



MEETING MINUTES
Town Council
Tuesday, November 14, 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

None

STAFF PRESENT

Larry Pardee, Town Manager
Melissa Daruna, Assistant Town Manager
Matt Mire, Town Attorney
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Tom Gosiorowski, Public Works Director
Derek Bos, Police Chief
Peyton Heitzman, Planner
Lynette Horan, Human Resources Manager
Molly Furtado, Special Events Manager
Brian Lieberman, Open Space & Trails Manager
Eddie Wilson, Building Official
Kira Koppel, Sustainability Specialist
Carrie Buhlman, Lieutenant

ADOPTION OF AGENDA

There were no changes to the agenda.

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

PUBLIC COMMENT

Beverly and Don Barnes – owners of Boone's Wine & Spirits 65 Market Street. Expressed disappointment and concern regarding approval of Kroger modification. Provided information about Proposition 125 and local rejection of it by voters. Would like to prevent this from happening in the future and requested the council and staff to review Colorado Home Rule on this issue.

Holli Snyder 808 Brush Creek Ct. Expressed concern regarding the expansion of wine sales at City Market and the negative local impacts especially on Boone's. Implored the council to look into Home Rule for options to prevent

situations like this from happening and be the first town to challenge it if possible.

Tim Haley 755 Bull Run. Expressed concerns with AT&T Telecommunications and the lack of cell phone coverage. Would like the Town to get involved to help resolve this. Town Manager Larry Pardee will contact Tim.

PRESENTATIONS

1. Colorado Gives Day Proclamation, John Weiss Small Champions Inc.
Colorado Gives Day representatives were present. Mayor Scott Turnipseed read the Proclamation into the record.
2. Community Grant Request, Buddy Werner League
Buddy Werner representative Chris Kehoe presented the request for funding for next year. Mayor Scott Turnipseed stated this will be reviewed as part of the adoption of the 2024 budget.
3. 2023 Community Impact Award
Mayor Scott Turnipseed presented this item. All nominees were introduced, and winners Raenette Johnson and Ernest Saeger were announced and given their awards by the council.

CONSENT AGENDA

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

1. Minutes - October 24, 2023
2. Bill Pay - October 2023
3. Resolution 71, Series 2023, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Permanent Easement Agreement with the Greater Eagle Fire Protection District"
4. Resolution 74, Series 2023, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Permanent Easement Agreement with Son Ray LLC"
5. Approval of the MEAC recommendations for 2024 MEAC Special Event Funding Allocations.

STAFF REPORTS

Larry Pardee directed the council to the item in his report regarding Eagle Villas and stated town staff is meeting with the owners and is in discussions with Eagle County housing on solutions.

1. Town Manager Update
2. Department Update
3. Third Quarter Sales Tax Report

LIQUOR LICENSE AUTHORITY

1. PUBLIC HEARING: Application for a New Hotel & Restaurant License for Twisted Root Bistro LLC at 313 Chambers Avenue.
Connie Siminski applicant for Twisted Root Bistro was present and provided an update of the business concept.

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

MOTION: Council Member Nick Sunday motioned to approve the Findings and Order approving a New Hotel & Restaurant License for Twisted Root Bistro - located at 313 Chambers Avenue 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, Bodenheimier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.

BUSINESS ITEMS

1. Resolution 72, Series 2023, "A Resolution by the Town Council of the Town of Eagle, Colorado, Determining the Winter Use Restrictions on the Haymaker Trail"
Brian Lieberman Open Space & Trails Manager presented this item.

Council comments: concerns were expressed about off-leash dogs and enforcement. Discussion regarding Eagle County Animal Control and options for addressing this issue. Chief Derek Bos provided information regarding patrol for this area would be beyond the scope for Animal Control and code enforcement therefore an Open Space Ranger may be a good option to consider. Expressed support for continued outdoor education and acknowledged that enforcement is more in line with what we need.

Mayor Scott Turnipseed opened public comment.

Robert Padlock 206 Mayer Street. Expressed support for recommended closure by OSRAC of the 2nd Loop of Haymaker Trail.

Lizzie Owens 49 Soliel Circle member of OSRAC. Expressed support to close all trails for the winter closure.

Amber Moran 389 Ring Neck. Expressed support for no closures.

Chris Keyoe 189 Beecher Street and OSRAC member. Expressed that the management plan does get reviewed, and this is not permanent if the need changes. Stated that enforcement is a challenge and noted this is a few acres for recreational use by town residents.

Bret Hooper 78 W Penstemon Lane. Expressed support to close all trails.

Kate Sheldon 2809 E Haystaker Drive. Expressed support to close all trails.

Karen Jarchow 15 Uneva Ct. Expressed support to keep all trails open for mental health needs in this area.

Val Gimp 47 Hollyhock Ct. Expressed support to close all trails.

John Bailey 0062 Blue Grouse. Stated that more research is needed and to keep all trails open.

Annie Egan 215 Howard Street. Expressed support to close all trails.

Bill Heicher 641 Wall Street. Expressed support to close all trails.

Laura Turitz 165 4th of July Road. Expressed support to keep all trails open.

Charlie Brown 636 Founders Avenue. Expressed support to keep all trials open.

Yuri Kostick 55 McDonald Street. provided some historical context to the area in discussion. Expressed support to close all trails.

Bert Christianson 2448 E Haystacker. Expressed support to close loop one.

Nicky Asselin 127 Kelly Clark Ct. Member of Hardscrabble Trails Coalition and the Respect the Wild Campaign. Supported continuing education with the campaign and not additional closures.

Brian Woodrich District Wildlife Manager. Expressed support for closing all trails. Brian thanked everyone here for speaking about this emotional topic.

Mayor Scott Turnipseed closed public comment.

Council comments: Discussion regarding closing the second loop and keeping the first loop open. Appreciation for OSRAC and the professionals in the field who have been working on this for two years. Concern with not supporting their recommendations. Discussion on a three-year pilot for a seasonal closure and focus on dog owners in the open space. Request for 2024 budget item to include funds for full-time open space ranger to assist with education and enforcement. Acknowledgment of Haymeadow development upcoming PUD changes and opportunity to include or request additional wildlife protection measures in that area. Concerns regarding limiting recreation opportunities for residents and whether additional areas can be opened to limit disturbances of elk in this area. Request for additional off-leash areas for dogs to give options instead of using wildlife-sensitive areas. Mental health and recreation are priorities for the community and closing areas for winter use may have a negative impact.

Request to continue the Respect the Wild campaign and collect data as the town invested in that campaign and would like to see 24-month results to assess its impact. Historical planning and approvals of that area were summarized, and the intent was for outdoor recreation. With this proposal the council is asked to mitigate impacts and no decision will make everyone happy.

MOTION: Council Member Ellen Bodenhemier motioned to approve Resolution 72, Series 2023, "A Resolution by the Town Council of the Town of Eagle, Colorado, Determining the Winter Use Restrictions on the Haymaker Trail". The motion was seconded and failed with a vote of 2 in favor (Turnipseed and Bodenhemier) and 5 opposed (Grimmer, Parrish, Kerst, Foral, and Sunday).

2. PUBLIC HEARING: File #DR23-04: 263 Sawatch Rd. Major Development Permit (*Request to Continue until December 12, 2023*)

Mayor Scott Turnipseed opened this item.

Chad Phillips, Community Development Director stated this item is requested to be continued as the town attorney is reviewing the development agreement.

Mayor Turnipseed opened this item for public comment. There was no public comment.

MOTION: Council Member Jamie Woodworth Foral motioned to continue File #DR23-04: 263 Sawatch Rd. Major Development Permit until the December 12, 2023, Town Council meeting. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.

Dave Dantas addressed the council. Requested development agreement to be reviewed before next meeting as this item is already experiencing a delay.

3. PUBLIC HEARING: Ordinance 08, Series 2023 "An Ordinance of the Town Council of the Town of Eagle, Colorado,

Adopting By Reference the 2021 Editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Energy Conservation Code, and the International Fire Code, and the 2020 Edition of the National Electrical Code, with Amendments and Related Definitions"

Mayor Scott Turnipseed opened the public hearing for Ordinance 08-2023.

Eddie Wilson, Building Official presented this item.

Council comments: requested that the town host educational series, training, or public events about code changes. Eddie Wilson stated staff has hosted a builder education series for code changes and will continue with educational outreach.

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

MOTION: Council Member Mikel Kerst motioned to approve Ordinance 08, Series 2023 "An Ordinance of the Town Council of the Town of Eagle, Colorado, Adopting By Reference the 2021 Editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Energy Conservation Code, and the International Fire Code, and the 2020 Edition of the National Electrical Code, with Amendments and Related Definitions". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenheimier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.

4. Ordinance 04, Series 2023 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Chapter 5.10 of the Eagle Municipal Code, Regarding the Local Licensing Authority and Administrative Approval of Applications for Retail Establishment Permits"

Matt Mire Town Attorney requested an amendment to the definition in the Ordinance of the license authority and provided a description of the hearing officer and clerk's duties.

MOTION: Council Member Nick Sunday motioned to approve Ordinance 04, Series 2023 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Chapter 5.10 of the Eagle Municipal Code, Regarding the Local Licensing Authority and Administrative Approval of Applications for Retail Establishment Permits to include an amendment by Town Attorney with a minor change to the definition of the license authority". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenheimier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.

5. Termination of Intergovernmental Agreement Between Eagle County And The Town Of Eagle For The Collection Of Sales Taxes On The Sale Of Cigarettes And Tobacco Products

MOTION: Council Member Geoffrey Grimmer motioned to Direct Staff to terminate the Intergovernmental Agreement Between Eagle County And The Town Of Eagle For The Collection Of Sales Taxes On The Sale Of Cigarettes And Tobacco Products. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenheimier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.

6. Resolution 78, 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 Update Planning Department Fees Due to the New Title 4 Land Use and Development Code Adoption"

Chad Phillips, Community Development Director stated this is an interim adoption of the fee schedule to ensure we can process applications.

MOTION: Council Member Sarah Parrish motioned to approve Resolution 78, 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 Update Planning Department Fees Due to the New Title 4 Land Use and Development Code Adoption". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.

7. PUBLIC HEARING: Adoption of the 2024 Budget

Mayor Scott Turnipseed opened the public hearing for the Adoption of the 2024 Budget.

Council comments: discussion on including an enforcement officer full-time for trails. Chief Bos noted there are numerous golf course complaints about dogs off-leash. Open Space Ranger is a new job function, and they would have access to the trails, animal control will not hike out and neither will code enforcement. Staff can search for a grant program for enforcement. Larry Pardee stated we can do a supplement when we decide we need to amend the budget for this position.

Inquiry on the community opinion survey and the quality-of-life tax. Larry Pardee stated he is meeting with Bill Wray to move forward.

Comment on the Open Space budget and the possibility of a grant for landscaping and a memorial for Kellen at the BMX park.

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

- a. Resolution 75, Series 2023, "A Resolution 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 2023 Budget Year." **MOTION: Council Member Geoffrey Grimmer motioned to approve Resolution 75, Series 2023, "A Resolution 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 2023 Budget Year." The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.**
- b. Resolution 76, Series 2023 "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, 2024, and Ending on the Last Day of December 2024". **MOTION: Council Member Geoffrey Grimmer motioned to approve Resolution 76, Series 2023 "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, 2024, and Ending on the Last Day of December 2024". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.**
- c. Resolution 77, Series 2023 "A Resolution Appropriating 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 2024 Budget Year" **MOTION: Council Member Geoffrey Grimmer motioned to approve Resolution 77, Series 2023 "A Resolution Appropriating 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 2024 Budget Year". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Parrish, Sunday, and Foral) and 0 opposed.**

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

1. Council Committee Updates

Council Member Sunday thanked Chad Phillips and Sarah Parrish for their service.

Council Member Bodenhemier inquired about state liquor law vs. home rule and options for the Town.

Council Member Grimmer stated the Vail Valley Partnership is adding more to their carryover budgets. The Eagle County Conservation District is looking to bring a \$120K ballot initiative for a 2024 tax increase. For the NetZero Action Plan would like the town to fund the Palmer Fund \$15-20K for two more years.

Mayor Scott Turnipseed thanked Chad Phillips. Sarah Parrish and Chief Box for their service to the town

Council Member Kerst stated that Mayor Carver is recovering from surgery and requested the town send a card.

Chad Phillips thanked the council for the opportunity to work at the town.

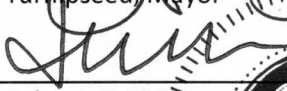
ADJOURN - 9:00 PM

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

Date:



Scott Turnipseed, Mayor



Jenny Rakow, CMC Town Clerk

