

Vail Town Council Meeting Minutes  
Tuesday, December 1, 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 no action as a result of executive session.

**3.      Proclamations**

**3.1.    Proclamation No. 9, Series of 2020, Recognizing Vail Interfaith Chapel as a Historic and Cultural Center in the Town of Vail**

Presenter(s): Katie Campbell, Vail Religious Foundation

Mayor Chapin read Proclamation No. 9, Series of 2020 into the record.

Tim Wilbanks, Pastor of the Covenant Presbyterian Church and President of the Vail Religious Foundation, thanked council and the Town of Vail for the partnership in serving the community.

Bruno made a motion to approve Proclamation No. 9, Series of 2020; Coggin seconded the motion passed (7-0).

### **3.2. Proclamation No. 10, Series of 2019, A Proclamation Declaring December 11, 2020 as "WhoVail Day"**

Presenter(s): Meredith Macfarlane, General Manager Four Seasons Resort and Residences Vail; Jonathan Reap, Director of Public Relations and Communications Four Seasons Resort and Residences Vail; and the Grinch

Mayor Chapin read Proclamation No. 9, Series of 2020 into the record.

Scott Gubrud, Four Seasons Resort and Residence of Vail Director of Marketing, read a passage from Dr. Seuss's How the Grinch Stole Christmas

Meredith Macfarlane, General Manager Four Seasons Resort and Residence of Vail, thanked council for declaring December 11<sup>th</sup> as WhoVail Day. Macfarlane shared that it would be the Four Seasons 10<sup>th</sup> anniversary of operating in Vail.

The Grinch also made an appearance.

Bruno made a motion to approve Proclamation No. 10, Series of 2020; Coggin seconded the motion passed (7-0).

## **4. Appointments for Boards and Commissions**

### **4.1. Appoint four members to Commission on Special Events**

Presenter(s): Dave Chapin, Mayor

Langmaid made a motion to appoint Alison Wadey, Marco Valenti, Nicholas Conover and Douglas Smith to serve a two-year term on the Commission on Special Events; Foley seconded the motion passed (7-0).

## **5. Consent Agenda**

### **5.1. Resolution No. 49, Series of 2020, 2021 Intergovernmental Agreement for Housing Related Service with Eagle County**

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 49, Series of 2020

Background: The Eagle County Housing and Development Authority (the "ECHDA' ") and the Town entered into an agreement dated the 31st day of May 2016, for certain Services. The Original Agreement contemplated that the ECHDA would perform certain Services for the Town with compensation in an amount equal to \$11,700 plus 2% of the deed restricted sales that the ECHDA completes. ECHDA and Town desire to modify the scope of Services and compensation for 2021

Langmaid made a motion to approve Resolution No. 4, Series of 2020; Foley seconded the motion passed (7-0).

**5.2. Resolution No. 50, Series of 2020, A Resolution Approving an Operating Plan and Budget of the Vail Local Marketing District for its Fiscal Year January 1, 2021 Through December 31, 2021.**

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 50, Series of 2020.

Background: See attached memo.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 50, Series of 2020.

Coggin made a motion to approve Resolution No. 50, Series of 2020; Foley seconded the motion passed (7-0).

**5.3. Funding Contract with Mountain Commercial Advisors (Management Company for Concert Hall Plaza) for Tenting Program**

Background: Approval of a funding agreement in the amount of \$75,000 to support the construction of winter enclosures on the 4 restaurants of Concert Hall Plaza to provide additional capacity due to COVID-19 restrictions. The four restaurants located in Concert Hall Plaza are Moe's Original BBQ, Steak Shan GO, The Little Diner and Alpen Dogs.

Staff Recommendation: Authorize the Town Manager to enter into an agreement on a form approved by the Town Attorney with Hughes Land Holding Trust in the amount of \$75,000.

Coggin made a motion to authorize the Town Manager to enter into an agreement with Hughes Land Holding Trust in an amount not to exceed \$75,000; Bruno seconded the motion passed (7-0).

**6. Town Manager Report**

Robson congratulated the community for its leadership in climate action efforts upon being given an A-list rating, one of only 88 cities in the world to receive the designation from an industry group. Robson reviewed the current health crisis starting with the executive order he signed on November 23, 2020 limiting private gatherings to a single household stating the message was we wanted to avoid being placed in Red category by the state. The town had been very busy since the mountain had opened and compliance with Vail's mask mandate was very high. Police would respond to complaints. Transit operations continued to be a challenge due to varying guidance communicated by the state. Capacity had been reduced by 50% on the buses. Extra buses are in use on busy routes. Masks are mandated on the bus and at bus stops. Robson stated there was significant support for a 5 Star Program to be implemented in Eagle County. The 5 Star Program was initiated in Mesa County and it allowed for higher occupancy for restaurants and other businesses based on safety protocols. Robson noted Bruno had been coordinating the town's efforts and had involved leadership from Avon, Eagle and Gypsum. Robson shared there had been some discussion about the possibility of bringing in food trucks to help provide additional services for guests.

Mason clarified the town would seek Vail-based restaurants as it explored the possibility of food trucks.

## **7. Action Items**

### **7.1. Ordinance No. 21, Series of 2020 Budget Supplemental No. 5, an ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, Real Estate Transfer Tax Fund, Housing Fund, and Dispatch Services Fund of the 2020 Budget for the Town of Vail.**

Presenter(s): Carlie Smith, Financial Services Manager

Action Requested of Council: Approve, or approve with amendments Ordinance No. 21, Series 2020.

Background: Please see attached memorandum.

Staff Recommendation: Approve or approve with amendments Ordinance No. 21, Series 2020.

Smith reviewed Ordinance No. 21 Series of 2020 with council stating across all funds the supplemental request adjusted the budget to reflect \$9,623,170 of additional revenue and proposed an increase of \$2,434,424 to expenditures.

General Fund Budgeted revenue would be adjusted by an increase of \$5.7M.

- ✓ \$3.8M of the \$5.7M increase would be allocated to the General Fund
- ✓ \$1.8M of the increase would be allocated to the Capital Projects Fund.

Capital Project Fund would be adjusted by a total of \$2,254,000.

- ✓ \$1,824,000 of additional sales tax collections
- ✓ \$120,000 of additional use tax collections
- ✓ \$250,000 increase from the Vail Reinvestment Authority to reimburse the Capital Projects Funds for parking structure capital maintenance at the Lionshead Parking structure.

Housing Fund would be increased by \$76,053 to reflect Employee Housing Fee in Lieu collections during 2020.

Real Estate Transfer Tax Fund would be increased by a total of \$2,352,064.

- ✓ \$2,350,000 was year to date RETT collections
- ✓ \$2,064 to recognize donations from First Bank used for Sole Power prizes

Dispatch Service Fund would be increased by \$14,182 to be offset by corresponding expenditures.

- ✓ A state reimbursement of \$9,334 for dispatch deployments to the Pine Gulch and East Troublesome fires.
- ✓ \$4,848 from the General Fund to cover the Dispatch's portion of the 2020 vacation buyback program

There was no public comment.

Council had no questions or comments.

Coggin made a motion to approve Ordinance No. 21, Series of 2020; Stockmar seconded the motion passed (7-0).

**7.2. Ordinance No. 22, Series of 2020, First Reading, An Ordinance Repealing and Reenacting Chapter 2 of Title 6 of the Vail Town Code Regarding Procedures for Disposing on Unclaimed Property in the Town**

Presenter(s): Craig Bettis, Vail Police Commander

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 22, Series of 2020 upon first reading

Background: Ordinance No. 22, Series of 2020 would update the Vail Town Code to reflect the recent updates to Unclaimed Property Act, C.R.S. §§ 38-13-101, et seq. (the "Act").

Staff Recommendation: Approve, approve with amendments or deny Ordinance No. 22, Series of 2020 upon first reading

Mire asked council to not take any action on Ordinance No. 22, Series of 2020 at this time.

**7.3. Ordinance 23, Series of 2020, An Emergency Ordinance Regarding Private Gatherings and Indoor Dining at Restaurants and Bars in the Town of Vail**

Presenter(s): Scott Robson, Town Manager

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 23, Series of 2020

Background: On March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency. On March 13, 2020, the Town Manager declared a disaster emergency in and for the Town of Vail, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, et seq. (the "Act"), and Section 13.5 of the Town's Home Rule Charter, which declaration was thereafter continued by the Town Council. On November 17, 2020, the Colorado Department of Public Health and Environment ("CDPHE") mandated that all counties in Colorado follow the restrictions outlined in First Amended Public Health Order 20-36, which includes the application of the COVID-19 Dial. Eagle County is currently at Level Orange on the COVID-19 Dial, but without additional action, could move to Level Red. On November 24, 2020, the Town Manager enacted an emergency order regarding private gatherings and indoor dining at restaurants and bars in the town.

Staff Recommendation: Approve, approve with amendments or deny Ordinance No. 23, Series of 2020

Robson reviewed Ordinance No. 23, Series of 2020 stating the ordinance would extend the executive order Robson signed prior to Thanksgiving in hopes to detour large gatherings. Robson noted the Vail Police dept. did not receive any complaints during the executive order. The executive order would expire on December 8 and this ordinance would extend the executive order for a longer period of time if council desired to do so.

Council reviewed possible sunset dates for the proposed ordinance reminding each other of the purpose for limiting gathering sizes to one household was to raise awareness and to help bring the number of local infections down.

There was no public comment.

Coggin made a motion to approve Ordinance No. 23, Series of 2020 with the amendment of a sunset date of December 15, 2020; Stockmar seconded the motion passed (7-0).

## **8. Public Hearings**

### **8.1. Second Reading of Ordinance No. 17, Series 2020, an ordinance adopting a budget and financial plan and making appropriations to pay the costs, expenses and liabilities of the Town of Vail, Colorado for its fiscal year January 1, 2021 through December 31, 2021.**

Presenter(s): Kathleen Halloran, Finance Director and Carlie Smith, Financial Services Manager

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

Background: Please see attached memo.

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

Halloran reviewed Ordinance No. 17, Series of 2020 with the council I stating the Total Revenues for all Funds was \$70.6M; which was down 19% from 2019 and down 6% from 2020 forecast. Total expenditures for all Funds was \$99.5M, but this total included the Public Works Shops project. The total expenditures across all Funds without that project was \$82.3M; which was down 4.2% from 2020 original budget.

Changes since the first reading on November 17<sup>th</sup> were as follows:

General Fund:

- Reduced Mountain Travel Symposium from \$163K to \$5K due to event moving to 2022
- Carryover unused relief funds to 2021 (\$500K Commercial and \$130K Community)

Capital Projects Fund:

- Remove Donovan Pavilion improvements; shifting those dollars forward to 2020 so work could begin

Dispatch Service Fund:

- E911 Board funded phone system upgrade

Halloran provide a high-level review of the Fund statements.

- |   |  |
|---|--|
| ✓ General Fund Balance \$33.8M          | Capital Projects Fund Balance: \$16.6M |
| ✓ RETT Fund Balance: \$8.9M             | Marketing Fund Balance: \$358K         |
| ✓ Heavy Equip. Fund Balance: \$1.8M     | Dispatch Fund Balance: \$1.3M          |
| ✓ Health Insurance Fund Balance: \$3.7M | Timber Ridge Fund Balance: \$700K      |

There was no public comment.

Council had some questions concerning the Buffehr Creek turn lane listed under the capital projects and agreed to remove that project out of the budget at this time.

Coggin made a motion to approve Ordinance No. 17, Series of 2020 with the amendment of removing the \$100,000 for the Buffehr Creek turn lane capital project from the 2021 budget; Foley seconded the motion passed (7-0).

**8.2. Second reading of Ordinance No. 18 Series of 2020, An Ordinance Providing for the Levy Assessment and Collection of Town Ad Valorem Property Taxes Due for the 2020 Tax Year and Payable in the 2021 Fiscal Year.**

Presenter(s): Carlie Smith, Financial Services Manager

Action Requested of Council: Approve or approve with amendments Ordinance No. 18, Series 2020.

Background: The town is required by Colorado state law to certify the mill levy by December 15th of each year.

Staff Recommendation: Approve or approve with amendments Ordinance No. 18, Series 2020.

Smith reviewed Ordinance No. 18, series of 2020 with council stating the ordinance had been updated to reflect revised assessed valuations from the county. The valuations decreased by 0.48% from earlier estimates, or approximately \$27,143 impact to the previous valuation. The property tax authorized by the ordinance would generate \$5,688,151 in revenue in 2021, representing approximately 8% of the town's total revenue.

There was no public comment.

Council had no comments or questions.

Coggin made a motion to approve Ordinance No. 18, Series of 2020; Foley seconded the motion passed (7-0).

**8.3. Ordinance No. 20, Series of 2020, Second Reading, An Ordinance Amending Chapter 4 of Title 5 of the Vail Town Code to Increase the Age to Purchase, Possess, Consume or Use a Tobacco or Nicotine Product**

Presenter(s): Matt Mire, Town Attorney

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 20, Series of 2020 upon second reading.

Background: In 2020, the Colorado General Assembly enacted House Bill 20-1001, which increases the age to purchase, possess, consume, or use tobacco or nicotine products from 18 years to 21 years. The Town is required to similarly increase the age to purchase, possess, consume, or use tobacco or nicotine products in Town.

Mire stated there were no changes to Ordinance No. 20, Series of 2020 since first reading.

There was no public comment.

Council had no comments or questions.

Coggin made a motion to approve Ordinance No. 20, Series of 2020; Mason seconded the motion passed (7-0).

There being no further business to come before the council, Foley moved to adjourn the meeting; Langmaid seconded the motion which passed (7-0) and the meeting adjourned at 7:31 p.m.

Respectfully Submitted,

Attest:

\_\_\_\_\_  
Dave Chapin, Mayor

\_\_\_\_\_  
Tammy Nagel, Town Clerk