



MEETING MINUTES
Town Council
Tuesday, October 22, 2024
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 *This was an in-person meeting using Teams.*

CALL TO ORDER - 6:00 PM

ROLL CALL

COUNCIL MEMBERS PRESENT

Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier,
Geoffrey Grimmer, Nick Sunday, Jamie Woodworth
Foral, Bryan Woods

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Larry Pardee, Town Manager
Melissa Daruna, Assistant Town Manager
Ruthanne H. Goff, Town Attorney
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Carrie Buhlman, Police Chief
Tom Gosiorowski, Public Works Director
Peyton Heitzman, Community Development Director
Lynette Horan, Human Resources Manager
Jessica Lake, Senior Planner
Molly Furtado, Special Events Manager
Sydney Dynek, Planner
Jamie Wilson, Communications & Marketing Specialist
Kira Koppel, Sustainability Specialist
Brian Lieberman, Open Space & Trails Manager
Ryan Goebel, IT Analyst
Kevin Aoki, Information Technology Manager
Nikki Davis, Economic Development & Housing Specialist
Kyle Brotherton, Planner
Stephan Wilson Utilities Manager,
Eddie Wilson, Building Official

ADOPTION OF 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, Sunday, Woodworth Foral, and Woods) and 0 opposed.

PUBLIC COMMENT

Greg Cooper introduced himself and is currently running for Eagle County Commissioner.

Sonia Webb, 713 Bull Run – requested accommodations for the trash cans as they are very difficult. They freeze and are not designed for this area. Wants to know who designed it and who allowed them for the Town.

PRESENTATIONS

1. Eagle Valley Land Trust, Keri Inouye - Community Engagement Manager
Keri Inouye presented this item.

CONSENT AGENDA

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

1. Minutes - October 8, 2024
2. Resolution 75, Series 2024 "A Resolution by the Town Council of the Town of Eagle, Colorado, Amending Terms for Open Space and Recreation Advisory Committee Members to Maintain Staggered Committee Terms"
3. Fleet ZERO Grant Application Match

STAFF REPORTS

1. Town Manager Update

BUSINESS ITEMS

1. PUBLIC HEARING: Land Use File: AN23-01 West Eagle Housing Annexation, Zoning, Preliminary Plan/Final Plat, and Major Development Permit

Mayor Scott Turnipseed opened the Public Hearing for Land Use File: AN23-01 West Eagle Housing Annexation, Zoning, Preliminary Plan/Final Plat, and Major Development Permit.

Council Member Jamie Woodworth Foral recused herself from both the West Eagle and Haymeadow items due to conflicts.

Peyton Heitzman, Town Planner Peyton presented the West Eagle Housing Project, focusing on the annexation application and the provisions of the annexation and development agreement. The project includes public improvements, maintenance requirements, transportation and access, Parkland dedication, affordable housing obligations, and fees.

Annexation Application: Peyton presented the annexation application for the West Eagle Housing Project, highlighting compliance with state statutes, including the 1/6 contiguity requirement and statutory organization integration requirements.

Public Improvements: The project includes public improvements such as water and sewer mains, paving Brush

Creek Rd., and installing curb and gutter. The developer is responsible for the construction and design of these improvements.

Maintenance Requirements: The agreement outlines maintenance responsibilities, with the county or HOA maintaining private improvements and the town responsible for water and sewer mains, fire hydrants, and snow removal within the Brush Creek Road right of way.

Transportation and Access: The agreement includes provisions for transportation and access, requiring the dedication of right of way for Brush Creek Road extension and access from Grand Avenue. Emergency access from the southern end of Castle Drive is also included.

Affordable Housing Obligations: The county committed to making 60% of the 113 units affordable for families earning between 100% and 140% AMI, with 10% administered through the counselor program and the remaining 50% through the Eagle County Affordable Housing program.

Staff are requesting a continuance of this item until November 19th.

Council comments: discussion regarding vesting rights, water rights dedication and language regarding discounted items relating to water. Town water attorney Mary Elizabeth Geiger clarified water dedication cash in lieu and PIF fees. The code does allow negotiation for each development on cash in lieu.

Tori Franks, Eagle County Housing Director and the design team addressed concerns raised in the previous meeting, including building height, solar access, energy performance, and access points. They also discussed the fiscal impact analysis and the annexation development agreement, highlighting the county's position on the real estate transfer assessment and the River Park conveyance.

Building Height: The design team clarified the building height calculations, showing compliance with the old code. They addressed concerns about the height of the tallest buildings and the inclusion of closets in primary bedrooms for parking count accuracy.

Solar Access: The team presented a solar access analysis, showing that the proposed development would not significantly impact solar access for neighboring properties, even on the winter solstice.

Energy Performance: The design team discussed the energy performance of the buildings, highlighting high-performance designs and energy modeling results. They mentioned the potential for geothermal energy to offset photovoltaic (PV) requirements.

Access Points: The team clarified access points, including emergency access only areas and unrestricted access points. They addressed concerns about traffic circulation and the impact on existing neighborhoods.

Fiscal Impact Analysis: Tori Franks acknowledged the need for an updated fiscal impact analysis, incorporating referral comments from the town's finance director and adjusting figures for inflation. The updated analysis will be presented at the next meeting.

Annexation Development Agreement: Franks discussed the county's position on the real estate transfer assessment (RETA) and the River Park conveyance. The county proposed applying RETA to resident-occupied units and allowing the project to pay the Parkland dedication fee in lieu, with a commitment to continue discussions about the River Park conveyance.

Council comments: discussion regarding conveyance of the river park being overdue and is part of the agreement since 2019. Continued discussion regarding RETA application deed restricted units and requested more options

from staff. Jeff Shroll addressed the council regarding the river park conveyance and that it should be a separate issue from this project in order to settle. Both the commissioners and the council should sit down together. A new IGA should be drafted. Attorneys should discuss park land dedication options. A fiscal analysis of the RETA options is needed to make a decision.

Mayor Scott Turnipseed opened public comment:

Bill Minett 760 Bull Run – inquired if Grand Avenue will be completed before the West Eagle project.

Cindy Talley 770 Castle Drive – expressed concern with the traffic study and the solar reports. Requested the project be smaller and include the public park on their property.

Blake Peterson 720 Bull Run – inquired about new fire station location and adding location between Eagle and Gypsum to serve the west side of Eagle.

Debbie Comerford, 107 Oxbow Court - thanked the applicants for the dog park. Still worried about parking and snow removal. Expressed concern about emergency access and the number of vehicles.

Maren Cerimele, 79 Bluffs Drive - speaking for the Vaill Valley Partnership in support of this project.

Gina McCracken, 29 Perch Street - expressed support for this project.

Devin Duval 713 Bull Run – expressed concern with building height with adjacent neighborhoods. Clarification on tap fees and water reductions. Concern with traffic study and impacts. Requested review of code applicability as it relates to public transit and the reality of people using it.

Council Member Geoff Grimmer – requested Greg Shroeder to review his traffic study. Greg explained the methodology and how recommendations were tied to the Grand Avenue project.

Lori Diversy 624 McIntire Street – expressed concern regarding traffic and mobility and felt both studies were done in low season, we need another access point to I70 to offset airport and ski season traffic impacts on Grand Avenue.

Jennifer Duval 713 Bull Run – thanked the council for ability to speak about concerns. Expressed concern with traffic and building height impacts. Inquired about RETA funds and where those would be applied. Does not support the development in its current state and requested a pause.

Mayor Scott Turnipseed closed public comment.

Council comments: discussion on the town's option to buy three units at construction cost and with current costs, the town would not be able to do so. Further discussion on Brush Creek Road extension and requested staff show the extension in the next update. Acknowledged issues expressed tonight from neighbors to the project and commitment to listening to them to make this project better. Would like to see reduced height to reduce impacts to residents.

MOTION: Council Member Bryan Woods motioned to continue the public hearing for Land Use File: AN23-01 West Eagle Housing Annexation, Zoning, Preliminary Plan/Final Plat, and Major Development Permit until November 19, 2024. The motion was seconded and passed with a vote of 6 in favor (Kerst, Turnipseed, Bodenheimier, Grimmer, Sunday, and Woods), 1 abstain (Woodworth Foral) and 0 opposed.

- a. Resolution 70, Series 2024, "A Resolution of the Town Council of Eagle, Colorado Accepting a Petition for Annexation of a Parcel of Land Located in Unincorporated Eagle County and Setting a Public Hearing on the Annexation (The Pasture Annexation)" (*Request for a continuance*)
 - b. Ordinance 10, Series 2024, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory Located in Eagle County and Zoning the Property Residential Multi-Family (West Eagle Housing Annexation)" (*Request for a continuance*)
2. PUBLIC HEARING: Land Use File: PUDA23-01 Haymeadow Major PUD Amendment
Mayor Scott Turnipseed opened the public hearing for Land Use File: PUDA23-01 Haymeadow Major PUD Amendment.

Jessica Lake, Planner presented this item. There is a condition of approval recommended by the Planning Commission.

Council comments: inquiry about not extending gas lines into Haymeadow to keep with net zero. Michael Hood applicant representative stated they will have discussions about extending the gas lines.

Mayor Scott Turnipseed opened public comment.

Joan Monaghan 68 Horton Street expressed support for this project.

The mayor closed public comment.
Ordinance 11, Series 2024, "An Ordinance of the Town Council of the Town of Eagle, Colorado Adopting the Fourth Amended Planned Unit Development Guide and Development Plan for the Haymeadow Planned Unit Development"
 - a. **MOTION: Council Member None motioned to approve Ordinance 11, Series 2024, "An Ordinance of the Town Council of the Town of Eagle, Colorado Adopting the Fourth Amended Planned Unit Development Guide and Development Plan for the Haymeadow Planned Unit Development". The motion was seconded and with a vote of 0 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, and Woods), 1 abstain (Woodworth Foral) and 0 opposed.**
 3. MEAC Funding Recommendations
Molly Furtado Events Manager presented this item.

Council comments: discussion on funding of concerts in the park and requested that we supplement the Vail Valley Foundation to continue our high support of those events.
 - a. 2025 Event Funding
 - b. 2nd Street Seasonal Closure Request
Council comments: would like to hear from the business community. Staff will provide updates with that feedback.
 - c. Resolution 78, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Funding Recommendations and 2nd Street Closure Recommendation of the Marketing and Events Committee"

MOTION: Council Member Nick Sunday motioned to amend the resolution to remove 2nd Street Closure Recommendation and approve Resolution 78, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Funding Recommendations of the Marketing and Events Committee". The motion was seconded and with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.

4. Resolution 77, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Eagle River Community Water Plan"
Kira Koppel Sustainability Specialist presented this item.

James Dilzell from the Eagle River Coalition presented the water plan.

MOTION: Council Member Bryan Woods motioned to approve Resolution 77, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Eagle River Community Water Plan" . The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.

5. Exterior Energy Offset Program
Kira Koppel Sustainability Specialist presented this item.

Discussion is related to calculation of fees for outdoor fireplaces, pools, hot tubs, and snowmelt, related to the energy code adopted last fall.

Council comments: discussed the fees associated with gas fireplace usage, considering the difference between residential and commercial use. They debated the reasonableness of the fees and the potential for splitting the fees based on usage. Gina McCracken emphasized the town's net zero goals and the importance of discouraging natural gas loads. Requested more options for adjusting the gas fireplace fees including a potential \$5000 fee and a 50% offset for residential and commercial use, for further discussion.

6. Resolution 76, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Local Employee Residency Program (LERP) Housing Guidelines, Updated October 2024, Pursuant to Title 4, Section 4.02.050 of the Eagle Municipal Code"
Nikki Davis Economic Development & Housing Specialist presented this item.

Council comments: considered feedback from public comments, including concerns about the point system for government workers and the timeline for capital improvements. They discussed the need to give public employees a bigger leg up in the point system. The Council discussed the possibility of allowing current LERP homeowners to opt into the new deed restrictions. They are exploring this option and will seek legal advice to determine its feasibility before making a final decision.

MOTION: Council Member Geoffrey Grimmer motioned to approve Resolution 76, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Adopting the Local Employee Residency Program (LERP) Housing Guidelines, Updated October 2024, Pursuant to Title 4, Section 4.02.050 of the Eagle Municipal Code". The motion was seconded and failed with a vote of 2 in favor and 5 opposed.

Staff will revise the Resolution and bring it back to the council for consideration.

7. Ordinance 12, Series 2024 "An Ordinance of the Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 5.10.030(A) of the Eagle Municipal Code, Delegating Administrative Authority to the Town Clerk for Liquor Licensing Approvals"

MOTION: Council Member Nick Sunday motioned to approve Ordinance 12, Series 2024 "An Ordinance of the

Town Council of the Town of Eagle, Colorado Repealing and Reenacting Section 5.10.030(A) of the Eagle Municipal Code, Delegating Administrative Authority to the Town Clerk for Liquor Licensing Approvals". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.

8. **PUBLIC HEARING: 2024 & 2025 Budget Presentation**

Mayor Scott Turnipseed opened the public hearing for the 2024 & 2025 budget presentation.

Jill Kane, Finance Director presented this item.

Council comments: reviewed the Open Space Fund budget, including the increase in revenues and expenditures. They discussed the potential for leveraging funds and the importance of enforcing rules related to open space usage. Jill informed the Council about the need to adjust the budget for employee housing rental expenses. The town will have revenue from staff moving into the housing units, which will help cover the expenses.

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

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

Council Member Nick Sunday thanked Eagle PD for the active threat training.

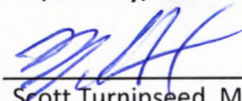
Council Member Nick Sunday stated the Core Transit was voted the best large regional transportation in the State of Colorado.

Council Member Bryan Woods stated the DDA funding allocations were decided. Requested that Eagle join the Colorado Association of Ski Towns at \$2500 for the year. Larry Pardee stated he put money into this year's budget, but it was removed, he stated it is a great program. We will try to add it back into our budget in the future.

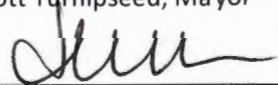
ADJOURN - 10:10 PM

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

Date:



Scott Turnipseed, Mayor



Jenny Rakow, CMC Town Clerk

