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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 Jenn Mason Pete Seibert Jonathan Stauffer
Staff members present:	Scott Robson, Town Manager Patty McKenny, Assistant Town Manager Matt Mire, Town Attorney Tammy Nagel, Town Clerk

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Langmaid started the meeting thanking Robson for his 2 years of service with the Town and wished him well in his new role as Town Manager in Telluride.

## **1. Citizen Participation**

Steve Coyer, Eagle River Water and Sanitation District, announced he was running for re-election to the board of the Eagle River Water and Sanitation District and asked the council and residents for their vote.

## **2. Any action as a result of executive session**

There was none.

## **3. Proclamations**

### **3.1. Proclamation No. 3, Series of 2022, Recognizing National Library Week 2022 “Connect with Your Library”**

Presenter(s): Kim Langmaid, Mayor

Action Requested of Council: Approve Proclamation No. 3, Series 2022.

Background: First sponsored in 1958, National Library Week is a national observance sponsored by the American Library Association (ALA) and libraries across the country each April. It is a time to celebrate the contributions of our nation's libraries and librarians and to promote library use and support. All types of libraries (school, public, academic and special) participate. <http://www.ala.org/conferencesevents/node/6/>

Each council member took turns reading Proclamation No. 3, Series of 2022 into the record.

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

##### **4.1. Appoint a Member to the Building and Fire Codes Appeals Board (B&FCA)**

Presenter(s): Kim Langmaid, Mayor

Action Requested of Council: Motion to appoint one person to serve as a member on the Building & Fire Code Appeals Board for a term ending March 31, 2026.

Coggin made a motion to appoint Mark Mueller to serve a four-year term ending March 31, 2026 on the Building & Fire Code of Appeals; Stauffer seconded the motion passed (7-0).

#### **5. Consent Agenda**

##### **5.1. Resolution No. 8, Series of 2022, A Resolution Approving an Intergovernmental Agreement Between the Town of Vail and Eagle County Concerning Wildland Fire Mitigation Program**

Action Requested of Council: Approve Resolution No. 8, Series 2022.

Background: Under this IGA, Eagle County will provide funding to the Town of Vail for Wildfire Mitigation to include curbside chipping, fuels reduction in the Intermountain Forest Health Project and direct aid to homeowners in the unincorporated portion of West Vail.

Staff Recommendation: Approve Resolution No. 8, Series 2022.

Foley made a motion to approve Resolution No. 8, Series of 2022; Coggin seconded the motion passed (7-0).

##### **5.2. Resolution No. 10, Series of 2022, A Resolution Approving the Purchase of the Residential Property known as Vail East Lodging, Unit #16, 4123 Spruce Way, Vail, Colorado.**

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 10, Series 2022.

Background: The availability of housing remains an ongoing challenge for year-round and seasonal Vail residents. The Vail East Lodging will be used to provide rental housing opportunities for Town of Vail employees. The cost to purchase this home is \$565,000.

Staff Recommendation: The Housing Department recommends the Vail Town Council approves Resolution No. 10, Series of 2022, as presented.

Stauffer made a motion to approve Resolution No. 10, Series of 2022; Coggin seconded the motion passed (7-0).

**5.3. Resolution No. 11, Series of 2022, A Resolution Approving the Purchase of the Residential Property known as 1860 Meadow Ridge Road, Unit 4, 1860 Meadow Ridge Road, Vail, Colorado.**

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 11, Series 2022.

Background: The availability of housing remains an ongoing challenge for year-round and seasonal Vail residents. The 1860 Meadow Ridge Road property will be used to provide rental housing opportunities for Town of Vail employees. The cost to purchase this home is \$780,000.

Staff Recommendation: The Housing Department recommends the Vail Town Council approves Resolution No. 11, Series of 2022, as presented

Coggin made a motion to approve Resolution No. 11, Series of 2022; Foley seconded the motion passed (7-0).

**5.4. Resolution No. 12, Series of 2022, A Resolution Approving the Purchase of the Residential Property known as Pitkin Creek Condominiums, Unit P-5, 3931 Bighorn Road, Vail, Colorado.**

Action Requested of Council: Approve, approve with amendments, or deny Resolution No. 12, Series 2022.

Background: The availability of housing remains an ongoing challenge for year-round and seasonal Vail residents. The Pitkin Creek Condominiums home will be used to provide homeownership opportunities for a Town of Vail employee, or a person employed by a business located within the Town of Vail. The cost to purchase this home is \$560,000.

Staff Recommendation: The Housing Department recommends the Vail Town Council approves Resolution No. 12, Series of 2022, as presented.

Mason made a motion to approve Resolution No. 12, Series of 2022; Coggin seconded the motion passed (7-0).

**5.5. Resolution No. 13, Series 2022, Approving an Agreement and an Underground Right-of-Way Easement between the Town of Vail and Holy Cross Energy ("HCE")**

Action Requested of Council: Approve, approve with amendments or deny Resolution 13, Series 2022.

Background: In order to accommodate the relocation of certain power lines for the construction of the Residences at Main Vail, the Town and HCE wish to enter into an agreement and easement.

Staff Recommendation: Approve, approve with amendments or deny Resolution 13, Series 2022.

Coggin made a motion to approve Resolution No. 13, Series of 2022; Staufer seconded the motion passed (7-0).

**5.6. Resolution No. 14, Series 2022, A Resolution Approving a Vacation of Easement and Bill of Sale between the Town of Vail and the Eagle River Water and Sanitation District ("ERWSD")**

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 14, Series of 2022.

Background: In order to accommodate the construction of the Residences at Main Vail, the ERWSD wishes to vacate a certain Sewer Easement and convey ownership of the eight-inch (8") sewer main.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 14, Series of 2022.

Masson made a motion to approve Resolution No. 14, Series of 2022; Coggin seconded the motion passed (7-0).

**5.7. Resolution No. 15, Series 2022, A Resolution Approving an Employment Agreement between the Town of Vail and Stan Zemler**

Action Requested of Council: Approve, approve with amendments, or deny Resolution No. 15, Series 2022.

Background: The Town wishes to retain the services of Stan Zemler to act as Interim Town Manager.

Staff Recommendation: Approve, approve with amendments, or deny Resolution No. 15, Series 2022.

Coggin made a motion to approve Resolution No. 15, Series of 2022; Mason seconded the motion passed (7-0).

**5.8. Letter of Support for Federal Funds to Support the Vail 2024 Battery Electric Bus Purchase and the CASTA Statewide Transit Improvement Proposal**

Action Requested of Council: Approve, approve with amendments or deny Letter of Support.

Background: Request for federal funds to support the Vail 2024 Battery Electric Bus Purchase and the CASTA Statewide Transit Improvement Proposal

Staff Recommendation: Approve, approve with amendments or deny Letter of Support.

Mason made a motion approve a letter of support for the Federal Funds to Support the Vail 2024 Battery Bus Purchase and the CASTA Statewide Transit Improvement Proposal; Staufer seconded the motion passed (7-0).

**5.9. Change order to existing contract with SE Group for completion of the Booth Creek Fuels Treatment NEPA.**

Action Requested of Council: Approve change order with SE Group.

Background: The contract with the SE Group for the Booth Creek Fuels Treatment NEPA was structured as a phased project. This change order represents phase 5 of the project.

Staff Recommendation: Approve change order with SE Group.

Staufer made a motion to the change order with SE Group; Foley seconded the motion passed (7-0).

**5.10. Contract Award with Hallmark Inc. for the Ford Park West Betty Ford Way Paver Project.**

Action Requested of Council: Direct the Town Manger to enter into a construction contract in a form approved by the Town Attorney with Hallmark Inc in the amount of \$994,387 for the Ford Park West Betty Ford Way Paver Project.

Background: The funding for the Ford Park West Betty Ford Way Paver Project is included in the 2022 Real Estate Transfer Tax, Recreation Path Maintenance Account. The 2022 budgeted amount in this account is \$1.2M. The \$994,387 bid is substantially lower than the budget amount.

Staff Recommendation: Direct the Town Manger to enter into a construction contract in a form approved by the Town Attorney with Hallmark Inc in the amount of \$994,387 for the Ford Park West Betty Ford Way Paver Project.

Mason made a motion to authorize the Town Manager to enter into an agreement with Hallmark Inc in an amount not to exceed \$994,387.00; Coggin seconded the motion passed (7-0).

**5.11. Contract Award with Intermountain Painting for Top Deck Village Structure Painting**

Action Requested of Council: Direct the Town Manger to enter into a construction contract in a form approved by the Town Attorney with Intermountain Painting in the amount of \$86,390.00 for the top deck of the Village Structure.

Background: Staff received 2 bids for the Vail Village Parking Structure painting project. Painting included in this project is the top deck of the Village Parking Structure for all vent stacks, railings and buildings that are currently green. The project is scheduled to be completed by September 15, 2022.

Staff Recommendation: Direct the Town Manger to enter into a construction contract in a form approved by the Town Attorney with Intermountain Painting in the amount of \$86,390.00 for the top deck of the Village Structure.

Coggin made a motion to authorize the Town Manager to enter into an agreement with Intermountain Painting in an amount not to exceed \$86,390.00; Foley seconded the motion passed (7-0).

#### **5.12. Contract Award with Drop Mobility for Regional Electric Bike Share Program**

Action Requested of Council: Authorize the Town Manager to enter into an agreement in a form approved by the town attorney with Drop Mobility in amount not to exceed \$174,400 for the execution of the Regional Electric Bike Share Program in 2022.

Background: Following the 2020 Electric Bike Share Pilot Program, Vail Town Council allocated \$175,000 in the 2022 budget for staff to launch a larger, regional electric bike share program in collaboration with Town of Avon and EagleVail Metro District.

Staff Recommendation: Authorize the Town Manager to enter into an agreement in a form approved by the town attorney with Drop Mobility in amount not to exceed \$174,400 for the execution of the Regional Electric Bike Share Program in 2022.

Mason made a motion to authorize the Town Manager to enter into an agreement with Drop Mobility in an amount not to exceed \$174,400.00; Coggin seconded the motion passed (7-0).

### **6. Town Manager Report**

#### **6.1. 2022 Wildfire Mitigation Award to Vail Fire's Paul Cada**

Background: Nation's Leading Wildfire Management Group recognized Vail Fire's Paul Cada as the recipient of the 2022 Wildfire Mitigation Award.

Robson congratulated Paul Cada, wildfire program administrator for the fire department, for being recognized by the nation's leading wildfire management groups with the 2022 Wildfire Mitigation Award.

#### **6.2. Peer Resort Exchange Update**

Robson provided a quick recap of a recent Peer Resort Exchange trip to St. Moritz, Switzerland and St. Anton, Austria. Robson stated the trip was extremely productive and there would be a letter of intent to formalize renewed relationship with St. Moritz presented at the next meeting.

#### **6.3. 2022 Community Survey Update**

Robson encouraged the community to participate in the Town of Vail Community Survey. The deadline to respond was April 18.

Additionally, Robson mentioned the Vail Employee "locals" Party would be on April 25 on the International Bridge. There would be free food and drink and possible prizes for people to win.

### **7. Presentations / Discussion**

#### **7.1. Fire Free Five Community Assistance Program**

Presenter(s): Mark Novak, Fire Chief

Action Requested of Council: Approve Fire Free Five Community Assistance Program

Background: Creating a 5' non-combustible zone (Fire Free Five) around a building is one of the most important actions that can be taken to reduce the risk of structural loss due to wildland fire. Town Council directed staff to establish a program to help offset the cost associated with creating a 5' noncombustible zone around structures.

Staff Recommendation: Approve Fire Free Five Community Assistance Program

Novak spoke to council about possible ways to provide financial assistance to homeowners to offset the cost associated with creating a fire free five around structures in the town. Novak suggested allocating Real Estate Transfer Tax funds to create a Town of Vail funded for 2022 of \$150,000. The funding would be structured to reimburse property owners for 75% of the costs of labor and materials associated with implementing the fire free five. The proposed limits were as follows:

- a. Single Family Dwelling: \$ 2,000 maximum
- b. Duplex: \$3,000 maximum
- c. Multi-family dwelling/complex 1-20 units: \$5,000 maximum
- d. Multi-family dwelling/complex 20+ units: \$10,000 maximum
- e. Commercial structure: \$5,000 maximum

Additionally, Novak explained the process a homeowner would need to follow to qualify for the assistance program:

- ✓ The homeowner would need to complete the assistance program application.
- ✓ Fire Dept. staff would conduct an evaluation of the existing conditions and issues.
- ✓ Fire Dept. staff conducts follow up evaluation to ensure the work was completed.
- ✓ Homeowner submits receipts
- ✓ Finance Dept. processes payment to homeowner

Langmaid thanked Novak for creating an assistance program.

Council had no questions.

## **7.2. Short-Term Rental Study - Part 4**

Presenter(s): Alex Jakubiec, Finance Department; and Andrew Knudtsen, Economic & Planning Systems Inc

Action Requested of Council: Please provide feedback to staff regarding ordinance changes as a result of the short-term rental study.

Background: The purpose of this memorandum is to revisit policy changes recommended for consideration at the March 15th presentation of the short-term rental study. These recommendations were based on feedback heard during the short-term rental study conducted by RRC Associates and Economic & Planning Systems Inc.

Staff Recommendation: Please provide feedback to staff regarding ordinance changes as a result of the short-term rental study.

Jakubiec revisited policy recommendations that were presented during the previous meeting. He acknowledged there was council support for some of the policy considerations.

#### Registration Limits:

1. Limit density in multi-unit buildings and complexes: limit registrations to no more than 20% of units in a building or complex that was governed by a common HOA with 6 or more units.
2. Limit registrations in zone 2 unless owned for 5 years or more: set the limit to existing level and no new registrations unless the property was owned by the same person/entity for 5+ years

#### Base Registration Fees:

1. Flat rate base fee to cover town's admirative costs
2. Per bedroom fee to generate revenue for housing initiative
3. Lower fees for primary owner-occupied units and fractional units

#### Health and Life Safety Standards:

1. Fire Dept. Inspections
2. Proof of Adequate Insurance
3. Update Current Local Representative Requirements

Stauffer asked for an example of a fractional unit. Jakubiec provided Sandstone Creek Club and Eagle Point examples of fractional properties.

Stauffer approved renting for 30 days from a homeowner who might rent their property to traveling workforce or guests that need a place longer than a few days or week.

Seibert stated he would like to see an increase in penalties and fines. He suggested HOA's and Condominium Associations manage regulating how many STRs are allowed in their buildings.

Davis asked if there were any programs adopted by other communities that encouraged STR's to be used for long-term housing.

Coggin expressed concern of possible unattended consequences, such as forcing a property to be dark or forcing a property to be used more due to the registration increases. He suggested a base registration fee should be a flat fee of \$150. Additionally, he requested staff to investigate what a 2% tax would generate. He questioned regulating condominium associations but agreed STR fees needed to cover administrative costs.

Mire reminded council they were not allowed to impose a tax without going to the community to vote.

Langmaid expressed support for the registration caps and the per bedroom fee.

Foley agreed with the fees covering administrative costs; requiring the fire inspections and proof of adequate insurance.



Mire suggested next meet staff bring back an ordinance for council to review and discuss section by section.

Langmaid agreed.

Staff would return at the future meeting with an ordinance for council's consideration.

## **8. Action Items**

### **8.1. Resolution No. 9, Series of 2022, A Resolution of the Vail Town Council Approving a Master Lease between the Town of Vail and the Vail Corporation, dba Vail Associates Inc. ("VAI")**

Presenter(s): George Ruther, Housing Director

Action Requested of Council: Approve, approve with amendments or deny Resolution No. 9, Series 2022.

Background: On March 1 and 15, 2022, the Vail Town Council reviewed a proposed new Timber Ridge Master Lease agreement. Following discussion of the proposed new master lease agreement by the Town Council, direction was provided to the Town staff. The master lease terms are outlined in Section 3 of the Staff Memorandum.

Staff Recommendation: Approve, approve with amendments or deny Resolution No. 9, Series 2022.

Ruther quickly reviewed Resolution No. 9, Series of 2022 and the Timber Ridge Master Lease with council. The terms for the master lease were provided:

- Lease Term – June 1, 2022 to August 31, 2023, or unless otherwise notified of an earlier termination date due to redevelopment. (extends the lease to 15 months total to fill the gap between a 12-month lease and the anticipated start date of a Timber Ridge redevelopment)
- Rent Rate – \$1,620 per month.
- Number of Units – 36 total plus one on-site manager's residence.
- Number of assigned parking spaces – 27 total
- Occupants per Unit – up to 3 occupants total
- Security Deposit – a cash deposit equal to \$58,320 (amount increased to reflect new rent rate)
- Other Standard Lease Provisions – Insurance, maintenance and repairs, indemnifications, utilities, default remedies, etc.
- Convenience Fee – (adds a \$34,000 convenience fee to reflect the premium granted by the Town for allowing a 37-unit master lease. Vail Resorts is prohibited from passing this fee on to the sub-tenants. Said fee shall be deposited into the Town's Housing Fund to further the Town's housing goal)
- Subtenant leasing – (amended such that all sub tenants shall be employees of Vail Resorts who work within the Town)
- Holding Over Provision – (amended to clarify and align the duration of any holdover tenancy to not more than 2 months total i.e. October 31, 2023)

Ruther reminded council the master lease was for 15 months ending August 2023.

Public comment was called.

Dick Cleveland, Vail resident, asked if any other local businesses had an opportunity to inquire a master lease. Langmaid confirmed that had been done and in fact one building went to smaller businesses. Vail Resorts master lease was for the other two buildings.

No further public comment.

Foley made a motion to approve Resolution No. 9, Series of 2022; Coggin seconded the motion passed (7-0).

## **8.2. Ordinance No. 2, Series 2022, First Reading, An Ordinance Amending Chapter 11 Of Title 5 of the Vail Town Code to Reduce the Risk Of Wildfires In The Town**

Presenter(s): Paul Cada Wildland Program Manager, Mark Novak Fire Chief

Action Requested of Council: Approve, approve with modifications, or deny Ordinance No. 2, Series of 2022

Background: In 2020 the Vail Town Council adopted the Vail Community Wildfire Protection Plan (CWPP). A primary goal of the CWPP was to reduce the risk of a wildland urban disaster within the Town of Vail. An essential element in achieving this goal is to prevent the ignition of structures. The most effective manner to achieve this goal is to require a non-combustible zone around all structures. Since introduction at the March 15, 2022 meeting, Ordinance No. 2 has been modified to incorporate public and Town Council input.

Staff Recommendation: Approve Ordinance No. 2, Series of 2022 on first reading

Novak and Cada provided a review of Ordinance No. 2, Series of 2022. Cada reviewed the WUI Structure/Parcel/Community Fire Hazard Mitigation Mythology. The report identified risk between structures less than 30 feet separation and the recommended mitigation to reduce the shared risk. 62% of all structures within the town are built within 30 feet of the nearest structure. Ordinance No. 2 regulated a 5-foot mandatory non-combustible zone around all buildings. Each building would create a zone of non-combustible materials that extended from the foundation wall or attachment out five feet. Trees planted outside the 5 -foot zone that hung over into the zone would be limbed up to a height of 6 feet to leave a 2-foot gap between the nearest branch and the building. Cada shared since the last presentation to council regarding this matter was heritage trees 12 inches diameter and 40 feet tall; aspens 8-inch diameter regardless of location would be exempted from the 5-foot requirement.

Langmaid shared council had heard from the community concerning this ordinance. Many are not ready for the requirement and suggested taking a year for homeowners to voluntarily take action at their residence and to allow more community outreach and education.

Seibert stated the proposed ordinance did not go into effect for 3 years and wonder why they wouldn't just pass the ordinance being proposed.

Foley stated he would prefer to be proactive than reactive.

Davis felt if there was a catastrophic fire the 5-foot requirement would not matter. He asked where and when would the 5-foot requirement be effective. Novak said there were a lot of different fire scenarios and it would be difficult to provide that information. The science shows having a fire free five zone was effective in most fire types.

Public comment was called.

Jack Burgee, Vail resident, agreed with the ordinance and asked what council's concerns were.

Bob Armour, Vail resident, asked about his comment regarding the loss of buildings in fire in 2007 in Tahoe. Novak clarified there were no homes lost in the Tahoe Basin and the structures lost on the west slope where most of those homes were forest service cabin that did not have any irrigation. Armour requested before and after pictures of the town hall and west vail fire station looks like for the community to understand what effect the ordinance would have to their homes.

Cleveland shared he planted over \$1000 for trees to provide shade rather than installing air condition. To remove those trees would cost more than \$2000 to remove those trees. He hopes council won't kick this topic down the road – make a decision and take the heat either way.

John Rediker, Vail resident, stated the \$150,000 for assistance that was previously passed this evening was way underfunded. He had many issues with the proposed ordinance from the types of trees to the appeal process. Requiring removal of aspen trees and justifying the exemption of heritage trees does not make sense.

Susan Bird, Vail resident, she agrees with Cleveland and Rediker points. She would request the DRB have a part of this ordinance. She questioned what happens when the properties outside of town limits don't have to regulate their properties.

Public comments closed.

Coggin confirmed Ordinance No. 2 if passed wouldn't go into effect for three years. He argued the perception of how many trees would be affected. He suggested taking a year to work on education and host more outreach programs and bring the ordinance back in a year.

Langmaid requested an outreach to the properties in Eagle County that are close to town limits would participate in the requirement.

\*Ordinance No. 2, Series of 2022 was not passed nor tabled.

### **8.3. Ordinance No. 5, Series of 2022, First 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 first 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 first reading of Ordinance No. 5, Series 2022.

Nagel reviewed Ordinance No. 5, Series of 2022 with council stating the amendments to certain areas of the town code reflect changes to State Law concerning alcoholic beverages. Nagel confirmed the changes would not affect any liquor process or license.

There was no public comment.

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

## **9. Public Hearings**

### **9.1. Ordinance No. 4, Series of 2022, First Reading, Four Seasons Amendment to SDD No. 36 to allow for reconfiguration of existing accommodation units, fractional fee units and dwelling units, and to amend the Employee Housing Plan to relocate a portion of the existing onsite employee housing offsite**

Presenter(s): Jonathan Spence, Planning Manager

Action Requested of Council: Approve, approve with modifications, or deny Ordinance No. 4, Series of 2022, upon first reading.

Background: On March 14, 2022, the Town of Vail Planning and Environmental Commission (PEC) held a public hearing on the request for a recommendation to the Vail Town Council for a major amendment to Special Development District No. 36, Four Seasons Resort, pursuant to the requirement of Section 12-9A, Special Development (SDD) District, Vail Town Code. At the conclusion of the public hearing, the PEC voted 5-0-1 (Gillette abstained) to forward a recommendation of denial, to the Vail Town Council

Staff Recommendation: Approve, approve with modifications, or deny Ordinance No. 4, Series of 2022, upon first reading.

Spence reviewed Ordinance No. 4, Series of 2022 with council stating this was a major amendment to the SDD No. 36 Four Seasons Resort. Spence provided history to the subject stating when the application was filed with community development dept. for the PEC to have a public hearing for a recommendation to the council for a major amendment to SDD No 36 staff suggested first to present the amendment to the PEC at a work-session; return to PEC for a public hearing at a later date with an application that incorporated any of the PEC suggested changes. The Applicant chose to have a public hearing before the PEC. At the end of the hearing the PEC voted 5-0-1 to forward to council a recommendation of denial. Spence stated the applicant, Four Seasons Resort, was requesting a major amendment to SDD No. 36, Four Seasons, to change the unit mix within the resort and to relocate a portion of the existing on-site employee housing to down-valley communities.

Council had no questions of Spence

Andrew Sellnau and Gary Barnett, Extell Development, presented on behalf of the Applicant, Four Seasons Resort, sharing they were in the last phases of the renovating the hotel to improve public space to utilizing unused spaces like the two floors never have been at full occupancy and low utilization. The change requested would be to keep one floor as housing units and convert the other floor to hotel rooms. This would allow the ability to convert some of the larger spaces into condominiums to sell generating revenue also for the town. Barnett acknowledged staff's arguments, but these dorm-like units were not suitable for long-term staff to call home. He hoped the council would consider the request tonight.

Sellnau presented a PowerPoint stating the SDD for the Four Seasons Resort was passed in 2001 and received additional amendments in 2003 and 2005. A condition included in the Resort's approved SDD was that 28 employee housing units were to be provided onsite. The units were created and approved as dormitory style and double occupancy in order to house 56 of the employees generated by the new development. The units have never housed that many employees. The units do not have kitchens and bathrooms are shared by 4 people. There are no other types of facilities such as a tv room or family room for employees to use. Amendments to SDD #36 are intended to allow for the reconfiguration of the Four Seasons that would include:

- Maintaining 12 onsite dorm rooms for J1s, H2Bs and temporary employees;
- Replacing the other 16 underutilized onsite deed-restricted employee dorm rooms with offsite deed restrictions;
- Reconfiguring the underutilized employee housing units into hotel accommodation units;
- Reclassifying seven existing hotel accommodation units into four dwelling units.

Sellnau stated the Applicant proposed:

- ✓ To abandon the 1:1 bedroom approach and instead follow an employee basis count in line with Town Code.
- ✓ To deed-restrict approximately 28 bedrooms within units that have adequate living, kitchen and bathroom spaces, and within the Mitigation Region (Vail, Eagle-Vail, Avon and Edwards core).

Siebert asked what the size of the condominiums being created are and what would they be sold? Sellnau said there are three suites will be combined to create one condominium in total four condominiums would be created each about 2500 square foot.

Siebert asked why the Applicant wasn't purchasing housing in town or offering these units to other employers in town. Sellnau said there were operational issues when housing another employers housing.

Public comment was called.

Steve Lindstrom, VLHA Chair, shared the Authority had met with the Applicant several times regarding the amendment and they support the request.

Burgee, Vail resident, thought it was a decent solution.

Public comment was closed

Sellnau closed with acknowledging the solutions are not perfect but trying to improve the housing situation for their employees. The Applicant was looking to move forward as quickly as they could. Sellnau shared there was a contract on an Eagle Vail property pending on tonight's decision.

Spence said the housing requirement was part of the SDD and the applicant had never approached the town before regarding under utilized housing units. Housing should stay in town.

Coggin understands people don't want to live in dorm units but would like to figure out a solution with purchase of units in town and he would not support a master lease.

Mason asked if the Eagle Vail property was a master lease. Sellnau said they would be purchasing the units and have them listed as Town of Vail deed restriction. She agreed the units need to be in Vail.

Langmaid would like to see all housing in Vail. She felt if the town could purchase three units tonight in the town limits than the Four Season should be able to as well.

Stauffer agreed the housing needed to be in Vail.

Foley made a motion to remand the applicant back to the PEC for further considerations based on tonight's comments; Stauffer seconded the motion passed (7-0).

**9.2. An appeal, pursuant to Section 12-3-3, Appeals, Vail Town Code, of a Condition of Approval for DRB22-0035, a residential project located at 3070 Booth Creek Drive**

Presenter(s): Jonathan Spence, Planning Manager

Action Requested of Council: Uphold, overturn, or overturn with modifications, the Design Review Board's March 2, 2022 decision.

Background: The applicant, Reggie D. Delponte Residence Trust No. 1 & No. 2, represented by Shepherd Resources Inc. AIA, requested the review of an addition to an existing single-family home before Design Review Board, pursuant to Section 12-11-3, Vail Town Code, located at 3070 Booth Creek Drive. The Design Review Board, at its March 2, 2022 meeting, by a vote of 5-0, approved the project with the noted condition

Staff Recommendation: Uphold, overturn, or overturn with modifications, the Design Review Board's March 2, 2022 decision.

Spence addressed council asking that due to some issues raised by the Appellant's letter staff was requesting this item to be continued to the next council meeting to allow time for staff to investigate the relationship of the stream health and the encroachment.

Mire stated statute allowed for a 30-day continuance to May 3.

Wendell Porterfield, representing the Appellant, said they were just recently told of this request as didn't understand the reason for the request. He stated there would be a financial loss to the Appellant if there was a 30-day continuance.

Coggin made a motion to continue this public hearing to the May 3<sup>rd</sup> council meeting; Foley seconded the motion passed (7-0).

**9.3. Ordinance No. 3, Series 2022, Second Reading, 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, Residences at Main Vail Fund and Dispatch Services Fund.**

Presenter(s): Carlie Smith, Deputy Finance Director

Action Requested of Council: Approve or approve with amendments  
Ordinance No. 3, Series 2022.

Background: Please see attached memo.

Staff Recommendation: Approve or approve with amendments Ordinance No. 3, Series 2022.

Smith quickly reviewed the changes to Ordinance No. 3, Series of 2022 upon second reading.

There was no public comment.

Council had no questions.

Coggin made a motion to approve Ordinance No. 3 Series of 2022 upon second reading; Stauffer 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 9:35 p.m.

Respectfully Submitted,

Attest:

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

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