

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 Jenn Bruno, Mayor Pro Tem Dick Cleveland Kevin Foley Kim Langmaid Jen Mason Greg Moffet
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Staff members present:	Patty McKenny, Acting Town Manager Matt Mire, Town Attorney
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#### **1. Citizen Participation**

Diane Carpenter, resident Village Center, lodged her concerns about a recent incident she had with access to her residence during the Go Pro Mountain Games. She cited safety and access issues caused by the town's events schedule noting there should be further consideration given to both concerns. She also noted safety issues surrounding those children playing next to the Gore Creek.

Michael Cacioppo inquired about citizen participation timeframes; he noted the time limits should not be used.

Mike Imhof, Vail Valley Foundation, thanked the Town of Vail for their partnership and commented on the success of the Go Pro Mountain Games. He also recognized the concerns raised by some of the residents impacted by the event and noted their staff would be reviewing all matters surrounding the event with their commitment to producing a high level event.

John Kirchner, resident, shared his opinion of short-term rental as a negative in his neighborhood.

Susie Tjossem, Colorado Snowsports Museum, shared some information about the museum's current capital project upgrades, noting both private and public funding to support the effort. She noted there is some diligence being performed to determine the possibility of circulating an initiative petition to increase the lodging tax to support funding the museum. She noted some public support and wanted the council to be informed on the matter as well.

Martha Brassel, Vail International Dance Festival, thanked the Town for support of the upcoming season; she circulated the dance programming.

Reggie O'Brien, Bald Mountain Townhomes, thanked the Town Council for the support with their berm construction project.

## **2. Consent Agenda**

- 2.1. May 2, 2017 Town Council Meeting Minutes
- 2.2. Resolution No. 20, Series of 2017, Resolution approving an amended and updated Noxious Weed Management Plan; and setting forth detail in regard thereto
- 2.4. Intermountain Fuels Reduction Project - Helicopter Logging Contract Award

Moffet moved to approve 2.1, 2.2, 2.4 consent items; Bruno seconded the motion and it passed (7-0).

2.3. Resolution No. 21, Series of 2017, Intergovernmental Agreement Between the Town of Vail and the United States Forest Service for Timber Sale Associated with Intermountain Fuels Reduction Project

There was some discussion about the IGA and the amount assessed by the U.S.F.S. (\$348.05) for the timber sale value when the Town of Vail would be covering the cost of the project with no assistance from the federal government (costs approved were \$612,394). Moffet moved to approve Resolution No. 21, Series of 2017 and the motion passed (5-2; Cleveland and Foley no).

## **3. Presentation/Discussion**

- 3.1. Stephens Park Off-leash Area Discussion  
Presenter(s): Gregg Barrie, Senior Landscape Architect

Action Requested of Council: Provide staff with direction in regards to the dog waste issue based on the provided recommendations and input received from the public.

Background: Stephens Park is a neighborhood park that provides a designated off-leash area. Since the off-leash designation in 2004, there have been two consistent issues: 1) the loss of the turf area for neighborhood use and 2) excessive dog waste being left in the park.

Staff Recommendation: Staff recommends reviewing the ideas presented in the Memorandum in conjunction with input from the community and providing direction to staff towards improving education, signage and enforceable measures. Staff also recommends altering the existing designated off-leash area to include the Gore Creek access point at a later date.

A brief presentation about the background and some recommended solutions, both completed and proposed, were given by Gregg Barrie. Chapin expressed his support of using the neighborhood to help solve the issues; he opened this time for public comments and a number of residents were present with input as follows:

Jane Taylor presented a number of suggestions to help remedy the situations, patrols at peak use time, before & after work, create a pickup patrol, conduct frequent community park cleanups, educate the neighborhood, more signage, reserve for dogs first and then children, provide more poop utensils, address those using the park who are not in the neighborhood.

Tim McGraw noted that he did not see the misuse of the park by dog owners. He suggested changing the signage,

Walter Dandy expressed his support of the allowed use in the park and requested the town not discontinue that use.

Blondie Vucich expressed the need for a “neighborhood task force” to take on the watch dog role similar to what she helped launch in the Bighorn Park neighborhood, a very successful endeavor to ensure their park remains usable for everyone.

Others supported the notion to activate a group to monitor and actively engage the up keep of the park. Council’s input encourage the group to take on the ownership of keeping the area in acceptable condition; they noted that town staff are likely doing too much dog waste clean up and it is the responsibility of the dog owners now. It was noted that staff return with an update later in the summer.

#### **4. Town Manager Report**

##### **4.1. Chamonix Vail Neighborhood Project Update (verbal report)**

Presenter(s): George Ruther, Director of Community Development

The update noted the project was a few days ahead of schedule and on budget; there would be some slight overages due to the need for further soils testing. Staff would be working with the owners’ list to complete additional paperwork related to deposits and purchase and sale agreements.

#### **5. Action Items**

5.1. Ordinance No. 4, Series of 2017, First Reading, An ordinance for a prescribed regulations amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Title 12 of the Vail Town Code with the addition of a new Chapter 26, Transportation Impact Fee

Presenter(s): Tom Kassmel, Town Engineer

Action Requested of Council: Approve, amend or deny on Ordinance No. 4 Series 2017 on first reading.

Background: In 2016, the Town of Vail hired the consulting firm TischlerBise to develop an updated transportation impact fee. The impact fee is proposed to codify the current traffic mitigation fee to help fund future transportation related projects identified in the Vail Transportation Master Plan. The proposed fee will be applied in all zone districts, and will require developers to pay their proportional share for the necessary transportation infrastructure improvements that are directly related to the impacts created by the new development.

Staff Recommendation: Approve Ordinance No. 4 Series 2017 on first reading.

Kassmel presented background and a recommendation for using the maximum transportation impact fee schedule in light of the projected costs related to future growth and needs for mitigating the transportation impacts. The table below reflects a revised schedule that would subsidize uses such as employee housing, accommodation units, commercial uses, and equalize the core area fees with the outside core area fees:

*Revised Fee Schedule & Projected Revenue – June 6<sup>th</sup>, 2017 Council Input*

Development Type	Additional Development Units	Fee Per Development Unit	Projected Revenue	Percent of Impact Fee
Dwelling, Two Family or Multiple Family (In the Core Area)	705	\$ 5,960.00	\$ 4,201,800.00	20%
Dwelling, Two Family or Multiple Family (Outside the Core Area)	554	\$ 5,960.00	\$ 3,301,840.00	16%
Dwelling, Single Family	120	\$ 9,686.00	\$ 1,162,320.00	6%
Employee Housing Unit (In the Core Area)	41	\$ -	\$ -	0%
Employee Housing Unit (Outside the Core Area)	310	\$ -	\$ -	0%
Accommodation Unit (In Core Area)	270	\$ -	\$ -	0%
Accommodation Unit (Outside Core Area)	102	\$ -	\$ -	0%
Restaurant & Retail Establishments	320000	\$ -	\$ -	0%
Facilities Health Care	140000	\$ -	\$ -	0%
Office & Other Services	88000	\$ -	\$ -	0%
			\$ 8,665,960.00	42%

The net effects of revising the fee schedule are:

- a reduction in projected revenue from \$21 Million to \$8.7 Million,
- an increase in the Town Vail's taxpayer responsibility by **\$12.3 Million**,
- reimbursement of \$624,000 to the Vail Valley Medical Center (VVMC) per the existing VVMC Developer Agreement (DA). However, if Facility Health Care is not selected to be subsidized, then no reimbursement is required and VVMC will likely pay an additional ~\$500,000+.

Chapin invited public input at this time.

Tom Braun, Braun & Associate's, Inc., requested further review of the fee structure to better accommodate the medical facility that already provides a positive economic impact to the community.

Michael Cacioppo reminded the community the hospital is a not for profit hospital which does not submit property taxes to the town coffers.

One other suggestion was to increase sales tax in order to offset the transportation impacts.

Council comments included:

- ✓ The adoption of this fee and policy opposes their position of pro development in the town
- ✓ The fee needs to be codified in light of the fact that it is currently being collected, but it is not required to be collected
- ✓ Suggestion to eliminate the use tax if this fee is adopted
- ✓ Revise fee schedule down; it is too high
- ✓ Revise the timing of the payment to the end of the development

Moffet moved to approve Ordinance No. 4, Series of 2017, First Reading, An ordinance for a prescribed regulations amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Title 12 of the Vail Town Code with the addition of a new Chapter 26, Transportation Impact Fee, with the condition to remove the "employee housing units" from the fee schedule and noting the findings made in the council packet memo dated June 20, 2017. Langmaid seconded the motion and it passed (7-0).

5.2. Ordinance No. 8, Series 2017, First Reading, Ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, Real Estate Transfer Tax Fund of the 2017 Budget for the Town of Vail, Colorado and authorizing the said adjustments as set forth herein; and setting forth details in regard thereto

Presenter(s): Carlie Smith, Budget Analyst

Budget Summaries included the following highlights:

### **General Fund**

In addition to the proposed reduction of budgeted sales tax revenue of \$350.3K, budgeted revenue will be adjusted by an increase \$42,780 directly offset by the following corresponding expenditures:

- \$12,052 of state funding for the Northwest Incident Management Team training exercise that occurred May 18th-20th in Rio Blanco County.
- \$25,000 of state funding for the Northwest Incident Management Team exercise in Keystone, CO taking place in September.
- \$1,228 reimbursement from the Vail Valley Medical Center Foundation for children's books purchased for the Foundation's "Books for Babies" initiative;
- \$4,500 use of Library grant funds from the state of Colorado to be used to purchase books, audio visual material, and other electronic and education resources.

Overall increase in budgeted expenditures of \$253,780 which includes \$42,780 related to expenditures corresponding to the reimbursements above and \$10,000 related to off-cycle contributions recommended by staff. The remaining \$201,000 of expenditures includes:

- \$76,000 for extended bus service for the East Vail enhancement pilot program approved by council on April 18th. Cost of the extended service will be allocated \$47,120 to seasonal salaries and \$28,880 for bus operations (fuel and fleet maintenance charges).
- \$75,000 to Safebuilt for additional plan review services due to increased demand.
- \$50,000 to increase fire overtime.

It was noted the off-cycle contributions are included in this budget request based on staff recommendations. The funding requests recommended include \$10,000 to the Vail Chamber and Business Association (VCBA) to support the Pioneer Weekend event; \$5,000 to the Vail Valley Mountain Bike Association for the Adopt a Trail program funded out of the Real Estate Transfer Tax fund.

### **Capital Projects Fund**

In addition to the proposed reduction of budgeted sales tax revenue of \$214.7K, budgeted revenue will be adjusted by an increase of \$500,000. This includes \$45,000 of reimbursement from the Holy Cross Community Enhancement Fund, directly offset by corresponding expenditures for engineering costs approved by council on June 2nd to pursue the first phase of Big Horn Road and South Frontage Road underground energy projects. The remaining \$455,000 is a revenue reimbursement from the traffic impact fee funds that will be used to offset design and planning costs for the S. Frontage Road improvements between the Vail Valley Medical Center and the Lionshead parking structure. The expenditures for this project were approved by council during the 1<sup>st</sup> budget supplemental in April.

Staff is requesting an overall increase in budgeted expenditures of \$92,825 which includes \$45,000 related to expenditures corresponding to the reimbursements above. The remaining \$47,825 of expenditures requested for new projects and project increases include:

- \$13,050 for an upgraded financial reporting module in the existing financial management software. The current report writing module will no longer be supported with software updates by the software company.
- \$1,000 to complete the Community Development permits software.
- \$8,775 for a ProjectDox software upgrade. This is plan review software utilized by Community Development, Fire, and Public Works. The current version of the software will no longer be supported as of Jan 2018.
- \$25,000 for ProjectFlow, an add-on software to be utilized with the ProjectDox system. This system enhancement allows for greater flexibility and efficiency within the plan review

software; allowing for review prioritization, upgraded reporting, plan review time management, along with additional customization tools to enhance customer experience. The following requests have no impact on overall budgeted expenditures in the capital projects fund:

- \$15,000 to be transferred to the ResortApp project budget from savings in the audio visual project budget for the new lodging feature in the Vail Application.

### **Real Estate Transfer Tax Fund**

Staff is proposing an overall increase of budgeted expenditures in the Real Estate Transfer fund of \$5,000 to fund the Vail Valley Bike Association for the Adopt a Trail program as part of the off-cycle council contributions. Water Quality projects for the town are currently documented in four separate project codes. In working to clarify the various projects underway, and to better align the budgets to those projects, staff proposes a reallocation of the budgeted dollars into newly named projects. This will improve the tracking of actual expenditures to budget for each project according to the approved purposes of the budgeted funds. In total, the budget for these projects does not change. The following table summarizes the current water quality budgets compared to the proposed new project allocations. The projects highlighted in green have been re-named and the budget dollars reallocated.

<b>Water Quality Project Budgets</b>	<b>Current</b>	<b>Proposed</b>
Streabank/tract Mitigation	971,575	-
Water Quality/ Storm Water	1,458,685	-
East Vail Water Quality TAPS	1,125,111	1,125,111
East Vail Interchange	988,807	988,807
NEW Streamtract Education/Mitigation	-	273,199
NEW Water Quality Infrastructure	-	1,520,255
NEW Streambank Restoration	-	636,806
<b>Total</b>	<b>\$ 4,544,178</b>	<b>\$ 4,544,178</b>

Several questions were raised about the requests related to fire department overtime, the need to see an update on the Vail App, and the funding request for the trails maintenance only be for trails in Vail with a request the group return during the 2018 budget cycle. Foley moved to approve Ordinance No. 8, Series 2017, First Reading, Ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, Real Estate Transfer Tax Fund of the 2017 Budget for the Town of Vail, Colorado and authorizing the said adjustments as set forth herein; and setting forth details in regard thereto. Moffet seconded the motion and it was clarified trail funding support Vail trails only. The motion passed (7-0).

## **6. Public Hearings**

6.1. Ordinance No. 5, Series of 2017, Second Reading, An Ordinance of the Vail Town Council approving an encroachment into an existing view corridor to accommodate modifications to the Hill Building, located at 254 and 311 Bridge Street, Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto

Presenter(s): George Ruther, Director of Community Development

Action Requested of Council: Approve, approve with modifications or deny Ordinance No. 5, Series of 2017.

Background: The Hill Building is impacted by three adopted view corridors. One of the view corridors is not affected by the proposed application to renovate the building. A second corridor is affected, however, the building currently encroaches into the view corridor and the applicant is



proposing to significantly reduce the encroachment and substantially improve the view through the corridor. The third view corridor will be affected by a minimal increase in the height of the building and a chimney. In order to allow for this increase in height to occur, a view corridor encroachment must be approved by the Vail Town Council.

Staff Recommendation: The Town of Vail Planning & Environmental Commission has reviewed the proposed view corridor encroachment request. Upon review of the request, the Commission has forwarded its recommendation of approval to the Vail Town Council of the request, as proposed. In making their recommendation, the Commission found that the proposed encroachment complied with the criteria for review as outlined in the Vail Town Code. Therefore, the Commission recommends the Vail Town Council approve Ordinance No. 5, Series of 2017 as read.

Tom Braun presented the application request for the view corridor encroachment for the Hill Building. Chapin opened the public hearing and invited input and Jim Lamont and Jeff Babb, VRI, addressed the need to use the “loading and delivery” facility; Babb confirmed that would be the case for this project. Cleveland expressed concern in granting the encroachment for this project would only set precedence for other encroachments and noted that their role is to preserve all view corridors. Moffet moved to approve Ordinance No. 5, Series of 2017, Second Reading, An Ordinance of the Vail Town Council approving an encroachment into an existing view corridor to accommodate modifications to the Hill Building, located at 254 and 311 Bridge Street, Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto, and referenced the conditions and findings outlined in the staff memo to the PEC dated May 8, 2017. Langmaid seconded the motion and it passed (5-2; Bruno and Cleveland no).

6.2. Ordinance No. 9, Series of 2017, First Reading, An ordinance establishing Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 15 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto.

Presenter(s): Jonathan Spence, Senior Planner

Action Requested of Council: The purpose of this first meeting before the Town Council is to provide an introduction to the project and its varied components. Staff and the applicant will make an introductory presentation on the application during the evening public hearing, following a site visit scheduled during the afternoon session. As such, the Community Development Department and the applicant recommend the Vail Town Council continue first reading of Ordinance No. 9, Series of 2017, an ordinance establishing Special Development District No. 42 (Vail Mountain View Residences) to the July 11, 2017 Town Council meeting.

Background: The applicant, Lunar Vail LLC, represented by Marl Planning Group, is requesting a first reading of Ordinance No. 9, Series of 2017, an ordinance establishing Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 15 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units (EHUs), located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5.

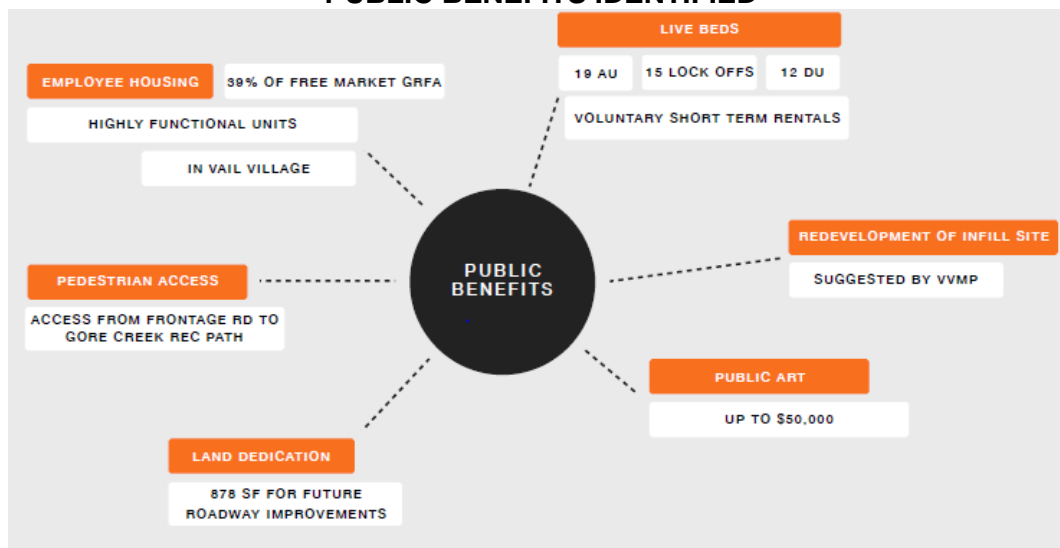
Staff Recommendation: On June 12, 2017 the Town of Vail Planning and Environmental Commission (PEC) held a public hearing on the request to establish SDD No. 42, pursuant to the requirement of Section 12-9(A), Vail Town Code. At the conclusion of the public hearing, the PEC voted 4-3 (Gillette, Perez and Rediker opposed) to forward a recommendation of approval, with conditions, to the Vail Town Council.

Chapin opened the public hearing at this time. Planner Jonathan Spence presented the Special Development District application noting this time would be spent introducing the project and its varied components. He noted both staff and applicant recommend the item be continued until the July 11 meeting. The applicant, Lunar Vail LLC, represented by Mariello Planning Group, requested first reading of Ordinance No. 9, Series of 2017, an ordinance establishing Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 15 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units (EHUs), located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5. His slideshow presentation addressed a number of items including an introduction to the project team below. He reviewed the schedule, identified the public benefits, shared information about both Phase 1 and Phase 2 of the project, noting the deviations, the parking, diagrams of various floor plans, EHU unit descriptions, comparisons with adjacent properties, and letters of public support. See below for some detailed highlights of the topics presented in the slideshow.

#### PROJECT TEAM

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| • Peter Carlson, Gore Creek Group LLC                        | • Ron Byrne, Shawn Byrne, & Mary Ann Redmond, Ron Byrne & Associates |
| • Dominic Mauriello & Allison Kent, Mauriello Planning Group | • Skip Hudson, PE, TurnKey Consulting LLC                            |
| • Will Hentschel & Joe Coleman, 359 Design                   | • Gary Brooks, Alpine Engineering                                    |
| • Davia Miselis, Watershed Environmental Consultants         | • Deb Shaner, Shaner Life Safety                                     |

#### PUBLIC BENEFITS IDENTIFIED



#### DEVIATIONS



<h1>Deviations</h1> <ul style="list-style-type: none"> <li>Before the town council approves development standards that deviate from the underlying zone district, it should be determined that <b>such deviation provides benefits to the town that outweigh the adverse effects</b> of such deviation.</li> <li>This determination is to be made <b>based on evaluation of the proposed special development district's compliance with the design criteria</b> outlined in section 12-9A-8 of this article.</li> </ul>	1	SETBACKS	SLIGHT ENCROACHMENT ON EAST SIDE TO 15 FT
	2	HEIGHT	MAXIMUM HEIGHT OF 69.9 FT
	3	DENSITY	44.5 UNITS VS 32 UNITS ALLOWED
	4	GRFA	76,977 SF VS 42,871 SF ALLOWED
	5	SITE COVERAGE	70.07% VS 55% (UNDERGROUND PARKING STRUCTURE)

It was noted that further review of the criteria and how the project meets these criteria would be demonstrated at the next meeting. Steve Lindstrom, Vail Local Housing Authority, expressed the authority members are very supportive of the project as it further meets their objectives to solve the housing needs of the community. There was some additional discussion about the housing component of the project. Moffet moved to continue the public hearing until July 11, 2017; Foley seconded the motion and it passed (7-0).

There being no further business to come before the council, Moffet moved to adjourn the meeting and Foley seconded the motion which passed (7-0) and the meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Attest:

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Dave Chapin, Mayor

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Patty McKenny, Town Clerk