
The regular meeting of the Vail Town Council was called to order at approximately 6:00 P.M. by Mayor Langmaid.

Members present: Kim Langmaid, Mayor
 Travis Coggin, Mayor Pro Tem
 Barry Davis
 Kevin Foley
 Jen Mason
 Pete Seibert
 Jonathan Stauffer

Staff members present: Stan Zemler, Interim Town Manager
 Patty McKenny, Assistant Town Manager
 Matt Mire, Town Attorney
 Tammy Nagel, Town Clerk

1. Any action as a result of executive session

Mason made a motion to authorize the Town Attorney to bring a resolution for condemnation on the property known as East Vail Workforce Housing Subdivision Lot 1, and generally referred to as the Booth Heights Land Site for council's consideration at the May 3, 2022 Town Council meeting; Foley seconded the motion passed (4-3 *Coggin, Davis and Siebert opposed).

2. Citizen Participation

Beth Howard, COO of Vail Mountain, asked council not to move forward with condemnation of the Booth Heights property and explaining the Vail Resorts employee housing development was critical for Vail.

Betsey Kiehl, Vail resident, stated shed supported the action of condemnation.

Greg Niebeer, Vail Resort employee, expressed support for the Booth Heights development. He stated it was difficult for employees throughout the valley to find affordable housing.

Carlos Robles, Vail Resort employee, also expressed support for the Booth Heights development. He stated he would like to be part of the community he works in.

Meghan Madrid, Vail Resort employee, was in support of the Booth Heights development. She shared it was difficult to retain long term employees that have families. This housing project would help with that issue.

Adam Solomon, Vail Resort employee, expressed support for the Vail Resort's housing development.

Trey Milhoan is speaking in favor of condemnation on behalf of the bighorn sheep herd.

Merv Lapin, Vail resident, was in opposition to housing at Booth Heights and supported moving forward with condemnation.

Cynthia Ryerson, Vail resident, also expressed her support for moving forward with condemnation.

John Plack, Vail Mountain employee, stated Booth Heights was shovel-ready and should move forward to address the critical need for housing. He stated studies had been conducted that show the project would not impair the bighorn sheep herd. He questioned why other homes were allowed to be built in the same area.

Jennifer Crabtree, Vail resident, was in support of condemnation.

Packy Walker, Vail resident, shared Pioneer Day would be on Aug. 28 at the Ford Amphitheater. He asked council for an \$8,000 contribution for his event to help offset expenses.

Mason shared with her council members the Cultural Heritage Committee was recommending an \$8K contribution.

3. Announcement of Grand Prize Winner of E-Bike Following Close of 2022 Town of Vail Community Survey

3.1. Announcement of Grand Prize Winner of E-Bike Following Close of 2022 Town of Vail Community Survey

Presenter(s): Mayor Langmaid

The 2022 Town of Vail Community Survey was conducted between March 21 and April 18 with more than 1,000 participants taking part. As a thank you to community members for their participation, respondents were eligible to win an e-bike in a grand prize drawing on April 19, plus ten \$100 Visa gift cards from among the completed surveys. The e-bike grand prize is a Giant Roam E+ thanks to generous support from Venture Sports. Results from the survey will be presented to the Town Council and community on June 7.

Langmaid explained everyone who completed the 2022 Town of Vail Community Survey had opportunity to win an electric bike. Langmaid announced the winner was Katie Ulfig.

4. Proclamations

4.1. Proclamation No. 4, Series of 2022 50th Anniversary of the Vail Symposium

Presenter(s): Dale Mosier, Vail Symposium Board Chair, Rob LeVine, Vail Symposium Treasurer, Kathy Kimmel, Vail Symposium Board Member, and Karen Nold, Vail Symposium Board Member

Background: The Vail Symposium has continued for 50 years to create year-round, thought-provoking programs encompassing topics such as geopolitics, hot topics, environmental awareness, unlimited adventure, health and well-being, economics,

consciousness and more, all with respected and recognized knowledgeable presenters; as such, as an accredited 501(c)(3) non-profit organization, the Vail Symposium has played an important role in the growth of our multi-cultural community.

Staff Recommendation: Approve Proclamation No. 4, Series of 2022 50th Anniversary of the Vail Symposium

Council took turns reading Proclamation No. 4, Series of 2022 into the record.

5. Consent Agenda

5.1. March 1, 2022 Town Council Meeting Minutes

Foley made a motion to approve the March 1 2022 Town Council meeting minutes; Coggin seconded the motion passed (7-0).

5.2. March 15, 2022 Town Council Meeting Minutes

Coggin made a motion to approve March 15, 2022 meeting minutes; Foley seconded the motion passed (7-0).

5.3. Resolution No. 16, Series of 2022, A Resolution Approving an Intergovernmental Agreement between the Town of Vail and the Colorado Department of Transportation regarding Sediment Control Disposal Area on the North Side of Interstate 70 at Approximately M.P. 178-179

Background: The Town and the Colorado Department of Transportation wish to enter into an intergovernmental agreement for the construction of a sand/dirt storage facility on Interstate 70 Right of Way, in the Town Tracts A & C and Town easement area, with the Bald Mountain Townhomes Association for the purpose of sand/dirt storage and to provide aesthetic and noise mitigation to the surrounding neighbors.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 16, Series of 2022.

Mason made a motion to approve Resolution No. 16, Series of 2022; Davis seconded the motion passed (7-0).

5.4. Resolution No. 17, Series of 2022, A Resolution Approving an Agreement between the Town of Vail and the Eagle County Sheriff's Office for the Purchase of K-9 Echo

Background: The Vail Police Department hired an Eagle County Sheriff's Deputy that is currently serving as a K-9 officer. The Vail PD would like to buy the K-9 from ECSO to keep the K-9 in service.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 17, Series of 2022.

Coggin made a motion to approve Resolution No. 17, Series of 2022; Davis seconded the motion passed (7-0).

5.5. Resolution No. 18, Series of 2022, A Resolution of the Town of Vail to Join the United Nations Global Mountain Partnership

Background: The Town's goals and values are aligned with the mission of the Mountain Partnership, a United Nations voluntary alliance of interested governments and organizations committed to working together with the common goal of achieving Sustainable Mountain Development around the world.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 18, Series of 2022.

Davis made a motion to approve Resolution No. 18, Series of 2022; Staufer seconded the motion passed (7-0).

5.6. Resolution No. 19, Series of 2022, Fire Free Five Funding

Background: At the April 5 Town Council Meeting, the Vail Town Council approved funding for a financial assistance program to assist property owners with creating a 5' non-combustible zone around their property. Funding for this program was included in the second reading of the budget supplemental. This Resolution formally establishes the Fire Free Five Community Assistance Program.

Staff Recommendation: Approve Resolution No. 19, Series of 2022 establishing the Fire Free Five Community Assistance Program

Staufer made a motion to approve Resolution No. 19, 2022, Series of 2022; Coggin seconded the motion passed (7-0).

5.7. Letters of Intent and Invitation to Visit Vail (to St. Moritz, Switzerland Officials and St. Anton am Arlberg, Austria Officials) in support of Vail's Peer Resort Exchange Program

Mason made a motion to authorize the Town Manager to sign the letter of intent and an invitation to visit Vail to St. Moritz Switzerland and St. Anton am Arlberg, Austria; Davis seconded the motion passed (7-0).

5.8. Contract Award to Stone Security to Support the Milestone Camera Software

Background: The Milestone camera software system is used to store and review the video footage gathered by over 240 cameras positioned around town. This video has been extensively used by the Police Department to assist with investigations and by the Parking department to track various issues in our structures. The Milestone system has become a critical tool in their day-to-day operations, and this support agreement ensures that the software is kept up to date and functioning effectively.

Staff Recommendation: Direct the Town Manger to enter into an agreement in a form approved by the Town Attorney with Stone Security, LLC in the amount of \$53,250 to support the town's Milestone camera software system.

Davis made a motion to authorize the Town Manager to enter into an agreement with Stone Security, LLC in an amount not to exceed \$53,250; Coggin seconded the motion passed (7-0).

5.9. Contract Award to American Mechanical Services for Police Department Rooftop Unit Replacement

Background: There are eight roof top units which provide heating and cooling to the department interior spaces. Over the past two years four out of the eight units have been replaced. This will be year number three and the plan is to replace unit numbers five and six. The new units are state of the art and are much more efficient than the existing units. They utilize condensing cooling eliminating the outdated existing evaporative cooling.

Staff Recommendation: Authorize the Town Manager to enter into an agreement, in a form approved by the Town Attorney, with American Mechanical Services to replace the Police Department's rooftop unit in the amount not to exceed \$86,034.00.

Coggin made a motion to authorize the Town Manager to enter into an agreement with American Mechanical in an amount not to exceed \$86,034.00; Mason seconded the motion passed (7-0).

5.10. Contract Award with Eagle Valley Events for the production of Vail America Days Parade

Background: An RFP was published to find an event producer to execute the Vail America Days Parade. Laurie Asmussen of Eagle Valley Events submitted a proposal that was reviewed and approved by the Commission on Special Events.

Staff Recommendation: Direct the town manager to enter into an agreement, on a form approved by the town attorney, with Eagle Valley Events for the production of the Vail America Days parade and entertainment in an amount not to exceed \$70,000.

Mason made a motion to authorize the Town Manager to into an agreement with Eagle Valley Events for an amount not to exceed \$70,000; Coggin seconded the motion passed (7-0).

6. Town Manager Report

Zemler stated the restroom construction at the Booth Lake Trailhead would begin April 25 and the parking lot would be closed. Also, invitations to attend Steward Vail public engagement meetings next week were announced.

Mia Vlaar, Economic Development Director, invited the community to attend the Destination Stewardship round table at Donovan Pavilion on Wednesday, April 27 3:30 pm – 6:30 pm and Thursday, April 28 12:30 pm – 2:30 pm. This was an opportunity for the community to gather and discuss and provide information concerning certain topics.

7. Action Items

7.1. Ordinance No. 6, Series of 2022, First Reading, An Ordinance Amending Title 12 of the Vail Town Code to Establish Setbacks from Gore Creek and its Tributaries

Presenter(s): Peter Wadden, Water Quality and Greg Roy, Senior Planner

Action Requested of Council: Approve, approve with modifications, or deny Ordinance No. 6, Series of 2022, upon first reading.

Background: The Gore Creek Strategic Plan, adopted by Vail Town Council in 2016, identifies the loss of riparian (streamside) vegetation as one of the three main causes of declining water quality in Gore Creek. The Plan recommends Town of Vail “update stream setbacks, riparian zones, vegetative buffer zones and other water quality objectives definitions and maps (Title 12 Review and Amendments).” The Planning and Environmental Commission (PEC) heard this application at seven different meetings and forwarded a recommendation of approval on March 14th, 2022.

Staff Recommendation: Approve first reading Ordinance No. 6, Series of 2022

Waden reviewed Ordinance No. 6, Series of 2022 with council stating the proposed changes would establish a “Two-Year Flood Line” where the setback would be measured from. The 2-year flood line primarily runs along the “bank” of the creek. The centerline of the creek can change daily or weekly, so the flood lines varied on a longer timescale due to bank erosion and changes to the stream channel. Ordinance No. 6 would define the 2-Year Flood Line by the average two-year flood line on Gore Creek and its named tributaries, as established by the data set adopted by the Town Council by resolution. Waden explained the best way to protect Vail’s watercourses were to have a consistent setback from the bank of the watercourse, which could be distinguished by the average two-year flood line. The proposed code change would remove the section on the setbacks from the watercourse from the Supplemental Regulations in Section 14 and the new language would be inserted in Section 21 on Hazards to be consistent with the location of the floodplain regulations. Waden shared the (PEC) heard this application at seven different meetings and forwarded a recommendation of approval on March 14th, 2022.

Coggin questioned the process of equity for each home when banks erode. Waden said there was a correction process for homeowners to challenge when those types of changes occur.

Public comment was called.

Dominic Mauriello, representing the ownership of the Evergreen Lodge, was not in full support of the ordinance. Measuring from a flood plain does not work for all properties. He recommends a field process to find the actual high-water marks are rather than relying on a computer program. The correction process needs to be based on going out into the field and finding the actual ordinary highwater mark because there are many variables that would need to be considered.

Heather Houston, ecologist working with the Evergreen Lodge, agreed with Mauriello the ordinary highwater mark was a direct measurement of physical characteristics that can be seen in the field. The 2-year flood line was an estimation of where the highline might be located at. Fielded check process was important to ensure the lines are accurate.

Public comment was closed.

Seibert stated the opportunity was there for citizens if they do not agree with the outcome.

Coggin shared he would not be voting for this ordinance tonight so that he may talk with Waden to better understand the ordinance.

Foley made a motion to approve Ordinance No. 6, Serie of 2022; Stauffer seconded the motion passed (5-2* Coggin and Mason opposed).

7.2. ERWSD Temporary Construction License Agreement Extension

Presenter(s): Tom Kassmel, Town Engineer

Action Requested of Council: Approve extension of Temporary Construction License

Background: Last year ERWSD began replacing a 50+ year old sewer main bridge that crosses the Eagle River in Dowd Junction adjacent to the Gore Valley Trail pedestrian bridge. The Town granted ERWSD a temporary construction license agreement to allow ERWSD to use town property for access and staging. The license expired on November 15, 2021 and ERWSD is requesting to extend the license through October 15, 2022.

Staff Recommendation: Staff recommends approving this request and directing the Town Manager to extend the existing license agreement in a form approved by the Town attorney.

Kassmel explained last year ERWSD began replacing a 50+ year old sewer main bridge that crosses the Eagle River in Dowd Junction adjacent to the Gore Valley Trail pedestrian bridge. The Town granted ERWSD a temporary license agreement on town property to allow ERWSD and their contractor to access the river via the Gore Valley Trail and utilize an existing gravel road and area that leads down to the river as access and staging. The granted license expired on November 15, 2021 and ERWSD is requesting to extend this license through October 15, 2022 to complete the project.

Council had no questions.

Foley made a motion to authorize the Town Manager to enter into an extended license through October 15, 2022 with ERWSD; Coggin seconded the motion passed (7-0).

7.3. 2022 Ford Park Summer Managed Parking Program

Presenter(s): Greg Hall, Public Works Director, Steph Kashiwa Parking Operations Manager

Action Requested of Council: Input and approval requested

Background: Each spring the summer activities and events calendar is reviewed by the Ford Park User Groups, including representatives from Town of Vail, Vail Recreation District, Vail Valley Foundation (GRFA), Betty Ford Alpine Gardens, Bravo! Vail and Walking Mountain Science Center as operators of Vail Nature Center). The proposed managed parking program calendar is attached.

Staff Recommendation: Approve the 2022 Ford Park Summer Managed Parking Program

Hall explained to council that each spring the summer activities and events calendar was reviewed by the Ford Park User Groups and town staff. The calendar that was attached to the council's packet was what the group was currently proposing for this year. Hall stated the calendar will continue to change as events happened.

Council had no questions.

Foley made a motion to approve the 2022 Ford Park Summer Managed Parking Program; Coggin seconded the motion passed (7-0).

7.4. Contract Award with Fehr & Peers for Vail Mobility & Transportation Master Plan

Presenter(s): Tom Kassmel, Engineer

Action Requested of Council: Ask questions.

Background: The Town of Vail has budgeted to complete an update to the 2009 Vail Transportation Master Plan. The new plan will ultimately provide an updated Master Plan for Mobility and Transportation within Vail for the foreseeable future. The Town received 3 proposals.

Staff Recommendation: Award the contract to Fehr & Peers in the amount of \$300,000 in a form approved by the Town Attorney

Kassmel reviewed the three proposals with council stating the Town of Vail had budgeted \$300,000 to complete an update to the 2009 Vail Transportation Master Plan.

- ✓ Fehr & Peers \$300,000
- ✓ Toole Design \$325,000
- ✓ Felsberg, Holt, & Ullevig \$475,000

After the thorough review of each proposal and interviews with both Fehr & Peers and Toole Design, town staff was recommending the town proceed with Fehr & Peers.

Council had no questions.

Coggin made a motion to authorize the Town Manager to enter into an agreement with Fehr & Peers in a form approved by the Town Attorney; Foley seconded the motion passed (7-0).

8. Public Hearings

8.1. Ordinance No. 5, Series of 2022, Second Reading, An Ordinance Amending Various Sections of the Vail Town Code Relating to Alcoholic Beverages, to Reflect Changes in State Law

Presenter(s): Tammy Nagel, Town Clerk

Action Requested of Council: Approve, approve with amendments or deny second reading of Ordinance No. 5, Series 2022.

Background: The Colorado General Assembly recently passed, and the Governor recently signed into law, House Bill 18-1023 and House Bill 18-1025, which will move sections of Title 12 of Colorado Revised States into a new Title 44, effective October 1, 2018 and the Town Council wishes to update the Vail Town Code accordingly.

Staff Recommendation: Approve, approve with amendments or deny second reading of Ordinance No. 5, Series 2022.

Nagel presented Ordinance No. 5, Series of 2022 to council stating there were no changes since first reading.

There was no public comment.

Council had no questions.

Coggin made a motion to approve Ordinance No. 5, Series of 2022 upon second reading; Davis seconded the motion passed (7-0).

9. Executive Session

9.1. Executive Session pursuant to:

1. C.R.S. §24-6-402(4)(b) - to have a conference with the Town Attorney to receive legal advice on specific legal questions, and C.R.S. §24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators on the topic of pending litigation, Town of Vail v. Town of Vail, case number: 2021CV30084;

2. C.R.S. §24-6-402(4)(b) - to have a conference with the Town Attorney to receive legal advice on specific legal questions, C.R.S. §24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, and C.R.S. §24-6-402(4)(a) to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property on the topic of the acquisition of property described as East Vail Workforce Housing Subdivision Lot 1, and generally referred to as the Booth Heights Land Site;

3. C.R.S. §24-6-402(4)(b) - to have a conference with the Town Attorney to receive legal advice on specific legal questions and C.R.S. §24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators on the topic of the agreement between the Town of Vail and Vail Associates Inc., to manage peak periods on Vail Mountain:

4. C.R.S. §24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators on the topic of interviewing search firms to assist in the hiring of the Town of Vail Town Manager; and

5. C.R.S. §24-6-402(4)(b) - to have a conference with the Town Attorney to receive legal advice on specific legal questions on the topic of Ordinance No. 6, 2022 Amending Section 12-14-17 and 12-21-17 of the Vail Town Code to establish setbacks from Gore Creek and its tributaries.

Presenter(s): Matt Mire, Town Attorney

Coggin made a motion to continue the afternoon executive session pursuant to the above recitals; Foley seconded the motion passed (7-0).

Council adjourned from executive session

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 7:50 p.m.

Respectfully Submitted,

Attest:

Kim Langmaid, Mayor

Tammy Nagel, Town Clerk