

Vail Town Council Meeting Minutes
Tuesday, March 16, 2021
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

2. Any action as a result of executive session

There was none.

3. Proclamations

3.1. Proclamation No. 2, Series of 2021, In Recognition of Vail's Trailblazer Award Recipients Sally and Bill Hanlon

Presenter(s): Dave Chapin, Mayor

Background: Sally and Bill Hanlon were chosen as the sixth recipient of the Vail Trailblazer Award

Jen Mason and Jenn Bruno took turns reading Proclamation No. 2, Series of 2021 into the record.

Bill and Sally Hanlon stated they were very appreciative to be this year's recipients.

4. Appointments for Boards and Commissions

4.1. Design and Review Board (DRB) Appointments

Presenter(s): Dave Chapin

Action Requested of Council: Motion to appoint two members to service on the DRB for a two year term ending March 31, 2023

Langmaid made a motion to appoint Kit Austin and Peter Cope to serve a two-year term on the DRB ending March 31, 2023; Foley second the motion passed (7-0).

4.2. Planning and Environmental Commission (PEC) Appointments

Presenter(s): Dave Chapin

Action Requested of Council: Motion to appoint three members to serve on the PEC for a two year term ending March 31, 2023

Langmaid made a motion to appoint Brian Gillette, Karen Perez and Reid Phillips to serve a two-year term on the PEC ending March 31, 2023; Foley seconded the motion passed (7-0).

5. Consent Agenda

5.1. February 2, 2021 Town Council Meeting Minutes

Foley made a motion to approve the February 2, 2021 meeting minutes; Langmaid seconded the motion passed (7-0).

5.2. February 16, 2021 Town Council Meeting Minutes

Foley made a motion to approve the February 16, 2021 meeting minutes; Mason seconded the motion passed (7-0).

5.3. Resolution No.13, Series of 2021, A Resolution Approving an Amended 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. 13, Series of 2021.

Background: See memo

Staff Recommendation: Approve Resolution No. 13, Series of 2021.

Langmaid made a motion to approve Resolution No. 13, Series of 2021; Stockmar seconded the motion passed (7-0).

5.4. Resolution No. 14 Series of 2021 an Amendment to the Vail Transportation Master Plan's Access Management Plan

Action Requested of Council: Approve, approve with modifications or deny Resolution No. 14, Series of 2021

Background: The Town of Vail adopted the Vail Transportation Master Plan in 2009 which included an Access Management Plan (AMP) for the South Frontage Road that was developed

by the Town and CDOT. The Vail South Frontage Roundabout Project requires the Town to amend to the AMP to show the newly approved access points.

Staff Recommendation: Approve Resolution No. 14 Series of 2021

Mason made a motion to approve Resolution No. 14, Series of 2021; Langmaid seconded the motion passed (7-0).

5.5. Resolution No. 15, Series of 2021, A Resolution Approving an Amendment to a Grant Agreement Between the Town of Vail and the State of Colorado Department of Transportation

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 15, Series of 2021

Background: The Town of Vail and the Colorado Department of Transportation ("CDOT") entered in a grant agreement for Federal 5359(c) funds to purchase one replacement bus (40' electric) dated February 21, 2019. The grant expires at the end of March and the Altoona Testing Facility has not completed the testing on the Gillig BEB. Once the testing is finished it can take up to 45 days to publish the report. It is for that reason the grant is being amended.

Staff Recommendation: Approve Resolution No. 15, Series of 2021.

Coggin made a motion to approve Resolution No. 15, Series of 2021; Mason seconded the motion passed (7-0).

5.6. Public Works Shop Expansion Back Up Generator Award with Cummins Power.

Action Requested of Council: Authorize the Town Manager to enter into an agreement with Cummins Power.

Background: As part of the Public Works shop expansion project a new emergency backup generator will need to be purchased and installed. We have received a quote from Cummins Power to purchase a new 750KW generator as per pricing from Sourcewell cooperative purchasing for the amount of \$227,000.

Staff Recommendation: Authorize the Town Manager to enter into an agreement, in a form approved by the Town Attorney with Cummins Power in an amount not to exceed \$227,000.

Coggin made a motion to authorize the Town Manager to enter into an agreement with Cummins Power in an amount not to exceed \$227,000; Foley seconded the motion passed (7-0).

6. Town Manager Report

6.1. Verbal Update on Vail Ski Season Extension and Municipal Service

Robson provided an update on extension of ski season by one week and impact on municipal services. Spring bus service would transition on April 12 as originally scheduled. Free parking in the structures would begin April 12 as well. Robson stated the in-town bus would move back to

the Meadow Drive route beginning on April 19. Robson reminded council that the outdoor mask mandate zone was implemented in November to mirror protocols on the mountain. He suggested revisiting this topic at the next meeting as well as updates on state protocols. Additionally, the town's Annual Community Meeting will take place virtually on March 30 at 2 pm and 6 pm.

7. Presentations / Discussion

7.1. East Vail Trails Update

Presenter(s): Dwight Henninger, Chief of Police, Gregg Barrie, Senior Landscape Architect, Kristen Bertuglia, Director of Environmental Sustainability

Action Requested of Council: Provide direction if the Booth Lake Trailhead parking area should be closed for the Summer of 2021

Background: In December of 2019, Council reviewed alternatives from the Trailhead Working Group to managing the East Vail trailheads and particularly the Booth Lake trailhead. At that time education and information was encouraged. In the fall of 2020 after a COVID impacted high trail use year Council asked staff to reengage with the USFS and to work on the problem of overcrowding at the trailheads. On 2/2/2021 Staff was directed to identify the pros and cons of closing the Booth Lake Trailhead for a trial period during the summer 2021 hiking season. Henninger reviewed staff's recommendations and the pros and cons of closing the Booth Lake Trailhead parking lot for trial period during the summer hiking season of 2021.

Pros of closing Booth Lake Trailhead Parking included:

- ✓ Reduce traffic on Booth Falls Road
- ✓ Enhance pedestrian safety with less vehicles on road
- ✓ Reduce parking and congestion issues for residents
- ✓ Slower average speeds of vehicles are to be expected as it will be primarily only residents and their guests using the roadway.

Cons of closing trailhead parking:

- ✓ Reduced customer service perception by hikers
- ✓ Frustrations by citizens that drive from their homes in Vail to the trailhead.
- ✓ Dogs are not allowed on TOV buses (due to federal regulations), so they would not be able to use this trail, unless utilizing available parking at Vail Mountain School.
- ✓ Limited ability to communicate with hikers from out of town, who are primarily driven to site by social media platforms.
- ✓ Might cause an increase in (illegal) parking pressures in other areas of Town and on Frontage Road.

Council members were comfortable moving forward with the summer pilot closure of the trailhead parking at Booth Lake

7.2. 2020 Update to the Climate Action Plan for Eagle County, including an accelerated timeline to achieve greenhouse gas emission reduction goals.

Presenter(s): Kristen Bertuglia, Environmental Sustainability Director and Kim Schlaepfer, Walking Mountains Science Center Climate Action Collaborative Project Manager
Action Requested of Council: Listen to the presentation and provide direction.

Background: The Climate Action Plan for the Eagle County Community was adopted in 2016 by Eagle County and by Town of Vail in 2017 through Resolution Number 2, Series 2017. In 2017 the Climate Action Collaborative was established to engage local governments and other community partners, and to provide structure and resources to achieve emission reduction targets. The Climate Action Plan was updated in 2020 with an accelerated timeline to reduce county-wide emissions, and to better align with local, state and federal policies, goals and initiatives. This presentation will provide an update on the Climate Action Plan, current priorities, and strategies for implementation through the Climate Action Collaborative.

Staff Recommendation: Supports adoption of the 2020 Climate Action Plan Update.

Schlaepfer, project manager, presented an update on the 2020 Energy Efficiency Program. Climate Action goal had been updated to align with the State of Colorado to target a 50% reduction of emissions by 2030. Priority actions included:

- 100% renewable energy supply for the electric sector by 2020;
- 2% increase each year of electric vehicles registered in Eagle County;
- 80% organics diverted by 2030; and
- beneficial electrification of existing buildings by 5% per year.

Council inquired about the expense of high-speed charging stations. Schlaepfer shared there were fast chargers at every exit in Eagle County.

7.3. Update on the 2020 Energy Efficiency Program

Presenter(s): Kristen Bertuglia, Environmental Sustainability Director; Nikki Maline, Walking Mountains Science Center Energy Programs Director; Melissa Kirr, Walking Mountains Science Center Senior Director for Sustainability

Action Requested of Council: Listens to the presentation and provide feedback on the end of year report.

Background: Town of Vail has partnered with EnergySmart Colorado through Walking Mountains Science Center for the past four years to offer an energy efficiency program accessible, available, and affordable to all residents and businesses of the Town of Vail. The program includes free comprehensive home and business energy assessments and administration of double rebates that leverage utility rebates and help homeowners and businesses to reduce energy use by an average of 20% and save money. The EnergySmart Colorado contract is in place for 2021 and work is currently underway. The 2021 program also includes providing a limited number of free home assessments and double rebates to interested Town of Vail employees.

Maline provide council an update on the 2020 Energy Efficiency Program. Town of Vail specific incentives include:

- Free home energy assessment
- Up to \$100 value in free quick fixes
- Minimum \$450 value to homeowner

- Double rebates
 - Up to \$1,000/year for homes
 - Up to \$2000/year for business

There were 39 free home energy assessments conducted in Vail in 2020. There were 9 residential rebates and 10 commercial rebates.

Council thanked Maline for all the good information and the aggressive rebate program.

8. Action Items

8.1. Ordinance No. 5, Series of 2021, First Reading, Budget Supplemental No. 1, an ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, Real Estate Transfer Tax Fund, Housing Fund, Marketing Fund, Heavy Equipment Fund, Debt Service Fund and Dispatch Services Fund of the 2021 Budget for the Town of Vail.

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

Action Requested of Council: Approve, or approve with amendments Ordinance No. 5, Series 2021.

Background: Please see attached memorandum.

Staff Recommendation: Approve, or approve with amendments Ordinance No. 5, Series 2021.

Halloran provided a recap of year end results. Actual revenues decreased by just 7% in 2020. No reserves were used for operations. Reserves increased \$12.4 million town wide with total available reserves of \$90.3 million. The town received federal CARES Act funding of \$2.8 million. Halloran reviewed the three major funds:

- ✓ Revenue – increase due to lift tax (216k). All sales tax overage (\$2.5M) wet to Capital Projects Fund.
- ✓ Expenditures - Savings in staffing: \$533K (\$800K town-wide); special events \$504K; carryover of relief funds \$606K; all other operations \$921K; carry over of planning projects \$372K;
- ✓ Fund Balance – Budgeted to use reserves by \$1.0M; Actual results: put \$2.4M back into reserves, which total \$38.7M at end of 2020 compared with target \$15.3M or 35% of revenue.

Halloran reviewed staff's personnel request explaining the request would keep the town competitive with other resort communities:

- Adjust 2021 merit from 3% to the 2020 Original Budgeted amount (up to 4% + 0.5% market adjustments).
- All employees would be eligible for this 2021 performance-based merit increase
- For employees that did not receive merits in 2020, add back budget for a performance-based merit up to 4%. Not retro-active

Council was supportive of the request and thought this was very important to stay competitive.

Smith finished reviewing Ordinance No. 5, Series of 2021 with council. The main purpose of this supplemental was to re-appropriate funds for capital projects that were started in 2020 and are continuing into 2021, or projects that did not begin as planned.

There are also adjustments needed to reflect events or decisions that have occurred since the 2021 budget was finalized. The 2021 supplemental budget request proposes to increase expenditures by \$24.7 million. This includes a \$748,000 adjustment to the town's compensation plan which would include up to a 4% merit increase originally planned for 2020.

General Fund expenditures: increase by \$1,032,846. This included:

- ✓ \$15,000 personnel costs for the Transit Host Program (January – March)
- ✓ \$17,000 increase in water expenses based on rate increases by Eagle River Water and Sanitation District.
- ✓ \$30,000 for new COVID-19 signage in the villages.
- ✓ \$75,000 for a spring “Work from Vail” marketing campaign to incentivize mid-week travel.
 - This total cost includes \$45,000 for a Feb 5th- April 9th digital marketing campaign and
 - \$25,000 for gift cards (1,000 X\$25.00) with an additional \$5,000 for the Vail Valley Partnership to administer the gift card program.
- ✓ \$61,000 for enhancements to village warming and seating areas.
 - This includes \$6,000 for dome decorations and maintenance;
 - \$20,000 for propane and gas for fire pits to be used in the winter months;
 - \$5,000 for Adirondack chairs for additional summer seating; and
 - \$20,000 for added seasonal lighting in November and December.
- ✓ \$544,907 related to the compensation request above
- ✓ \$8,000 to be used towards tuition assistance for town of Vail employees at the Children’s Garden of Learning (CGL) as part of the CGL Council Contribution lease agreement
- ✓ \$172,149 to continue the West Vail Master Plan.
- ✓ \$25,000 to support the SummerVail Art Workshop Legacy Program.
- ✓ \$12,000 contribution to the Vail Valley Partnership’s “Vail Valley Works” program
- ✓ \$79,790 transfer to the Marketing Fund to reflect funding paid in 2020 for the Powabunga event that was cancelled and extended to winter 2021.
- ✓ \$5,000 for additional Town of Vail masks to be distributed to guests at the Welcome Center

Capital Projects Fund: Budgeted revenues would be adjusted by \$2,826,299. Staff requested to supplement 2021 expenditures by a total of \$12.9 million:

- \$11.8 million represents projects budgeted in 2020 but not yet completed,
- bus replacements ordered in 2020 but delivered in 2021,
- a new parking management system,
- the continuation of electric bus infrastructure, and
- software upgrades to Seibert Fountain.

New requests/adjustments included the following:

- ✓ \$40,000 for a new police detective take-home vehicle.
- ✓ \$6,594 to replace police handheld devices with in-car computers utilized by patrol for the electronic summons and penalty software.
- ✓ \$125,000 annual maintenance for data center equipment (Dell VXRail system).
- ✓ \$25,000 to reconfigure the Community Development cubicles to accommodate both existing and incoming employees.
- ✓ \$8,000 decrease in the CGL council contribution budget for employee tuition assistance to be paid from out of the General Fund.

Housing Fund: increased by \$970,000.

- \$280,000 for the sale of a 1-bedroom unit at Altair Vail in East Vail.

- \$690,000 reflected a transfer from the Capital Projects Fund directly offset by expenditures for the Middle Creek Developments Fees.
 - This included \$300,000 management fee and \$390,000 in design and planning costs.

Staff requested supplement budgeted expenditures by \$6,269,475 of which \$5,299,475 represented re-appropriations of the town's housing programs. This included:

A carryforward of \$4,633,186 allocated to the INDEED program.

- ✓ \$34,612 to go towards future Town of Vail rental inventory
- ✓ \$382,513 carryforward balance in the Buy Down Housing program.
- ✓ \$249,164 from the sale of the Homestead Peak unit in 2020 to go toward buy-down housing projects.

Real Estate Transfer Tax (RETT) Fund: would be adjusted by \$343,649. \$335,782 of this is for grant and revenue reimbursements originally budgeted and awarded in prior years but were delayed due to project timing. These revenues would be directly offset by re-appropriated project expenditures. This included:

- \$300,000 from Eagle River Water and Sanitation District for the re-stabilization of Dowd Junction retaining wall and bike path.
- \$37,544 donation from East West Partners to continue the design and planning of a Ford Park art space.

Staff requested to supplement expenditures by a total of \$4.8 million, of which \$3.9 million represented projects budgeted in 2020. New requests/adjustments included the following:

- ✓ \$15,000 for a new Environment Waste Reduction intern.
- ✓ \$13,000 for the annual five-week Vail Business Recycling Challenge.
- ✓ \$29,224 relating to compensation request above for employees in Parks, Environmental, Wildland and AIPP departments.
- ✓ \$1,000 for Vail residents to participate in the Electronic Vehicle bulk purchase program
- ✓ \$650 for environmental annual memberships including ICLEI Local Governments for Sustainability Membership dues (\$600) and Recycling Colorado membership dues (\$50)
- ✓ \$34,000 to partner with the Eagle Valley Wild (EVW) and Blue Productions on two webcam environmental projects.
 - This includes placing a webcam at the international bridge to monitor fish, aquatic birds along and a webcam on the East Vail bighorn sheep.
 - In addition, the town will also partner with Colorado Park and Wildlife to produce a short documentary about the E. Vail Bighorn sheep. The town will be responsible for all equipment and production.
- ✓ \$17,000 to go towards the new Eagle County e-bike ownership model program.
- ✓ \$15,130 to partner with Eagle County to expand the US Forest Service Front Ranger program.
- ✓ \$15,000 to install an advanced oxidation commercial sanitation system in the Sun Bird Park fountain to keep the water safe for kids playing the fountain.
- ✓ \$10,000 to the continue the turf grass reduction project. The turf grass reduction program was piloted at the Buhffer Creek park in 2019.
- ✓ \$25,000 for the Lucid energy management software licensing
- ✓ \$20,000 to integrate the Love Vail website onto the town's new website platform
- ✓ \$216,000 for a cost share with VRD for replacement of the Vail Golf Course greens as approved by Council on March 2nd.
- ✓ \$29,224 (includes both salary and benefits) relating to compensation request above.
- ✓ \$99,902 increase in Forest Health salaries and benefits left out of the original 2021 budget in error as a result of more accurately reflecting personnel costs in the Real

Estate Transfer Tax Fund previously accounted for in the General Fund.

- ✓ \$337,706 increase in parks department salary and benefits left out of the original 2021 budget in error as a result of more accurately reflecting Public Works administrative and streets department costs in the Real Estate Transfer Tax Fund previously accounted for in full in the General Fund.

Marketing Fund: increased budgeted revenue by a \$91,790 transfer from the General Fund to be offset by corresponding expenditures. This included:

- \$12,000 for the Vail Valley Works program to be funded by the Education and Enrichment category and
- \$79,780 to re-appropriate a 2020 Commission on Special Events contribution for Powabunga to be used towards event expenditures for the re-scheduled event in winter 2021.

Heavy Equipment Fund: requested to re-appropriate \$130,388 for a fleet service truck ordered in 2020 but arriving in March. Staff also requested \$24,155 (included both salary and benefits) relating to compensation request above.

Dispatch Services Fund: requesting to re-appropriate \$275,972 to continue to update county-wide Computer Aided Dispatch management system. Staff also requested \$50,164 (includes both salary and benefits) relating to compensation request above.

Council thanked Halloran and Smith for the encouraging financial report.

There was no public comment.

Langmaid made a motion to approve Ordinance No. 5, Series of 2021 upon first reading; Coggin seconded the motion passed (7-0).

8.2. Ordinance No. 6, Series of 2021, First Reading, An Ordinance Conveying a Certain Parcel of Land to the Colorado Department ("CDOT") of Transportation

Presenter(s): Tom Kassmel, Town Engineer

Action Requested of Council: Approve, approve with amendments or deny Ordinance No. 6, Series of 2021 upon first reading.

Background: The Town of Vail has approved the construction of the South Frontage Road Roundabout Project which requires the Town to transfer a small parcel of Town property to CDOT to accommodate the new roundabout within CDOT Right of Way.

Staff Recommendation: Approve, approve with amendments or deny Ordinance No. 6, Series of 2021.

Kassmel reviewed Ordinance No. 6, Series of 2021 with council stating the town had budgeted for and approved the construction of the South Frontage Road Roundabout Project this year which included the widening of the South Frontage Road to 4 lanes with landscape medians, sidewalks and a roundabout. In order to accommodate the roundabout with the CDOT Right of Way, the town would need to transfer 643 square feet of town property to CDOT. This portion of town property was located at the southwest corner of the Town Municipal property. Kassmel explained the property to be transferred must be transferred by town ordinance.

There was no public comment.

Coggin made a motion to approve Ordinance No. 6, Series of 2021 upon first reading; Stockmar seconded the motion passed (7-0).

9. Public Hearings

9.1. Ordinance No. 4, Series of 2021, Second reading, An Ordinance Amending Title 6 of the Vail Town Code by the Addition of a New Chapter 4B Regarding the Sale of Dogs and Cats Born or Raised in Inhumane Commercial Breeding Facilities

Presenter(s): Matt Gennett, Director of Community Development

Action Requested of Council: Approve, approve with modifications, or deny Ordinance No. 4, Series of 2021, upon second reading.

Background: The Community Development Department is proposing to update the Vail Town Code to add a new Article B to Chapter 4 of Title 6 of the Vail Town Code to outlaw the sale of dogs and cats from puppy and kitten mills as it is an unwholesome business practice and not in the best interest of the public welfare of the Town.

Staff Recommendation: Approve Ordinance No. 4, Series of 2021 upon second reading.

Gennett reviewed Ordinance No. 4, Series of 2021 with council stating there were no changes since the first reading.

Stockmar confirmed there were no current applications submitted for this type of business with the town. Gennett confirmed he was correct.

Coggin inquired if council would consider expanding this ordinance to include the sale of all living animals. All council members agreed.

Coggin made a motion to table Ordinance No. 4, Series of 2021 to the April 6, 2021 town council meeting; Stockmar seconded the motion passed (7-0).

There being no further business to come before the council, Foley moved to adjourn the meeting; Stockmar seconded the motion which passed (7-0) and the meeting adjourned at 8:48 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Tammy Nagel, Town Clerk