



MEETING MINUTES
Town Council
Tuesday, May 12, 2020
ON-LINE MEETING

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

MEETING ACCESS

1. Register in advance for this meeting: [ACCESS THE ON-LINE MEETING HERE](#)

CALL TO ORDER - 6:00 PM

Mayor Turnipseed called the meeting to order at 6:07 p.m.

ROLL CALL

COUNCIL MEMBERS PRESENT

Matt Solomon, Andy Jessen, Mikel Kerst, Scott
Turnipseed, Ellen Bodenheimier, Adam Palmer, David
Gaboury (after appointment)

COUNCIL MEMBERS ABSENT

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
Joey Staufer, Police Chief
Lynette Horan, Human Resources Manager

ADOPTION OF AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

Robert Tadlock, 216 Mayer Street – Update on fundraising for trail work due to budget constraints for the Town on seasonal trails position. Requested to meet with the Town to see what projects can be done with volunteer work and suggested forming an Open Space Committee. Mayor Turnipseed agreed that the town could coordinate on this effort.

Ernest Saeger, 115 Ring Neck Executive Director Vail Valley Mountain Trails Alliance expressed support for trail work and stated local businesses are adopting trails for maintenance.

Yuri Kostick, 1099 Capitol Street / 55 McDonald Street. Expressed interest in being allowed to do patio dining and expanded take out. Would like the Town to look into regulations and be creative in finding options for safe outdoor dining. Council discussion including requesting exemption from Eagle County with regard to restaurants. Town Attorney Mire indicated Vail is exploring some of these options and a future discussion on exemptions can take place.

Scott Schlosser, 390 Bluffs Drive requested road and camping management for Bellyache. The Bluff's neighborhood is heavily impacted by users and worried about fire danger.

VACANCY APPOINTMENT

1. Resolution 26, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Appointing a Councilmember to Fill a Vacancy Due to the Resignation of Councilmember Scott Turnipseed "

Mayor Turnipseed opened this item and thanked all four applicants. Councilmember Solomon read his email response to all those who sent support letters on behalf of those interested in the vacancy.

Mayor Turnipseed explained the policy for filling the vacancy and read the policy for appointment from the adopted Resolution that was required by the Home Rule Charter.

Mayor Turnipseed asked the public attending that if an email was already sent supporting a candidate, we ask only those that have not done so speak.

Councilmember Palmer asked for a placeholder to review the policy in 6-8 months.

The applicants were introduced:

Gabrie Higbie introduced herself and the council asked questions.

Kyle Hoiland was delayed due to connection issues.

David Gaboury introduced himself and the council asked questions.

Kyle Hoiland introduced himself and the council asked questions.

Charlie Gundlach introduced himself and the council asked questions.

Mayor Turnipseed opened this item to the public. There was no public comment.

Council Comments: inquiry on a tie vote, Town Attorney Mire indicated four votes minimum was needed to appoint and the Council would need to deliberate until they could appoint with a majority. Further comments that the decision would be difficult.

Council members sent their email votes to Town Clerk Jenny Rakow. David Gaboury received four votes and was selected as the appointee.

MOTION: Council Member Matt Solomon motioned to Approve Resolution 26, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Appointing a Councilmember to Fill a Vacancy Due to the Resignation of Councilmember Scott Turnipseed ". The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier and Palmer) and 0 opposed.

- a. Oath of Office

Town Clerk Jenny Rakow gave the Oath of Office to David Gaboury and he joined the meeting as the 7th Councilmember.

CONSENT AGENDA

Council Comments: correction to Mayor Turnipseed on page 66.

MOTION: Council Member Matt Solomon motioned to Approve the Consent Agenda with correction noted. Motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier, and Palmer), 1 abstain (Gaboury) and 0 opposed.

1. Minutes - April 28, 2020
2. Bill Pay - April 2020
3. Resolution No. 28, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for Eagle Landing at Brush Creek Townhomes Phase 2b"

STAFF REPORTS

1. Town Manager Update

Brandy Reitter highlighted her report Requested feedback on retreat dates.

Council discussed COVID Budget dates and determined to hold it on May 20th at 6:00 p.m.

Council discussion on retreat dates. Brandy will confer with facilitators on dates and look to do two full days, Friday and Saturday, possibly the week of June 15th.

Council Member Palmer provided a short update on COVID and EOC discussions on blue square guidelines being in effect on May 25th. Noted Eagle County submitted another exemption request. Target date for black diamond is currently June 22nd.

Council discussion on a short-term rental work session. Request for staff to place on next agenda for approval consideration based upon feedback from council/board and previous discussions.

2. Department Update

Council comment on adding encroachment exceptions for small business as an option for added seating.

Eagle Police and social media postings of Eagle at Work were acknowledged.

3. First Quarter Sales Tax Report

4. Lower Basin Water Treatment Plant Project Report

Request to replace Kevin Brubeck to attend Lower Basin Water Treatment Plant subcommittee for updates, site visits and meetings. David Gaboury was selected.

BUSINESS ITEMS

1. **PUBLIC HEARING:** Ordinance 03, Series 2020, "An Ordinance of the Town Council of the Town of Eagle, Colorado, Amending the Holy Cross Energy Franchise Agreement By Increasing the Franchise Fee from 3% to 4%."

Mayor Turnipseed opened the public hearing for Ordinance 03-2020.

Council Member Palmer recused himself due to conflict.

Brandy Reitter provided a summary of the Ordinance and intent for increase.

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

Council Comments: Information was provided on how this fee will offset and support broadband costs for the Town. The fee was included in funding scenarios for feasibility. The effective date would be the next billing cycle. Staff indicated if we do not pass this or delay, it would negatively affect our pro forma \$3700 per month.

MOTION: Council Member Andy Jessen motioned to Approve Ordinance 03, Series 2020, "An Ordinance of the Town Council of the Town of Eagle, Colorado, Amending the Holy Cross Energy Franchise Agreement By Increasing the Franchise Fee from 3% to 4%." The motion was seconded and passed with a vote of 6 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier, and Gaboury), 1 abstain (Palmer) and 0 opposed.

2. Town Council Committee/Board Appointments

- a. Northwest Colorado Council of Governments Representative Appointment (*Annual Appointment*)
Council Member Solomon volunteered.
- b. Economic Development Advisory Council Appointment (*Vail Valley Partnership - Appointment until vacated*)
Council Member Gaboury volunteered.
- c. Town of Eagle Economic Vitality Committee Appointment (*Town of Eagle Appointment until vacated*)
Council Member Gaboury volunteered.

- d. Resolution 18, Series 2020, "A Resolution Of The Town Council Of The Town Of Eagle, Colorado, Accepting The Resignation Of Anne Mckibbin And Appointing Scott Turnipseed To Serve As Town Representative On The Eco Transit Advisory Board"
Mayor Turnipseed volunteered.

MOTION: Council Member Andy Jessen motioned to Approve Resolution 18, Series 2020, "A Resolution Of The Town Council Of The Town Of Eagle, Colorado, Accepting The Resignation Of Anne Mckibbin And Appointing Scott Turnipseed To Serve As Town Representative On The Eco Transit Advisory Board". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier, Palmer and Gaboury) and 0 opposed.

- e. Resolution 19, Series 2020, "A Resolution Of The Town Council Of The Town Of Eagle, Colorado, Accepting Resignation Of Anne Mckibbin And Appointing Ellen Bodenhemier To Serve On The Eagle Ranch Housing Board"

Council Member Bodenhemier volunteered.

MOTION: Council Member Mikel Kerst motioned to Approve Resolution 19, Series 2020, "A Resolution Of The Town Council Of The Town Of Eagle, Colorado, Accepting Resignation Of Anne Mckibbin And Appointing Ellen Bodenhemier To Serve On The Eagle Ranch Housing Board". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier, Palmer and Gaboury) and 0 opposed.

3. Resolution No. 27, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Maren Cerimele and Levi Rozga to the Economic Vitality Committee, and Creating the Position of Alternate to be Filled by Kari McDowell Schroeder".

Bill Shrum provided an update on this item. Maren Cerimele, Levi Rozga and Kari McDowell all introduced themselves.

Mayor Turnipseed thanked all for their interest and participation on this committee.

MOTION: Council Member Matt Solomon motioned to Approve Resolution No. 27, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Maren Cerimele and Levi Rozga to the Economic Vitality Committee, and Creating the Position of Alternate to be Filled by Kari McDowell Schroeder". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Turnipseed, Bodenhemier, Palmer and Gaboury) and 0 opposed.

4. Proposed Amendments to Title 4 of the Municipal Code, involving uses and standards within the Commercial General (CG) Zone District (Discussion)

Chad Phillips introduced this item.

Council Comments: Strong preference to keep this simple to address current conflicts and allow the comp plan review to address this as a whole. Town Attorney Mire stated this will be about a one sentence update to the code and a change to the table of uses. Council agreed to direct staff to prepare an Ordinance to address Title 4 conflicts.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 8:30 PM

Council Member Bodenhemier reiterated that the Open Space Committee suggestion is of interest to support John Staight and trails.

Council Member Solomon would like to consider exception to public safety on hiring freezes if they find someone local with experience; would like to consider an alcohol to go ordinance for beverages at all times. Requested to assign a council member to the Climate Action Committee. Would like to consider drafting a letter from Town of Eagle in support of restaurants and outdoor patios, possibly including an exemption from Eagle County.

Council Member Jessen welcomed the full board. Thanked town staff and public works for helping with sidewalk project. Would like to focus on sustainability measures that require no additional liabilities and invest in future.

1. 2020 COVID-19 Budget Work Session Date Selection
Discussed previously during Town Manager report.

2. Town Council Communications

Mayor Turnipseed asked that the council consider taking turns writing a monthly communication from the

Council either in the Eagle Today newsletter or with the Vail Daily.

ADJOURN - 9:27 PM

Approved:

Date:

Scott Turnipseed, Mayor

