



MEETING MINUTES
Town Council
Tuesday, July 26, 2022
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.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

1. This was an in-person meeting with access via Microsoft Teams.

CALL TO ORDER - 6:00 PM

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

ROLL CALL

COUNCILMEMBERS PRESENT

Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier, Janet Bartnik, Geoffrey Grimmer, Sarah Parrish, Nick Sunday

COUNCILMEMBERS ABSENT

None

STAFF PRESENT

Jim White, Interim Town Manager
Matt Mire, Town Attorney
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Chad Phillips, Comm Dev Director/Town Planner
Tom Gosiorowski, Public Works Director
Carrie Buhlman, Interim Police Chief
Dennis Wike, Engineer
Peyton Heitzman, Planner
Lynette Horan, Human Resources Manager
Brian Lieberman, Open Space Manager
Jessica Lake, Planner
Kevin Aoki, IT Manager

ADOPTION OF AGENDA

There were no changes to the agenda.

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

PUBLIC COMMENT

Mayor Scott Turnipseed opened public comment; there was no public comment.

PRESENTATIONS

1. Three Rivers Little League Donation Request, Ben Dodds
Ben Dodds and the Three River Little League players presented this item.
The Mayor and Council congratulated the teams and approved a \$1000.00 donation.

2. Walking Mountain Science Center, Nikki Maline - Home Energy Assessment and Residential Solar PV Rebate Program Update
Nikki Maline presented via Teams. inquired if the Town Council wanted to provide more rebates this year or wait until next year.

Council comments: discussed extending the program and timing of the payments. Because the invoice for the additional panels will not be issued until 2023 with installation, Council agreed that they will consider adding funds to the 2023 budget for the program. Town staff also requested a proposal for the 2023 budget.

CONSENT AGENDA

Council Member Bartnik requested the July 12, 2022, Minutes to be pulled out of the Consent Agenda.

MOTION: Councilmember Nick Sunday motioned to approve the July 12, 2022 Minutes. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, and Sunday), 0 opposed and 1 abstain (Bartnik).

MOTION: Councilmember Mikel Kerst motioned to approve items 2 and 3 on the consent agenda. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

1. Minutes - July 12, 2022
2. Resolution 62, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Reappointing and Appointing Members to the Downtown Development Authority Board of Directors"
3. Resolution 66, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving Submission of Grant Application to the Federal Bureau of Reclamation for a Watersmart Water and Energy Efficiency Grant"

STAFF REPORTS

1. Town Manager Update
Jim White gave an overview of the Regional Transportation Authority ballot question, water rates study and mural project.
2. Family and Medical Leave Insurance ("FAMLI") Presentation, Lynette Horan, Human Resources Manager
Lynette Horan presented this item.

Council Comments: discussed the opt-in process and time commitments for employees. Felt that it is prudent to not opt-in with the benefits the Town of Eagle offers. Staff provided assurances they would work on aligning town benefits with the FAMLI program.

LIQUOR LICENSE AUTHORITY

Mayor Scott Turnipseed convened as the Liquor License Authority and opened the Public Hearing for a Transfer of Ownership of a Beer & Wine License- Applicant: North Coast Originals LLC. There was no public comment.

MOTION: Councilmember Janet Bartnik motioned to approve the Findings and Order approving a Transfer of Ownership of a Beer & Wine License for North Coast Originals LLC - located at 228 Broadway Street Unit B and direct 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 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

1. PUBLIC HEARING: Transfer of Ownership of a Beer & Wine License- Applicant: North Coast Originals LLC

BUSINESS ITEMS

1. 2021 Audit Presentation, Roger Maggard
Roger Maggard presented the 2021 Audit.

MOTION: Councilmember Janet Bartnik motioned to approve the 2021 Audit Report and Management Letter that will be sent to the State. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

2. PUBLIC HEARING: File #DR22-03 Major Development Permit for 435 Eby Creek Apartments
Peyton Heitzman presented this item.

Applicant Bryan Smith provided an overview of the project. Also present for applicants were Jeff Manley, Bill Cummings, and Rick Patriacca.

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

Council comments: discussed cost share of sidewalk and proposed a 50% share. Discussion on the LERP regulations and alignment with the town's for sale LERP policies. The applicant provided methods and models used to determine the policy. Would like direction on residency requirements vs. income requirements which are much more difficult to administer. Town Attorney Matt Mire indicated if the council wanted to adopt the guidelines for the LERP program after a review from staff, this public hearing would need to be continued. Council further discussed the preference to have a residency requirement to alleviate the burden of income review. Discussion on violation of the LERP program, which would result in a zoning violation with civil penalties. Applicant and council agreed that priority for rental would be for Town employed residents and open to Eagle County-employed residents. There were some concerns with work-from-home income that would exceed the intent of resident housing.

MOTION: Councilmember Ellen Bodenhemier motioned to continue File #DR22-03 Major Development Permit for 435 Eby Creek Apartments until August 9, 2022. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

- a. Resolution 61, Series 2022, "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Major Development Permit and Development Agreement for 435 Eby Creek Road"

3. PUBLIC HEARING: File #DR21-02 Major Development Permit for Reserve at Hockett Gulch
Mayor Scott Turnipseed opened the public hearing for File# DR21-02 and File# PPF21-01 Preliminary Plan.

Carrie McCool presented this item.

Council comments: clarified the requirement for a raw water system and irrigation. Confirmed raw water requirement is in the annexation agreement and is required that all landscape areas be watered with raw water.

Applicant John Power requested the Council to address the open space issue and provided a presentation.

Council comments: requested more detailed views of the open space and landscaping designs in order to address open space and whether the perimeter space should be included with the calculation, which includes. incidental sidewalks and landscaping.

Applicant representative Rob McKenzie provided that the informal open space includes landscape on either side of the walkways, which the Planning Commission approved.

The Council reviewed each of the 14 conditions. Staff stated concern about extending the use of the potable water until the raw water system was available.

Applicant John Powers stated they will have EV stations. He also provided the raw water system is designed and they can move it to a different location. The design will not delay using the raw water system.

Council had further discussion on the timing of continuance of this hearing, as the applicant prefers approval of the Major Development Permit with conditions.

MOTION: Councilmember Geoff Grimmer motioned to continue File #DR21-02 Major Development Permit for Reserve at Hockett Gulch and File #PPFP21-01 Preliminary Plan and Final Plat for Reserve at Hockett Gulch to September 13, 2022. The motion was seconded and failed with a vote of 2 in favor (Grimmer and Bodenhemier) and 5 opposed (Kerst, Turnipseed, Parrish, Sunday, and Bartnik).

MOTION: Councilmember Nick Sunday motioned to continue File #DR21-02 Major Development Permit for Reserve at Hockett Gulch and File #PPFP21-01 Preliminary Plan and Final Plat for Reserve at Hockett Gulch until August 23, 2022. The motion was seconded and passed with a vote of 5 in favor (Kerst, Turnipseed, Parrish, Sunday, and Bartnik) and 2 opposed (Grimmer and Bodenhemier).

4. PUBLIC HEARING: File #PPFP21-01 Preliminary Plan and Final Plat for Reserve at Hockett Gulch

5. PUBLIC HEARING: Downtown Development Authority Amended Plan of Development
Mayor Scott Turnipseed opened the public hearing.

Jim White presented this item.

Mayor Scott Turnipseed opened public comment; there was no public comment.

Resolution 44, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Eagle Downtown Development Authority Amended Plan of Development"

- a. **MOTION: Councilmember Janet Bartnik motioned to approve Resolution 44, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Eagle Downtown Development Authority Amended Plan of Development". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.**

MOTION: Mayor Scott Turnipseed motioned to extend the meeting past 10:00 p.m. The motion was seconded and with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

6. Resolution 46, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Open Space and Trails Master Plan"

Brian Lieberman presented this item.

Kate Sheldon 2809 E Haystack Drive - requested tabling of this item and suggested we consider hiring and Open Space Ranger immediately.

Brian Woodich Colorado Parks and Wildlife - affirmed the town has brought up all the items he has commented on and recommended.

Council comments: The Mayor and Town Council thanked Brian Lieberman for his work on this plan.

MOTION: Councilmember Ellen Bodenhemier motioned to approve Resolution 46, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Open Space and Trails Master Plan". The motion was seconded and with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

7. Resolution 63, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Memorandum of Understanding - Climate Action Collaborative of the Eagle County Community"
Gina McCrackin was presented for this item.

Council Member Geoff Grimmer inquired as to whether a staff member should be the alternative to address the building code discussions. Council agreed that the town's building official, Eddie Wilson, should be the alternate.

MOTION: Councilmember Sarah Parrish motioned to approve Resolution 63, Series 2022 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving a Memorandum of Understanding - Climate Action Collaborative of the Eagle County Community". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

8. Resolution 65, Series 2022, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Roger Mitchell to serve as the Alternate Member of the Open Space and Recreation Advisory Committee."
Roger Mitchell 67 Hernage Creek rd. was present.

Kate Sheldon - recommended that the Council look at the other applicants. Brian Lieberman confirmed that OSRAC reviewed all applicants with a scoring sheet to nominate Roger Mitchell.

MOTION: Councilmember Ellen Bodenhemier motioned to approve Resolution 65, Series 2022, "A Resolution by the Town Council of the Town of Eagle, Colorado appointing Roger Mitchell to serve as the Alternate Member of the Open Space and Recreation Advisory Committee.". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

9. Regional Transportation Authority - Authorizing Notice of Intent to Participate in a Coordinated Election
Nick Sunday provided the background for this letter.

MOTION: Councilmember Scott Turnipseed motioned to Direct Staff to send the letter Authorizing Notice of Intent to Participate in a Coordinated Election. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

10. Comment Letter: Colorado River Valley Field Office 2022 Supplemental Environmental Impact Statement
Brian Lieberman presented this item.

Council approved sending the comment letter regarding the Colorado River Valley Field Office 2022 Supplemental Environmental Impact Statement.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Future Agenda Items
Council Member Ellen Bodenhemier requested a River Park update in the next department staff report from Public Works.

Council Member Janet Bartnik inquired when the budget work sessions were to be held. Finance Director Jill Kane stated they will be on October 4th and October 11th.

Council Member Geoff Grimmer would like to explore the forest service relocation to Eagle, possibly at the site with the land that is for sale by Holy Cross.

Council requested an update from Eagle Valley Wildland by Hugh Fairfield Smith.

Discussion about the property next to Hockett Gulch and working with the landowner on access.

2. Council Committee Updates/None presented

ADJOURN - 10:20 PM

MOTION: Councilmember Nick Sunday motioned to adjourn. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Bartnik, Grimmer, Parrish, and Sunday) and 0 opposed.

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk

