MEETING MINUTES
Town Council
Tuesday, May 26, 2020
ON-LINE MEETING

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Times listed are approximate and are subject to change.

MEETING ACCESS

Register in advance for this meeting:

1. ACCESS THE ON-LINE MEETING HERE

CALL TO ORDER - 6:00 PM

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

ROLL CALL - 6:05 PM

COUNCIL MEMBERS PRESENT

Matt Solomon, Andy Jessen, Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier, Adam Palmer, David Gaboury

COUNCIL MEMBERS ABSENT

None

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
Brian Hall, Special Events Manager

ADOPTION OF AGENDA

Mayor Turnipseed requested to amend the agenda to include a MEAC discussion at the end.

MOTION: Council Member Matt Solomon motioned to Amend the Agenda to include a MEAC discussion. The motion was seconded and passed with a vote of 7 in favor (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, Turnipseed and Jessen) and 0 opposed.

PUBLIC COMMENT

Mayor Turnipseed opened Public Comment for items not on tonight's agenda, there was no public comment.

CONSENT AGENDA

Council Comments: request to change Motion approving Resolution 26 appointing David Gaboury.

MOTION: Council Member Matt Solomon motioned to Approve the Consent Agenda amending motion approving Resolution 26. The motion was seconded and passed with a vote of 6 in favor (Solomon, Palmer, Gaboury* Bodenhemier, Kerst, Turnipseed and Jessen), 0 opposed and 1 abstain (*Gaboury abstained from appointment Resolutions involving

himself).

1. Minutes - May 12, 2020 and May 18, 2020

2. Town Council Appointments

a. Resolution 30, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing David Gaboury to the Vail Valley Partnership's Economic Development Advisory Council"

b. Resolution 31, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Matt Solomon as Representative to the Northwest Colorado Council of Governments"

c. Resolution 29, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing David Gaboury to the Economic Vitality Committee"

3. Resolution 33, Series 2020, "A Resolution of the Town of Eagle, Colorado Extending the Declared Local Disaster Emergency"

STAFF REPORTS

1. Town Manager Update

Brandy Reitter requested approval to follow Eagle County's Stage 2 fire restrictions to inform the Sheriff. Council approved.

Council Comments: request for Board retreat dates. Brandy stated end of June using 25—27 as hold dates.

BUSINESS ITEMS

1. Ordinance 06, Series 2020, "An Ordinance of the Town Council of the Town of Eagle, Colorado, Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, Regarding Short-Term Rentals"

Matt Mire introduced this item.

Council Comments: Inquiry on language related to regulating and controlling use regarding a registration process. Matt Mire stated the language referencing a regulatory process to require registration is standard language. Inquiry regarding definition for Bed and Breakfast. Attorney Mire indicated that definition is already in our code. Discussion on inspections and when allowed. Attorney Mire indicated the Town would only have the right to enter with probable cause. With regarding health safety, a municipal warrant would be required. The owners will sign a sworn affidavit regarding compliance items. Reference to the affidavit within the Ordinance is not necessary as that is an administrative process. Timing of implementation will be updated by Town Manager with a draft affidavit and application at an upcoming meeting.

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

MOTION: Council Member Matt Solomon motioned to Approve Ordinance 06, Series 2020, "An Ordinance of the

Town Council of the Town of Eagle, Colorado, Amending Title 5 of the Eagle Municipal Code by the Addition of a New Chapter 5.17, Regarding Short-Term Rentals". The motion was seconded and passed with a vote of 6 in favor (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, and Turnipseed), 0 opposed and 1 abstain (Jessen).

2. Ordinance 17, Series 2020, "An Emergency Ordinance Authorizing the Town Clerk to Approve Temporary Modifications of Liquor-Licensed Premises"

Mayor Turnipseed opened this item. There were no council comments.

Mayor Turnipseed opened public comment. There was no public comment

MOTION: Council Member Andy Jessen motioned to Approve Ordinance 17, Series 2020, "An Emergency Ordinance Authorizing the Town Clerk to Approve Temporary Modifications of Liquor-Licensed Premises". The motion was seconded and passed with a vote of 7 in favor (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, Turnipseed and Jessen) and 0 opposed.

3. Resolution 32, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Adam Palmer as an Alternate to the Eagle County Climate Action Committee"

Council Member Adam Palmer volunteered for this appointment.

MOTION: Council Member Andy Jessen motioned to Approve Resolution 32, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing Adam Palmer as an Alternate to the Eagle County Climate Action Committee". The motion was seconded and passed with a vote of 7 (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, Turnipseed and Jessen) in favor and 0 opposed.

4. Noon Ball Discussion

Mayor Turnipseed stated this discussion may lead to an executive session regarding the contract with Mountain Recreation and the Eagle County School District with the intent to discuss a negotiation strategy.

Mayor Turnipseed opened public comment.

Philip Qualman, Superintendent of Eagle County School District and resident of Eagle. Provided his support of noon ball and desire to move to a new location to maintain secure schools. Willing to work with third party to reach reasonable value in moving the program.

Janet Bartnik stated the Mountain Recreation board has met and agreed to move the program to the Gypsum Recreation Center to ensure student safety. Willing to offer program free of charge for three months. The Pool & Ice expansion could include a double gym expansion within 30-36 months.

Philip Qualman at the time this IGA was written, school security was vastly different from what it is today.

Sandra Mutchler provided that current access to the program takes place by checking in with front desk and submitting a driver license for sexual offender check. Prior to the remodel there was a back entrance, but that is not good practice to have within the school. Currently there is a lockable door to the showers that is not locked. During the remodel the design was changed, and the separate access was eliminated.

Council Comments: School District did not notify the town regarding change of access plans and its effect on this IGA. Inquiry on making the gym available during all non-student contact days. Currently the gym is available to users when students are not in session. Intent from Mountain Recreation moving to Gypsum Recreation Center is to provide consistent times and access.

Kyle Hoiland 0135 Tanager Circle. Provided his support for Noon Ball and finding a solution to stay at Eagle Valley Middle School and secure the gym.

Juan Baca provided his support for Noon Ball and staying in its current location and not moving to Gypsum.

Derrick Weimer provided his support for the program to continue in its current location as the Mountain Recreation employee who supervises the program.

Donnie Robinson, 135 Mill Road provided his support of the Noon Ball program in its current location.

Chris Fedrizzi provided his support of the program at its current location. Felt that the IGA was not taken into consideration in the design of the building.

Thomas Pohl, Mountain Recreation Board Member emphasized that there is no desire to eliminate the program only accommodation on finding a new location as current location is no longer appropriate.

Liz Jones, Mountain Recreation Board Member stated the Board unanimously wanted to move this program and believes it solves all issues in moving to Gypsum.

Derrick "Fat Freddie" and his wife provided their support for the Noon Ball program in its current location and believed the players and participants are conscious of protecting students.

Chris Fedrizzi followed up that changing location would impact participants that live in Edwards. Felt Noon Ball players should have been involved in the meetings where discussions and decision to relocate were made.

Sandra Mutchler provided that a Safe to Tell incident was reported to the school regarding the showers.

Council Comments: would like to see this program remain in our community.

Mayor Turnipseed requested an Executive Session be scheduled for the next meeting to discuss.

5. 2020 COVID-19 Budget Work Session Follow Up

Brandy Reitter stated we are scheduling another worksession in July to update the Council on impacts.

Council Comments: request to get information prior to the meeting for time to review. Request to have all yellow highlighted items broken out by line item amounts.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

Palmer: BLM and an outdoor group are moving towards management of Bellyache and camping to address safety and appropriately protecting the area from any wildfire hazard.

Jessen – request to reopen town hall public restrooms.

Solomon – requested to add committee updates to the agenda and for Town Manager to have a running tally of updates up on public comments from prior meetings.

MEAC Discussion

Council Comments: Request to review what is being funded and what is not. Jill Kane provided that amounts reflect those events that are currently canceled and not utilizing town funds. There are pending events that have not officially canceled or are anticipated to occur. Those funds are still within this budget number. If the Council decides to utilize the canceled event funds of $38.500.00 which will increase the transfer from either capital improvements or fund balance. There are also $13,200.00 in Community Requests anticipated. Request to keep funding available for events to increase confidence for event organizers. Requested staff to provide a new breakdown that includes MEAC and Community Request funding.

MOTION: Council Member Gaboury motioned to allow staff to distribute funds to events in the amounts already approved in the MEAC budget for events that can take place up to $38,500.00. Motion was seconded and passed with a vote of 5 in favor (Palmer, Gaboury, Bodenhemier, Kerst, and Turnipseed), 1 opposed (Solomon), 1 abstain (Jessen).

Council Comments: This motion will not address all events and MEAC items not discussed.

MOTION: Matt Solomon motioned to approve the $38,500.00 to work the $250K remaining budget discussions for remaining events. There was not a second and Motion failed.

Discussion on community events and whether it is requested to allow staff to distribute. All Community Requests are included in Scenario A.

MOTION: Matt Solomon motioned to approve $18,850.00 to be used for Community Requests for Community Events as listed in the spreadsheet. Motion was seconded and passed with a vote of 7 in favor (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, Turnipseed and Jessen) and 0 opposed.

MOTION: Council Member David Gaboury motioned to fund all programs in the Community Requests spreadsheet totally $13,200.00. The motion was seconded and Passed with a vote of 7 (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, Turnipseed and Jessen) in favor and 0 opposed.

EXECUTIVE SESSION

1. To hold a conference with the Town's attorney to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators, as it relates to the Eagle River Park and request to adjourn the regular meeting at the conclusion, pursuant to C.R.S. § 24-6-402(4)(b) and (e).

   MOTION: Council Member Scott Turnipseed motioned to Adjourn To hold a conference with the Town's attorney to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators, as it relates to the Eagle River Park and request to adjourn the regular meeting at the conclusion, pursuant to C.R.S. § 24-6-402(4)(b) and (e). The motion was seconded and Passed with a vote of 7 in favor (Solomon, Palmer, Gaboury, Bodenhemier, Kerst, Turnipseed and Jessen) and 0 opposed.

ADJOURN - 8:45 PM

Approved:
Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk

OFFICIAL SEAL TOWN OF EAGLE Est. 1905