

Vail Town Council Meeting Minutes
Tuesday, May 19, 2020
6:00 P.M.

Due to the Town's Disaster Declaration of March 17, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

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
Kim Langmaid, Mayor Pro Tem
Jenn Bruno
Travis Coggin
Kevin Foley
Jen Mason
Brian Stockmar

Staff members present:

Scott Robson, Town Manager
Patty McKenny, Assistant Town Manager
Matt Mire, Town Attorney
Tammy Nagel, Town Clerk

1. Citizen Participation

Assistant Town Manager McKenny read public comment received by council into the record.

Business owner Steve Rosenthal requested projection for visitor numbers such as hotel reservations and Vail Resorts Epic pass sale. Rosenthal wrote "We in retail are about to commit to hundreds of thousands of dollars for inventory for fall delivery. There needs to be a realistic discussion of the projections of decline in business, our estimated retail expenditures, and the demographic shift of our customers this vs last year"

Diane Nicol expressed concern about the Children's Garden of Learning children being displaced so the site could be used for housing. Nicol wrote "If subdivisions are going to be built for families, there has to be a dedication for additional schools and care for children, not uprooting and tearing them down, otherwise, people will leave and why market a subdivision or development at families only so that they have to commute elsewhere for school and care for their children."

Sarah Martin, Vail resident, expressed support of Ordinance No. 6, Series of 2020 regarding public consumption in the villages during COVI-19 health orders. Martin wrote "I believe this would substantially help restaurant/bar owners increase their business due to these unforeseen circumstances we are encountering and help them get back on track to being profitable, as these places are a centerpiece of our town."

Business owner Samantha Sunshine was supportive of businesses being allowed to expand outside to help promote their businesses. Sunshine wrote "I am in favor of allowing businesses in the Town of Vail to have outside locations to promote retail and recreation, especially since there will be no special events during this rare time."

2. Any action as a result of executive session

There was none.

3. Appointments for Boards and Commissions

3.1. Vail Local Housing Authority Appointment

Presenter(s): Dave Chapin, Mayor

Action Requested of Council: Appoint one person to serve on the VLHA for a five-year term ending on May 31, 2025.

Langmaid made a motion to appoint Steve Lindstrom to a five-year term ending on May 31, 2025; Bruno seconded the motion passed (7-0).

3.2. Vail Local (Liquor) Licensing Authority Appointments

Presenter(s): Dave Chapin, Mayor

Action Requested of Council: Appoint two people to serve on VLLA for two-year term ending May 31, 2022.

Langmaid made a motion to appoint both Kurt Hanson and Michael Szmaida to two-year terms ending May 31, 2022; Bruno seconded the motion passed (7-0).

4. Awards

4.1. Town of Vail Scholarship Program Recognitions

Presenter(s): Jenn Bruno, Vail Town Council Member and Dwight Henninger, Chief of Police

Background: The Town of Vail has offered a financial scholarship program for Vail seniors who have achieved academic excellence and leadership success and commitment to the Vail community. The scholarship is to help fund students who are pursuing their next chapter in life at either a college, university or technical school. The 2020 award will be given to two senior students, Amalia Manning and Owen Ruotolo who both attend Battle Mountain High School.

Bruno introduced both students Amalia Manning and Owen Ruotolo as the recipients of the Town of Vail Scholarship Program. Both students expressed gratitude for the assistance.

4.2. Mauri Nottingham Excellence in Environmental Sustainability Scholarship

Presenter(s): Kim Langmaid, Mayor Pro-Tem, Vail Town Council and Kristen Bertuglia, Environmental Sustainability Director

Background: This scholarship program is intended to provide recognition and financial support to qualified local residents and students interested in pursuing education and careers in the field of environmental sustainability. This award honors the contributions of Mauri Nottingham to the Vail community. Thomas (TJ) Guercio is a member of the local chapter of the Climate Reality

Project and similar to Mauri, is a proponent of sustainable practices within the business community. He has also contributed to conservation and restoration projects in the valley.

Langmaid introduced Thomas (TJ) Guercio as this year's recipient on the Mauri Nottingham Scholarship. Guercio was grateful for the assistance with his college tuition.

5. Consent Agenda

5.1. April 7, 2020 Town Council Meeting Minutes

Langmaid made a motion to approve the April 7, 2020 Town Council meeting minutes; Bruno seconded the motion passed (7-0).

5.2. April 21, 2020 Town Council Meeting Minutes

Langmaid made a motion to approve the April 21, 2020 Town Council meeting minutes; Mason seconded the motion passed (7-0).

5.3. Resolution No. 19, Series of 2020, A Resolution Approving an Amended Ground Lease Between the Town of Vail, the Local Housing Authority and Middle Creek Village, LLC

Background: The Vail Town Council, Vail Local Housing Authority, and Coughlin & Company mutually wish to amend certain agreements as they pertain to the public/private partnership facilitating the continued operation of the Middle Creek at Vail Apartments.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 19, Series of 2020.

Coggin made a motion to approve Resolution No. 19, Series of 2020; Bruno seconded the motion passed (7-0).

6. Town Manager Report

6.1. Public Health Crisis Updates

Robson provided an update on the town's response to the COVID-19 health crisis. Eagle County, with the support of the local municipalities, were waiting on a response from the Governor on a variance request that would allow the communities to transition to the blue phase on May 25th boosting the public gathering numbers.

Vail Transit was operating smoothly, reporting about 300 riders per day. They would be transferring into the summer schedule mid-June and public face coverings were required.

Building inspections have been robust with about 30 inspections a day.

Town facilities would reopen to the public by appointment on June 1, but employees were encouraged to stay home to work if possible. Face coverings would be mandatory in the building.

In-person Town Council meetings and other board meetings would begin June 2 with social distancing in council chambers. Citizens would have an opportunity to appear in person or on zoom for public comment. Public health orders would be followed.

6.2. Update on illegal trail building on Meadow Creek Conservation Easement

Robson reported there were illegal mountain bike jumps and trail building happening on the conservation easements. He asked community members to respect open space and use existing biking trails instead.

7. Presentations / Discussion

7.1. Vail Health COVID 19 Update

Presenter(s): Chris Lindley, Will Cook, Vail Health

Background: The presentation from Vail Health can be viewed via the link below. The information is being updated as new information becomes available.

<https://docs.google.com/presentation/d/1PKBr05cLP2ogSRsGlxWXBh5oD4W81VqREtqZnLzbN8/edit#slide=id.g6eb22723d>

CEO Will Cook thanked the community for their efforts and stated Vail Health has no patients with COVID-19 as of today. Cook stated that until there was a vaccine that more people would contact the virus and there would be more deaths. Vail Health developed a key performance indicator decision matrix that demonstrated the hospital's readiness in treating patients.

Chris Lindley of Vail Behavioral Health presented on Vail Health's testing capacity stating there were plenty of tests and that the test was 90% accurate. Vail Health estimated 11% of local population had contracted COVID-19 which meant 89% of population was still susceptible. Mental health concerns were beginning to surpass COVID concerns. Lindley stated Vail Health was ready begin relaxing public health restrictions to test their systems to prepare in the event a second wave hits during ski season.

Council thanked Vail Health for their presentation.

7.2. Vail Economic Recovery Efforts in Response to the Public Health Crisis

Presenter(s): Mia Vlaar, Economic Development Director

Background: Town Council has identified economic recovery as a top priority in response to the COVID 19 pandemic. The newly formed Vail Economic Recovery Team, a task force of the Vail Economic Advisory Council, includes representatives from retail, restaurants, lodging, health, and nonprofit organizations as well Vail Valley Partnership and Vail Chamber and Business Association, has met twice and formulated recommendations to support the Vail business community. The team is building on the work of Eagle County's economic recovery efforts and the work of the Vail Valley Foundation's industry task forces. The team has developed tactics to support local businesses including lodging, restaurants and retail to move toward a swift and safe reopening of our economy. The intent is to provide relief and support to our business community while respecting and operating within the public health orders from Eagle County and the state of Colorado. Specific recommendations for council's consideration are outlined in this memo. The tactics recommended below are intended in the context of the Town manager's emergency order and will be in effect for a temporary period of time. They are not intended to permanently change the way we operate in Vail but rather improve prospects for businesses and positively impact sales tax revenue during the public health crisis in a safe, productive and temporary way.

Vlaar reminded town council they had identified economic recovery as a top priority in response to the COVID-19 pandemic. The newly formed Vail Economic Recovery Team had two meetings and formulated recommendations to support the Vail business community. The team had focused on creating safe spaces to accommodate more customers, creation of alcohol consumption areas in designated public spaces for greater revenue capture, providing businesses with PPE support, rent relief, and reimagined events. Vlaar stated these recommendations would coincide with Eagle County Public Health's transition trail map from the green phase to the blue phase anticipated on May 25th with the Governor's approval. Staff were working through the logistics of Vail America Days which would include fireworks on July 4th and a socially distanced walking tour of stationary parade floats throughout the villages. The event would be coordinated with Eagle County according to guidance from public health. Vail Farmers' Market would be a virtual format beginning June 14 with first formal market on the streets July 5. Vlaar reported a rent relief program for businesses was being explored based on a model that has been created in Aspen which involved a 3-way arrangement between landlord, tenant and the city.

Council stressed the importance for everyone to honor the 5 commitments of containment: 1) maintaining 6 feet of social distance; 2) wash hands often; 3) cover face in public; 4) stay home when sick; 5) get tested immediately if you have symptoms.

7.3. Reconsideration of the Public Works Shop Yard Expansion Retaining Wall and Utilities Project Award

Presenter(s): Greg Hall, Public Works Director

Action Requested of Council: After hearing presentation, reconfirm, reconsider and provide direction on the project.

Background: Public Works Director will present additional information about project options for the Public Works Shop Yard expansion related to the retaining wall and utilities. Council approved an agreement with Hyder Construction for \$4.6 M on May 5. With some additional information to be presented about the project, Town Council will be asked to reconfirm, reconsider and provide direction on the project considering this information.

Hall reviewed the \$4,629,652.00 Public Works Shop Yard Expansion Retaining Wall and Utility Project. Hall stated the goal of the first phase of the Public Works Shop Master Plan project was to create a more efficient Streets Building which was currently over-crowded as well as crowding out other functions of the shop complex. The wall was required on the west end of the project to provide access into the new streets building once complete. Due to a portion of the wall being required for the first phase, Hall said completing the whole wall was a more cost-effective solution overall, which not only benefited the streets building but opened up room for Town of Vail operations into the future. Specifically, allocated space for special event staging over the long term as the Civic project (charter bus lot) would be lost as a staging site once it was developed. The project also cleared up room on the far east side of the wall project to accommodate the equipment needs for the electric bus electrification project and solar panels. Hall reviewed the three options that were outlined in memorandum that was included in their packet material.

- ✓ Option 1: Proceed with the current project award.
- ✓ Option 2: Delay the wall portion of the project for one year and construct the wall and drainage improvements during the future Streets Building Phase.

Hall stated the waterline and electric utility work and rockfall berm are items of work which could move forward this year and provide a better schedule regarding setting the streets building and wall portion of the project up for success. Staff would come back to the council with the project award for this work.

- ✓ Option 3: The last option was to combine the two projects and hope to move forward in 2021 or further into the future.

Council thanked Hall for the detailed information concerning the project and they expressed concerns around the \$4,629,652.00-dollar amount during the current economic downfall.

Bruno made a motion to reconsider the project contract award to Hyder Construction until 2021; Stockmar seconded the motion passed (7-0).

8. Action Items

8.1. Ordinance No. 6, Series of 2020, An Emergency Ordinance Amending Chapter 2 of Title 4 of the Vail Town Code by the Addition of a New Section 4-2-7, Allowing Consumption of Alcoholic Beverages in Designated Public Places

Presenter(s): Matt Mire, Town Attorney

Mire reviewed Ordinance No. 6, series of 2020 with council explaining the ordinance would allow for public consumption of alcohol at Town parks and not on town right-of-way. Mire explained currently individuals who were 21 years of age could consume alcohol in town parks but not in the villages.

Town Manager Robson said this ordinance was temporary during COVID-19.

Coggin made a motion to approve Ordinance No. 6, Series of 2020; Foley seconded the motion passed (7-0).

8.2. Resolution No. 17, Series 2020, A Resolution Concerning the Vail Reinvestment Authority and its Taxable Tax Increment Revenue Bonds (Direct Build America Bonds, Series 2010B; Authorizing and Directing Actions by the Town Manager with Respect to the Preparation of Requests to the Town Council for Appropriation of Moneys to Fund any Deficiencies in the Revenues Pledged to the Payment of such Bonds; and Authorizing the 2020 Cooperation Agreement.

Presenter(s): Kathleen Halloran, Finance Director

Action Requested of Council: Approve or approve with amendments Resolution No. 17, Series 2020

Background: Please see attached memorandum.

Staff Recommendation: Approve or approve with amendments Resolution No. 17, Series 2020.

Halloran reviewed Resolution No. 17, Series of 2020 with council. Halloran stated in March 2020 the municipal bond market was in turmoil and oversaturated, however since then it has stabilized and continues to present an opportunity for interest savings estimated at over \$700,000.

Foley made a motion to approve Resolution No. 17, Series of 2020; Mason seconded the motion passed (7-0).

8.3. Permission to Proceed through the Development Review Process for use of Town of Vail owned property for the placement of air conditioning units and associated screening in the vicinity of 292 East Meadow Drive.

Presenter(s): Erik Gates, Planner

Action Requested of Council: The Town Council is asked to review a request to submit a development review applications (Design Review Board) for use Town of Vail property for the placement of air conditioning units and associated screening on Town owned property and public rights of way.

Staff Recommendation: The Vail Town Council instructs Town Staff to sign the development application on behalf of the property owner and permit the project to proceed through the development review process for the proposed improvements.

Gates stated the applicant had attempted to receive a previous permission to proceed for A/C units on April 7, 2020. Council denied the application for a number of reasons including concerns over noise generation, clean energy use for these improvements, and the need for use of town-owned property. The applicant had returned with an updated application that included new proposed locations for some A/C units and a letter from the Mountain Haus Condominium Homeowner's Association. Gates said all A/C units would be placed adjacent to the building. These two units would be screened by fencing to match existing fencing around the pool enclosure. The A/C units proposed for the South side of the building are proposed within Mountain House property, however, screening would need to be placed on town Stream Tract. There would be additional A/C units and screening being proposed on the east side of the building, subject to an agreement between the owners of Mountain Haus and Vail Mountain Lodge. All other improvements occur entirely within private property.

Council appreciated the additional information regarding this request.

Coggin stated he would not approve this request until there was a consistent process developed for everyone to follow.

Foley confirmed with Gates this request was to allow the applicant to go before the DRB for approval.

Bruno made a motion to approve this request and allow the applicant to go through the Design Review Board process for use of Town Vail Property for the placement of air conditioning units and associated screening in the vicinity of 292 East Meadow Drive; Langmaid seconded the motion passed (6-1* Coggin opposed).

8.4. Stephens Park Play Area Renovation Update and Direction

Presenter(s): Gregg Barrie, Senior Landscape Architect

Action Requested of Council: Listen to presentation and direct staff on next steps.

Background: Construction of the Stephens Park Play Area Renovation project was put on hold in February due to high construction costs and limited contractor availability. COVID-19 related changes to contractor schedules have resulted in an opportunity to construct the project at a significantly reduced cost. See attached staff memorandum for detailed information.

Barrie reviewed the Stephens Park Play Area Renovation project with the council. The project was put on hold in February due to high construction costs and limited contractor availability. The revised cost to renovate Stephens Park was comparable to other recent Town of Vail playground projects. Three most recent play area projects have ranged in cost from about \$375,000 in 2012 to \$490,000 in 2016. Barrie stated this was a good opportunity to complete a necessary project at a reduced cost while simultaneously providing stimulus to the local labor force.

Council noted there are many new families in Stephens Park area and are excited to see the update. It was confirmed the construction would happen in June and July.

Stockmar made a motion to authorize the Town Manager to enter into an agreement with RA Nelson not to exceed \$286,000.00 and an agreement with ID Sculpture not to exceed \$61,000 in connection to the park plans that were discussed; Coggin seconded the motion passed (7-0).

9. Public Hearings

9.1. Ordinance No. 5, Series of 2020, Second Reading, An Ordinance Reducing the Numbers of Board Members Required to Serve on the Town of Vail Arts Board

Presenter(s): Matt Mire, Town Attorney

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 5, Series of 2020 upon second reading

Background: The Vail Town Council wishes to reduce the number of board members required to serve on the Town of Vail Arts Board from seven members to five members.

Staff Recommendation: Approve, approve with amendments or deny Ordinance No. 5, Series of 2020 upon second reading.

Mire reviewed Ordinance No. 5, Series of 2020 with council stating there were no changes since the first reading.

There was no public comment.

Coggin made a motion to approve Ordinance No. 5, Series of 2020 upon second reading; Mason seconded the motion passed (7-0).

There being no further business to come before the council, Foley moved to adjourn the meeting; Mason seconded the motion which passed (7-0) and the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Tammy Nagel, Town Clerk