



**MEETING MINUTES
ONLINE MEETING
Town Council**

Tuesday, December 8, 2020

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

1. This was an online meeting.

CALL TO ORDER - 6:00 PM

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

ROLL CALL

COUNCIL MEMBERS PRESENT

Matt Solomon, Andy Jessen, Mikel Kerst, Scott Turnipseed,
Ellen Bodenhemier, Adam Palmer, David Gaboury

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Bryon McGinnis, Public Works Director
Carrie Buhlman, Sargent
Lynette Horan, Human Resources Manager

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

PRESENTATIONS

1. Lower Basin Water Treatment Plant, SGM, and MWH Constructors - Project Update Presentation
Warren Swanson from SGM gave a presentation on the budget for this project.

Tyler Hendrix from MWH Constructors gave a building review of this project and Michael Haarmann from MWH Constructors provided a schedule review.

2. Lower Basin Water Treatment Plant Update

CONSENT AGENDA

Council Comments: an error in the staff report was noted for item 7.

MOTION: Council Member Matt Solomon motioned to approve the Consent Agenda. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

1. Minutes - November 10, 2020
2. Bill Pay - November 2020

3. Sewer Imaging Pay Application No. 1 to Eco-Matrix in the amount of \$126,203
4. Capitol Street: 5th Street to 6th Street – Water and Wastewater Replacement Project – Construction Progress Update, Final Acceptance, and Final Payment
5. BoCC COVID-19 Business Support Letter Ratification
6. Ordinance No. 28, Series 2020, "An Emergency Ordinance Authorizing the Town Clerk to approve Temporary Modifications of Liquor-Licensed Premises Through October 31, 2021"
7. Resolution No. 83, Series 2020, "A Resolution of the Town of Eagle Extending the Declared Local Disaster Emergency"
8. Resolution No. 87, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Appointing Kari McDowell-Schroeder as a Full Member and Appointing Clark Gundlach as an Alternate Member of the Economic Vitality Committee"
9. Resolution No. 88, Series 2020, "A Resolution of Town Council of the Town of Eagle, Colorado, Authorizing Release of Funds in Escrow Due to Completion of Public Improvements (Haymeadow)"

STAFF REPORTS

1. Town Manager Update
Brandy Reitter thanked the Council and staff for their efforts in 2020.
2. Department Update
Council thanked staff for their work in 2020.

LIQUOR LICENSE AUTHORITY

1. PUBLIC HEARING: Pazzo's Wow Request for Temporary Modification of Premises/Communal Outdoor Dining Area
Jenny Rakow gave a brief overview of the modification requested.

Mayor Turnipseed opened the public hearing, there was no public comment.

MOTION: Council Member Andy Jessen motioned to approve the Findings of Fact for the Pazzo's Wow Request for Temporary Modification of Premises. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenheimier, and Gaboury) and 0 opposed.

BUSINESS ITEMS

1. Lower Basin Water Treatment Plant – SGM's Proposal for Engineering Services during Construction Contract Amendment No. 7: Services for Extended Schedule
Warren Swanson From SGM presented this item.

Council Comments: Inquiry and discussion on change orders. The request is for approving an extension to SGM's contract.

MOTION: Council Member David Gaboury motioned to approve the Lower Basin Water Treatment Plant –Proposal for Engineering Services during Construction Contract Amendment No. 7: Services for Extended Schedule with SGM. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenheimier, and Gaboury) and 0 opposed.

2. PUBLIC HEARING: Adoption of the 2021 Eagle Town Budget
Mayor Turnipseed opened the public hearing.

Jill Kane presented this item.

Mayor Turnipseed opened public comment for the 2021 Eagle Town Budget, there was no public comment.

- a. Ordinance No. 26, Series 2020, "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 2021 Mill Levy for the Town of Eagle, Colorado for the 2021 Budget Year"

MOTION: Council Member Andy Jessen motioned to approve Ordinance No. 26, Series 2020, "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 2021 Mill Levy for the Town of Eagle, Colorado for the 2021 Budget Year". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

- b. Ordinance No. 27, Series 2020, "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 2020 Budget Year"

MOTION: Council Member Andy Jessen motioned to approve Ordinance No. 27, Series 2020, "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 2020 Budget Year". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

- c. Resolution No. 85, Series 2020, "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 2021, and Ending on the Last Day of December 2021"

MOTION: Council Member Andy Jessen motioned to approve Resolution No. 85, Series 2020, "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 2021, and Ending on the Last Day of December 2021". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

- d. Resolution No. 86, Series 2020, "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: Council Member Andy Jessen motioned to approve Resolution No. 86, Series 2020, "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 (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

3. 401(a) and 457 Adoption Resolutions and Participation Agreements

Jill Kane presented this item. Jill noted there are some slight modifications to these agreements that will be amended prior to Mayor's signature.

- a. Resolution No. 80, Series 2020, "A Resolution Electing to Join the Colorado Retirement Association and Adopting a 401(a) Retirement Plan"

Council Comments: Requested staff to set up annual meetings with retirement representatives to review retirement plans.

MOTION: Council Member Matt Solomon motioned to approve Resolution No. 80, Series 2020, "A Resolution Electing to Join the Colorado Retirement Association and Adopting a 401(a) Retirement Plan". The motion was seconded and AMENDED to include changes as noted and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

- b. Resolution No. 81, Series 2020, "A Resolution Adopting a 457 Deferred Compensation Plan"

MOTION: Council Member David Gaboury motioned to approve Resolution No. 81, Series 2020, "A Resolution Adopting a 457 Deferred Compensation Plan". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

4. PUBLIC HEARING: Ratification of Elevate Eagle Comprehensive Plan
Megan Moore presented this item.

Council Comments: Discussion on new designations for zoning in the downtown neighborhood and medium-density from 4-10 units per acre to 4-16 per acre. Matt Mire advised Council that this amendment would not need to go back to the Planning Commission for approval and reapproved by the Council.

Mayor Turnipseed opened the public hearing.

Kate Madden; Brownstein Hyatt Farber, 410 17th Street. On behalf of Red Development, she and her clients supported the plan as presented.

Scott Schlosser; supported the plan and amendment increasing units.

- a. Resolution No. 82, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Ratifying the Elevate Eagle Comprehensive Plan"

MOTION: Council Member Andy Jessen motioned to approve Resolution No. 82, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Ratifying the Elevate Eagle Comprehensive Plan" with a modification to the downtown neighborhood zone district medium density to 40-16 units. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

5. November 2020 Post-Election Ordinances Review

- a. Ordinance 24, Series 2020 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 5.05.030 of the Eagle Municipal Code to Increase and Change the Computation Method of the Town's Lodging Tax From \$4.00 Per Day Per Occupied Lodging Room or Accommodation to 6% of the Cost of the Rental Fee, Price or Other Consideration Paid or Received for the Occupied Lodging Room or Accommodation"

MOTION: Council Member Matt Solomon motioned to approve Ordinance 24, Series 2020 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 5.05.030 of the Eagle Municipal Code to Increase and Change the Computation Method of the Town's Lodging Tax From \$4.00 Per Day Per Occupied Lodging Room or Accommodation to 6% of the Cost of the Rental Fee, Price or Other Consideration Paid or Received for the Occupied Lodging Room or Accommodation". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

- b. Ordinance 25, Series 2020 "An Ordinance of the Town Council of the Town of Eagle, Colorado Creating and Establishing the Eagle Downtown Development Authority in the Town of Eagle, Colorado and Determining Organizational Aspects of the Eagle Downtown Development Authority Board and Providing Other Details Related Thereto"

MOTION: Council Member Matt Solomon motioned to approve Ordinance 25, Series 2020 "An Ordinance of the Town Council of the Town of Eagle, Colorado Creating and Establishing the Eagle Downtown Development Authority in the Town of Eagle, Colorado and Determining Organizational Aspects of the Eagle Downtown Development Authority Board and Providing Other Details Related Thereto". The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

6. MEAC Requests Review

Brian Hall presented this item.

MOTION: Council Member David Gaboury motioned to approve the MEAC funding requests as presented. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Council Committee Updates

Council Member Solomon wished everyone a Happy New Year.

Council Member Bodenhemier stated there will be an Open Space meeting on Wednesday with BLM.

Council Member Jessen stated he appreciates the positivity and believes we are setting a good example. Excited about the future.

Mayor Turnipseed asked for staff to provide their accomplishments in 2020. Each Department Head present responded.

2. Town Manager Review

MOTION: Council Member David Gaboury motioned to approve the annual performance review template and to provide retroactive pay to the Town Manager. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

3. Eagle Bucks Program Approval and Authorization

Brandy Reitter stated she needs more time to bring forth the Resolution, but would like for staff to move forward on the Eagle Bucks program.

MOTION: Council Member David Gaboury motioned to Direct Staff to move forward with the Eagle Buck's program. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

EXECUTIVE SESSION - 8:45 PM

Executive Session pursuant to C.R.S. Section 24-6-402(4)(b)(e), to have a conference with the Town Attorney to receive legal advice on specific legal questions, and to determine positions develop a negotiating strategy and instruct negotiators regarding Intergovernmental Agreement dated July 25, 1995, between the Town, Eagle County School District Re-50J and the Western Eagle County Metropolitan District and to adjourn the regular meeting at its conclusion.

1. negotiators regarding Intergovernmental Agreement dated July 25, 1995, between the Town, Eagle County School District Re-50J and the Western Eagle County Metropolitan District and to adjourn the regular meeting at its conclusion.

MOTION: Council Member Scott Turnipseed motioned to enter into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b)(e), to have a conference with the Town Attorney to receive legal advice on specific legal questions, and to determine positions develop a negotiating strategy and instruct negotiators regarding Intergovernmental Agreement dated July 25, 1995, between the Town, Eagle County School District Re-50J and the Western Eagle County Metropolitan District and to adjourn the regular meeting at its conclusion. The motion was seconded and passed with a vote of 7 in favor (Solomon, Kerst, Turnipseed, Palmer, Jessen, Bodenhemier, and Gaboury) and 0 opposed.

ADJOURN - 9:15 PM

Approved:





Andy Jessen, Mayor Pro Tem



Jenny Rakow, CMC Town Clerk