use Of The 800 Mhz System In The Eagle River Valley, Joey Staufer, Chief of Police

Town Manager Reitter said that in the packet there is an IGA for use of this system. The last time reviewed was 2000 and updated in 2010. They wanted to update the bylaws and how the agencies would cooperate.

MOTION: Trustee Turnipseed made a motion to approve the Resolution. Trustee Jessen seconded. All voted in favor with a vote of 5 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 10 Minutes

Trustee Witt thanked Public Works director Bryon McGinnis for getting work done on Sylvan Lake Road in a timely manner.

Trustee Turnipseed said that he had an idea that he wanted to run by the board to somehow get young

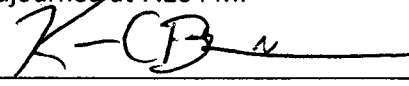
people involved in the government process. Mayor Pro Tem Brubeck said that he thought it was an excellent idea. Trustees Witt and Kerst agreed.

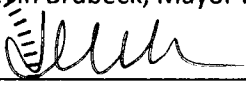
Trustee Jessen said he attended the Art Wall meeting last night and asked how many applicants for the committee were received. Town Manager Reitter said that she will check with the consultant but that they were looking for at least seven members. He said he is looking forward to this process moving forward and would like to see public art in other areas of the town. He also said that he had an idea for beer with a Trustee similar to the public meetings with the Mayor and Town Manager.

Trustee Turnipseed asked about the Art Wall and if the town could not come to an agreement with Alpine Lumber, is there enough Right of Way to build something in front of the shed. Reitter said that she believes that the land is owned by CDOT. Trustee Jessen asked what Alpine Lumber would need to do to tear down the existing shed and rebuild. Reitter said they would go through the standard building permit and sign permit process.

ADJOURN 7:20 PM

Trustee Kerst made a motion to adjourn. Motion was seconded and passed with a vote of 5 in favor and 0 opposed. The meeting adjourned at 7:20 PM.

APPROVED OFFICIAL _____

Kevin Brubeck, Mayor Pro Tem

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Jenny Rakow, CMC Town Clerk

