

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 Travis Coggin Kevin Foley Kim Langmaid Jen Mason Greg Moffet
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Staff members present:	Greg Clifton, Town Manager Matt Mire, Town Attorney Patty McKenny, Town Clerk
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1. Citizen Participation

2. Scholarship Award Presentation

2.1. Recognize Colorado Grand Event and Colorado Grand Scholarship Award Presentation

Presenter(s): Jenn Bruno, Mayor Pro Tem

The Colorado Grand has offered an annual scholarship program to students attending local schools in Eagle County. The 2018 award will be given to a senior student, Juan Macias, who attends Battle Mountain High School. Ed O'Brien, representing Colorado Grand, will recognize the student and highlight the upcoming summer Colorado Grand program, an event that is in their 30th year.

2.2. Town of Vail Youth Recognition Awards

Presenter(s): Scott, O'Connell, Jenn Bruno, Mayor Pro Tem

The Town of Vail will recognize two local Vail students (and residents), Jason Macaluso, Battle Mountain High School, and Sarah Evans, Vail Mountain School, who will be recognized for their academic accomplishments, extracurricular activities (athletic, civic, performing arts) and leadership at their respective high schools. The Town has been a supporter of this program formerly administered and funded by the Vail Valley Exchange (no longer an active organization). The two schools submit the nominations for consideration by the selection committee (Mayor Pro Tem and Mr. O'Connell).

3. DRB / PEC UPDATE

3.1. DRB / PEC Update

Presenter(s): Chris Neubecker, Planning Manager

4. Consent Agenda

4.1. Resolution No. 15, Series of 2018, A Resolution Approving a Lease Agreement Between the Town of Vail and La Bottega Inc., and Setting Forth Details in Regard Thereto

Moffet moved to approve Resolution No. 15, Series of 2018, A Resolution Approving a Lease Agreement between the Town of Vail and La Bottega Inc., and Setting Forth Details in Regard Thereto. Foley seconded the motion and it passed (7-0).

4.2. Resolution No. 16, Series of 2018, A Resolution Approving a Lease Agreement Between the Town of Vail and Mountain Grocery LLC; and Setting Forth Details in Regard Thereto

Moffet moved to approve Resolution No. 16, Series of 2018, A Resolution Approving a Lease Agreement Between the Town of Vail and Mountain Grocery LLC; and Setting Forth Details in Regard Thereto; Foley seconded the motion and it passed (7-0).

4.3. Resolution No. 19, Series of 2018, A Resolution Appointing the Pete Seibert Monument Fund Raising Committee; and Setting Forth Details in Regard Thereto

Moffet moved to approve Resolution No. 19, Series of 2018, A Resolution Appointing the Pete Seibert Monument Fund Raising Committee; and Setting Forth Details in Regard Thereto; Foley seconded the motion and it passed (6-1; Moffet opposed).

4.4. Street Names Signs Replacement Project Contract Award

Moffet moved to approve the Street Names Signs Replacement Project Contract Award; Bruno seconded the motion and it passed (7-0).

4.5. Minutes from April 17, 2018 meeting

Moffet Minutes from April 17, 2018 meeting; Foley seconded the motion on it passed (6-1; Bruno abstained).

5. Town Manager Report

Clifton presented an update about fire department personnel being deployed in Texas, a grant funding request, and that McKenny and Henninger would serve in the lead while he was out on vacation the last two weeks of May 25, 2018.

6. Public Hearings

6.1. Pepi's Restaurant / Gasthof Gramshammer Appeal

Presenter(s): Chris Neubecker, Community Development Director

Action Requested of Council: The Town Council is asked to hold a public hearing on the appeal. The Vail Town Council shall uphold, uphold with modifications, or overturn the Design Review Board's decision of April 18, 2018.

Background: An appeal, pursuant to Section 12-3-3, Appeals, Vail Town Code, of the final decision of the Town of Vail Design Review Board on April 18, 2018 approving a request for replacement of the patio tent at Pepi's Restaurant upon the condition that the Applicant also replaces the existing awnings on the south porch in a matching design or color, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regards thereto. (TC18-0001) An appeal, pursuant to Section 12-3-3, Appeals, Vail Town Code, of the final decision of the Town of Vail Design Review Board on April 18, 2018 approving a request for replacement of the patio tent at Pepi's Restaurant upon the condition that the Applicant also replaces the existing awnings on the south porch in a matching design or color, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regards thereto. (TC18- 0001). The applicant has requested a Design Review Board permit for replacement of the yellow and white striped tent at Pepi's Restaurant. On April 18, 2018 the Design Review Board approved the request upon the condition that the Applicant also replace the awnings on the patio with the same design and color.

Staff Recommendation: The Community Development Department recommends that the Town Council uphold the decision of the Vail Design Review Board.

Mayor opened the public hearing for the appeal of the matter referenced above. The question to be answered by the Vail Town Council regarding this appeal is:

Were the requirements of the Vail Town Code, specifically Title 14, Chapter 10, Design Review Standards and Guidelines, properly applied in the decision to approve a request for replacement of the patio tent at Gasthof Gramshammer/ Pepi's Restaurant upon the condition that the Applicant also replace the existing awnings on the south porch in a matching design or color, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1?

Please review the packet materials for the timeline on the topic considered.

- On April 19, 2018 the appellant submitted a formal letter of appeal concerning the DRB decision of April 18, 2018. (DRB18-0127) In the appeal letter (Attachment A), Gasthof Gramshammer / Pepi's Restaurant argues that the requirement of the Design Review Board to change the color of the awnings to match the yellow and white striped tent would be unattractive and would not do justice to the Gasthof Gramshammer Lodge. In the appeal letter, the appellant argues that the existing brownish-orange awnings are compatible with the color of the wood balcony above the awning.

Presentation by staff:

Chris Neubecker, Interim Community Development Director, presented the information, see background above.

Presentation by the appellate:

Sheika Gramshammer, owner and operator of the hotel, presented her basis for the appeal.

Closing comments by staff:

Neubecker noted that DRB has been consistent with its request and that there is some flexibility built into the code .

Comments by appellate's witness:

Ron Byrne, resident, spoke in support of the applicant's appeal; he preferred the awning remain as is.

Town Council Comments:

- Foley noted he was not supportive of stripes for both awnings, did stop by the hotel to observe the current color scheme and prefers that it remain..
- Langmaid noted her support similar to Foley's support.
- Mason noted her support of the awnings now.
- Chapin spoke about the guiding documents and would support the awning remain as is.
- Moffet noted his preference that an appeal should have been heard on the July 2016 decision and not this one, would support the current awnings.
- Bruno supported both what the others have shared, the current awning and a preference that the applicant should have followed procedures the first time round.
- Coggin sided with DRB's decision and would not support overturning their decision.

Foley moved that pursuant to Section 12-3-3, Appeals, Vail Town Code, The Vail Town Code was not properly applied in regard to the April 18, 2018 Design Review Board conditional approval DRB18-0127. Furthermore, the Vail Town Council finds that the use of a yellow and white striped tent on the tent and the brownish-orange awnings on the patio are compatible with the existing design of the building, and are compatible with the Vail Village Urban Design Guide Plan – Design Considerations, and Title 12, Zoning Regulations, of the Vail Town Code, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and noted that the Town Council hereby overturns the decision of the Design Review Board concerning the application for replacement of the tent and removing a condition of approval with application DRB18-0127 regarding the requirement of matching colors on the tent and awnings, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and that the Vail Town Council hereby grants the requested Design Review Board application, as originally submitted by the applicant to the Town of Vail.”. Langmaid seconded the motion and it passed (6-1; Coggin opposed).

6.2. Ordinance No. 8, Series of 2018, Second Reading, An Ordinance Amending Title 12 of the Vail Town Code by the Addition of a New Chapter 27 of Title 12, Concerning Wireless Service Facilities

Presenter(s): Justin Lightfield, Planner

Background: The purpose of the Wireless Service Facilities Ordinance is to align the Vail Town Code with state and federal requirements. These regulations will continue to allow the location of wireless service facilities in the Town while protecting the public health, safety, and general welfare of the community. These regulations will also require the Town to continue to act on applications for the location of wireless service facilities within a reasonable time, will continue to encourage co-location of wireless service facilities, and will continue to prevent unreasonable discrimination among providers of functionally equivalent services. The Town of Vail Community Development Department worked with Town Attorney to develop a comprehensive ordinance in conjunction with the most recent state and federal regulations.

Staff Recommendation: Staff recommends tabling this item to the June 19, 2018 Town Council meeting.

Moffet moved to table Ordinance No. 8, Series of 2018, Second Reading, An Ordinance Amending Title 12 of the Vail Town Code by the Addition of a New Chapter 27 of Title 12, Concerning Wireless Service Facilities. Foley seconded the motion and is passed (6-0).

7. Action Items

7.1. Exploratory Discussion for Survey Concerning Natural Area Preservation Rezoning (Middle Creek Subdivision)

Presenter(s): George Ruther, Housing Director

Action Requested of Council: Does the Vail Town Council authorize the expenditure of up to \$7,500 to complete a more in depth analysis of the Tract A, Middle Creek Subdivision property to obtain additional objective information and data?

Background: On April 17, 2018, the Vail Town Council instructed staff to return to a future Town Council meeting with an estimated cost to obtain more in depth objective information on the property. Based upon initial probable cost estimates, up to \$7,500 will be required to obtain the next level of information.

Staff Recommendation: If the Vail Town Council wishes to better understand the feasibility of residential development on the property in question, the town staff recommends the Town Council authorizes the expenditure as requested to obtain additional objective information and data.

Moffet moved to table this item until the next meeting because of some technical difficulties (memo was not included in their materials); Foley seconded the motion and it passed (6-0). Jen Mason left the meeting at this time (approximately 7:30 p.m.)

7.2. Town of Vail Annual Resale Lottery Criteria Process – VLHA recommendation to Vail Town Council

Presenter(s): George Ruther, Housing Director and Steve Lindstrom, Chair of the Vail Local Housing Authority

Background: The purposes of this agenda item are four-fold:

1. share the adopted Town of Vail Annual Resale Lottery Criteria Process,
2. summarize the Vail Town Council member's feedback from the public meeting held on April 17th,
3. present the recommendation of the Vail Local Housing Authority for amendments, improvements and enhancements to the criteria and lottery process consistent with the goals and objectives outlined above, and
4. outline the next steps for implementation of an amended process once adopted by the Vail Town Council.

Staff Recommendation: The Vail Local Housing Authority recommends the Vail Town Council instructs the Town's Housing Department to take the steps necessary to implement the amendments to the Town's resale lottery process as outlined in the staff memorandum.

Ruther presented the housing lottery process topics for discussion. Steve Lindstrom, VLHA Chairman, was present to review the recommendations, outlined in the memo, and as follows:

1. Clearly define and adopt goals and objectives for the Town's lottery criteria and process.

2. Allow current residential property owners, including vacant residential land, to participate in the lottery with the understanding that they must either 1) deed restrict their current residential property for employee housing, subject to Town Council approval, or, 2) dissolve their interest in the real estate prior to closing on the new deed-restricted property.

There was a great deal of discussion about this item; Clifton encouraged careful consideration in revising this lottery regulation too quickly as there may be some public perception issues with changing it. There was consensus to allow property owners to participate in the lottery, however, existing property would need to be deed restricted at the time of closing.

3. Phase out the weighted preference and tiered system and replace it with a true lottery process with preference, effective July, 2018.

As an alternate option, replace the current system with a point system of preference that increases the probability that certain categories of persons (i.e., Vail residency, Vail business employee) are selected over another, yet still maintains an opportunity for all participating to be selected. To that end, the Vail Local Housing Authority recommends the following point system:

- ☐ Meet minimum lottery participation criteria = 1 lottery ticket
- ☐ Vail resident = 1 lottery ticket
- ☐ Vail resident for equal to or greater than 10 years = 1 lottery ticket
- ☐ Employed in Vail = 1 lottery ticket
- ☐ Employed in Vail for equal to or greater than 10 years = 1 lottery ticket

Generally speaking the lottery ticket system proposed was supported. Next steps on the topic included an additional discussion on June 5 with review of an administrative lottery process followed by adoption on July 3. The current master lottery list will remain in place until the new process is adopted. Public comment was invited and none was made.

7.3. Resolution No. 18, Series of 2018, A Resolution Approving an Amended and Restated Development Agreement Between the Town of Vail and Vail Clinic; and Setting Forth Details in Regard Thereto

Presenter(s): Matt Mire, Town Attorney and Tom Kassmel, Town Engineer

Background: The Town must ensure that certain obligations of VVMC are met as the hospital completes the West Wing and begins redevelopment of the East Wing. To that end, VVMC is prepared to commit to the obligations in a Development Agreement, to demonstrate its commitment to the entire redevelopment.

Town Attorney Matt Mire presented Resolution No. 18 as the Development Agreement between Town of Vail and Vail Health. Tom Braun, Braun & Associates, and Craig Cohen, Vail Health, were present to answer questions. There was brief discussion about Section 3 which addresses the public and project improvements. Mire described the costs covered by the town, which covers the construction of the bus stop, see below:

3. Public and Project Improvements.

a. Public Improvements. In addition to VVMC's other obligations under this Agreement, VVMC shall construct and install the public improvements required for the Project in accordance with the applicable ordinances, codes and regulations and as described in Exhibits D-1, D-2, D-3 and D-4 attached hereto and incorporated herein by this reference and more fully discussed in this Section 3.a below (the "Public Improvements"). Construction of the Public Improvements shall be substantially completed prior to the issuance of the first certificate of occupancy for the East Wing. All references in this Agreement to VVMC maintaining a Public Improvement shall mean maintaining such Public Improvement until such time as it is accepted by the Town, in accordance with applicable Town ordinances and regulations. Notwithstanding the foregoing, VVMC shall maintain landscaping and sidewalks up to the curb line of the adjacent streets pursuant to Town Ordinances and regulations. The Public Improvements include, without limitation, improvements to South Frontage Road and West Meadow Drive, as follows:

There was no public comment on the matter. Moffet moved to approve Resolution No. 18, Series of 2018, A Resolution Approving an Amended and Restated Development Agreement Between the Town of Vail and Vail Clinic; and Setting Forth Details in Regard Thereto; Bruno seconded the motion and it passed (5-0; Mason and Chapin absent).

7.4. Vail Nature Center Update and Request for Funds

Presenter(s): Todd Oppenheimer, Capital Project Manager/Landscape Architect

Action Requested of Council: Approve a supplemental budget in the amount of \$95,500 for the VNC project bring the total current budget to \$151,000.

Background: The purpose of this discussion is to request supplemental budget funding by the Town Council for the continued on-going work on the Vail Nature Center (VNC) short-term actions intended to allow continuation of the VNC programming by the Walking Mountains Science Center. The total estimated cost of the short-term actions is approximately \$151K. The current fund balance in the Vail Nature Center RETT account (RMT025) is \$55,454 creating a projected budget shortfall of \$95,500.

Todd Oppenheimer presented the request for funding, described above, and to be included in the town's next supplemental budget ordinance scheduled for consideration on June 19. There was some discussion about the logistics of the project, placement of the yurt, and parking. Foley noted his support that the town remove the VRD from the arrangement of providing the programming. Moffet moved to approve a supplemental budget in the amount of \$95,500 for the VNC project bring the total current budget to \$151,000; Bruno seconded the motion and it passed (5-0; Mason and Chapin absent). There were no public comments.

7.5. Renewal of TIGA Transit Advertising Agreement

Presenter(s): Greg Clifton, Town Manager and Matt Mire, Town Attorney

Background: Current advertising agreement renewal date is May 30, 2019. Per Council's request, this amended contract will renew for a period of three years.

Moffet recused himself at this time due to a conflict of interest as TIGA Advertising is his company. There was a brief discussion highlighting the revisions to the agreement, i.e. the renewal terms, the timing of payments due, the penalties and interest amounts, and further updates made to ensure compliance with state statutes about contracts and agreement. There was no public input. The Town Attorney noted that the contract arrangement is about the vendor paying the Town of Vail and not the Town of Vail paying the vendor. Bruno moved to approve TIGA Transit Advertising Agreement with a renewal date of 5/30/19. Foley seconded the motion and it passed (4-0; Mason and Chapin absent, Moffet recused). No public comments were heard on this topic.

There being no further business to come before the council, Moffet moved to adjourn the meeting and Foley seconded the motion which passed (6-0) and the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Patty McKenny, Town Clerk