

The regular meeting of the Vail Town Council was called to order at approximately 6:00 P.M. by Mayor Chapin.

Members present:	Dave Chapin, Mayor Jenn Bruno, Mayor Pro Tem Dick Cleveland Kevin Foley Kim Langmaid Jen Mason Greg Moffet
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Staff members present:	Stan Zemler, Town Manager Matt Mire, Town Attorney Patty McKenny, Town Clerk
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1. Citizen Participation

Public comments were heard as follows::

1. Vicki Kalowski expressed concern about inadequate signage in their commercial area near Corcoran Dentistry & Chicago Pizza on the South Frontage Road due to the I-70 construction project; she requested an additional sign be placed somewhere that informs the public the local business access is open.
2. Michael Cacioppo suggested attracting a pickleball group with Vail hosting a tournament to continue to attract an existing market of visitors.

2. Any action as a result of executive session

None at this time

3. Consent Agenda

3.1. Minutes from July 5, 2016 meeting

Foley moved to approve July 5, 216 minutes; Bruno seconded the motion and it passed (7-0).

3.2. Minutes from July 19, 2016 meeting

Foley moved to approve July 19, 2016 minutes; Bruno seconded the motion and it passed (7-0).

3.3. Slifer Square Repairs Project - Design Contract Award

Presenter(s): Chad Salli

Background: Slifer Square Repairs project includes water quality improvements, storm sewer repairs, snowmelt main replacement and reconstruction of the fountain. The Town issued a Request for Proposals in July for the design of this project. Three proposals were received, Brightview Design Group, Zehren and Associates and Norris Design. After a thorough review of the proposals, staff recommends awarding the design contract to Brightview Design Group, in the amount of \$108,315.00. This is within the design phase budget and scheduled for a spring/fall 2017 construction.

There was brief discussion about the timeline of the project; staff noted the bids & utility work would be completed in the spring, no work during the summer, and the construction would be completed fall 2017. Foley moved the Town Council authorize the Town Manager to enter into an agreement, in a format approved by the Town Attorney, with Brightview Design Group in an amount not to exceed \$108,315.00 to complete the Slifer Square Repairs Project; Bruno seconded the motion and it passed (7-0).

4. Town Manager Report

Town Manager noted that next Tuesday is Vail 50th birthday and festivities to begin at 4 pm Donovan Pavilion and the community is invited to attend.

5. Action Items

5.1. Discussion about proposed lift tax ballot question (Public input is welcome on this topic)
Presenter(s): Stan Zemler, Town Manager, Matt Mire, Town Attorney

Action Requested of Council: Request direction about proposed lift tax ballot August 16, 2016
Question and amount of rate increase.

Background: Discussion about proposed ballot language addressing an increase in the ski area lift ticket admissions tax. Public input is welcome on this topic.

Proposed Ballot Language:

SHALL THE TOWN OF VAIL SKI AREA LIFT TICKET ADMISSIONS TAX BE INCREASED BY \$_____ IN THE FIRST FISCAL YEAR AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN ADDITIONAL TAX OF 4%, COMMENCING JANUARY 1, 2017 AND CONTINUING THEREAFTER, SO THAT THE TOTAL LIFT TICKET ADMISSIONS TAX IS 8%, WITHOUT MODIFYING THE MANNER IN WHICH SUCH TAX IS ASSESSED OR COLLECTED OR THE PRIVILEGES SUBJECT TO SUCH TAX; WITH ALL REVENUES COLLECTED, RETAINED AND EXPENDED FOR SUCH TAX TO BE USED FOR GENERAL TOWN PURPOSES; AND SHALL ALL SUCH REVENUES BE COLLECTED, RETAINED AND EXPENDED AS A VOTERAPPROVED REVENUE CHANGE NOTWITHSTANDING ANY RESTRICTION UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Town Attorney provided brief background on the topic outlined in the memo. Mayor Chapin accepted public input at this time with comments as follows:

- Stephen Connelly, resident, asked if the tax were passed which fund would own the monies; he requested that the question address dedicating the funds to specific expenditures, such as parking and housing, as it might be more acceptable to the voters.
- Susie Tjossem, resident, expressed concern about the what little public process has been held on the topic, more study is needed, VRI is a great partner, be careful of unintended consequences, and requested the town not move forward with a tax increase at this time.
- Andy Daly, resident, former Mayor and President of Vail Resorts, shared his perspective that this topic of parking deserves attention from the partnership of the town and the ski company. Acceptable solutions must be developed by both entities, more public process should occur, must be a thought plan addressing specific problem areas.
- Chris Jarnot, Vail Resorts, Inc., Chief Operating Officer made several comments as follows:
 - ✓ Acknowledged others attending on behalf of VRI.
 - ✓ Acknowledged the need to proactively reconnect with Town of Vail on matters of interest and concern; this lift tax increases topic has gotten the company's attention and he expressed his personal commitment to work together.
 - ✓ Read a letter from VRI into the record which addressed multiple aspects of "parking".

- ✓ Acknowledged that the Lionshead parking structure has been challenged in meeting parking demands, probably due to various reasons.
- ✓ Requested that a “working group be identified to partner to solve the problems, with both short term and long term plans to address the parking.
- ✓ Spoke about the commitment from VRI to help fund future parking needs in the amount of \$4.3M.
- ✓ Requested monthly meetings with Mayor and Town Manager and apologized for the fact that they were not engage earlier on topics of mutual concern.
- ✓ Spoke about another topic of concern, workforce housing that also needs to be addressed in Vail and regionally.

Mayor Chapin thanked those who gave public input. Council comments were heard at this time with some highlights as follows:

- Topic was raised in light of activity at other ski areas owned by VRI, Park City, Breckenridge, and Whistler.
- Bond market is ideal at this time.
- The increase in tax should fund specific expenditures related to parking and housing
- Now is the time to work with all of Vail’s stakeholders to improve the quality of life for residents related to parking and housing because no one can solve the problems solely.
- Let this environment serve as notice that is time for all to engage on these topics that continually are raised by the community as problem areas. It is time to develop some goals to solve the problems.
- The relationship between TOV and VRI has been good in the past, but lately has been a quiet relationship with not much cooperation or proactive problem solving, it is time for a re-engagement.

Chapin summarized the outcome of this effort was to get everyone’s attention; it is time for the town and VRI’s commitment to meeting frequently to discuss matters of concern, including parking and housing. The groups must discuss and develop a plan that describes actions and deliverable dates that is communicated to the public. Chapin was not in favor of the proposal and there was consensus from the council members not to move this topic forward to a ballot proposal.

5.2. Resolution No. 26, Series of 2016, A Resolution Approving an Intergovernmental Agreement Between the Town of Vail and Eagle County Concerning the Administration and the Conduct of Eagle County’s Coordinated Election on November 8, 2016 and Setting Forth Details in Regard Thereto

Presenter(s): Matt Mire, Town Attorney

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 26, Series of 2016.

Background: The Resolution approves an Intergovernmental Agreement with Eagle County for the Clerk and Recorder’s Office to provide services related to the administration and conduct of the November 8, 2016 General Election. The election is conducted as a mail ballot election.

Moffet moved to deny Resolution No. 26, Series of 2016, A Resolution Approving an Intergovernmental Agreement Between the Town of Vail and Eagle County Concerning the Administration and the Conduct of Eagle County’s Coordinated Election on November 8, 2016 and Setting Forth Details in Regard Thereto. Foley seconded the motion and it passed (6-1;

Cleveland nay). Cleveland had asked that VRI consider immediately releasing the \$4.3 M pledged funds to the Town of Vail to be used for parking solutions.

5.3. Selection of Contractor for Management of Vail Welcome Centers/Host Program

Presenter(s): Suzanne Silverthorn, Director of Communications

Action Requested of Council: Solicit public comment and provide the due diligence needed to direct the staff to prepare a contract for operation of the Vail Welcome Centers and Community Host Program beginning October 1, 2016 with the firm best qualified to leverage the Town's resources to fulfill its stated goal of delivering a five-star customer experience. The term of this contract shall be for one year with the opportunity to renew the contract for an additional two years based on exceptional performance.

Background: On May 19, 2016, the Town of Vail issued a request for proposals for management of its Welcome Centers, the Volunteer Community Host Program and Guest Welcome Services Program. The three firms responding to the RFP (in alphabetical order) – Colorado Activity Centers, Inc., Donovan Pavilion Management, Inc. and Vail Info Inc. – were forwarded to the final round which included preparation of a written business plan and interviews with the Town Council on August 2, 2016. The current service contract for management of the Welcome Centers/Host Program expires on September 30, 2016.

Silverthorn presented a brief recap of the last meeting discussion noting there was a tie vote on the decision to select the contractor who would run the Town's Welcome Centers, thus the item was back for consideration. Chapin opened public input at this time:

- Lori Assmussen, applicant, owner of Donovan Pavilion Management, Inc., thanked council for their consideration of her proposal and appreciated the opportunity to participate in the process; she expressed her commitment to providing exception services noting her long – term relationship with the Town of Vail.
- Warren Baker, employee of Vail Info, expressed support of the company for continuing to provide services on behalf of the Town.
- Bobby Bank, owner Vail Info, Inc., shared his comments about the RFP process noting it was a good process, and that his company continues to provide better services each year, and his desire to continue working in this capacity for the Town.

The Town Council members provided some input at this time:

- ✓ Thanked community members for their input on the topic
- ✓ The decision must be based on a business perspective
- ✓ Consider other alternatives to operating the Welcome Centers
- ✓ The current proposals did not meet the needs of the town
- ✓ The town is not equipped to manage the facilities as it is not a part of a municipal business model

Langmaid moved to not accept any of the proposals at this time; Bruno seconded the motion and it passed (4-3; Bruno, Chapin, Cleveland, Langmaid, Mason – yea; Moffet, Foley – nay). Council direction was given to the Town Manager to develop other proposal that would include in-house oversight and operations of the Welcome Centers.

5.4. Resolution No. 27, Series of 2016, a Resolution stating the value of public lands to the Town of Vail's economy, recreation, heritage, and quality of life, and supporting continued federal ownership of federal public lands, and setting forth details in regard thereto.

Presenter(s): Kristen Bertuglia, Environmental Sustainability Manager

Action Requested of Council: Staff requests the Vail Town Council consider the approval, approval with modifications, or denial of Resolution No. 27, Series of 2016.

Background:

At the request of the Vail Town Council, staff proposes for adoption Resolution No. 27, Series of 2016, in opposition of the transfer of ownership of federal public lands to the states.

Staff Recommendation: Staff recommends the Vail Town Council approve Resolution No. 27, Series of 2016.

There was some discussion about the resolution as too ambiguous which raises more questions, and written too appease a fringe group following the topic. Staff clarified that the resolution written was a template used by many other governing bodies. Chapin accepted public input from Cacioppo who commented that the USFS works for the community. Langmaid suggested the resolution wasn't meant to create animosity amongst the members but rather as a simple message that would not support trading federal lands to state ownership. Langmaid moved to approve Resolution No. 27, Series of 2016, a Resolution stating the value of public lands to the Town of Vail's economy, recreation, heritage, and quality of life, and supporting continued federal ownership of federal public lands, and setting forth details in regard thereto. Foley seconded the motion and it passed (4-3; Cleveland, Foley, Langmaid, Mason – aye; Bruno, Chapin, Moffet – nay).

5.5. Ordinance No. 20, Series of 2016 - First Reading, An Ordinance Repealing and Reenacting Ordinance No. 11, Series 1990, Establishing Special Development District No. 24, Warner Development, Pursuant to Article A, Special Development (SDD) District, Chapter 9, Title 12, Zoning Regulations, Vail Town Code and Setting Forth Details in Regard Thereto

Presenter(s): Matt Panfil, Planner

Action Requested of Council: To approve an amendment to SDD No. 24, Warner Development, to remove Section 5, Item 3 requiring the indoor pool area on the subject property to be permanently restricted to use a pool.

Background: When SDD No. 24, Warner Development, was approved in 1990, the subject property deviated from the underlying Two-Family Primary/Secondary Residential (PS) District in regards to gross residential floor area (GRFA) and site coverage. As part of the approval it was conditioned that the indoor pool area permanently be restricted to use as a pool. In 2004, changes were made to the Vail Town Code with regard to the calculation of GRFA resulting in the subject property now having an excess amount of allowable GRFA.

Matt Panfil presented information about the Ordinance addressing the SDD No. 24. There was some discussion about the need to review the current deed restrictions for the units; there were comments made that the units must be required to be rented and that requirement is not now fully stated in the SDD. Public comment was heard from Debra Webster, 1825 Sunburst Drive, who noted their unit has always been rented but the other 2 units have never been rented. No other public comment was given. There was council consensus to request the three existing units get updated deed restrictions. Staff would continue to work with the applicant on the request.

Moffet moved to approve Ordinance No. 20, Series of 2016 - First Reading, An Ordinance Repealing and Reenacting Ordinance No. 11, Series 1990, Establishing Special Development District No. 24, Warner Development, Pursuant to Article A, Special Development (SDD) District, Chapter 9, Title 12, Zoning Regulations, Vail Town Code and Setting Forth Details in Regard Thereto, and based upon the review of the criteria outlined in Section VII of the Staff memorandum to the Planning and Environmental Commission dated August 8, 2016 and the evidence and testimony presented, the Vail Town Council finds:

1. That the special development district amendment complies with the standards listed in Article 12-9A, Special Development District, or that a practical solution consistent with the public interest has been achieved;
2. That the special development district amendment is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;
3. That the special development district amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
4. That the special development district amendment promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality."
5. As a result of the 2004 changes to GRFA calculations, the subject property complies with current GRFA regulations

Bruno seconded the motion and it passed (6-1; Foley – nay).

6. Public Hearings

6.1. Ordinance No. 18, Series of 2016, Second Reading, An Ordinance Repealing and Reenacting Chapter 11 of Title 5 of the Vail Town Code, Concerning the Abatement of Diseased Trees and Wildfire Fuels

Presenter(s): Mark Novak, Fire Chief

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 18, Series of 2016 on second reading.

Background: Ordinance No. 18 revises the current Mountain Pine Beetle and Wildfire Fuels Reduction ordinance to include all forest pathogens, amends the current definition of wildfire fuels and reassigns responsibility for this section of code from Public Works to the Fire Department.

Fire Chief Mark Novak commented on several questions addressing the 1) appeal process, 2) how the policy will be coordinated amongst departments, 3) the abatement process guidelines, and 4) how the public will be notified. . There was a summary of the changes to the Code outlined in the council packet materials.

Moffet moved to approve Ordinance No. 18, Series of 2016, Second Reading, An Ordinance Repealing and Reenacting Chapter 11 of Title 5 of the Vail Town Code, Concerning the Abatement of Diseased Trees and Wildfire Fuels. Foley seconded the motion and it passed (7-0). There were no comments on this topic.

6.2. Ordinance No. 19, Series of 2016, Second Reading, An Ordinance Amending Article B, Chapter 3, Title 4 of the Vail Town Code to Create a New Section Relating to the Private Use of Vehicle Immobilizers

Presenter(s): Matt Mire, Town Attorney

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 19, Series of 2016 upon second reading.

Background: The use of vehicle immobilization devices, or "boots," is a practice being employed by private property owners to enforce parking violations and in some circumstances payment in their lots as an alternative, or in addition, to the use of towing. Without state or local regulation, there is an increased opportunity for fraudulent and predatory booting practices that negatively impact the Town's citizens. The Town Council finds that private booting, so long as it remains unregulated, presents an appreciable risk to public safety and to property. As such, the Town Council, pursuant to its authority to protect and secure the public health, safety and welfare of its citizens, desires to prohibit the use of vehicle immobilization devices in the Town.

Town Attorney presented the ordinance for second reading noting the inclusion of requirements related to booting operations. There were no public comments on this topic. Moffet moved to approve Ordinance No. 19, Series of 2016, Second Reading, An Ordinance Amending Article B, Chapter 3, Title 4 of the Vail Town Code to Create a New Section Relating to the Private Use of Vehicle Immobilizers. Cleveland seconded the motion and it passed (8-0).

There being no further business to come before the council, Moffet moved to adjourn the meeting and Foley seconded the motion which passed (7-0) and the meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Patty McKenny, Town Clerk