



Vail Town Council Chambers CV19.

VAIL HOMEOWNERS ASSOCIATION

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September 18, 2020

Booth Heights Update. Sources inform us there is continuing progress on the Booth Heights land swap. The Town Council has extended Vail Resorts development rights until June 2023, a necessary step to making the swap, and progress is being made on new MOUs with Vail Resorts and Triumph Development that will address many of the objections to the original proposed MOU. In addition, an architectural contract has been awarded for the redevelopment of the Community Development Building for the relocation of the Children’s Garden Learning Center.

In the meantime, this report covers the on-going efforts to try to get a comprehensive Code of Conduct and Conflicts of Interest provision for the TOV, what steps can be taken to deal with I-70 noise, more information concerning the November property tax ballot issue and Frontage Road improvements. Of course, overshadowing everything are the on-going health and economic effects of the COVID pandemic and how long it will be before the valley returns to pre-COVID conditions.



COVID-19 Impacts: Is There Light at the End of the Tunnel? From a health standpoint, Vail Valley has done better than most other areas even though it was hit hard economically. Now, with U.S. deaths posed to exceed 200,000 by the end of the month, it seems clear that the economic impacts will continue well into next year even if a vaccine is developed this fall or early next year. That is because there could be a “second wave” this fall due to the effects of cold weather driving more activities in-door, compounded by the flu season, and the process of vaccinating the U.S. population is shaping up to be a difficult undertaking.

Vaccination is going to be difficult because initially it seems that vaccines will probably be in short supply, and it is still unclear that there will be a sufficient supply of “disposables” (the syringes, vaccine vials, etc.). Even more troubling is the distribution system. The CDC will be managing the distribution system, and all pharmacies, hospitals and others who want to vaccinate people will have to apply to the CDC for permission, but not all will be approved. That is because two of the leading vaccine contenders are provided in a frozen state, one at minus 90 Fahrenheit, and both require special storage facilities, meaning that the corner pharmacy will not be able to store and dispense them. Once authorized, dispensaries can order vaccine through their state public health offices. Those orders will go to the CDC, and when approved (there may be too many requests so distributions will have to be rationed), the CDC will authorize distribution. Once vaccines are defrosted, they must be used in 6 hours and then any leftover must be thrown away which will require that patients be queued up to receive the vaccination, probably through some type of reservation system. And since all but one of the potential vaccines requires 2 shots, the entire process will need to be repeated twice. It is already easy to see that it is going to be a drawn-out process to vaccinate a sufficient percentage of the population to bring the virus under control, and some experts are now predicting that the process will take at least a full year. The die is already cast for this coming winter, but it’s not too early to be thinking about what next summer will be like and whether public health requirements will force a repeat of this past summer.

Code of Conduct & Conflicts of Interest

This past Tuesday the Town Council heard a presentation from Sam Light, general counsel for the Town’s insurer, on ethical codes for local government. It was a wide-ranging discussion that covered everything from financial interests to bias, to gifts, to confidential information, to “revolving doors.” Mr. Light recommended that the Town Council should consider what are the norms, values and issues that the Town’s laws should reflect and whether there are gaps or ambiguities that should be addressed. He noted that having a local code gives local control to its enforcement and creates local transparency. And he discussed the process about how the Council could proceed. As he related, “A code of ethics is a representative’s best ally and a citizen’s best friend.”

Now that the Council has this background, it is up to members of the Council to request that changes be implemented. Members could, for example, request that there be more robust conflict of interest provisions, a position urged by the VHA. [As the VHA previously stated](#), there is no good reason why the TOV does not have strong conflict of interest prohibitions. While Vail might be a “small town,” it is a \$38+ million enterprise, and it regularly deals with issues that implicate millions for those involved. It does not speak well of the integrity of its process when there are reoccurring conflict issues, ones that could be avoided with a comprehensive code.

Many other local governments already have adopted strong conflict of interest provisions, and the VHA urges the Town Council to do likewise. The provisions should apply to all Town officials, elected and appointed, and cover both officials and members of their family (so that an official can’t pass off a business relationship to a member of his/her family to escape a conflict). They should also cover both real and apparent conflicts of all kinds, including those due to outside employment and personal involvement in matters that come before the official (both have happened in recent times). There should be mandatory disclosure (some in the past have not disclosed obvious conflicts). And they should provide for automatic prohibitions so officials cannot claim that they have no conflict because they can be “fair” (something that has also happened in the past). That way the public will have faith that the government processes are fair and unbiased and not subject to special interest manipulation.

I-70 Noise



With the TOV planning to review its noise ordinance, some have asked why not also address I-70 noise with some even suggesting that it is a bigger problem than noise in the commercial areas. This is not a new concern. I-70 noise is an issue that has already been studied extensively. In 2005, the TOV commissioned a comprehensive study with two follow-up studies in 2007 and 2008, and there was also a local area study in 2014 in connection with the Simba Run underpass project. Those studies revealed that noise from I-70 was already at the maximum allowable limits in some areas, and, as traffic on I-70 increases (by 2035, peak I-70 travel time through the

Town of Vail is expected to more than double), it is easy to see that I-70 noise is going to become an even greater problem.

Unfortunately, those studies also revealed that there are no easy or simple solutions. The one that most often comes to mind, sound barriers, is not practical for most of the Town for a host of reasons. Putting aside the issues of maintenance and winter snow storage, sound barriers only protect against essentially lateral sound transmission. Due to the valley topography in which the vast majority of residences are above the roadbed, only a small percentage of residents would benefit. In addition, the costs of installing barriers would fall largely, if not entirely, on the TOV. When those costs are taken into account (at the Simba Run underpass, it was estimated that sound barriers for .6% of a mile would cost \$2.1 million), it is easily seen that they would be cost prohibited except for a few isolated specific places. And tunnels, either over the existing roadway, a cut-and-fill burying of I-70 or under Vail Mountain all would be even more cost prohibited.

Although sound barriers are not a practical solution, there are other ways to lower the noise from I-70. The most practical way to achieve meaningful sound reduction would be to lower the speed limit on I-70 through the Town. That is not as far-fetched as it might seem since the Vail Pass I-70 improvements are slated to provide variable speed control at the bottom of Vail Pass where I-70 enters the Town, and the west end of Town at Dowd Junction could benefit greatly from reduced speed limits. To make a meaningful difference, traffic speed would have to be lowered to the 45 mph – 50 mph range (it would take a 25 mph reduction to achieve a 7 dBA noise reduction, the minimum necessary). CDOT cannot, however, be expected to embrace such an idea. It has never lowered highway speeds for the purpose of noise reduction, and I-70 is, after all, an interstate highway.

The only way such a speed reduction could possibly be achieved is if the Town Council was fully in support and willing to make that a Town priority. Even then, it would require a full-on political campaign to convince state and federal leaders that this was the right thing to do so that they would become personally involved in urging CDOT to take such a step. Without that kind of support and commitment, nothing will happen. And, if the speed limit was ever lowered, there would need to be prominent highway signage and vigorous enforcement to make sure it worked.

One other thing the TOV could do now would be to ban dynamic braking devices (Jake Brakes). The current TOV noise ordinance does not do so, but even then, to be effective, there would need to be prominent highway signage and vigorous enforcement.



The November Property Tax Ballot Issue

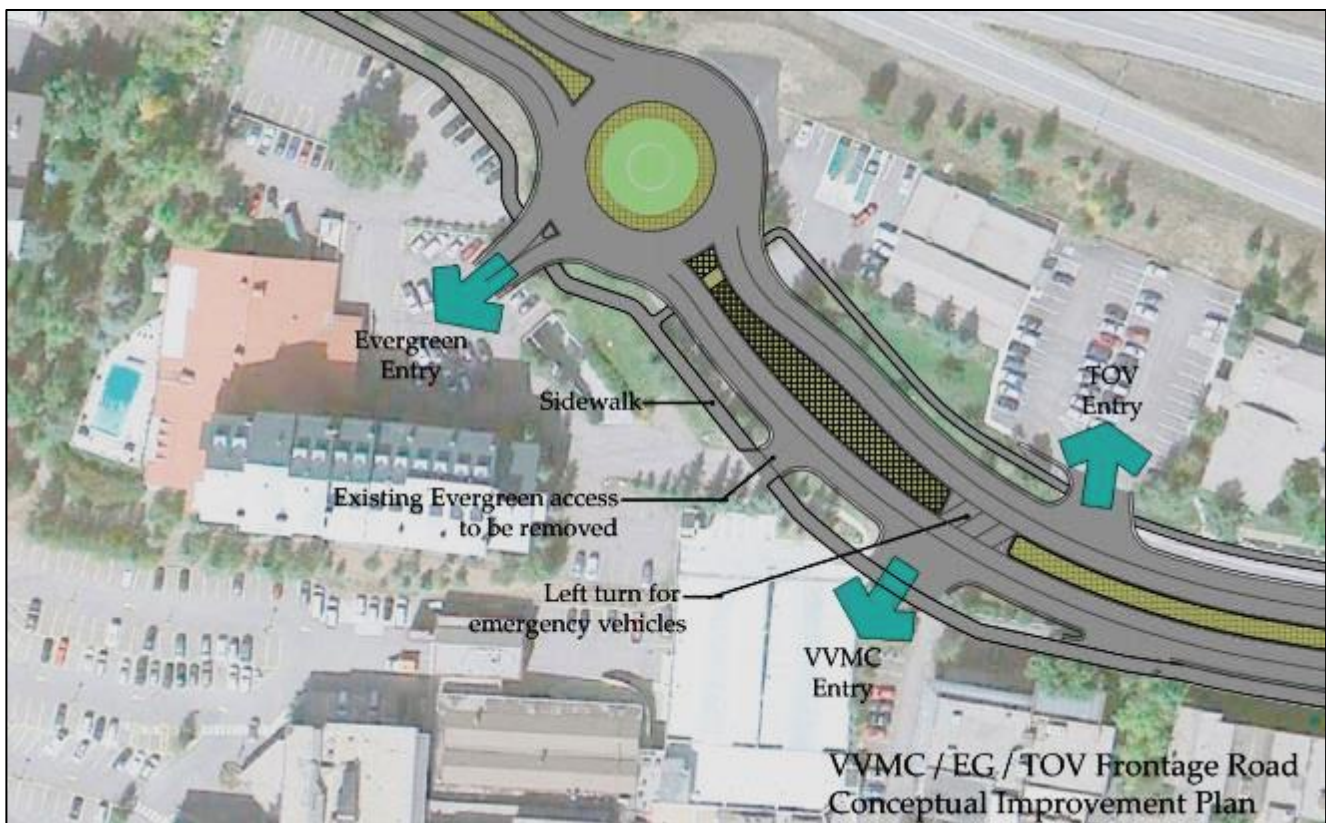
As we recently reported, the effects of the “tax revolt” in the 1980s and 1990s is taking its toll on property tax collections with the [TOV facing a projected \\$1.4 million decline next year](#). That has long since passed the point

where essential services are being impacted. As a result, the Town Council is placing a question on the November ballot to opt out of the Gallagher Amendment on property taxes, i.e., to “de-Gallagherize” the TOV property tax collections. If approved, the effect will be to allow the TOV to maintain property taxes at current levels. Without this authority, the TOV portion of Eagle County property taxes will continue to decline for the foreseeable future. It is estimated that would mean a decline in 2021 of \$30 per each \$500,000 of valuation. In other words, if the measure is approved, for a \$500,000 home, the owner would be giving up a \$30 reduction in taxes. That reduction in taxes is preordained by the combination of Gallagher and TABOR tax laws, which if taken to their extreme conclusion, would squeeze local government past the breaking point. Already, other local governments have sought and received voter approval for relief from those laws. For example, the Greater Eagle Fire Protection District, Eagle County Paramedic Service, the Gypsum Fire Protection District, the Eagle Valley Library District all got approval last year to maintain current property tax levels.

Passage of this measure is in no way assured. A TOV survey found that the vote will be very close, with the survey results within the margin of error. Adding to the uncertainty, only 44% of respondents felt that the Town was headed in the right direction (28% thought the Town was seriously off in the wrong direction), and significant headwinds are resulting from the COVID economic downturn. Compounding matters even further, the ballot this year will be very complicated and lengthy with many contested elections and many questions, including a number of other property tax questions as Avon, Eagle County and the State, itself, will also have similar questions on the ballot.

Ballots will be mailed out on October 9. The VHA is continuing to study this matter with a plan to make a recommendation in the near future.

Frontage Road Improvements



New South Frontage Road Entrances for Vail Health Campus, the Evergreen Hotel and Town of Vail Municipal Complex.

With the Vail Health Hospital development nearing completion (opening of the new buildings are scheduled for November 22nd) and the TOV Community Development building being redeveloped (with a scheduled completion date of September 2021), it is time to consider the public safety improvements for Frontage Road. Already planned is a traffic circle at the location of the current helipad just west of the TOV municipal facilities (the roundabout actually will occupy most of the helipad). This roundabout is to facilitate the flow of traffic through the area and into the hospital as the hospital main entrance will be relocated to Frontage Road. It could not be built until the helipad was relocated to the top of the new Vail Health building. With the hospital set to open in November, that now clears the way for those improvements.

The plans for that roundabout are “shovel ready” and cover the area from the Four Seasons Hotel to the east side of the Lionshead Parking Structure and include sidewalks, medians and other improvements. The cost is projected at \$9 million with \$9K coming from Transportation Impact Fees and \$8.1 million from the Town’s Tax Increment Financing Fund. Additionally, Vail Health will complete the improvements and the sidewalk in front of the old US Bank and other VH buildings. Currently, that project is part of the Town’s 5-year capital improvements budget, but the project will not start until the Town Council authorizes it as part of a current budget. The Town is now in the midst of developing the FY ‘21 budget, and the VHA urges that this project be authorized as part of that budget. It may be that this will be a 2-year project, but nonetheless, the VHA urges that it get underway.

In terms of Frontage Road, that will leave one short section from the Lionshead Parking Structure to Lionshead Circle to complete the public safety improvements and modernization of Frontage Road. And that is a relatively simple project of installing medians and a short section of sidewalk and curbing since that section was already partially improved when the bus transfer facilities were built a few years ago. Importantly, these improvements will not only complete the Frontage Road redevelopment but they will also increase the safety and operational capacity of the Town’s main thoroughfare and provide the infrastructure for the Civic Area development. The VHA, therefore, urges that the Town Council direct that this work also be done now.

The VHA covers a broad range of issues including residential housing, transportation, economic resiliency, governance, taxation, and restoration and preservation of environmental and community assets. Our most valuable tool in influencing decision makers is through the proactive engagement of our informed readers. For that reason, your participation magnifies the effectiveness of our message.

If you value our work, we invite you to join VHA or become a subscriber to our reports. Your support will ensure that the VHA can continue to bring such matters to the community’s attention and, by doing so, make a difference for the good and the future of our community. It is you, our members and subscribers, who sustain our efforts with financial and vocal support.

For further membership or subscriber information, please send an email to vailhomeownersassoc@gmail.com and specify if your interest is as a member or subscriber.

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