



MEETING MINUTES
Town Council
Tuesday, August 8, 2023
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 Teams.

CALL TO ORDER - 6:00 PM

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

ROLL CALL

COUNCIL MEMBERS PRESENT

Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier,
Geoffrey Grimmer, Sarah Parrish, Nick Sunday, Jamie
Woodworth Foral

COUNCIL MEMBERS ABSENT

Sarah Parrish

STAFF PRESENT

Larry Pardee, 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
Derek Bos, Police Chief
Cliff Simonton, Senior Planner
Dennis Wike, Engineer
Peyton Heitzman, Planner
Molly Furtado, Special Events Manager
Denise Cardoza, Comm Dev Admin
Tez Hawkins, Planner

ADOPTION OF AGENDA

MOTION: Council Member Mikel Kerst motioned to adopt the agenda as presented. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, and Foral) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened public comment, there were no comments.

PRESENTATIONS

1. SpeakUp ReachOut Update, Kirby Lemon
The council thanked Kirby for the presentation.
2. Eagle County Animal Control Update, Nathan Lehnert Field Services Manager
Nathan Lehnert presented this item.

Council comments: confirmed that the proposed funding for the 2024 budget has been submitted to the town.

Inquiry on the process for issuing first-time offense citations. Nathan explained the process his staff goes through to determine whether the offense is a citation or a warning.

CONSENT AGENDA

MOTION: Council Member Mikel Kerst motioned to approve the consent agenda. The motion was seconded and Passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, and Foral) and 0 opposed.

1. Minutes - July 25, 2023
2. Bill Pay - July 2023
3. Resolution 53, Series 2023 "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending the 2023 Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code to Increase Refuse Rates to Agree to the Contract with Vail Honeywagon Signed on July 11, 2023"
4. Resolution 55, Series 2023 " A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Reimbursement Agreement with ECG Acquisitions, LLC.

STAFF REPORTS

1. Town Manager Update
Council comments: discussion on Strong Communities Grant application with Eagle County. Request to stay on top of the US Postal Service for improvements. Shout out to Lynette and her niece who is a US Women's soccer player.
2. Department Update for July Activities
Council comments: staff confirmed that they will be placing 17 bear-proof trash containers in town parks and trailheads. Confirmation of nomination petitions being available starting today, August 8th for three seats on the town council.
3. 2nd Quarter 2023 - Budget to Actual Report and Revenue Analysis
4. 2023 Capital Projects Update

BUSINESS ITEMS

1. PUBLIC HEARING: File # LURA21-02: Amended Land Use and Development Code (ReCode) and the Amended Town of Eagle Zoning Map
Mayor Scott Turnipseed opened the Public Hearing for File #LURA21-02: Amended Land Use and Development Code (ReCode) and the Amended Town of Eagle Zoning Map

Elizabeth Garvin from Clarion and Associates and Chad Phillips, Community Development Director presented the public draft overview of ReCode.

Mayor Scott Turnipseed opened public comment.

Annie Eagan 215 Howard Street, inquired about the new trash containers and concerns about them being in the alley due to bear issues. Staff responded they will be bear-resistant. Asked the council to hold off on ReCode until the current development has been built out to determine what infill is needed. Is concerned about increased traffic, and parking, and was opposed to mixed-use development in residential areas. Requested the council to table the decision on this file.

Robyn Spain - 543 McIntire requested clarification on minimum lot size and how many units could be built on that lot, concern with parking, wanted to reduce fee in lieu to 30%, requested pause on voting until more clarification

can be provided and current projects are built out. Asked to have the minimum square footage of land for a triplex in writing.

Todd Morrison, 127 Seven Hermits expressed support for approval of ReCode.

Kelly Bonzer 425 Washington Street. Asked who created Elevate Eagle. Did not think people understood what it was. Concern about property owners selling their homes to developers. Inquired about green space allowance, and evacuation plans, requested that density stay in approved developments in East Eagle, and that the council table the decision.

Steve Gordon 82 Silverspur. Concerned with traffic infrastructure in Eagle and congestion, would like a long-term traffic plan before adding more density.

Dan Leery 204 W Third. Expressed concern with fee in lieu program and what the money is used for. Inquired about the definition of a pitched roof and decision-making on what is appropriate for old town. Would like the Grand Avenue traffic study to be included in the code. Did not believe the ReCode is user-friendly to residents.

Andrew Atkins 306 Howard Street. Expressed concern about traffic and safety. Felt 5-foot setbacks were appropriate. Believed that the cost of homes will price out all employees for this area without infill.

Dawn Koenig 328 Capitol Street. Requested the OTR zoning instead of CMU for Capitol at her address. Expressed concern with consistency in setbacks in zone districts, concern that adding commercial to residential would change the character and not help downtown businesses. Concern about profit motives of landowners driving language in the ReCode. Wanted more time to review setbacks.

Lisa Schober 773 Castle Drive. Expressed concern regarding CMU1 zone in this area and that it was not consistent with the neighborhood and was opposed to zero foot setbacks.

Chris Barbella 236 Capitol Street. Supported ReCode and believe it is looking forward to the next 50 years and that it was protecting the integrity of old town. Stated he would like a vibrant downtown.

Cindy Callicrate 770 Castle Drive. Expressed concern that her neighborhood would be changed to commercial uses and was inconsistent with the character. Inquired about ADUs not being allowed and concerned with Hockett Gulch creating more car trips outpacing current infrastructure.

Jenna Palimeter 441 Washington Street. Requested a 25-foot height limit. Believed the Infill should blend in with the existing neighborhood. Would like more clarification to residents on what can be built on one lot. The parking study may need to be updated.

Paul Duprey 125 E 4th Street. Asked if the town has enough water and sewer infrastructure to do what we have approved.

Vit Blonar 2044 Eagle Ranch Road. Requested the council to address the split lot between Grand, Capitol and Howard that has CMU1 and OTR zoning. They would like to do underground parking at this location with their project.

Lori Diversey 624 McIntire. Requested the 25-foot height limit. Wants to keep special permits for any civic purposes and not administrative approval. Requested to remove mansion homes from the language. Wants clarification on lot sizes and what can be built on them to preserve the character of the neighborhood.

John Bailey 322 Wall Street. Expressed concern about age diversity and ability to live in the OTR area and is in

support of the proposed plan and is in favor of 5-foot setbacks. Likes the community and does have concerns about increased traffic.

George McCollom 519 McIntire. Would like the council to consider underground parking for projects going forward. Would like more landscaping for multifamily.

Kathy Heicher 641 Wall Street. Stated she was in favor of 10-foot sideyard set back. Requested a sub-area master plan of old town. Liked the 25-foot building height and would like more research on it. Requested special use permits to be publicly noticed. The term mansion house needs to be removed.

Krista Miller 313 East Third. Is in favor of preservation support for old homes in Eagle. Would like to see modeling done on infill projects so residents can visually see what the possibilities are with parking. Requested visuals to help understand what an approved 3-story building looks like on the minimum lot size. Asked what an administrative review is and how is the notification sent to neighbors.

Mayor Scott Turnipseed closed public comment.

Elizabeth Garvin, Chad Phillips, and Tom Gosiorowski responded to public comment inquiries -

Notification - regulations require adjacent property and legal notice in the newspaper. New regulations will require a poster on the property. ReCode also includes more standards for administrative approvals with a bump-up call-up provision to the Council. If staff determines too much public comment opposition, it will go to Council. There is also an appeal process.

With regard to how many townhomes are allowed on one lot, you can only have 3 units on a minimum lot size. The code will be updated to include the minimum lot size.

Question regarding the infill plan. The town does not have a goal or a plan. ReCode addresses what uses and densities are appropriate in certain areas.

Inquiry regarding what fee in lieu is supposed to be used for. The purchase of land for a parking lot was a discussion, however, the money can be spent on cheaper spaces in the public right of way with improvements. Currently, there are 300 spaces available in the public right of way for improvement.

Question regarding what a pitched roof is – that determination is based on what is similar to structures in the neighborhood, with no flat roofs.

East Eagle Plan and residential - there is no category for residential in that area. It is a new zone district called Commercial General East and it has a residential component.

Clarification on lot consolidations; there is no limit on units but is rather determined by the lot size. There is a preference for limiting units instead of lot size. A minimum lot size of 6250 is needed to start a discussion about getting 3 units approved, however, not every application will be approved, and it is not guaranteed.

Confirmed that underground parking is an option for developments.

Clarification on green space and landscaping – code will read 70% lot coverage of building and impervious with 30% for green space.

Question regarding historic preservation, code will have optional standards.

Grand Avenue is not included in ReCode, construction is tracking to begin in 2026. Traffic studies are done for bigger developments. The town has applied for a grant to complete a master traffic and safety plan.

Addressing concerns of the capacity of sewer in the downtown area; we have no known capacity problems. We have replaced every segment of sewer in the downtown area. In West Eagle there are a few segments that will be replaced due to age and material in the next 5 years. There are no concerns about the sewer system in the OTR area.

The Town of Eagle is contributing sales to the Eagle Valley Transit Authority and Eagle is working on accessing free and expanding bus services to alleviate traffic.

Eagle County has a robust evacuation plan for Eagle and it is updated several times a year. All first responders are trained.

ADUs are allowed in CMU1.

If improvements are made on homes that are currently built within the setbacks they may need a variance in order to do so. Add language to the code to grandfather homes built before a certain date.

Staff will work with the consultant to review the neighborhood protection standards, along with setbacks and height step-down standards.

Staff Questions for Council:

Should the side setbacks in the CMU1 be the same as on Broadway? 0' or 5'? 0' too small for the west side CMU1? Council agreed to 5 feet and include grandfather language for homes built before a certain date to make them conforming for improvements.

Should the side yard setback in the OTR be 5' or 10'? Council agreed to 5 feet.

Should "Mansion House (4+ units/structure)" be replaced with "Mansion House (2 or 3 units/structure)" (or deleted because the 3-unit multi-family covers these) Council agreed to delete it entirely.

Should the following be added – "All new residential structures or alterations that result in changes to a roofline shall be of a style that is similar to those residential structures in the zone district. Flat roofed residential structures are not permitted"? Council agreed no flat-roofed residential structures will be permitted.

Should we amend OTR to require Lot Area, Total (min) of 6,250 square feet for 3 unit multi-family Building? Council agreed to amend.

Should we amend Fee in-Lieu so that only 50% of the required residential on-site parking can be accommodated by the Fee in-Lieu? Council discussed a minimum of one parking space on site and off-street per unit, and only 50% can be on-street.

Zone Map Questions for Council

Does the CMU1 District support the West Eagle Sub-area Plan for the "Mixed Use" land use category? (for the West Eagle CMU1) Council agreed to update West Eagle and update ReCode later.

Should the CMU1 on Capitol be extended to 5th St? Council agreed it will stop at 4th Street.

Should the CMU1 be extended to the vacant lots on N. Howard (existing as CBD)? Council agreed to keep the zoning the same for that parcel and extend CMU1.

Council comments: requested the Neighborhood Protection Standards be included and felt the OTR building height reduction seemed arbitrary.

Mayor Scott Turnipseed suggested we table this item until we can clean this up and present it again. Staff confirmed August 22nd would be enough time to prepare for approval. Town Attorney stated it would be the Mayor's discretion to allow public comments.

MOTION: Council Member Scott Turnipseed motioned to continue the Public Hearing on File # LURA21-02: Amended Land Use and Development Code (ReCode) and the Amended Town of Eagle Zoning Map until the August 22, 2023, Town Council Meeting. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, and Foral) and 0 opposed.

- a. Ordinance 06, Series 2023 "An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Title 4 of the Eagle Municipal Code and Adopting a New Zoning Map"

2. Resolution 54, Series 2023 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving an Equipment Lease Purchase Agreement with TEQlease Education Finance for Town-Wide Security Cameras and Access Control System Provided by Spectra"

MOTION: Council Member Nick Sunday motioned to approve Resolution 54, Series 2023 "A Resolution of the Town Council of the Town of Eagle, Colorado, Approving an Equipment Lease Purchase Agreement with TEQlease Education Finance for Town-Wide Security Cameras and Access Control System Provided by Spectra". The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, and Foral) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Future Agenda Items
Request from a group at the ICMA conference to do a documentary about Eagle. They would like to make a video - we can use it. it costs \$25K. Larry will forward sample videos. Council agreed to do it.
2. Council Committee Updates
Council Member Bodenhemier had a great meeting with Eagle Ranch Housing. Grand Avenue Corridor meeting discussed many ideas to cut costs.

Council Member Grimmer stated the Palmer Fund got a grant today.

Council Member Sunday is still working on getting service for Eagle from EVTA.

Council Member Kerst requested to keep the National Night Out budget or increase it for 2024.

ADJOURN – 10:05 PM

MOTION: Council Member Mikel Kerst motioned to adjourn. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, and Foral) and 0 opposed.

Date:

