

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
Staff members present:	Stan Zemler, Town Manager Matt Mire, Town Attorney Tammy Nagel, Deputy Town Clerk

1. Citizen Participation

- a. John Woodward, attorney representing the Gunn family owners of 332 Mill Circle, spoke about an encroachment agreement since the home is under contract to be purchased. The encroachment agreement with the Town of Vail expires in 11.5 years; Woodward requested Council consider extending the lease for 49 years.
- b. Kay Ferry, Vail resident, introduced the Republican Eagle County candidates to Town Council. Rick Beveridge and Michael Dunahay are running for County Commissioner and Mari Renzelman is running for County Treasurer. All spoke about their campaign platforms.
- c. Kathy Chandler-Henry, current democratic county commissioner, introduced herself to council as running for re-election and introduced her election platform topics, health care, affordable housing and water rights.
- d. Wendy Rimel and Tessa Kirshner, Eagle County residents, spoke to council about the two Eagle County Schools initiatives 3A regarding the mill levy and 3B the bond.
- e. Kerri Thelen, Vail Valley Soccer Club, thanked council for their support and she stated the Club had a fantastic turnout for the 2016 Vail Valley Cup.
- f. Michael Cacioppo, Eagle County resident, encouraged council and public to fact check the Eagle County Schools 3A and 3B initiatives by going to the Colorado State webpage.
- g. Lindsey Kiehl, Red Sandstone Elementary School student, asked the council and the public to vote yes on 3A and 3B.

2. Consent Agenda

2.1. Crosswalk Signs Installation Contract Award

Presenter(s): Chad Salli, Project Engineer

Background: The project includes installation of Rectangular Rapid Flashing Beacons at crosswalks located at the West Vail and Town Center roundabouts, West Lionshead Circle and the mid-block crosswalk at the Municipal Building. Improved lighting is to be installed at

the West Lionshead Circle and Municipal Building crosswalks. The project also includes installation of 5 variable speed limit signs between Ford Park and Elkhorn Drive to temporarily reduce the speed limit from 45mph to 25mph during overflow parking on the Frontage Road. The project is scheduled to be completed by November 15, 2016.

Moffet made a motion to approve the contract award to Tri Phase Electric; Bruno seconded the motion and it passed (7-0).

3. Town Manager Report

There were no updates at this time.

4. Presentations / Discussion

4.1. Parking Update

Presenter(s): Greg Hall, Public Works Director

Background: In August of 2016, the Town Council and Vail Resorts senior leadership agreed to meet with town staff to initiate joint discussions regarding parking to address operations as well as short term and long term outcomes. Today's presentation will be the first in a series of council sessions that will be used to provide the historical background and context to assist Town Council in assessing the town's parking policies and strategies now and into the future. Parking update to include: 1) Previous Town Council agreed upon policies and strategies from 2012; 2) Current and historical parking statistics; and 3) Strategy for use of the Frontage Roads for overflow parking, including agreements with the Colorado Department of Transportation

Zemler introduced the topic noted they had been in contact with Vail Resorts and the VVMC senior management to discuss short and long term parking options. Hall provided the history of winter parking and explained there were two goals: 1) 15 days of overflow parking in the winter, and 2) allow 15 days of overflow parking in the summer. Hall provided council with an overview of parking objectives, strategies and management techniques that have been used in the past. Hall explained the improvements that the Town had completed per the lease agreement with the Colorado Department of Transportation (CDOT). Bruno stated this summer was crazy when it came to parking. Bruno asked if once the construction was completed at The Lion if it would ease the parking pain. Chapin thought this could be an opportunity to work with businesses whose private lots were empty this summer. Chapin stated lodges charge for overnight parking; which may explain why the structures were full at night too. Moffet felt the parking task force assisted in the past and thought the group should be reinstated. Langmaid thought a task force would assist with the problems and provide creative solutions and diversity. Zemler stated staff would provide council with more information on winter parking in a month after additional conversations with Vail Resorts and the VVMC and suggested holding off on appointment of parking task force until these discussion were completed.

5. Action Items

5.1. 2016-2017 Winter Parking Program

Presenter(s): Greg Hall, Public Works Director

Background: Each year the Vail Town Council approves the winter parking program prior to the start of the winter season. The parking rates and pass prices have remained the same

since the 2008-2009 season. The recommendation of the staff is to keep the program the same for this upcoming season. Attached is the proposed brochure for this season. The amount of pressure for this season with regards to construction and some loss of parking at the hospital will be felt in the early part of the season but will be less than last year and beginning in January will be even less demand.

Hall reviewed the proposed brochure and explained staff did not recommend any rate changes. Council asked about the differences in passes and if there were any incentives for the local passes when the structures are not as full on Monday-Thursday. Hall stated the value passes offer a discount for the Monday-Thursday parking patrons. Public comment was taken and Wendy Rimel described parking difficulties on weekends for hockey games. Moffet moved to approve the 2016-2017 Winter Parking Program; Cleveland seconded the motion. The motion passed (7-0).

5.2. Resolution No. 30, Series of 2016, Resolution in Support of Ballot Issue 1A Affordable Workforce Housing

Presenter(s): Chris Romer, Vail Valley Partnership

Chris Romer, Vail Valley Partnership, reviewed Ballot Issue 1A with Council and explained Eagle County will create an advisory council to represent the entire valley. Public Comment was taken at this time. Mike Cacioppo, Eagle County resident, encouraged council not to endorse Ballot Issue 1A. Cacioppo felt there was more that could be done without raising property taxes for example dorm like housing on the mountain. Moffet moved to adopt Resolution No. 30, Series of 2016 and Bruno seconded the motion. The motion passed (7-0).

5.3. Resolution No. 31, Series of 2016, Resolution in Support of Ballot Issue 1B, Supporting Open Space, Rivers, Wildlife, and Trails

Presenter(s): Pedro Campos, ECO Trails Board, "Yes on 1B"

Background: The "Yes on 1B Open Space, Rivers, & Trails" campaign committee has been formed to promote the passage of Eagle County Ballot Issue 1B. Pedro Campos, from Yes on 1B, will address the Vail Town Council to provide an overview of Ballot Issue 1B, answer your questions, and graciously ask for passage of the Resolution No. 31, Series of 2016, before the Vail Town Council in support of 1B's passage county wide.

Pedro Campos, ECO Trails, presented Ballot Issue 1B to council. Campos stated the revenue received from Ballot Issue 1B will assist with protecting wildlife, land conservation and increase recreation opportunities. Public Comment was taken at this time. Mike Cacioppo, Eagle County resident, felt ballot issue 1B lacked details of how that money would be spent. Cacioppo asked council to not approve Resolution No. 31, Series of 2016. Moffet expressed frustration with the ballot language not mandating how the tax money would be spent. Moffett stated he would not vote to support this resolution. Cleveland stated the trails are being built slowly due to lack of money and the County needs bonding capacity. Cleveland went onto say its not perfect, but it is a good opportunity to finish the trails connecting the Vail Valley and the future of recreation in the valley. Bruno made a motion to approve Resolution No. 31, Series of 2016 and Cleveland seconded the motion; which passed (6-1 Moffet opposed).

5.4. Ordinance No. 28, Series of 2016, First Reading, Annual Appropriation Ordinance: Adopting a Budget and Financial Plan and Making Appropriations to Pay the Costs,

Expenses, and Liabilities of the Town of Vail, Colorado, for its Fiscal YEAR January 1, 2017 through December 31, 2017

Presenter(s): Stan Zemler, Town Manager, and Kathleen Halloran, Finance Director

Background: It is necessary for the Town Council to adopt a budget and financial plan for the 2017 fiscal year, to make appropriations for the amounts specified in the budget.

Halloran, Finance Director, recapped the afternoon budget discussion with council. Public comment was taken at this time.

Michael Imperi, Vail Mountain School, thanked council for their partnership with the school. Imperi asked council for financial support to assist with the cost of the replacement of the school's soccer field.

Robin Litt, Vail Jazz Foundation, requested council over rule staff recommendation and grant 6 full days (not ½) at the Donovan Pavilion for their jazz events.

Dimitri Moursellas, recommended council defer the \$500,000 housing expenditure for deed restricted housing. Moursellas stated there are too many unanswered questions and there needed to be more discussion.

Mark Murphy, Burton representative, thanked council for their consideration on sponsorship for the US Open.

Council members agreed to grant Vail Jazz four full days at Donovan Pavilion and two full days at the Grand View Room. The usage is for midweek only. Moffet moved to adopt Ordinance 28, series of 2016 upon first reading and Foley seconded the motion. The motion passed (7-0)

5.5. Ordinance No. 29, Series of 2016, First Reading, An Ordinance Amending Chapter 2 of Title 7 of the Vail Town Code by the Addition of a New Section 7-2B-3, to Require Possession of a Valid License or Permit While Operating a Motor Vehicle

Presenter(s): Matt Mire, Town Attorney

Background: This violation is currently prosecuted in county court. The Town of Vail is empowered to adopt municipal traffic regulations that reasonably promote the public, health, safety, and general welfare of its citizens. Ordinance No. 29, Series of 2016 will allow these violations to be prosecuted in municipal court.

Town Attorney Matt Mire explained this ordinance allows these types of driving offenses to be prosecuted in municipal court rather than in county court. Moffet made a motion to adopt Ordinance No. 29, Series of 2016 upon first reading and Cleveland seconded the motion. The motion passed (7-0).

5.6. Ordinance No. 30, Series of 2016, First Reading, An Ordinance Amending Section 1-9-8 of the Vail Town Code to Increase Court Costs

Presenter(s): Matt Mire, Town Attorney

Background: The municipal court costs imposed by Section 1-9-8 of the Vail Town Code have not been amended since 1992. It is necessary to increase court costs to keep pace with the greater administrative and operating expenses associated with operating the municipal court.

Mire explained this ordinance was to raise the municipal court costs to \$25.00. Mire stated the court costs have been at \$15 for a long time and it would now be at the rate as other municipalities. Moffet made a motion to adopt Ordinance No. 29, Series of 2016 and Bruno seconded the motion. The motion passed (7-0).

5.7. Ordinance No. 31, Series of 2016, First Reading, An Ordinance Amending Title 7, Chapter 2, Article A, of the Vail Town Code to Require Seatbelts and to Create a New Traffic Infraction for Violation Thereof

Presenter(s): Matt Mire, Town Attorney

Background: This violation is currently being prosecuted in county court. The Town of Vail is empowered to adopt municipal traffic regulations that reasonably promote the public, health, safety, and general welfare of its citizens. Ordinance No. 31, Series of 2016 will allow these violations to be prosecuted in municipal court.

Mire reviewed the ordinance with council and explained this would allow for this type of moving violation to be prosecuted at the municipal level rather than at county court. Moffet made a motion to adopt Ordinance No. 31, Series of 2016 as read and it was seconded by Foley. The motion passed 7-0.

6. Public Hearings

6.1. Ordinance No. 16, Series of 2016, Second Reading, Gross Residential Floor Area, an ordinance for a Prescribed Regulations Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-15-3, Definition, Calculations, and Exclusions, Vail Town Code concerning the method for measuring Gross Residential Floor Area (GRFA) within the hillside residential (HR), single-family residential (SFR), two-family residential (R), two-family primary/secondary residential (PS), residential cluster (RC), low density multiple-family (LDMF), medium density multiplefamily (MDMF), high density multiple-family (HDMF), housing (H) and Vail Village Townhouse (VVT) districts, and setting forth details in regard thereto (PEC16-0024).

Presenter(s): Chris Neubecker, Planning Manager

Background: This is a proposal to clarify the existing policy on Gross Residential Floor Area (GRFA) by modifying the text of Section 12-15-3 Definition, Calculation, and Exclusions, Vail Town Code, relating to how Gross Residential Floor Area (GRFA) is calculated in the following zone districts: hillside residential (HR), single-family residential (SFR), two-family residential (R), two-family primary/secondary residential (PS), residential cluster (RC), low density multiple-family (LDMF), medium density multiplefamily (MDMF), high density multiple-family (HDMF), housing (H) and Vail Village Townhouse (VVT) districts. The proposed ordinance would clarify that a multi-unit building shall be considered one structure. This is a clarification of an existing policy and existing code language; it is not an application to amend the regulations.

Staff Recommendation: The Community Development Department recommends the Vail Town Council approve Ordinance No. 16, Series of 2016 upon second reading, with an amendment by adding a sentence that reads "The lowest level shall be the finished floor level with the lowest U.S.G.S. elevation, including all floor levels within six (6) vertical feet of the lowest level." If the Town Council does not support adding this sentence concerning the

six (6) foot step, then the Community Development Department recommends that the Town Council deny this ordinance.

Chris Neubecker, Planning Manager, reviewed the ordinance and memo with council explaining staff's recommendation to reinsert the language allowing for a six foot step in the lowest level. There was no public comment. Cleveland made a motion to approve Ordinance No. 16, Series of 2016 with the additional sentence that reads " The lowest level shall be the finished floor level with the lowest U.S.G.S. elevation, including all floor levels within six (6) vertical feet of the lowest level" and Foley seconded the motion. The motion passed (6-1 Moffet opposed).

6.2. Ordinance No. 22, Series of 2016, Second Reading, An Ordinance Repealing and Reenacting Chapter 4 of Title 5 of the Vail Town Code, Concerning Smoking

Presenter(s): Craig Bettis, Commander, Vail Police

Background: In 2006, the Colorado legislature passed the Colorado Clean Indoor Air Act, C.R.S. § 25-14-201, et seq. (the "CCIAA"), which provides that a municipality may enact, adopt, and enforce smoking regulations that are no less stringent than state law. The Town Council desires to repeal and reenact Chapter 4 of Title 5 of the Vail Town Code to comply with the CCIAA and to regulate electronic smoking devices.

Mire presented the ordinance to council with a menu of options regarding prohibited areas. Council questioned if every location listed on the menu was enforceable. Commander Bettis stated that it would be tuff to enforce in some of the locations listed. Council requested the following areas be added to the ordinance:

- ✓ Outdoor Parks, open space and recreation areas
- ✓ Skate Parks
- ✓ Soccer Fields
- ✓ Ball Fields
- ✓ Playgrounds
- ✓ 15 from trails, Multi-use recreation paths
- ✓ 15 feet from all transit stops and platforms

There was no public comment. Moffet moved to adopt Ordinance No. 22, Series of 2016 as amended with a second from Bruno. The motion passed (7-0).

6.3. Ordinance No. 26, Series of 2016, Second Reading, An ordinance amending Sections 12-2: Defnitions and 14-10: Design Review Standards and Guidelines related to the Regulation of Greenhouses and Hoop Houses

Presenter(s): Jonathan Spence, Planner

Background: It is the intent of the amendment to provide opportunities for residents to participate in growing food or ornamental crops within a minimal regulatory framework while reducing the potential impact on neighboring properties.

Staff Recommendation:

The Planning and Environmental Commission (PEC) held a public hearing on the proposed Prescribed Regulations Amendment on September 12, 2016 where a recommendation for approval was forwarded to the Vail Town Council by a vote of 4-2 (Stockmar and Gillette opposed).

Nuebecker reviewed the ordinance and the changes council requested during the first reading. There was no public comment. Langmaid made a motion to approve Ordinance No. 26, Series of 2016 and Bruno seconded the motion. The motion passed (6-1Moffet opposed).

6.4. Ordinance No. 27, Series of 2016, Second Reading, Code Amendments to Sections 12-2: Definitions, 12-11: Design Review, 12-14: Supplemental Regulations, 12-15: Gross Residential Floor Area, 12-16: Conditional Use Permits and 12-17: Variances related to the joint property owner submittal requirement.

Presenter(s): Jonathan Spence, Planner

Background: It is the intent of the amendment to clarify and codify existing standard operating procedures related to joint property owner submittal requirements.

Staff Recommendation: The Planning and Environmental Commission (PEC) held a public hearing on the proposed Prescribed Regulations Amendment on September 12, 2016 where a recommendation for approval was forwarded to the Vail Town Council by a vote of 6-0.

Neubecker explained this ordinance clarifies and codifies existing standard operating procedures related to joint property owner submittal requirements. Moffet moved to approve Ordinance No. 27, Series of 2016 and Mason seconded the motion. The motion passed (7-0).

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 9:02 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Tammy Nagel, Deputy Town Clerk