

Vail Town Council Meeting Minutes
Tuesday, October 20, 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 in Vail Town Council Chambers and 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

There was none.

2. Any action as a result of executive session

There was none.

3. Proclamations

3.1. Proclamation No. 6, Series of 2020, National Friends of Libraries Week

Presenter(s): Lori Barnes, Librarian

Chapin read Proclamation No. 6, Series of 2020 into the record.

Barnes provided council an overview of the wonderful things the Vail's Friends of the Library do for our local library.

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

3.2. Proclamation No. 7, Series of 2020, Recognizing November 1, 2020 as Eagle County First Responders Day

Presenter(s): Alan Himelfarb and Jackie Christiansen, Starting Hearts

Chapin read Proclamation No. 7, Series of 2020 into the record.

Himelfarb and Christiansen explained how important it is for communities to recognize the first responders especially during the health crisis.

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

4. Consent Agenda

4.1. September 1, 2020 Town Council Meeting Minutes

Coggin made a motion to approve September 1, 2020 Town Council Meeting Minutes; Mason seconded the motion passed (6-0* Foley recused)

4.2. September 15, 2020 Town Council Meeting Minutes

Coggin made a motion to approve September 15, 2020 Town Council Meeting Minutes; Foley seconded the motion passed (7-0).

4.3. Resolution 46, Series 2020, An Intergovernmental Agreement between the Town of Vail and Eagle County for Animal Control Services

Action Requested of Council: Approve, amend or deny Resolution No. 46, Series of 2020

Background: This is an annual Intergovernmental Agreement the Town of Vail and Eagle County enter into to provide animal control service with the Town limits.

Staff Recommendation: Approve Resolution No. 46, Series of 2020

Foley stated the services should be provided throughout Vail for no additional charge.

Coggin made a motion to approve Resolution No. 46, Series of 2020, Mason seconded the motion passed (6-1*Foley opposed).

4.4. Resolution No. 47, Series of 2020 A Resolution of the Vail Town Council Authorizing the Amendment of Certain Deed Restrictions with Mountain Valley Developmental Services

Background: The purpose of this memorandum is to present the request made by Mountain Valley Development Services, Inc. and seek authorization from the Vail Town Council to rent their Employee Housing Units. If authorized, the Town staff will take the steps necessary to amend the three deed restrictions as directed and properly record the amended restrictions. The

Vail Local Housing Authority reviewed this request and has forwarded a unanimous recommendation of approval to the Vail Town Council, as proposed.

Mason made a motion to approve Resolution No. 47, Series of 2020, Langmaid seconded the motion passed (7-0).

4.5. Avolve Software Contract Award

Background: The ProjectDox system is used by Community Development for various plan submittals and review. It is a critical application to this department, as well as to the contractors and homeowners that use it for their various construction projects. This upgrade will provide fixes for some current issues, as well as offer some enhancements that will make the product easier to use.

Staff Recommendation: Authorize the Town Manager to enter into a contract in a form approved by the Town Attorney with Avolve Corporation in the amount of \$75,650.

Langmaid made a motion to authorize the Town Manager to enter into a contract with Avolve Corporation in an amount not to exceed \$75,650; Foley seconded the motion passed (7-0).

4.6. Comment letter regarding the Homestake Reservoir initial geotechnical investigations project - considered under a Categorical Exclusion (CE) with the US Forest Service.

Background: Homestake Partners (City of Aurora and Colorado Springs Utilities) is requesting an authorization to conduct a fatal-flaw geotechnical investigation within the Homestake Valley located along Homestake Creek about 6 miles southwest of Red Cliff, Colorado. While these investigations are preliminary, the ultimate Whitney reservoir and dam project would have significant impact on water resources of the Eagle and Colorado Rivers at a development of 20,000 acre feet per year.

Staff Recommendation: Approve the letter and request that Mayor Dave Chapin sign on behalf of the Council.

Langmaid made a motion to approve the letter to form and request Mayor Chapin to sign the same on behalf of the council; Mason seconded the motion passed (7-0).

4.7. Bus Barn Electric Bus Charging Stations Electrical Contract Award

Background: Four electric buses are scheduled to be delivered to the town this year. In preparation for their delivery there needs to be charging stations installed in the Bus Barn. These charging stations require a new electric service taken from Holy Cross Electric Association's main distribution system including a new transformer, associated switch gear and back-up generator. The cost of this work is being paid for from a grant received for the Colorado Department of Transportation. Four bids were received for this work. Encore Electric is the low bidder.

Staff Recommendation: Authorize the Town Manager to enter into an agreement, in a form approved by the Town Attorney with Encore Electric in an amount up to, and not to exceed \$606,428.

Langmaid made a motion to authorize the Town Manager to enter into an agreement with Encore Electric in an amount not to exceed \$606, 428.00; Mason seconded the motion passed (7-0).

5. Town Manager Report

5.1. Update about Fencing along I-70 (Bighorn Sheep Protection)

Robson provided an update on installation of temporary fencing in East Vail to protect the bighorn sheep beginning the first week of November. Robson noted the effectiveness of the fencing last winter after losing a few sheep to vehicle accidents. Additionally, he stated there was great progress with CDOT on permanent wildlife fencing within the next two years.

Robson quickly reviewed other topics with council:

- The ski season started in 30 days. State ski area guidance were giving local public health officials discretion in working with ski areas on protocol
- Installation of SynExis, a bio defense air system that pumps dry hydrogen peroxide are through the air ducts are about completed. Robson noted the state-of-the-art systems have been installed in town busses, Dobson Ice Arena; Golf Course clubhouse, the library and other town facilities.
- The \$25 gift card program sponsored by the town and administered by Vail Chamber & Business Association had launched.
- Branded face coverings would be available for free soon. Robson thanked staff for the great design they created.

Matt Mire, Town Attorney, provided council with an overview of the Eagle County District Court Order ruling in favor of the Town of Vail regarding the Booth Heights Development Project 106b lawsuit brought against council. Mire noted the court found the council and staff followed the law and did not exceed their jurisdiction or abuse their discretion by considering and approving the application filed by Triumph Development. Mire did not think the court order would be appealed.

6. Action Items

6.1. Ordinance No. 13, Series of 2020, 1st Reading, Ordinance to replace Section 12-6I-8 Parking and Loading, Vail Town Code, with a new section, Section 12-6I-8 Mobility, to address mobility needs of residents in the Housing (H) Zone District

Presenter(s): Jonathan Spence, Planning Manager

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 13, Series of 2020, upon first reading.

Background: The proposed text amendment provides an enhanced framework for the development, review and enforcement of mobility plans within the Housing (H) zone district. The enhanced framework provides for the needed flexibility in the district while recognizing the necessity of adequate review provisions and performance standards.

Staff Recommendation: On September 28, 2020, the Planning and Environmental Commission (PEC) forwarded a recommendation of approval (5-1 Gillette opposed) for a prescribed regulation amendment.

Spence reviewed Ordinance No. 13, Series of 2020 with council. Earlier in the year council directed staff to investigate alternatives to the existing parking requirements in the Housing Zone District. A preliminary memo to council was heard during the afternoon session on February 18, 2020. Staff returned to council on July 21, 2020 with draft language for a new approach to mobility requirements in the Housing District. At this meeting council provided support for the revised approach to mobility and requested that the new language be formally reviewed by the PEC before returning to council for adoption. The review by the PEC resulted in two changes to the proposed text language:

1. Remove a reference to bike parking in the review criteria section; and
2. Include a reference to Section 12-10, Off street Parking and Loading, in the review criteria to provide context in evaluating appropriate minimum off-street parking.

There was no public comment.

Council questioned the language in the ordinance "If units exceed (X amount), a professionally produced parking study shall be required." Council would like to see some flexibility concerning "X amount" and an appeal process. Spence confirmed the second reading of this ordinance would have language regarding flexibility and an appeal process.

Foley made a motion to approve Ordinance No. 13, Series of 2020 upon first reading; Mason seconded the motion passed (7-0).

6.2. Ordinance No. 14, Series of 2020, 1st Reading, Ordinance to add Section 13-14, Administrative Lot Line Adjustment and Elimination Procedures, Vail Town Code, to add an administrative procedure for the adjustment or elimination of lot lines between existing platted lots

Presenter(s): Jonathan Spence, Planning Manager

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 14, Series of 2020, upon first reading.

Background: Currently the Planning and Environmental Commission reviews applications for the adjustment or elimination of lot lines between existing platted lots as a Minor Subdivision. The Community Development Department and the Planning and Environmental Commission have expressed agreement that this public review has been unnecessary and did not add value, as a review for compliance with relevant standards had already occurred.

Staff Recommendation: On September 28, 2020, the Planning and Environmental Commission (PEC) forwarded a unanimous recommendation, for approval, for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code.

Spence reviewed Ordinance No. 14, Series of 2020 with the council explaining this amendment would streamline the process and provide better customer service. Spence explained the PEC rarely reviewed applications for the adjustment or elimination of lot lines between existing platted lots as a Minor Subdivision. Ordinance No. 14 would allow staff to refer an application to the PEC if the project was in any way not in compliance with development or subdivision standards. PEC was in support of this amendment.

Stockmar stated these type of an amendment to property lines were normally requested when a property owner owned both lots. Spence confirmed there had been no disputes in these types of amendments within the last 8 years.

Foley made a motion to approve Ordinance No. 14, Series of 2020 upon first reading; Stockmar seconded the motion passed (7-0).

6.3. Ordinance No. 15, Series of 2020, 1st Reading, Ordinance Amending Title 12, Zoning Regulations, Vail Town Code, Pursuant to Section 12-3-7, Amendment, Amending Section 12-9A-10 Amendment Procedures and Setting Forth Details in Regard Thereto

Presenter(s): Greg Roy, Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 15, Series of 2020, upon first reading.

Background: The Special Development District process was enacted in 1988 with Ordinance No. 21, Series of 1988. It created the existing SDD language which is further being refined with this amendment. A Minor Amendment is an amendment to an SDD that falls within certain guidelines that is able to be approved at a staff level. The proposed changes would make the notification process for this the same as what is currently used in other areas of the code, such as notification for development in the CC1 or LMU-1 zone districts or administrative appeals.

Staff Recommendation: On September 28, 2020 the Planning and Environmental Commission forwarded a recommendation of approval (6-0) to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code.

Roy reviewed Ordinance No. 15, Series of 2020 with council explaining the ordinance would change the notification requirements for a Minor Amendment to a Special Development District. The PEC held a public hearing on the proposed prescribed regulation amendment on September 28, 2020 and recommended approval with a vote of 6-0.

There was no public comment.

Foley questioned what was considered to be a minor amendment. Roy explained a 5 ft change would be considered a small amendment and done at staff level.

Coggin confirmed the head of an HOA would still be notified of the minor amendment with the expectation that person would notify their residents.

Mason expressed concern the notification would not be handled correctly by the HOA.

Roy stated this was the normal process for other zoning districts and this ordinance would just make SDD's have the same process.

Bruno stated she had faith in staff and PEC's recommendation and would be voting for the ordinance.

Bruno made a motion to approve Ordinance No. 15, Series of 2020 upon first reading; Coggin seconded the motion failed (3-4* Langmaid, Stockmar, Foley and Mason opposed).

7. Public Hearings

7.1. Ordinance No. 11, Series of 2020, 2nd Reading - Ordinance Amending Title 12, Zoning Regulations, Vail Town Code, Pursuant to Section 12-3-7, Amendment, Amending Section 12-15-2 - GRFA Requirements by Zone District; and Setting Forth Details in Regard Thereto

Presenter(s): Greg Roy, Planner

Action Requested of Council: Approve Ordinance No. 11, Series of 2020, on second reading.

Background: Ordinance No 23, Series of 1999, increased the allowable GRFA, but there was no corresponding change to the table in Section 12- 15-2. This ordinance corrects that table to match the code change.

Staff Recommendation: Approve Ordinance No. 11, Series of 2020, on second reading

Roy confirmed there were no changes to Ordinance No. 11 since the first reading.

Langmaid asked why Foley voted against the ordinance during the first reading. Foley explained he did not agree with GRFA increase. Roy explained the amendment was actually made in 1999 and this ordinance corrected the table in the Town Code to reflect the same.

There was no public comment

Bruno made a motion to approve Ordinance No. 11, Series of 2020 upon second reading; Coggin seconded the motion passed (5-2*Foley and Langmaid opposed).

7.2. Ordinance No. 12, Series of 2020, 2nd Reading, Ordinance Repealing and 5 min. Reenacting Chapter 7 of Title 4 of the Vail Town Code, Relating to Contractor Registration and Enacting a new Section of 10-1-14 of the Vail Town Code, Relating to the Board of Appeals.

Presenter(s): CJ Jarecki, Chief Building Official

Action Requested of Council: Approve, Approve with Conditions or Deny Ordinance No. 12, Series of 2020 on second reading

Background: Construction activity throughout Eagle County is continuing its upward trend, even throughout the pandemic, and remains to be a critical economic driver within the region. Due to an overall shortage of local skilled labor, homeowners, developers, and designers are seeing assistance from contractors located outside of the region - even out of state. This ordinance will ensure that all contractors, local or otherwise, that request to perform work within the Town of Vail are duly qualified to complete such work.

Jarecki reviewed Ordinance No. 12, Series of 2020 with council stating there was one minor change since the first reading. The contractor classification list that detailed the types of contractors had been deleted. In order to add or remove any type of contractor to the list, staff would need council's approval to make the simple change. Jarecki explained the following language had been added to the ordinance for second reading:

- "Each contractor shall be classified according to the type of work they perform and shall register under such classification. A list of contractor classification types shall be maintained by the Community Development Department."

There was no public comment.

Coggin made a motion to approve Ordination No. 12, Series of 2020 upon second reading; Stockmar seconded the motion passed (7-0).

There being no further business to come before the council, Foley moved to adjourn the meeting; Coggin seconded the motion which passed (7-0) and the meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Tammy Nagel, Town Clerk