

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

- Penny Wilson, resident and Vail Rotary Club President Elect presented an update on the duck race which was an amazing success with over 12K ducks all for great causes. She also noted the increase in activity and parking at Booth Creek; there is not enough parking.
- Syd Toll, resident, expressed concern about speeding in his neighborhood on South Frontage Road West, Intermountain area, and noted that some signage and maybe speed bump would help mitigate the problems.

2. Vail Sandstone Underpass APWA National Award

2.1. Vail Sandstone Underpass APWA National Award

Presenter(s): Tom Kassmel, Town Engineer and Chris Delles, Public Works Construction Inspector

Each year the American Public Works Association (APWA) presents the Public Works Projects of the Year awards recognizing the best of the best to promote excellence in the management and administration of public works projects, recognizing alliance between managing agencies, the contractor, the consultant and their cooperative achievements. This year's awards were recognized at the APWA's Public Works Expo PW X 2018 awards ceremony August 27 in Kansas City, Missouri. This nationwide competition presents awards in five project categories; Disaster and Emergency Repair, Environment, Historical Preservation, Structures, and Transportation within five separate project size levels. Vail's Sandstone Underpass was recognized as the Project of The Year in the category of Transportation within small/rural communities. Accepting the award were representatives of the Town of Vail, Colorado Department of Transportation, Kramer North America, and Felsburg Holt and Ullevig.

Vail Town staff members Tom Kassmel, Town Engineer, and Chris Delles, Construction Inspector, presented the award to the Vail Town Council.

3. Introduction of new Community Development Director Matt Gennett

3.1. Introduction of Matt Gennett, new Community Development Director

Presenter(s): Chris Neubecker, Planning Manager

Mayor Chapin thanked Neubecker for serving as the interim community director for the past few months while the search was active for a new director. Neubecker introduced and welcomed Matt Gennett to the Town of Vail, as did the elected officials.

4. Consent Agenda

4.1. Minutes from July 17, 2018 meeting

4.2. Minutes from August 7, 2018 meeting

4.4. Resolution No. 33, Series of 2018, A Resolution Approving a Memorandum of Understanding Between the Town of Vail and the Colorado State Library; and Setting Forth Details in Regard Thereto.

Foley moved to approve consent agenda, noted as 4.1, 4.2 and 4.4; Moffet seconded the motion and it passed (6-0; Coggin absent at this time). Foley thanked the Vail Public Library staff for the programming and services provided the town.

4.3. Minutes from August 21, 2018 meeting

Moffet moved to approve the minutes; Foley seconded the motion and it passed (5-0; Mason abstained; Coggin absent).

5. Town Manager Report

5.1. Town Manager Report

Greg Clifton noted topics from his written report and a number of the statewide initiatives and meetings he has been attending recently, CAST and Colorado Municipal League. Coggin arrived at this time (6:40 pm).

6. Presentations / Discussion

6.1. CDOT RoadX Presentation (Emerging Technologies for Transportation Systems)

Presenter(s): Peter Kozinski, Director RoadX Program, CDOT

Action Requested of Council: Informational only about CDOT initiatives.

Background: Peter Kozinski is the Director of the RoadX Program at the Colorado Department of Transportation. In that position, he is responsible for the identification of emerging technologies that can save lives and make people's lives better. He then integrates these technologies into the transportation system - including planning, engineering design and construction. Peter was appointed to this position in September 2015 after serving 2-years in

CDOT's Office of Major Project Development where he was responsible for developing and delivering Major Projects via innovative delivery methods including Public-Private-Partnerships. He will present some of their recent efforts with these types of projects.

There were some questions and discussion surrounding the presentation.

6.2. Short Term Rental Regulations Discussion

Presenter(s): Kathleen Halloran, Finance Director and Johannah Richards, Sales Tax and Licensing Administrator

Action Requested of Council: Provide feedback on recommended adjustments to the current regulations

Background: Short Term Regulations became effective March 1, 2018. Council received an update on the implementation of the regulations on July 17 and agreed to review certain terms of the ordinance.

Staff Recommendation: Please see attached memo for staff recommendations

Kathleen Halloran, Finance Director, outlined the topics addressed in her council packet memo and noted some of the nuances of the ordinance, especially as the language addressed the exemptions section. She noted the ordinance requires owners wishing to short term rent their property to obtain an STR license at an annual cost of \$150. Other provisions of the regulation include:

☐ **Designation of a local agent that resides within a 60 minute distance** of the STR property and is available 24/7. The named agent must provide proof of distance through a driver's license, property tax record or voting record.

☐ **Property owner must provide a notarized affidavit that they have specified safety measures in place** such as smoke detectors, carbon monoxide detectors, fire extinguishers and that advertised occupancy limits comply with town code. The affidavit also validates the owner's agreement to comply with all town regulations and specifically mentions trash, parking, lighting and noise.

☐ The Property owner must identify who is designated for remitting sales & lodging taxes.

☐ The property owner must provide proof of written notice to an adjoining residential dwelling unit if the rental is located within a duplex.

☐ Signed **acknowledgment of "Good Neighbor Guidelines"**.

☐ **Advertisements of the rental must include the STR license number** immediately following the rental description.

☐ All sales and lodging taxes must be remitted timely, for each property (not on a lump sum basis).

☐ **Complaints (such as noise, trash, parking, etc.) will be directed to the local agent.** The agent must resolve the issue within 60 minutes (30 minutes between 11pm and 7am). The town's code enforcement or police may become involved if the property is not licensed, or if the complaint is not resolved. Then a formal complaint can be submitted to the town by the complainant.

☐ **Three verified formal complaints may result in revocation of the STR license** for that property. Once revoked, the license may not be renewed for two years. If a duplex unit, written consent from the neighboring unit must be obtained prior to renewing after revocation.

There was council support of continuing the discussion about the various components of the regulations in light of feedback from the property management company representatives. Staff noted their research suggests some options to reduce administrative work required by property managers and addressing some enforcement challenges, as follows:

- Amending Ordinance No. 15, Series 2017 to allow a designated local agent to represent the property owner for the submission of application forms and notarized affidavits. This would require the local agent to be jointly and severally liable.
- Staff could pursue a more efficient online application process to enable “bulk” application submittals for property managers handling multiple STR licenses.
- Sales tax payment is unique by STR tax ID tied to individual owners, however remittance is quarterly.
- Recommendation to “de-criminalize” the short term rental ordinance violations would allow for established fines or penalties to be administered by designated staff (usually the Finance Director) rather than issue a summons to court. Should the fines not be paid, then the town has the ability to summon to court.
- Recommendation that a violation of nonpayment of sales tax as well as other violations of town code (parking, trash, noise, etc.) will continue to be considered criminal acts, subject to the daily maximum fine of \$2,650 per day and up to 180 days jail time.

Chapin invited public input at this time and a number of property managers addressed the topic:

- Ted Steers, Vail Village Rental, expressed concerns about exclusion from the “exemption” and requested that the ordinance be changed to allow him to serve as basically the booking agent.
- Bart Cuomo, Vail Realty, expressed frustration that the ordinance has created more work for them and it is alienating the people who own the properties and want to short term rent them. He continued with his concern about the need to collect data with an inquiry as to why that isn’t propriety information. He suggested their stakeholder group continue to work with staff to modify the regulations.
- Mike Connolly, Triumph Mountain Properties, expressed frustration as well and wanted to see some changes to the regulations related to the administrative requirements that create more work for them.
- Tim Parker, property manager, expressed concern on behalf of his clients and creates more administrative paperwork for the managers and owners.
- Tim Hargreaves, the Willows, requested that the exemption should be extended to the property managers.

There were additional comments from town council and they agreed that they would support adjusting the exemption provision and requested staff continue to work with the property managers. There was also support to allow property management companies named as the local agent to sign and notarize on behalf of property owners for applications, life safety affidavits and the Good Neighbor Guidelines and the recommendation to de-criminalize violations of short term rental ordinance. Staff noted they would return with draft amendments to the ordinance at a future meeting.

7. Action Items

7.1. Resolution No. 34, Series of 2018 - A Resolution Authorizing the Town Manager to Enter into a Professional Services Agreement Between the Town of Vail and 4240 Architecture.

Presenter(s): Chris Neubecker, Planning Manager

Action Requested of Council: The Civic Area Plan Selection Committee is requesting that the Town Council approve the attached resolution authorizing the Town Manager to enter into a professional services agreement with 4240 Architecture.

Background: The Civic Area Plan is identified as a priority of the Vail Town Council in the 2018-2020 Action Plan. The master planning process will help the Town Council and the community to identify a vision for the future use of the buildings and lands within the Civic Area. The proposed resolution will authorize the Town Manager to enter into a professional services agreement with the selected consultant team.

Staff Recommendation: The Civic Area Plan Selection Committee recommends approval of Resolution No. 4, Series of 2018.

Chris Neubecker presented the update about the civic plan selection process and noted the Selection Committee recommended the team of 4240 Architecture / Braun Associates Inc. to lead the planning and design process. The team will also include Trestle Strategies Group (public engagement) and Russell + Mills Studio (landscape architecture). This team was selected based on the following criteria:

- Knowledge and experience in managing municipal projects
- Ability to excel in the public engagement process
- Success in completing similar plans in a mountain resort environment
- Demonstrated ability to complete projects on time and on budget, with a commitment to complete the Civic Area Plan in accordance with the plan goals and objectives
- Exceptional ability to develop and maintain professional relationships
- Proven track record of successfully delivering projects in a collaborative process with multiple stakeholders
- Demonstrated ability to make progress on multiple tasks in a dynamic and ever changing process
- Professional fee that is competitive based on the scope and quality of the work to be provided and the ability to bring the project in on budget and on schedule

Moffet moved to approve Resolution No. 34, Series of 2018 - A Resolution Authorizing the Town Manager to Enter into a Professional Services Agreement Between the Town of Vail and 4240 Architecture. Bruno seconded the motion and it passed (7-0). No public input was given. Chapin noted there was a public engagement component factored into the planning process.

Moffet noted the many contributions made by Mr. Porter Wharton who recently passed away. His work with Vail Resorts, Comcast and Crown Castle was commended as helping the communities grow and work together.

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 8:30 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Patty McKenny, Town Clerk