



MEETING MINUTES
Town Council
Tuesday, December 14, 2021
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with access for the public to attend via Zoom.

CALL TO ORDER

Mayor Turnipseed called the meeting to order at 6:00 PM.

ROLL CALL

COUNCILMEMBERS PRESENT

Janet Bartnik, Ellen Bodenheimier, Mikel Kerst,
Scott Turnipseed, Geoffrey Grimmer,
David Gaboury (via Zoom),
Nick Sunday, Sarah Parrish

COUNCILMEMBERS ABSENT

None

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Jill Kane, Finance Director
Joe Stauffer, Chief of Police
Carrie Buhlman, Operations Sergeant
Chad Phillips, Com Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Dennis Wike, Town Engineer
Molly Furtado, Special Events Manager
Peyton Heitzman, Planner I
Jessica Lake, Planner I
Nikki Davis, Administrative Tech II
Jenny Rakow, Town Clerk
Lynette, Horan, Human Resources Manager
Brian Lieberman, Open Space Manager
Stephan Wilson, Utility Manager

ADOPTION OF AGENDA – 6:05 PM *Opportunity for amendment or deletions to the agenda.*

Mayor Turnipseed requested two amendments to the agenda: 1) move item #6 Building Permit Fee Waiver For Lower Basin Water Treatment Plant from Consent Agenda to Business Items and, 2) advance the Public Hearing for the 2022 Budget Adoption to occur after Consent Agenda.

MOTION: Councilmember Janet Bartnik motioned to approve the amended agenda. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenheimier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened Public Comment for items not on tonight's agenda. There was no public comment. Public comment closed at 6:12 PM.

PRESENTATIONS

1. New Staff Introduction: Molly Furtado, Special Events Manager
2. Official Proclamation: Best of Vail Valley

CONSENT AGENDA

MOTION: Councilmember Mikel Kerst motioned to approve the amended Consent Agenda. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

1. Minutes – November 9, 2021
2. Bill Pay – November 2021
3. Resolution No. 78, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Amendment of the Raw Water Agreement for 21 & 25 Violet Lane"
4. Ordinance No. 14, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Chapter 5 of the Eagle Municipal Code Regarding Business Licenses and Solicitation Permits"
5. Resolution 79, Series 2021, "A Resolution of the Town Council of the Town of Eagle, Colorado, Ratifying the Town's Three-Mile Plan Adopted by the Planning and Zoning Commission"

PUBLIC HEARING: 2022 BUDGET ADOPTION

1. Adoption of the 2022 Eagle Town Budget
 - a. Ordinance No. 18, Series 2021 "An Ordinance Appropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below, and Setting the 2022 Mill Levy for the Town of Eagle, Colorado for the 2022 Budget Year."

MOTION: Councilmember Ellen Bodenhemier motioned to approve Ordinance No. 18, Series 2021 "An Ordinance Appropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below, and Setting the 2022 Mill Levy for the Town of Eagle, Colorado for the 2022 Budget Year." The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

- b. Ordinance No. 19, Series 2021 " An Ordinance Reappropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below for the Town of Eagle, Colorado for The 2021 Budget Year."

MOTION: Councilmember Janet Bartnik motioned to approve Ordinance No. 19, Series 2021 " An Ordinance Reappropriating Funds to the Various Funds and Spending Agencies, in the Amounts and for the Purpose as Set Forth Below for the Town of Eagle, Colorado for the 2021 Budget Year." The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

- c. Resolution No. 76, Series 2021 "A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Eagle, Colorado for the Calendar Year Beginning on the 1st Day of January 2022, and Ending on the Last Day of December 2022.

MOTION: Councilmember Geoffrey Grimmer motioned to approve Resolution No. 76, Series 2021 "A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Eagle, Colorado for the Calendar Year Beginning on the 1st Day of January 2022, and Ending on the Last Day of December 2022. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

- d. Resolution No. 77, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado, Establishing and Adopting a Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code."

MOTION: Councilmember Mikel Kerst motioned to approve Resolution No. 77, Series 2021 "A Resolution of the Town Council of the Town of Eagle, Colorado, Establishing and Adopting a Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code." The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Gaboury, Bartnik) and 0 opposed.

OATH OF OFFICE FOR NEW COUNCILMEMBERS

1. Oath of Office Geoffrey Grimmer
2. Oath of Office Nick Sunday
3. Oath of Office Janet Bartnik
4. Oath of Office Sarah Parrish
5. Selection of Mayor Pro Tem and Acting Mayor Pro Tem

Brandy Reitter performed the Oath of Office for each new council member.

MOTION: Councilmember Ellen Bodenhemier motioned to appoint Mikel Kerst as Mayor Pro Tem. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

MOTION: Councilmember Janet Barnik motioned to appoint Ellen Bodenhemier as Acting Mayor Pro Tem. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

STAFF REPORTS

1. Town Manager Update
2. Department Update

EXECUTIVE SESSION

Mayor Turnipseed recused himself from the Eagle Ranch PUD amendment portion of the Executive Session due to his current role as President of the Eagle Ranch HOA.

MOTION: Councilmember Mikel Kerst motioned to enter into executive session to (1) hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session; (2) hold a conference with the Town's Water Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b); regarding water rights dedications related to the Eagle Ranch PUD amendment; and (3) determine positions relative to matters that may be subject to negotiations; develop a strategy for negotiations; and instruct negotiators pursuant to C.R.S. § 24-6-402(4)(e), regarding water rights dedications related to the Eagle Ranch PUD amendment. The motion was seconded and passed with a vote of 6 in favor (Grimmer, Bodenhemier, Kerst, Gaboury, Bartnik), 1 recused (Turnipseed) and 0 opposed.

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BUSINESS ITEMS

1. 2020 Audit Report

Roger Maggard, CPA with Maggard & Hood, P.C. presented the findings of this report.

MOTION: Councilmember Janet Bartnik motioned to accept the 2020 Audit Report. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

2. Wastewater Rate and Tap Fee Study Presentation

Todd Christiano with Raftelis Consulting Firm presented this report.

Council Comment: discussion on federal requirements, an extension of sewer main up Brush Creek Road, and mandatory projects.

3. PUBLIC HEARING: RZ21-02 & S21-01 Eagle County Schools Rezone and Sketch Plan Subdivision

- a. Ordinance No. 15, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Approving the Application to Rezone the Property Located at 747 East 3rd Street Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM)"

OR

Ordinance No. 15, Series 2021, "An Ordinance of the Town Council of the Town of Eagle, Colorado Denying the Application to Rezone the Property Located at 747 East 3rd Street, Eagle, Colorado from Public Area (PA) to Residential Medium Density (RM)"

Peyton Heitzman presented this file. There are two requests within this application: rezone and sketch plan subdivision.

Tom Braun, the applicant representative also provided a brief presentation. Sandy Farrell from Eagle County School District along with John Welaj, Emily Peyton, and Caitlin Weis from Habitat for Humanity Vail Valley was also present.

Public Comment opened at 8:15 PM

Pete Thompson, Edwards, CO – In favor of the proposal.

Brenda Saucedo, Avon, CO – In favor of the proposal.

Brad Hooper, 78 N. Penstemon Lane – In favor of the proposal.

Kalie Palmer, Eagle, CO – In favor of the proposal.

Tracie Walters, (address not stated) – In favor of the proposal.

Sandy Farrell, (address not stated) – In favor of the proposal.

John Welaj, (address not stated) – In favor of the proposal.

Rick Beveridge, 306 Howard Street – In favor of the proposal.

Public Comment closed at 8:35 PM

Council Comments: inquiry on net-zero building requirements. Project specifics will be presented during the design and development process. Requested assurances that the project would remain affordable workforce housing.

Matt Mire provided the Council with information regarding decisions and conditions that can be made regarding this file, as conditional zoning is not allowed per state law. The Council was advised to consider updating its code to address the issue with the approval of this file as it is currently presented. Council was advised to table the rezoning application until the first meeting in January when they have the subdivision plan ready.

MOTION: Mayor Scott Turnipseed motioned to recommend the applicant proceed with File # S21-01, the Sketch Plan Subdivision for residential development at the west end of the 3rd street Campus at 747 E 3rd Street, based on the following findings:

- 1) The conceptual application is in compliance with the Elevate Eagle Comprehensive Plan.**

The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenheimier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

MOTION: Councilmember Janet Bartnik motioned to continue the public hearing and table File # RZ21-02, an application to rezone 2.2 acres from Public Area to Residential Medium until January 11, 2022, pending a code amendment. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenheimier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

4. PUBLIC HEARING: Ordinance No. 17, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100.N of the Eagle Municipal Code Establishing Criteria for Accessory Dwelling Units"

Chad Phillips presented this file.

Public Comment opened at 8:50 PM

Rick Beveridge, 306 Howard Street – In favor of the proposal.

Public Comment closed at 8:52 PM

MOTION: Councilmember Janet Bartnik motioned to approve Ordinance No. 17, Series 2021 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 4.04.100.N of the Eagle Municipal Code Establishing Criteria for Accessory Dwelling Units". The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

5. PUBLIC HEARING: CONTINUANCE of File #PUDA21-01 the Eagle Ranch Sixth Amended PUD Guide and amended PUD Zoning Plan

Mayor Turnipseed recused himself from the Eagle Ranch PUD amendment public hearing due to his current role as President of the Eagle Ranch HOA.

Jessica Lake presented this file. Dominic Mauriello of Mauriello Planning Group, the applicant representative also presented.

Public Comment opened at 9:25 PM

Brian Woods, 210 E Third Street – In favor of the proposal.

Brad Hagedorn, 1200 Capitol – In favor of the proposal.

Steve Lindstrom, 1140 Capitol Street – In favor of the proposal.

Public Comment closed at 9:31 PM

MOTION: Councilmember Janet Bartnik motioned to continue the public hearing and table File # PUDA21-01 the Eagle Ranch Sixth Amended PUD Guide and amended PUD Zoning Plan until January 11, 2022 in order for the Town Manager the negotiate the water rights dedication with the applicant. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

MOTION: Councilmember Ellen Bodehnhemier motioned to extend the meeting until 11:00 p.m. Motion was seconded and passed with a vote of 6 in favor (Grimmer, Bodenhemier, Turnipseed, Bartnik, Sunday and Parrish and 1 opposed (Kerst).

6. Building Permit Fee Waiver For Lower Basin Water Treatment Plant

Waiving fees for the LBWTP necessitates the General Fund, Capital Improvements Fund, and WW Fund to subsidize the cost of the LBWTP.

MOTION: Councilmember Ellen Bodenhemier motioned to deny waiving any Town of Eagle fees for the Lower Basin Water Treatment Plant including \$162,041 of expenses to date. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

7. 2021 Community Survey Report

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Adam Palmer Fund Staffing Support

MOTION: Councilmember Ellen Bodenhemier motioned to direct the Town Manager to negotiate with the consultant to launch the Adam Palmer Fund. The motion was seconded and passed with a vote of 7 in favor (Grimmer, Bodenhemier, Kerst, Turnipseed, Bartnik, Sunday, Parrish) and 0 opposed.

2. Broadband Work Session Follow Up

Council Comments: would like to update the work session with availability and costs of Century Link for downtown businesses. Council will table this discussion until January meeting.

3. Council Committee Updates

Councilmember Bodenhemier updated the Council on the OSRAC wildlife roundtable and consideration to hire a consultant for mapping of new trails. Jessica Foulis has committed \$15,000 towards the contract.

4. Future Agenda Items

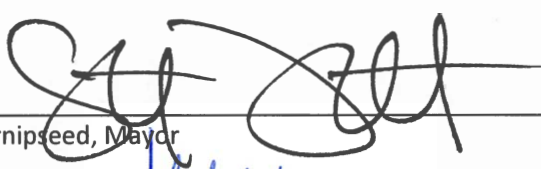
5. Work Session Cancellations

Brandy Reitter is proposing a 3-month break on work session to alleviate staff workload. Work sessions will be addressed on a case-by-case basis.

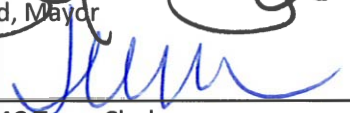
ADJOURN – 9:55 PM

Approved:

Date:



Scott Turnipseed, Mayor



Jenny Rakow, CMC Town Clerk

