



MEETING MINUTES
Town Council
Tuesday, April 27, 2021
ONLINE MEETING

*This agenda and the meetings can be viewed at www.Townofeagle.org.
The times listed are approximate and are subject to change.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an online meeting.

CALL TO ORDER - 6:00 PM

Mayor Scott Turnipseed called the meeting to order at 6:00 p.m.

ROLL CALL

COUNCIL MEMBERS PRESENT

Matt Solomon, Mikel Kerst, Scott Turnipseed, Ellen
Bodenhemier, David Gaboury, Janet Bartnik, Geoffrey
Grimmer

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Joey Stauffer, Police Chief
Lynette Horan, Human Resources Manager
Peyton Heitzman, Town Planner I
Jessica Lake, Town Planner I

ADOPTION OF AGENDA

There were no changes to the agenda.

MOTION: Council Member David Gaboury motioned to adopt the agenda. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

PUBLIC COMMENT

Mayor Scott Turnipseed opened public comment. There was no public comment.

PROCLAMATION

1. Tree City USA Proclamation
Council Member Bartnik expressed support for this proclamation.

MOTION: Council Member Matt Solomon motioned to approve the Tree City USA Proclamation. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

CONSENT AGENDA

MOTION: Council Member David Gaboury motioned to approve the consent agenda. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

1. Minutes - April 13, 2021

STAFF REPORTS

1. Town Manager Update

Council Comments: Requested more details on the art wall project. Bill Shrum provided that staff has met with the artist to work on final details and will have a contract soon. Council requested the rough sketch of Second Street. Staff provided a survey has been sent to the DBA for feedback. Tom Gosiorowski provided some feedback on the mini-hydro system and will follow up with the contact provided by the Mayor.

LIQUOR LICENSE AUTHORITY

1. PUBLIC HEARING: DJ SAXX Inc. d/b/a Brush Creek Saloon - Request for Modification of Premises at 241 Broadway
Mayor Scott Turnipseed convened the Town Council as the Liquor License Authority.

Town Clerk Jenny Rakow described the public hearing process.

Chris Stainton was present and representing the applicant.

Mayor Scott Turnipseed opened public comment: There was no public comment.

MOTION: Council Member Mikel Kerst motioned to approve the Findings and Order approving modification of premises of licensed premises for DJ Saxx, Inc. d/b/a Brush Creek Saloon and directing the Mayor and Town Clerk to sign and submit the application to the State of Colorado. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 1 opposed (Solomon).

BUSINESS ITEMS

1. Land Use File Number AN21-01 1819 Brush Creek Road

Mayor Scott Turnipseed recused himself and Mayor Pro Tem Kerst opened Land Use File Number AN21-01 1819 Brush Creek Road.

Staff Comment: there is no presentation and staff affirms that the petition was reviewed and is in substantial compliance.

Town Attorney Matt Mire asked Mayor Pro Tem Mikel Kerst to open public comment.

Mayor Pro Tem Mikel Kerst opened public comment.

Celena Olden asked if the 1% construction materials fee will be applied to this development project. Town Attorney Matt Mire stated this item is about the petition and this question can be answered outside what is being discussed here.

Mayor Pro Tem Mikel Kerst closed public comment.

- a. Resolution No. 38, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Accepting a Petition for Annexation of a Parcel of Land Located in Unincorporated Eagle County and Setting a Public Hearing on the Annexation (1819 Brush Creek Road)"

MOTION: Council Member Ellen Bodenhemier motioned to approve Resolution No. 38, Series 2021, " A Resolution of the Town Council of the Town of Eagle, Colorado Accepting a Petition for Annexation of a Parcel of Land Located in Unincorporated Eagle County and Setting a Public Hearing on the Annexation (1819 Brush Creek Road)". The motion was seconded and passed with a vote of 6 in favor (Solomon, Kerst, Bodenhemier, Gaboury, Bartnik, and Grimmer), 0 opposed, and 1 recused (Turnipseed).

2. PUBLIC HEARING: AN20-01 Powell Park Annexation

Mayor Scott Turnipseed opened file AN20-01 Powell Park Annexation.

Peyton Heitzman Town Planner presented this item.

Applicant Willy Powell thanked staff and consultants and making changes to the raw water agreement and stated he agreed with both agreements as presented.

Mayor Scott Turnipseed opened public comment. There was no public comment.

a. Resolution No. 30, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County."

MOTION: Council Member Matt Solomon motioned to approve Resolution No. 30, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado making certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County." The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

b. Ordinance No. 4, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County, Zoning the Property Residential Medium and Approving the Associated Annexation Agreement (Powell Park Subdivision)."

MOTION: Council Member Matt Solomon motioned to approve Ordinance No. 4, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory in Eagle County, Zoning the Property Residential Medium and Approving the Associated Annexation Agreement (Powell Park Subdivision)." The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

3. PUBLIC HEARING: PUDA20-01 Haymeadow PUD Amendment

Council Member Janet Bartnik recused herself due to Mountain Recreation being a referral agency on this file.

Mayor Scott Turnipseed opened the public hearing for PUDA20-01 Haymeadow PUD Amendment.

Town Planner Jessica Lake presented this item.

Council Comments: Inquiry on how adverse effect is defined. Jessica Lake stated staff viewed it from a land-use perspective and determined it was not substantially adverse. Jessica further stated the Planning Commission looked at it from a neighborhood impact perspective and felt it was adverse on them. Town Attorney Matt Mire stated this is solely up to the Council on what an adverse impact is. Council was provided confirmation that the density numbers have not changed and are only moving within the property. Staff provided additional information on the criteria for reviewing PUD amendments and conditions.

Applicant representative Rick Pylman gave their presentation on the proposals for the amendment.

Council Comments: Inquiry on how this approval will accelerate the pace of development and what guarantees there are for attainable housing at the start of construction. Applicant Brandon Cohen provided he was willing to

start construction and Council could add a condition related to that commitment. If approval is not granted his team would reevaluate. Council discussed options for conditions for the pace of building.

- a. Ordinance No. 06, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Swap the School Land Portion of Tract E with Multi-Family Development and to Allocate a Different Parcel for a Future School Site in Neighborhood C"

Mayor Scott Turnipseed opened public comment for Ordinance 06, Series 2021.

Tiffany McCracken – 1341 Montgomerie Circle. Expressed opposition to the proposal.

Robert Crawford 240 Chapel Place Avon. Expressed support for the proposal.

Mike Clayman 116 Soleil Circle. Expressed opposition to the proposal.

Linda Miner 530 Palmer Loop. Expressed support for the proposal.

Katie Coakley 34323 Highway 6 Edwards. Expressed support for the proposal.

Sam Blethen 392 Eagle Road Eagle-Vail. Expressed support for the proposal.

Gina Van Hekken 59 Soleil Circle. Expressed opposition to the proposal.

Amy Harrison 220 Palmer Loop. Expressed support for the proposal.

Ryan May 2037 Brush Creek Rd. Expressed opposition to the proposal.

Kate DuPont Frost Creek. Expressed support for the proposal.

Emma Whiting 75 Tanager Circle. Expressed opposition to the proposal.

Kevin Brubeck 123 Snow Goose. Expressed support for the proposal.

Kat Conner 710 Bull Run. Expressed support for the proposal.

Rick Messmer 359 Greenhorn Ave. Expressed support for the proposal.

Bryan Desmond 352 Greenhorn Ave. Expressed support for the proposal.

Grant Murphy 71 Springfield Gypsum. Expressed support for the proposal.

Tory Stephens 705 Nogal Road. Expressed support for the proposal.

Lonnie Leto 531 Bluffs Dr. Expressed support for the proposal.

Roseann Casey Brush Creek Townhomes. Expressed opposition to the proposal.

Lizzy Owens 49 Soliel Circle. Expressed opposition to the proposal.

Peter Danforth 106 Soliel Circle. Expressed opposition to the proposal.

Kristin Shaw 2189 Brush Creek Rd. Expressed opposition to the proposal.

Thomas Pohl 18 Horton Street. Expressed opposition to the proposal.

Brett Donelson 63 Meile Lane Edwards and Cycle Effect in Eagle. Expressed support for the proposal.

Matt Owens 49 Soliel Circle. Expressed opposition to the proposal.

Gary Scanlon 1720 Montgomerie Circle. Expressed opposition to the proposal.

Laura Howe 166 Soliel Circle. Expressed opposition to the proposal.

Michael Kleinman 98 Soliel Circle. Expressed opposition to the proposal.

Rae Sanders 158 Soliel Circle. Expressed support for the proposal.

Yuri Kostick 55 MacDonald. Expressed support for the proposal.

Mike McCormack 88 Seabry St. speaking on behalf of Rec District. Expressed opposition to the proposal.

Ellie Reichstein 2821 Brush Creek Rd. Expressed opposition to the proposal.

Mayor Scott Turnipseed closed public comment.

MOTION: Council Member Matt Solomon motioned to approve Ordinance No. 06, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Swap the School Land Portion of Tract E with Multi-Family Development and to Allocate a Different Parcel for a Future School Site in Neighborhood C". The motion was seconded and failed with a vote of 2 in favor (Solomon and Gaboury), 4 opposed (Kerst, Turnipseed, Bodenhemier, and Grimmer) and 1 recuse (Bartnik).

- b. Ordinance No. 07, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Renovate an Existing Cabin Currently Located in Open Space to the East of Neighborhood D as an Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability."

Council Comments: Discussion on increasing and identifying the open space and how to hold the open space in perpetuity as a condition. Staff provided that Council direction on the open space can be made at the time of final approval and applied at final plat. Town Attorney Matt Mire provided that the Council could require a condition as a covenant that protects the property in perpetuity.

MOTION: Council Member Matt Solomon motioned to approve Ordinance No. 07, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Renovate an Existing Cabin Currently Located in Open Space to the East of Neighborhood D as an Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability." The motion was seconded and failed with a vote of 1 in favor (Solomon), 5 opposed (Kerst, Turnipseed, Bodenhemier, Gaboury, Grimmer) and 1 recused (Bartnik).

MOTION: Council Member Matt Solomon motioned to continue the public hearing for PUDA20-01 Haymeadow PUD Amendment and Ordinance No. 07, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving a Planned Unit Development Amendment for the Haymeadow Development to Renovate

an Existing Cabin Currently Located in Open Space to the East of Neighborhood D as an Event Space and to Swap this Open Space Parcel with Land Equal in Size and Desirability" until the May 25, 2021, Town Council Meeting. The motion was seconded and passed with a vote of 6 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, and Grimmer), 0 opposed and 1 recused (Bartnik).

4. PUBLIC HEARING: SU21-02 629 Sawatch Contractor Yard Special Use

Mayor Scott Turnipseed opened Land Use File SU21-02 629 Sawatch Contractor Yard Special Use.

Jessica Lake Planner presented the file.

Council Comments: Discussion and explanation on compulsory requirements for outdoor storage.

Applicant Jay Van Voorst requested a discussion on the required buffer as there is no water and a tap fee would be required. Currently looking for investors to develop it.

Council Comments: Discussion on alternatives to the buffer requirements. Staff provided code language as it relates to the requirement due to this being the front street buffer. Discussion on requiring adequate screening or fencing instead of trees.

Mayor Scott Turnipseed opened public comment. There was no public comment.

a. Resolution No. 37, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit to Allow for a Contractor Yard at 629 Sawatch Road."

MOTION: Council Member David Gaboury motioned to approve Resolution No. 37, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit to Allow for a Contractor Yard at 629 Sawatch Road" and changing the condition to include adequate fencing instead of trees.

AMENDED MOTION: Council Member David Gaboury motioned to approve Resolution No. 37, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Special Use Permit to Allow for a Contractor Yard at 629 Sawatch Road" and directed staff to guide applicant on approved adequate fencing for the front street buffer to replace condition 5. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

5. EXECUTIVE SESSION: "Executive Session to hold a conference with the Town Attorney and special counsel to receive legal advice on specific legal matters, pursuant to C.R.S. 24-6-402(4)(b), regarding the proposed First Amendment to the River Park Use Agreement with Eagle County."

MOTION: Council Member Matt Solomon motioned to extend the meeting until 10:20 pm. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

MOTION: Council Member Matt Solomon motioned to enter into "Executive Session to hold a conference with the Town Attorney and special counsel to receive legal advice on specific legal matters, pursuant to C.R.S. 24-6-402(4)(b), regarding the proposed First Amendment to the River Park Use Agreement with Eagle County. "The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

Mayor Scott Turnipseed called the regular meeting back to order.

MOTION: Council Member Matt Solomon motioned to extend the meeting until 10:37 pm. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

Council Comments: Discussion on options for the annexation of the fairground property instead of a Use Agreement.

Town Special Council Mary Elizabeth Geiger stated the County Use Agreement expires in May which is why we are requesting consideration and approval before that expiration. The amendment in the agreement addresses the issues with their diversion structure. This amendment extends the Use Agreement but does add in conditions with the town obligation regarding the diversion structure.

MOTION: Council Member Matt Solomon motioned to extend the meeting until 10:46 pm. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

- a. Resolution No. 40, Series 2021, "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:** Council Member Matt Solomon motioned to continue Resolution No. 40, Series 2021, "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" for a special meeting date of May 4th. The motion was withdrawn.

MOTION: Council Member Ellen Bodenhemier motioned to approve Resolution No. 40, Series 2021, "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". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 1 opposed (Solomon).

MOTION: Council Member Janet Bartnik motioned to approve reallocating \$55,819.70 from the Brush Creek Park Playground budget in the Sales Tax Capital Improvements Fund to cover the reimbursement to Eagle County for the repairs of the crossvane diversion structure in 2020. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 1 opposed (Solomon).

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS – These items were not heard due to time

1. Council Committee Updates
2. Future Agenda Items
3. Code of Ethics and Conduct Follow Up and Direction

EXECUTIVE SESSION

MOTION: Council Member Janet Bartnik motioned to direct staff to schedule an executive session for Base Camp Annexation on May 4th for a Special Meeting to be held prior to the previously scheduled work session. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

- EXECUTIVE SESSION:** Executive Session to hold a conference with the Town Attorney and special counsel to
1. receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct

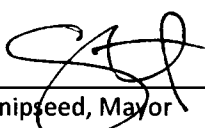
negotiators, pursuant to C.R.S. § 24-6-402(4)(e), regarding the Base Camp Annexation and to adjourn the regular meeting at its conclusion.

ADJOURN 10:45 PM

Motion: Council Member Matt Solomon motioned to adjourn the regular meeting. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Bodenhemier, Gaboury, Bartnik, and Grimmer) and 0 opposed.

Approved:

Date:



Scott Turnipseed, Mayor



Jenny Rakow, CMC Town Clerk

