



**MEETING MINUTES**  
**Town Council**  
**Tuesday, July 28, 2020**  
**ON-LINE MEETING**

*This agenda and the meetings can be viewed at [www.Townofeagle.org](http://www.Townofeagle.org).  
Times listed are approximate and are subject to change.*

**MEETING ACCESS**

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**

**COUNCIL MEMBERS PRESENT**

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

**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  
Byron McGinnis, Public Works Director  
Joey Stauffer, Police Chief  
Lynette Horan, Human Resources Manager

**ADOPTION OF AGENDA**

There were no changes to the agenda.

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

**PUBLIC COMMENT**

Clark Gundlach – Clark updated the Council on his new ski showroom and for Progression Brands in Eagle.

**PRESENTATIONS**

1. Hardscrabble Trails Coalition Trail Funding Request - Will's Thrills  
Robert Tadlock provided information from HTC regarding Will's Thrills project.

Council Comments: inquiry on seasonal wildlife closures with BLM. HTC is working with BLM and the Town to close trails. Inquiry on which fund to use for this donation. Jill Kane provided it can come from either Open Space

or the General Fund.

**MOTION: Council Member Andy Jessen motioned to approve a \$5,000.00 donation to the Hardscrabble Trails Coalition. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**

#### **CONSENT AGENDA**

Council Comments: Nathan Lehnert Eagle County Animal Control addressed code consolidation with Eagle County communities. They are still working with everyone and hope to have a proposal by end of year for adoption.

**MOTION: Council Member Matt Solomon motioned to approve the consent agenda. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**

1. Minutes - July 14, 2020
2. Resolution 40, Series 2020, "A Resolution Approving an Intergovernmental Agreement Between Eagle County and the Town of Eagle for the Provision of Animal Services"

#### **STAFF REPORTS**

1. Town Manager Update

Council Comments: Additional LERP language will be added to the Town's website. Discussion on alternatives for the art wall due to postponed wall improvements by Alpine Lumber. Suggestion to continue the momentum with the art wall committee and consider working with CDOT's easement to include improving the landscaping.

- a. 2020 Financial Report

Council Comments: request for year to year comparison for future reports.

#### **BUSINESS ITEMS**

1. QUASI JUDICIAL HEARING: Land Use File Number AN17-01 Red Mountain Ranch Annexation  
Mayor Turnipseed opened this item.

Carrie McCool - presented this item.

Town Attorney stated Council shall limit discussion on the annexation only with no public comment as this item is limited to the petition and statutory requirements.

Council Comments: inquiry on the requirement for property owners to maintain their property through the annexation process. Matt Mire stated generally no. The next steps were outlined by Carrie McCool and include setting the public hearing for September 22nd. The development agreement has already been drafted.

- a. Resolution 41, Series 2020, "A Resolution of the Town Council of the Town 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 (Red Mountain Ranch)"

**MOTION: Council Member David Gaboury motioned to approve Resolution 41, Series 2020, "A Resolution of the Town Council of the Town 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 (Red Mountain Ranch)". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**

2. QUASI JUDICIAL HEARING - PUBLIC HEARING: Land Use File Number CT20-02  
Soleil Homes at Brush Creek Filing 2, Phase II, Plat to re-subdivide lot 16 into duplex lots 16-A and 16-B  
Peyton Heitzman presented this item.

Council Comments: confirmation that conditions were included in the Resolution.

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

- a. Resolution 42-2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for Lot 16, Soleil Homes at Brush Creek Filing 2, Phase II"
- MOTION: Council Member Andy Jessen motioned to approve Resolution 42-2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Final Plat for Lot 16, Soleil Homes at Brush Creek Filing 2, Phase II". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**
3. Mobile Vending Ordinance and Resolution to Adopt Mobile Vending Permit Fee  
Bill Shrum presented this item.

Council Comments: inquiry on mobile vending only being allowed 5 days a week. Bill explained that the River Park will be considered long term and issued a mobile vending permit. This Ordinance will apply to short term locations and must only move after five days. Inquiry on the mobile vending fee. Bill provided that this is the same amount we currently charge for encroachment permits. Discussion on ordinance language and whether it should be included in the permit language as a policy for issuance. Brandy Reitter provided that the Ordinance language is intended to relate to enforcement and using code language to back up any issues related to violations. Confirmation that this will not apply to events with mobile vendors. Discussion on the start time for mobile vending and request to change to 6:00 a.m. operation start time.

- a. Ordinance 14, 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, to Allow Mobile Vending in Designated Areas within the Town"
- MOTION: Council Member Matt Solomon motioned to approve Ordinance 14, 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, to Allow Mobile Vending in Designated Areas within the Town" with the change to Section 5.17.060 G. Mobile food vendors shall only operate between the hours of 6:00 a.m. to 9:00 p.m. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**
- b. Resolution 43, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Amending the Fee Schedule Concerning Mobile Vending"

**MOTION: Council Member Matt Solomon motioned to approve Resolution 43, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Amending the Fee Schedule Concerning Mobile Vending". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**

4. Open Space and Recreation Advisory Committee Proposal

Ellen Bodenhemier presented this item.

Council Comments: request to include one council member as a liaison, Ellen stated she will be the council liaison. Inquiry on whether objectives will include parks and recreation in addition to open space. The intent is that parks and recreation will be included, although programming and maintenance will not. Bylaws will be created once the committee is formed. The intent is to have 5-7 committee members total. Inquiry on whether members should be Eagle residents, confirmation that it will include only Eagle residents. Staff will also assist the committee and will be within the Open Space Department. Phil Kirkman, Ernest Saeger, and Jessica Foulis spoke in support of the committee and their partnership to support it.

**MOTION: Mayor Scott Turnipseed motioned to approve Resolution 44, Series 2020 A Resolution of the Town Council of the Town of Eagle, Colorado Establishing the Open Space and Recreation Advisory Committee. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**

5. Open Space Staffing Proposal

Brandy Reitter presented this item.

Council Comments: Discussion on waiting for the ballot question to be addressed before allocating funds for the position. Discussion on wage level. Jill Kane provided that this is the current hourly rate and is above the mid-point and was used for budget purposes. Council discussed the goal of funding open space activities with a funding stream. Concerns regarding tax revenue being able to do so. Further discussion on placing staff salary into the general fund. Staff requested direction to start advertising for a full-time position with not to exceed salary and benefit a total of \$134,000.00. Further discussion will take place on whether a variance is necessary to accommodate the salary of this position from the general fund.

**MOTION: Council Member Adam Palmer motioned to direct staff to advertise for the Open Space position not to exceed \$134,000. The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.**

6. Review of Current Available MEAC and Community Events and Program Funds

Brian Hall presented this item.

Council Comments: Discussion on whether the council should delegate decision making to Brian Hall and Brandy Reitter on the remaining amounts available for events and community funding using the process outlined by Brian Hall. A further discussion that MEAC should make event funding recommendations and allow staff to approve and implement those on behalf of the Council.

**MOTION: Council Member Matt Solomon motioned to direct staff to work with MEAC on recommendations for funding event applications with the remaining \$24,000.00 and direct staff to review and approve community funding requests with the remaining \$12,000.00. The motion was seconded and passed with a vote of 7 in**

favor (Solomon, Jessen, Kerst, Bodenhemier, Palmer, Gaboury, Turnipseed) and 0 opposed.

7. 2020 Lodging Tax Ballot Proposal  
Brandy Reitter presented this item.

Council Comments: discussion on placing salaries for open space and events in general fund. Discussion on placing a ballot question on the ballot for voters to consider changing from per night tax to percentage, what percentage to use for a lodging tax and whether to continue to include both events, marketing and open space as recipients of the lodging tax.

**MOTION:** Council Member Andy Jessen motioned to Direct Staff to set a ballot question on the November ballot, prepare the ballot language for approval by the Council, change the lodging tax from a per night occupation tax to a 6% percent tax per night and retain the original ballot language that includes revenue from the tax be for events, marketing and open space. The motion was seconded and passed with a vote of 6 in favor (Jessen, Kerst, Bodenhemier, Palmer, Turnipseed) and 2 opposed (Solomon and Gaboury).

#### **COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS**

1. Standing Work Sessions

Staff requested the Council choose a standing work session day and time to schedule upcoming items. Council chose the first Tuesday of the month from 4-6 p.m.

2. Council Committee Updates

Council Member Jessen requested staff provide strategy for communication regarding short term rentals and mobile vendors with regard to recent Ordinances.

3. 4H and Community Food Bank Funding Request

Update to the Council, Mayor Turnipseed and Council Member Bodenhemier purchased a 4H animal to donate to the foodbank.

#### **EXECUTIVE SESSION (Not held)**

#### **ADJOURN - 8:35 PM**

Approved:

Date:

  
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Scott Turnipseed, Mayor

  
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Jenny Rakow, CMC Town Clerk

