MEETING MINUTES
Town Council
Tuesday, September 22, 2020
ON-LINE MEETING

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Times listed are approximate and are subject to change.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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

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

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

ADOPTION OF AGENDA

Mayor Turnipseed amended the agenda to remove Business Item #1 Resolution 61, Series 2020.

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

MOMENT OF SILENCE

Mayor Turnipseed held a moment of silence for the family in Gypsum.

PUBLIC COMMENT

Opened public comment. There was no public comment.

PRESENTATIONS

1. Lower Basin Water Treatment Plant Update Presentation

Bryon McGinnis opened this item. Presentations were given by Warren Swenson from SGM, Michael Haarmann, and Tyler Hendrix from MWH Constructors.

Council Comments: requested update on the schedule for substantial completion. Tyler Hendrix stated right now the schedule reflects substantial completion by February 11th and final completion by April 13th. Discussion on subsurface engineering law as presented by Warren Swenson.

CONSENT AGENDA

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

1. Minutes - September 8, 2020

2. CIRSA - 2021 CIRSA Property/Casualty Preliminary Contribution Quotation

3. Energy Impact Grant Scope of Work Amendment, Town of Eagle Fiber Extension and Meet-Me Center

4. Resolution 62, Series 2020, "A Resolution of the Town of Eagle Extending the Declared Local Disaster Emergency"

5. Resolution 65, Series 2020, "A Resolution of Town Council of the Town of Eagle, Colorado, Authorizing Release of Funds in Escrow Due to Completion of Public Improvements (Haymeadow)"

STAFF REPORTS

1. Town Manager Update

   Council Comments: an update on the plastic bag discussion and recycling will be updated as additional information is received. Confirmation that IT budget was a not to exceed amount.

BUSINESS ITEMS

1. Resolution 61, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Appointing ____ and _____ to Fill Vacancies on the Town of Eagle Planning and Zoning Commission"

   This item was removed from this agenda and will be rescheduled.

2. Mountain Recreation: Haymaker Trailhead Improvements Draft Phasing Plan, Janet Bartnik

   Janet Bartnik presented this item. Information included fundraising effort for Mountain Recreation for these improvements prior to placing a ballot question to the voter's next fall. The purpose of tonight's presentation is to gain consensus that the Council is comfortable with the first phase of projects from the concept plan.

   Council Comments: Discussion on the relocation of the pool. Concept plan location for bike park and gymnasium to host noon ball program. Confirmation of a fundraising goal of $20 Million. A timeline will be available pending town contributions to improvements. Consensus on concept plan phasing as presented.

3. QUASI JUDICIAL HEARING/PUBLIC HEARING: Land Use File AN18-01 Hockett Gulch Annexation Agreement

Mayor Turnipseed opened Land-Use File AN18-01 Hockett Gulch Annexation Agreement.

Chad Phillips presented this item as a request to approve the proposed Assignment and Assumption of Annexation Agreement from BCP Eagle LLC to EPOCH GCH HOCKETT GULCH HOLDINGS LLC, a Colorado limited liability company. The Town attorneys have drafted the assignment and the Resolution and those are prepared for your consideration tonight.

Town Attorney Matt Mire noted that Council's consent is required in order for the assignment and sale to occur.

Chad Brue 2446 Frost Creek stated he is excited to see workforce housing in Eagle.

Council Comments: Confirmation from the applicant that the project will remain the same as previously approved. If changes are made they will need Town review and approval. New owner representative Jonathan Powers indicated there were no plans to change the project. The estimated time to begin will be within the next few months and the end of next summer for construction.

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

a. Resolution 69, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Assignment and Assumption of Annexation Agreement Between BCP-Eagle I, LLC, Epoch GCH Hockett Gulch Holdings LLC and the Town of Eagle"

MOTION: Council Member Matt Solomon motioned to approve Resolution 69, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Assignment and Assumption of Annexation Agreement Between BCP-Eagle I, LLC, Epoch GCH Hockett Gulch Holdings LLC and the Town of Eagle". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Turnipseed, Palmer, Bodenhemier, Kerst, and Gaboury) and 0 opposed.

4. QUASI JUDICIAL HEARING/PUBLIC HEARING: Land Use File Number AN17-01 Red Mountain Ranch Annexation

Mayor Turnipseed opened Land Use File AN17-01 Red Mountain Ranch Annexation; PUD17-01 Planned Unit Development (PUD); PP/FP19-01 Red Mountain Ranch Subdivision Filing 5, Final Plat; and Annexation and Development Agreement and the Public Hearing.

Carrie McCool introduced this item and stated the applicant will present first.

Rick Pylman presented for Red Mountain Ranch.

Council Comments: Discussion on whether ADUs are included in the density, Mary Elizabeth stated they are not, but will affect EQR assessment, which are limited. Confirmation that Red Mountain Ranch will own and operate the wastewater treatment until it ties into the town at Nogal Road. Confirmation that water dedication fees were a combination of cash and water rights.

Carrie McCool gave the presentation of the project and request on behalf of the Town.

Mayor Turnipseed opened public comment.

Pat Adler: 9836 N 60th Place Paradise Valley Arizona. Requested that this item be tabled and not approved tonight and provided statements regarding access and right of way issues this project impacts for Red Development on Highway 6.

Markian Fedushiak 004 Blue Grouse. Markian spoke on behalf of Walking Mountain Science Center and as a resident in support of approval.

Carolyn White – Attorney for RED Development. Provided additional information related to access and right of way issues. Stated there was no objection to the annexation, only objection to the plat approval. Stated there is a conflict with existing approvals with Eagle River Station. Requested the Town delay approval of the plat until these issues can be resolved. Further stated that RED Development is a willing partner to sit at the table and work through these issues.

Dan Godec - Edwards resident. Expressed support for approval.

Katie Santambrogio 255 4th of July Road. Expressed support for approval.

Brain XXXXX was unable to provide statements.

Mayor Turnipseed closed public comment.

Applicant Merv Lapin requested Kari McDowell speak on behalf of Red Mountain Ranch regarding access and right of way issues with RED Development.

Kari Schroeder, McDowell Engineering, 241 Broadway stated she has been working on the access plan for Highway 6 for Red Mountain Ranch, and RED Development was not interested in joining the access management process with CDOT and Red Mountain Ranch. Access permits were issued in March 2020 by CDOT.

Town Attorney Matt Mire clarified the reasoning for approval of final plat at this hearing is to transfer the open space parcels to the Town. This is a final annexation plat; each individual parcel will be platted again for final plats. Council is approving PUD zoning, however, there is no development plan being approved as a development application has not been submitted. Council's decision tonight will have no bearing on private agreements made between the parties.

Dan Reynolds Attorney for Red Mountain Ranch stated that Red Mountain Ranch remains interested in working on locations for roundabouts with all parties. We believe it meets the criteria and should be approved.

Chad Phillips – confirmed access permits were sought and granted for access for the Southern entrance.

Kari McDowell – provided further comments regarding the location of the roundabout on the property during development planning.

Council Comments: Discussion on stream setbacks and process for variances. Recommendation to stay with 75 feet setbacks. Request to commit to sustainability as indicated in the Town's strategic plan and community plan. Discussion on reasonable limits for the square footage of homes to keep with the character of the area. Confirmation that the access ramp dedication will be due at development permit. Discussion on height limit and decision to stay with town code definition, which is 40 feet to mid-point. Carrie McCool indicated making this change can be a condition of approval. Discussion on design review guidelines language revisions to determine who will be approving them as a condition. Discussion on PUD process, purpose, and authority. Further discussion determined house size will be addressed in design review guidelines. The applicant agreed to conditions regarding building height to follow town code and Design Review Guidelines be updated to include Town review and approval.

a. Resolution 68, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Making Certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County (Red Mountain Ranch)"

MOTION: Council Member Matt Solomon motioned to approve Resolution 68, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado Making Certain Findings of Fact Regarding the Proposed Annexation of Real Property Located in Unincorporated Eagle County (Red Mountain Ranch)". The motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Turnipseed, Palmer, Bodenhemier, Kerst, and Gaboury) and 0 opposed.

b. Ordinance 22, Series 2020, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory Located in Eagle County, Zoning the Property Planned Unit Development, Approving the Associated Final Plat, and Approving the Associated Annexation and Development Agreement Creating Vested Property Rights (Red Mountain Ranch)"

MOTION: Council Member Matt Solomon motioned to approve Ordinance 22, Series 2020, "An Ordinance of the Town Council of the Town of Eagle, Colorado Annexing to the Town Certain Unincorporated Territory Located in Eagle County, Zoning the Property Planned Unit Development, Approving the Associated Final Plat, and Approving the Associated Annexation and Development Agreement Creating Vested Property Rights (Red Mountain Ranch)" with the following condition to include a building height requirement as defined in our Town Code as 40 feet to the maximum height to existing or proposed grade whichever is more restrictive. The motion was seconded.

AMENDED MOTION: Council Member Matt Solomon motioned to amend his original motion to include an additional condition that Design Review Guidelines be approved by the Town. The amended motion was seconded and passed with a vote of 7 in favor (Solomon, Jessen, Turnipseed, Palmer, Kerst, Bodenhemier, and Gaboury) and 0 opposed.

5. Town of Eagle Downtown Development Authority Ballot Request and Affidavit for Designation of Voting Representative

Brandy Reitter presented this item. The request is to appoint the Mayor to sign off on the DDA Affidavit on behalf of the Town.

Council Comments: Discussion on whether the town should vote on this item and if there is a conflict. Further discussion on the formation of the DDA and how it is governed.

MOTION: Council Member David Gaboury motioned to authorize Scott Turnipseed as Mayor to complete the Affidavit for the Town-owned properties of 200 Broadway and 108 W Second Street. The motion was seconded and passed with a vote of 6 in favor (Jessen, Turnipseed, Palmer, Bodenhemier, Kerst, and Gaboury) and 1 opposed (Solomon).

6. Resolution 66, Series 2020, "A Resolution of Town Council of the Town of Eagle, Colorado Consenting to Provide Extraterritorial Wastewater Collection Services by Contract to Property Located at 1819 Brush Creek Road, Eagle County, Colorado"

Mayor Turnipseed recused himself from this item as this is his property.
Mayor Pro Tem Jessen opened this item. Bryon McGinnis was present to answer questions.

Council Comments: confirmation that approving this now will create one less step later if the property is annexed. Council preferred that Andy Jessen's name appear as the signor on this Resolution. Staff will update.

MOTION: Council Member David Gaboury motioned to approve Resolution 66, Series 2020, "A Resolution of Town Council of the Town of Eagle, Colorado Consenting to Provide Extraterritorial Wastewater Collection Services by Contract to Property Located at 1819 Brush Creek Road, Eagle County, Colorado". The motion was seconded and passed with a vote of 5 in favor (Solomon, Jessen, Bodenhemier, Kerst, and Gaboury), 1 opposed (Palmer) and one abstention (Turnipseed).

7. Resolution No. 70, Series 2020, A Resolution of the Town Council of the Town of Eagle, Colorado, Directing the Town's Officers and Staff to Undertake Certain Actions Toward the Construction and Financing of a Broadband System, to be Owned and Operated by the Town Through a TABOR Enterprise"

Council Comments: Discussion on project data, risk, and need for more information including a feasibility study, business plan, pro forma, and income statement to consider further.

Brandy Reitter stated if the Council does not act on this Resolution, staff will wait until the Council is comfortable with bids and funding proposals. The intent was to clarify the work session discussion and expectations of staff moving forward with broadband.

MOTION: Council Member Andy Jessen motioned to approve Resolution No. 70, Series 2020, "A Resolution of the Town Council of the Town of Eagle, Colorado, Directing the Town's Officers and Staff to Undertake Certain Actions Toward the Construction and Financing of a Broadband System, to be Owned and Operated by the Town Through a TABOR Enterprise". The motion was seconded and failed with a vote of 3 in favor (Turnipseed, Jessen, and Palmer) and 4 opposed (Kerst, Solomon, Gaboury, and Bodenhemier).

Council requested another presentation on the feasibility and proforma. Staff will move forward with approved broadband projects.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

Solomon noted October 1st will be the first Elevate Eagle meeting.

Jessen will send an email update to Council.

Bodenhemier will be reviewing citizen applications for Open Space Committee.

Palmer noted trail work for Brush Creek Ranch Open Space to Haymaker area will have a ribbon-cutting for Wills Thrill Trail.

Turnipseed confirmed that Comcast stopped doing any work in the Town right of way until the investigation is complete.

1. Council Committee Updates

2. Town Council ballot support for Gallagher and Downtown Development Authority

Staff will bring both to the next meeting.

ADJOURN - 10:15 PM

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

approved:
Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk