

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

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| Members present: | Dave Chapin, Mayor<br>Jenn Bruno, Mayor Pro Tem<br>Travis Coggin<br>Kevin Foley<br>Kim Langmaid<br>Jen Mason<br>Greg Moffet |
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| Staff members present: | Greg Clifton, Town Manager<br>Matt Mire, Town Attorney<br>Patty McKenny, Town Clerk |
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**1A. Consent Agenda (This item was considered during the Afternoon Session)**

**1.1. Resolution No. 26, Series 2018, A Resolution Approving a Mutual Release of Restrictive Covenant Amended and Restated Development Agreement Between the Town of Vail and Alejandro Gonzalez Cimadevilla; and Setting Forth Details in Regard Thereto**

Moffet moved to approve Resolution No. 26; Bruno seconded the motion and it passed (7-0).

**1.2. Resolution No. 27 Series of 2018, A Resolution Approving an Intergovernmental Operations Agreement Red Sandstone Elementary School Parking Structure (the "Agreement"); and Setting Forth Details in Regard Thereto**

Moffet moved to approve Resolution No. 27; Bruno seconded the motion and it passed (7-0).

**1.3. Resolution No. 28, Series of 2018, A Resolution Approving an Amended and Restated Reciprocal Hazardous Material Incident Intergovernmental Agreement ("IGA") Between the Town of Vail and Regional Hazardous Materials Association of Colorado; and Setting Forth Details in Regard Thereto**

Moffet moved to approve Resolution No. 28; Bruno seconded the motion and it passed (7-0).

**1. Citizen Participation (This item begins the agenda for the Evening Meeting)**

Suzanne Mueller, thanked town for the earlier site visit and expressed concern about the cougars that reside in the area.

Elaine Kelton, resident, expressed concern about too many people on Vail Valley Drive with all the different modes of transportation and requested that a pedestrian path be constructed. It was noted that Elaine and her husband Art would be serving as parade marshals at Vail America Days.

Daniel Sneider, homeless in Vail, expressed concern about his recent contact with the Vail Police Department about his staying in the local park; he had hoped for a more caring community towards the homeless population.

Mark Novak, Fire Chief, presented a brief update about regional fire restrictions, stage 2 restriction and implications.

## **2. Presentations / Discussion**

### **2.1. Vail Police Department 2017 Year in Review**

Presenter(s): Dwight Henninger, Police Chief

The year in review was presented by the Police Chief Henninger who highlighted of number of the police services and activities throughout the year; he reported on number of calls, drug & alcohol related crimes, domestic violence calls, property and public order crimes, road safety & traffic management, and employee wellness and recognition programs. The Council thanked him for his department's service to the community.

### **2.2. The Vail Valley Foundation (VVF) will present an update on the upcoming Colorado Classic bike race and their other summer events**

Presenter(s): Sara Franke, Vail Valley Foundation, Mac Garnsey, Vail Valley Foundation

Action Requested of Council: No action required, informational only.

Background: The Town of Vail will host the first two stages of the Colorado Classic bike race on August 16 and August 17, 2018.

An update was presented by VVF staff with highlights about the following:

- ✓ race circuit start times and awards programs
- ✓ updates about the racers and teams
- ✓ schedule of ancillary events including the Whistle Pig Vail and Gravel Fondo
- ✓ updates about the communications plan that will roll out soon with info about the routes and related impacts on Thursday & Friday
- ✓ the assignment of a neighborhood liaison person to assist the community with questions about the event and closures
- ✓ Offerings include full event packages for the weekend for residents, guests and visitors
- ✓ Volunteers are needed so log on to their [Coloradoclassicvail.com](http://Coloradoclassicvail.com)

Chapin, thanked town staff and VVF staff for bringing the event to fruition.

### **2.3. 2018 Open Lands Plan Discussion**

Presenter(s): Kristen Bertuglia, Environmental Sustainability Manager and Chris Neubecker, Interim Community Development Director

Action Requested of Council: The Community Development Department requests that the Town Council provide feedback on any elements of the Environmentally Sensitive Lands (Chapter 2) section of the draft 2018 Open Lands Plan Update.

Background: The purpose of this memo is to present the recommendations of the draft 2018 Open Lands Plan Update relating to Environmentally Sensitive Lands. The Plan identifies 16 parcels as Environmentally Sensitive Lands which should be considered for either acquisition by the Town of Vail or another form of protection.

Staff Recommendation: The Community Development Department recommends that the Town Council review Chapter 2, Environmentally Sensitive Lands, of the draft 2018 Open Lands Plan Update and make recommendations for changes to the plan, if needed.

Chapin opened the agenda item noting the town would take a number of meetings to review the plan having taken its first site tour earlier in the day of the “environmentally sensitive lands”; there have been sixteen parcels identified in this regard. (See chapter 2). Chris Neubecker, Planning Manager, and Tom Braun, Braun Associates, Inc., introduced this item with a presentation (included in council packet) and summary of the process used in the open lands plan review. Langmaid suggested the town’s efforts with the “sustainable destination certification” should be woven into this process. There was a review of some of the following items:

- the 1994 Comprehensive Open Lands Plan with some comparison made to the current plan document.
- maps that depicted the 16 parcels (environmentally sensitive lands) with the attributes of each parcel identified
- the manner of how to protect and/or acquire such lands, such as formal designation of open space or the use conservation easements
- the use of the “Designated Open Space Board of Trustees or a task force that would evaluate the action steps moving forward

Council requested more info about the development feasibility for each of the properties. Chapin invited public input at this time and the following comments were heard (summarized):

- Wolf Mueller, resident, inquired about when the “open space committee” would meet again.
- Kathryn Benysh, resident Bighorn Terrace, requested that their property be removed from the list of inventory; their property is being cared for by their 70 residents and property owners.
- Suzanne Mueller, resident, inquired about the parcels that lie out of the town boundaries but are adjacent.
- Tom Vucich, resident, inquired about how the document moves forward in the process and how the public input and council comments are addressed in relation to the document.
- Diana Donovan, resident, expressed concern about overdevelopment, requested that they understand how neighborhood associations created their open space buffers. She read a 1972 statement addressing “Vail Environmental Ethic”. She also commented on the use of RETT funds to purchase a number of lots and the intent was that the lands be kept as open space.
- Ann Esson, resident, commented on how the peregrines have now disappeared because of the east vail construction noise and is very concerned about too many impacts on wildlife.
- Paul Rondeau, resident, noted the statement made by Donovan as extremely important and his position as champion of lost causes, he requested that “protections” be put in place on some of the parcels, including both upper and middle bench Donovan Park.

Chapin thanked everyone who attended and commented and noted that the topic would continue to be reviewed with additional chances for public input on July 17. There were some

council comments about continuing to reviewing the sixteen parcels and possibly removing the Bighorn Terrace parcel from the inventory list.

### **3. Action Items**

#### **3.1. Bighorn Road and Intermountain South Frontage Road Electric Underground Project discussion, contract award and budget modifications**

Presenter(s): Greg Hall, Director of Public Works

Action Requested of Council: The Town Council is being asked to provide direction to the staff on the undergrounding projects. Based on the option selected Town Council is asked to award the appropriate contracts and direct staff to provide the necessary funds to be included in the second reading of the second budget supplemental for 2108.

Background: Holy Cross Energy provides 1 percent of all energy charges to the Town as a community enhancement fund per the franchise agreement. The town of Vail has used the fund exclusively to underground electric utility lines. In June of 2017, staff presented two significant projects to council to consider for use of the funds: the Bighorn Road project and the Intermountain S. Frontage Road project. The staff has designed, bid and begun some of the work. The staff is returning to council with the options for contract awards to complete the project as well as budget recommendations to fund the projects.

Staff Recommendation: Staff recommends the Town Council complete the Bighorn and Intermountain undergrounding projects in 2018 and award both contracts to RPM excavating and direct the town manager to execute contracts in a form approved by the town attorney. Supplement the budget to complete the projects and direct the town manager to develop with Holy Cross Energy on a new franchise agreement for 2019.

Greg hall presented the topic with some information about the following:

- Holy Cross Energy Franchise Agreement and the 1% Community Enhancement funds
- Update on construction costs for Bighorn Road and Intermountain South Frontage Road electric line undergrounding projects
- Options to complete the work for council direction regarding the undergrounding projects, contractor award and budget modifications

There was a review of each project, Bighorn Road and Intermountain South Frontage Road Projects, with some information about the costs and revenues, see council memo for detailed 2018 & 2019 costs related to the projects. There was support from town council to finish these two projects sooner than later and in light of a revenue stream to pay for them.

Moffet moved to complete the Bighorn and Intermountain undergrounding projects in 2018 by awarding both contracts to RPM excavating and directed the town manager to execute the contracts in a form approved by the town attorney, and additionally to include in the next supplemental budget the funds necessary to complete the projects, and finally direct the town manager to develop with Holy Cross Energy a new franchise agreement for 2019. Bruno seconded the motion and it passed (7-0). Chapin invited public comments and none were given.

#### 4. Public Hearings

##### 4.1. Second reading of Ordinance No. 11, Series 2018, an Ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, Housing Fund, Real Estate Transfer Tax Fund, Dispatch Services Funds and Timber Ridge Enterprise Fund

Presenter(s): Kathleen Halloran, Director of Finance and Carlie Smith, Budget Analyst

Action Requested of Council: Approve or approve with amendments Ordinance No. 11, Series 2018

Background: Please see attached memo.

Staff Recommendation: Approve or approve with amendments Ordinance No. 11, Series 2018

Halloran presented highlights from the council packet memo, addressing the mid-year funding requests and the changes from first reading for each of the funds.

There was discussion about the following funding request (per the memo):

*A late mid-cycle funding request was submitted from Highline for \$270,000 to revitalize the early winter Snow Daze event already approved for funding (\$30,000) by the Commission on Special Events (CSE). Combined with some sponsorship funding and in partnership with Vail Resorts (\$200K), the estimated expanded event budget of \$630,000 would include 4 days of in-town activation and 2 free concerts (Friday/Saturday) in Ford Park. The town, Vail Resorts and Highline Entertainment will work together with local lodging properties to promote extended lodging stays (greatly reduced pricing for Thursday or Sunday night stays, for example). Please see **Attachment C** for Highline's application for funding.*

There were some concerns expressed by council members about the last minute approach to the funding request, there was no CSE input, there was no data to support the event, there was no information about other funding partners and not enough detail about the event. There was some support for the proposal in an effort to work with the business community during this time of year with the lodging packages and music offerings to attract guests. At this time there was not enough support to include the funding in the ordinance. However, there was interest in getting more information. Chapin asked for public input at this time and Mark Gordon, resident, expressed support for delaying the decision on this matter in hopeful that more information would be gathered and presented at a later date to both council and CSE.

Moffet moved to approve Ordinance No. 11, Series 2018, an Ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, Housing Fund, Real Estate Transfer Tax Fund, Dispatch Services Funds and Timber Ridge Enterprise Fund with the exception of including the \$270K from the general fund for the Highline event. Coggin seconded the motion and it passed (6 1; Foley opposed).

##### 4.2. 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

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 8, Series of 2018 upon second reading.

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 that the Vail Town Council approve, on the second reading, Ordinance No. 8, Series of 2018.

Justin Lightfield presented the Ordinance on second reading with a brief background and overview, noting that a great deal of work has been completed with the community stakeholders to address concerns about the local legislation and a limit with the height has been included. Langmaid asked that research be conducted on health risks from cell towers. Public input was invited and Michael Cacioppo commented about the poor service from AT&T and hoped the town would get involved in resolving that substandard service. Moffet moved to approve 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. Coggin seconded the motion and it 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 8:45 p.m.

Respectfully Submitted,

Attest:

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Dave Chapin, Mayor

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Patty McKenny, Town Clerk