

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, MARCH 21, 2024, 2:00 PM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED 3****

https://us06web.zoom.us/webinar/register/WN_GiSntc0cROG5tkSvIRivQw

Please note that times are approximate and subject to change.

	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	80		Legal	Executive Session for the Purpose of: <ul style="list-style-type: none"> a. To Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection with Regional Wastewater Treatment Plant Update Pursuant to C.R.S. 24-6-402(4)(e) b. To Discuss the Purchase, Acquisition, Lease, or Sale of Real Personal, or Other Property Interest Under C.R.S. Section 24-6-402(4)(a) c. Receiving Legal Advice on Specific Legal Questions Under CRS 24-6-402(4)(b) Specifically Regarding Campaign Finance Laws and Municipal Elections d. Receiving Legal Advice on Specific Legal Questions Under CRS 24-6-402(4)(b) Specifically for an Update on Pending and Recent Litigation Including Lot 109R Development Challenge and Ken Alexander Municipal Court Trial
3.	3:20	5	Haynes Lemley	Informational	Staff Introductions: <ul style="list-style-type: none"> a. Brittany Newell, Rental Properties Manager
4.	3:25	5	Johnston McConaughy	Action	Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: <ul style="list-style-type: none"> a. Consideration of Approval of the February 15, 2024 Regular Town Council Meeting Minutes
5.	3:30	35	Haynes Lemley Newell	Action	Mountain Village Housing Authority: <ul style="list-style-type: none"> a. Appointment of One Resident Seat for a One Year Term on the VCA Resident Committee b. Consideration of Village Court Apartments Phase IV, West Building Master Lease Program, Communications and Move-In and the MVHA to Establish Rental Pricing
6.	4:05	20	Lemley	Informational Action	Finance: <ul style="list-style-type: none"> a. Presentation of the February 29, 2024 Business & Government Activity Report (BAGAR) b. Consideration of a Resolution Approving Change Orders to Village Court Apartments Phase IV
7.	4:25	10	Wisor	Informational	Department Updates
8.	4:35	10	Lannon	Informational	Telluride Historical Museum Update
9.	4:45	10	Skinner	Action Legislative	Consideration of Sustainable Destination Marketing and Tourism Management Services Agreement Between the Town of Mountain Village and Telluride Tourism Board

**TOWN COUNCIL MEETING
AGENDA FOR MARCH 21, 2024**

	Time	Min	Presenter	Type	
10.	4:55	30	McConaughy	Action Legislative	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Calling for a Special Election on July 9, 2024 and Setting Ballot Questions Regarding Proposed Amendments to the Mountain Village Home Rule Charter
11.	5:25	15	McConaughy Wisor Kjome	Action	Consideration of Approval of an Agreement Regarding Fire Safety Improvements Relating to Ski Ranches Water System
12.	5:40	15			Dinner
13.	5:55	30	Norton Wise	Action	Plaza Vending Committee: a. Consideration of Approval of the Plaza Vending Committee Bylaws b. Consideration of Approval of the Plaza Vending Regulations
14.	6:25	5	Nelson	Action Quasi-Judicial	Consideration of a Resolution Approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, Pursuant to CDC Section 17.4.16 – <i>Staff Requests that this Item be Continued to the May 16, 2024 Regular Meeting</i>
15.	6:30	5	Ward Carnier	Action Legislative	Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations
16.	6:35	20	Ward Walters	Worksession	Discussion Regarding Potential CDC Amendments Related to Updated Fire Mitigation and Tree Protection Standards
17.	6:55	20	Council Members	Informational	Council Boards and Commissions Updates: 1. Telluride Tourism Board – Gomez 2. Colorado Flights Alliance – Gilbride 3. Transportation & Parking – Duprey & Mogenson 4. Budget & Finance Committee – Duprey, Pearson, & Mogenson 5. Gondola Committee – Mogenson, Prohaska, & Pearson 6. Colorado Communities for Climate Action – Pearson 7. San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez 8. Telluride Historical Museum – Prohaska 9. Collaborative Action for Immigrants (CAFI) – Gomez 10. Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey 11. Wastewater Committee – Duprey & Magid 12. Housing Committee – Duprey & Magid 13. Telluride Conference Center Committee – Duprey & Magid 14. Miscellaneous Boards and Commissions 15. Mayor's Update
18.	7:15	5			Public Comment on Non-Agenda Items
19.	7:20	5			Other Business
20.	7:25				Adjourn

TOWN COUNCIL MEETING AGENDA FOR MARCH 21, 2024

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Zoom participation in public meetings is being offered as a courtesy, however technical difficulties can happen, and the Town bears no responsibility for issues that could prevent individuals from participating remotely. Physical presence in Council Chambers is recommended for those wishing to make public comments or participate in public hearings.

Public Comment Policy:

- All public commenters must sign in on the public comment sign in sheet and indicate which item(s) they intend to give public comment on.
- Speakers shall wait to be recognized by the Mayor and shall give public comment at the public comment microphone when recognized by the Mayor.
- Speakers shall state their full name and affiliation with the Town of Mountain Village if any.
- Speakers shall be limited to three minutes with no aggregating of time through the representation of additional people.
- Speakers shall refrain from personal attacks and shall keep comments to that of a civil tone.
- No presentation of materials through the AV system shall be allowed for non-agendized speakers.
- Written materials must be submitted 48 hours prior to the meeting date to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted but shall not be included in the packet or be deemed of record.



TOWN OF MOUNTAIN VILLAGE
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Agenda Item 4a

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE FEBRUARY 15, 2024
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Marti Prohaska at 2:00 p.m. on Thursday, February 15, 2024. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Marti Prohaska, Mayor
Scott Pearson, Mayor Pro Tem
Harvey Mogenson
Jack Gilbride
Pete Duprey
Tucker Magid
Huascar E. Gomez (Rick)

Also in attendance were:

Paul Wisor, Town Manager	Drew Nelson, Senior Planner
Michelle Haynes, Assistant Town Manager	Rodney Walters, Town Forester
Susan Johnston, Town Clerk	Lauren Tyler, GIS Administrator
Kim Schooley, Deputy Town Clerk	Jaime Holmes, HR Director
David McConaughy, Town Attorney	Jason Habib, Planning Technician
Haley Carmer, Assistant Town Attorney	Tim Barber
Lizbeth Lemley, Finance Director	Chris Chaffin
Chris Broady, Police Chief	Kristine Perpar
JD Wise, Economic Development & Sustainability Director	Ruthie Boyd
Lauren Kirn, Environmental Efficiencies & Grant Coordinator	Matthew Skinner
Amy Ward, Community Development Director	Madeline Gomez
Kathrine Warren, Public Information Officer	Peter Mitchell
Finn Kjome, Public Works Director	Victor Toce
Scott Pittinger, Public Works Director	Madeleine Kunda
Lindsay Niehaus, HR Benefits Coordinator	Diana Farrel
Jim Loebe, Transit & Recreation Director	Randy Podolsky
Claire Perez, Planner	



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Executive Session for the Purpose of: (2)

- a. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Development of the Alexander Property Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- b. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Wastewater Treatment Plant Pursuant to C.R.S 24-6-402(4)(b) and (e)**
- c. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Gondola Construction Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- d. **Receiving Legal Advice on Specific Legal Questions In Connection With Changes to State Law Pursuant to C.R.S. 24-6-402(4)(b)**

On a **MOTION** by Jack Gilbride and seconded Pete Duprey, Council voted unanimously to move into Executive Session for the purpose of:

- a. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the development of the Alexander Property pursuant to C.R.S. 24-6-402(4)(b) and (e)
- b. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with wastewater treatment plant pursuant to C.R.S 24-6-402(4)(b) and (e)
- c. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with gondola construction pursuant to C.R.S. 24-6- 402(4)(b) and (e)
- d. Receiving legal advice on specific legal questions in connection with changes to state law pursuant to C.R.S. 24-6-402(4)(b)

at 2:01 p.m.

Council returned to open session at 3:53 p.m.

Consent Agenda:

All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: (3)

a. Consideration of Approval of the January 18, 2024 Regular Town Council Meeting Minutes

Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Tucker Magid, Council voted unanimously to approve the Consent Agenda with an additional statement to Agenda Item 12 that the settlement agreement was approved as presented with the understanding that this settlement does not address fines/penalties which will be assessed at a later date.

Finance (4)

Finance Director Lizbeth Lemley and Assistant Finance Director Julie Vergari presented.

a. Presentation of the January 31, 2024 Business & Government Activity Report (BAGAR)

b. Consideration of the December 31, 2023 Financials

Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Scott Pearson, Council voted unanimously to approve the December 31, 2023 Financials as presented.

Department Updates (5)

Town Manager Paul Wisor presented. Council discussion ensued.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Vested Property Rights Extension for a Site-Specific Development Plan for Lot 27A, TBD Lost Creek Lane Pursuant to CDC 17.4.17 Quasi-Judicial (6)

Planner Claire Perez presented. Mayor Prohaska opened the public hearing. Public comment was received from Randy Podolsky. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted 7-0 to approve on second reading an Ordinance regarding the extension of a Vested Property Right at Lot 27A, Parcel 3R, TBD Lost Creek Lane, from April 6, 2024, to April 6, 2027, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated February 5, 2024.

With the following findings:

1. The proposal to extend the Lot 27A vested property rights meets all of the Criteria for Decision listed in 17.4.17(D)(1)

And, with the following conditions:

1. Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: “Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq. and subject to the Town of Mountain Village’s Community Development Code.”
2. The Town shall publish a notice in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4)
3. All previous conditions of approval from the original 2022 Design Review approval remain applicable for any future development.

Second Reading, Public Hearing, and Council Vote on an Ordinance Regarding Helicopter Landing Within the Town of Mountain Village (7)

Town Attorney David McConaughy presented. Mayor Prohaska opened the public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 7-0 to approve on second reading an Ordinance adding new chapter 10.13 to the Mountain Village Municipal Code concerning helicopters.

On a **MOTION** by Scott Pearson and seconded by Tucker Magid, Council voted unanimously to convene as the Town of Mountain Village Housing Authority.

Consideration of a Resolution Amending the Meadowlark Deed Restriction/Covenant (8)

Assistant Town Manager Michelle Haynes and Assistant Town Attorney Haley Carmer presented. The Housing Authority discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Jack Gilbride, the Housing Authority voted unanimously to approve a Resolution amending and restating the Meadowlark at Mountain Village, Lot 644 Deed Restriction and directed staff to update the Mountain Village Housing Authority fee schedule accordingly with changes to section 3(I)(i) to include other organizations and section 8(E) to include remedies including, but not limited to, those set forth in the Town Municipal Code and Ordinances.

On a **MOTION** by Jack Gilbride and seconded by Scott Pearson, Council voted unanimously to reconvene as the Town of Mountain Village Town Council.

Council moved to agenda item 10.

Consideration of a Resolution Approving a Height Variance Application for Lot 165 Unit 3, TBD Cortina Drive, Pursuant to CDC Section 17.4.16 Quasi-Judicial (9)

Senior Planner Drew Nelson presented. Applicant Kristine Perpar presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, Council voted unanimously to adopt a Resolution approving a height variance a maximum height of 18.31 feet above the allowable and an average height of 5.76 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family detached condominium located at Lot 165 Unit 3, 130 Cortina Drive based on the evidence provided in the staff record of memo dated February 15, 2024, and the findings of this meeting and with the following conditions:

1. The approved height variance is valid only with the design presented for Initial DRB review on March 7, 2024, and is valid only for the 18-month period of that design approval. One 6-month extension of the original design review approval is allowable.
2. The height variance is specific to the area described in the staff memo in figure 2 and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, the variance would not cover portions of the building that are not thus described.

Council moved to agenda item 19.

Consideration of a Resolution Approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, Pursuant to CDC Section 17.4.16 – Staff Requested This Item be Continued to the March 21, 2024 Regular Meeting Quasi-Judicial (10)

Drew Nelson presented. Council discussion ensued. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Jack Gilbride, Council voted unanimously to continue the consideration of a Resolution approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, pursuant to CDC section 17.4.16 to the March 21, 2024 Regular Town Council meeting.

Council took a break from 4:41 to 4:51 p.m.

Council moved to agenda item 9.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations Legislative (12)

Community Development Director Amy Ward and Haley Carmer presented. Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Huascar E. Gomez (Rick), Council voted 7-0 to approve on first reading an Ordinance amending CDC section 17.6.1.B-Wetlands Regulations and to set the second reading, public hearing, and final Council vote for the March 21, 2024 Regular Town Council meeting with a

modified statement in section 2(d) to read that all state and federal permits related to the disturbance or fill applicable within home rule municipalities (if any) have been approved.

Staff Update Regarding Potential Meadows Subarea Improvements (13)

Amy Ward presented. Council discussion ensued. Council directed staff to fund a study to determine a secondary access route out of the Meadows, to pursue short term rental regulations with HOAs, to pursue the sidewalk improvements for the south side of the existing sidewalk on Adams Ranch Road, to proceed with improvements to surface parking, and to pursue bus stop improvements for Big Billie's and VCA. These items are to be considered in 2024 or 2025.

Council moved to agenda items 18.

Discussion Regarding Trails Master Plan Implementation (14)

Transit & Recreation Director Jim Loebe presented. Council discussion ensued. Council directed staff to add a formal trail from Ski Ranches to Mountain Village, contact TMVOA (Telluride Mountain Village Owners Association) engineering about widening road shoulders to allow for bike paths, add Mountain Village trails to an application like AllTrails or something similar.

Discussion Regarding the Town of Mountain Village Forestry Program Update (15)

Town Forester Rodney Walters presented. Council discussion ensued.

Council moved to agenda item 20.

Consideration of a Letter of Support for Conservation Protections for the Public Lands of the Dolores River Canyon Country (16)

Sheep Mountain Alliance Program Coordinator Ruthie Boyd presented. On a **MOTION** by Scott Pearson and seconded by Harvey Mogenson, Council voted unanimously to approve a letter of support for Conservation Protections for the Public Lands of the Dolores River Canyon Country.

Update on the Climate Action Implementation Roadmap (17)

Economic Development & Sustainability Director JD Wise and Environmental Efficiencies & Grant Coordinator Lauren Kirn presented. Council discussion ensued.

Council moved to agenda item 14.

Colorado Flights Alliance Update (18)

Colorado Flights Alliance CEO Matt Skinner presented. Council discussion ensued.

Council moved to agenda item 16.

Consideration of Funding for the Boomerang Bridge Egress (19)

Paul Wisor presented. Council discussion ensued. Council directed staff to work with the US Forest Service to ensure funding is received from San Miguel County and the Town of Telluride in addition to the Town of Mountain Village.

Paul Wisor presented Council with a letter of support for a RAISE Grant Application for funding the gondola. On a **MOTION** by Harvey Mogenson and seconded by Jack Gilbride, Council voted unanimously to approve a letter of support for a RAISE Grant Application and to include that the Town of Mountain Village purchases offset credits to make the gondola carbon free, add a paragraph regarding the environmental impact, and to tailor the letter more specifically to the Town of Mountain Village.

Council moved to agenda item 12.

On a **MOTION** by Huascar E. Gomez (Rick) seconded by Jack Gilbride, Council voted unanimously to continue the meeting beyond six hours.

Council Boards and Commissions Updates: (20)

1. **Telluride Tourism Board – Gomez**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Duprey & Mogenson**
4. **Budget & Finance Committee – Duprey, Pearson, & Mogenson**
5. **Gondola Committee – Mogenson, Prohaska, & Pearson**
6. **Colorado Communities for Climate Action – Pearson**
7. **San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez**
8. **Telluride Historical Museum – Prohaska**
9. **Collaborative Action for Immigrants (CAFI) – Gomez**
10. **Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey**
11. **Wastewater Committee – Duprey & Magid**
12. **Housing Committee – Duprey & Magid**
13. **Telluride Conference Center Committee – Duprey & Magid**
14. **Miscellaneous Boards and Commissions**
15. **Mayor's Update**

Public Comment on Non-Agenda Items (21)

There was no public comment.

Other Business (22)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Tucker Magid, Council voted unanimously to adjourn the meeting at 8:16 p.m.

Respectfully prepared,

Kim Schooley
Deputy Town Clerk

Respectfully submitted,

Susan Johnston
Town Clerk

DRAFT



OFFICE OF THE TOWN MANAGER
 455 Mountain Village Blvd.
 Mountain Village, CO 81435
 (970) 728-1392

Item No. 5a

TO: Town of Mountain Village Housing Authority
FROM: Michelle Haynes, Assistant Town Manager
FOR: Meeting of March 21, 2024
RE: Consideration of applications for one seat on the VCA Resident Committee. - *Interviews are Optional*

Introduction

Town Council directed the formation of the VCA resident advisory committee in December of 2019. We have established the committee subsequent to 2019. We have one vacant seat and three applications.

Attachments:

- A. VCA Resident Advisory Committee Framework – for background and reference
- B. Applications listed in the order they were received:
 - o Nicolas Bosma, lived at VCA for eleven (11) years
 - o Luke Kernell, lived at VCA for four (4) years
 - o Piper Miller, lived at VCA for six (6) years

VCA Resident Advisory Committee Framework

The purpose and intent of the Committee is for residents to provide input to staff. No specific Council member will be appointed to the Committee. Town Council member are invited to attend the committee meetings. A staff person will be present to hear the residents’ concerns and ideas. The framework is provided as attachment A for background.

Existing VCA Resident Committee Members and terms.

VCA resident committee members serve for two-year terms. Of the five-member committee terms are staggered between years.

Existing VCA Committee Members

Members	Position	Appointed	Term Exp.	Notes
Matthew Lewis		March-23	Mar-25	Seat Vacated
Trevor Browning		March-23	Mar-25	
Ursula Cristol		July-22	Jul-24	
Charles Lynch		July-22	Jul-24	
Valentina Roa Estrella		July-22	Jul-24	
Brittany Newell, VCA Property Manager	VCA Administrator			

RECOMMENDATION

Staff circulated the list of applicants to the VCA resident committee and received some feedback for a preference for Piper Miller.

Staff recommends the applicants speak to their interest and qualifications.

We have three applicants; applications are attached, and they are listed below:

- Nicolas Bosma, lived at VCA for eleven (11) years
- Luke Kernell, lived at VCA for four (4) years
- Piper Miller, lived at VCA for six (6) years

RECOMMENDED MOTION

*I MOVE TO APPOINT _____ TO COMPLETE THE VACATED SEAT
TERM TO EXPIRE IN MARCH OF 2025.*

/mbh

**ADVISORY COMMITTEE
VILLAGE COURT APARTMENTS (VCA) RESIDENT COMMITTEE
FRAMEWORK**

Mission Statement

VCA strives to provide a safe, clean and comfortable living environment for the residents of our community. In furtherance to this goal, VCA is creating a VCA Resident Advisory Committee (“Committee”), which functions as a resident working group. The Committee will meet to provide input and feedback to VCA administration.

VCA Resident Committee Composition

- Five VCA residents

Terms

The Telluride Mountain Village Housing Authority (“TMVHA”) will appoint five VCA residents. Initially, two members will be appointed for one-year terms, and three members will be appointed for two-year terms, to establish a stagger of term appointments. After the first year, all members will be appointed for two year terms.

Residency at VCA is a requirement to serve on the Committee, therefore, if a Committee member is no longer a resident, they will be replaced via a similar process utilized in the appointment of members.

Town Support

The Town will provide one VCA administrator at each meeting and when advised of the meeting dates and times, a Town Council member, at Town Council’s discretion.

Form of Organization and Recommendations

The Committee will not be a decision-making body. Rather it will be an advisory committee that will provide recommendations to VCA management regarding maintaining and improving the living conditions at VCA.

1. The TMVHA requests that feedback from the Committee be shared with Town Council twice yearly.
2. The Committee can elect to have an all VCA resident meeting. Town staff can assist the coordination of the meeting space and communications of such a gathering.

Meeting Procedures

The TMVHA recommends meetings to be held every two months. The committee may elect a chairperson who would schedule the Committee meetings and manage the meeting.

Meeting Notifications

The town will not require agendas to be drafted or public noticed; however, the Committee can request that meeting dates be shared with VCA residents. Meetings are open to the public.

Committee Limitations

1. The VCA administrator and Committee will maintain resident confidentiality and will not disclose private or confidential information regarding residents on any matter, except in a case

where information is of public record.

2. Committee meetings are not the forum for resident complaints against other residents. Complaints are managed by the VCA administrative office staff. The VCA resident committee shall not arbitrate complaints between residents.
3. The Committee does not direct the actions of staff or budget, but rather, the Committee is a forum for resident input in concert with town staff and a Town Council member.
4. The Committee is not an arbiter of staff personnel issues. Personnel matters are handled in accordance with TMVHA and Town of Mountain Village policies and procedures. Concerns or complaints about staff will be directed to focus on matters of safety, civility, expectations and results. The Committee does not make recommendations regarding staffing matters, except in the case where there are observations of too much or too little and whether staffing is meeting the expectations of comfort and safety.

/mbh

From: [Marleina Fallenius](#)
To: [Village Court Apartments](#)
Subject: FW: Website Form - VCA Resident Committee Application
Date: Friday, March 1, 2024 12:37:56 PM

Kind regards,



Marleina Fallenius
Housing Policy and Programs Manager, Town of Mountain Village

Office | [970-369-8602](tel:970-369-8602) | Mobile | [970-417-1789](tel:970-417-1789)

mfallenius@mtnvillage.org

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From: marketing@mtnvillage.org <marketing@mtnvillage.org>
Sent: Thursday, February 22, 2024 12:00 PM
To: Maegan Eckard <meckard@mtnvillage.org>; Michelle Haynes <MHaynes@mtnvillage.org>; Marleina Fallenius <mfallenius@mtnvillage.org>
Subject: Website Form - VCA Resident Committee Application



Formstack Submission For: [Website Form - VCA Resident Committee Application](#)

Submitted at 02/22/24 12:00 PM

Name/Nombre: Nicholas Bosma

Email Address/Correo electrónico: _____

Phone Number/ /Número de teléfono:	
Best way to reach you? / ¿La mejor manera de localizarle?:	Email / Correo electrónico
Unit Number / Número de unidad:	
How many years have you lived at VCA? / ¿Cuántos años lleva viviendo en VCA?:	11
Why would you like to serve on this committee? / ¿Por qué le gustaría formar parte de este comité? :	Become more involved with my community, help improve VCA, and get to know my neighbors.
What would you be able to contribute to the committee? / ¿Qué podría aportar al comité?:	I've lived in 3 different units over the past 11 years, and believe I have a good grasp of VCA's workings. As a long-term Mountain Village resident, I'm quite familiar with the impact the housing shortage has had on the area and how it has affected locals and businesses.
Are you willing to promote the best interests of VCA residents and the community? ¿Está dispuesto a promover los intereses de los residentes del VCA y de la comunidad?:	Yes / Si

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

From: [Maegan Eckard](#)
To: [Michelle Haynes](#)
Cc: [Village Court Apartments](#)
Subject: FW: Website Form - VCA Resident Committee Application
Date: Friday, March 1, 2024 9:55:53 AM

Luke Kernell VCA Resident Committee Application.



Maegan Eckard
Administrative Assistant, Town of Mountain Village

Office | [970-369-8236](tel:970-369-8236) | Mobile | [970-729-5338](tel:970-729-5338)

meckard@mntvillage.org

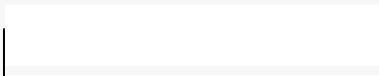
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From: marketing@mntvillage.org <marketing@mntvillage.org>
Sent: Thursday, February 22, 2024 5:08 PM
To: Maegan Eckard <meckard@mntvillage.org>; Michelle Haynes <MHaynes@mntvillage.org>; Marleina Fallenius <mfallenius@mntvillage.org>
Subject: Website Form - VCA Resident Committee Application



Formstack Submission For: [Website Form - VCA Resident Committee Application](#)

Submitted at 02/22/24 5:07 PM

Name/Nombre: Luke Kernell

Email Address/Correo electrónico:

**Phone Number/
/Número de teléfono:**

**Best way to reach
you? / ¿La mejor
manera de
localizarle?:**

Text / Mensaje de texto

**Unit Number /
Número de unidad:**

**How many years have
you lived at VCA? /
¿Cuántos años lleva
viviendo en VCA?:**

4 Years

**Why would you like to
serve on this
committee? / ¿Por
qué le gustaría formar
parte de este comité?
:**

I would like to help continue to make VCA a great place to live. I'm always thinking of new ideas and improvements to make life better for only myself but other residents. I also know many people in VCA are like me in the fact this is the only place we could think of living in the area due to prices and restrictions on other place. I want to be here for a while and want to help all.

**What would you be
able to contribute to
the committee? /
¿Qué podría aportar
al comité?:**

I'm young, that is both good and bad, I can come up with new ideas and have a different view on many things. I also work for the Town already which gives me another view point and I know there are many other town employees in VCA, I can be their voice. I also feel like I embrace the telluride lifestyle and that seems to be lost at times at VCA

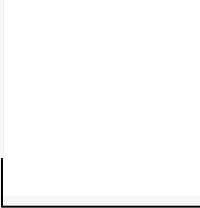
**Are you willing to
promote the best
interests of VCA
residents and the
community? ¿Está
dispuesto a promover**

Yes / Si

**los intereses de los
residentes del VCA y
de la comunidad?:**

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038



From: [Marleina Fallenius](#)
To: [Village Court Apartments](#)
Subject: FW: Website Form - VCA Resident Committee Application
Date: Monday, March 11, 2024 12:20:16 PM

Our third applicant

From: marketing@mtnvillage.org <marketing@mtnvillage.org>
Sent: Monday, March 11, 2024 9:00 AM
To: Maegan Eckard <meckard@mtnvillage.org>; Michelle Haynes <MHaynes@mtnvillage.org>;
Marleina Fallenius <mfallenius@mtnvillage.org>
Subject: Website Form - VCA Resident Committee Application



Formstack Submission For: [Website Form - VCA Resident Committee Application](#)

Submitted at 03/11/24 9:00 AM

Name/Nombre: Piper Miller

**Email
Address/Correo
electrónico:**

9707291855

**Phone Number/
/Número de
teléfono:**

**Best way to reach
you? / ¿La mejor
manera de
localizarle?:**

Email / Correo electrónico

**Unit Number /
Número de unidad:**

How many years have you lived at VCA? / ¿Cuántos años lleva viviendo en VCA?:

6

Why would you like to serve on this committee? / ¿Por qué le gustaría formar parte de este comité? :

A few people have suggested I serve a term on this committee, and I'm interested in doing it to use my practical and common sense voice for the benefit of myself and my beloved VCA community.

What would you be able to contribute to the committee? / ¿Qué podría aportar al comité?:

My profession as Assistant Clerk for Town of Telluride the last five years has given me a wealth of experience managing boards and commissions, using tact and diplomacy to bridge the gaps between citizens and governmental matters, and as a resident of VCA almost six years, I am keenly familiar with the challenges and complexities of VCA life. I love my little community and how uniquely special it is, and I want to keep it that way.

Are you willing to promote the best interests of VCA residents and the community? ¿Está dispuesto a promover los intereses de los residentes del VCA y de la comunidad?:

Yes / Si



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Item No. 5b

TO: Town of Mountain Village Housing Authority

FROM: Michelle Haynes, Assistant Town Manager

FOR: Meeting of March 21, 2024

RE: Consideration of Village Court Apartments Phase IV, West Building Master Lease Program, Communications and Move-In and the MVHA to Establish Rental Pricing

INTRODUCTION

Town Council discussed allocating the west building of VCA Phase IV to businesses located in Mountain Village through a master lease program. We anticipate the west building to be ready for move in's from mid-June to the end of June of 2024. We have formulated a framework, timeline and communications plan. We ask for Town Council to approve the recommended rent structure.

BUILDING FAQ'S

We have a total of 13 4-bedroom 2-bathroom units with an in-unit washer and dryer, and one 3-bedroom 2-bathroom unit with an in-unit washer and dryer. Nine 4-bedroom units will be released for the business master lease program, three are held for Town seasonal housing (that frees up existing inventory) and two are held for our business incentive program.

TERMS OF THE MASTER LEASE PROGRAM

A qualifying business means a business that has a physical address in Mountain Village, a brick-and-mortar business in Mountain Village and an active business license with a demonstration of employees as part of the business which is documented as part of the business license application. This means hotels, ski companies, restaurants, bars, real estate offices, galleries, doctors' offices, non-profit organizations and physical therapy offices, service-based businesses, retail shops, and similar businesses.

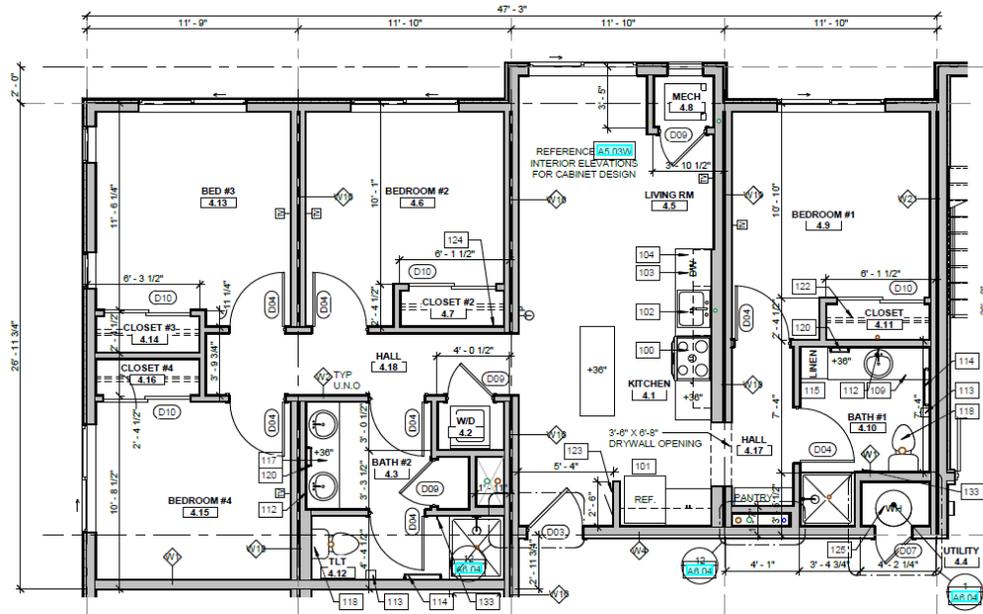
FOCUS ON MOUNTAIN VILLAGE SMALL BUSINESSES

There is no license fee, which we originally contemplated, as we did not want to preclude small business owners from the opportunity. We are recommending a weighted lottery based upon the number of employees. The fewer employees will have more advantage in the weighted lottery system.

For example:

- Up to 15 employees: 3 entries
- 16-60 employees: 2 entries
- 60+ employees: 1 entry

Exhibit 1. 4-bedroom and 2-bathroom floor plan



① **TYPE 4 FLOOR PLAN - 1,154 NET SQ FT**
1/4" = 1'-0"

TERMS OF THE MASTER LEASE CONTINUED

- The master lease is a 12-month lease, renewable each year with good standing.
- The intention is that the employees of the business will occupy the unit. The business owner is not eligible to occupy the unit.
- The master lease monthly rental rate is recommended to be \$3,600 for a four-bedroom unit.
- Minimum occupancy is four unrelated individuals, and maximum occupancy of six people total per unit.
- Up to two pets (one dog and one cat) are allowed with a \$400 pet deposit, a \$30 monthly dog fee also applies which is the standard VCA policy.
- One unit per Mountain Village business is allowed. A parent company with multiple storefronts is also only allowed one unit.
- Only one parking space is allocated per unit. Additional vehicles are not allowed. Parking at the airport lot, leased by the TMV is allowed through the issuance of a permit. A shuttle is provided each day with 24 hour notice.
- Tenants will need to qualify pursuant to the deed restriction and demonstrate that they are employed within the Telluride R-1 School District.
- Two businesses could share a master lease for their employees.
- The rent that is charged by the Town to the business owner is the same rent that must be distributed and charged to the tenants. In other words, the business owner cannot charge tenants amounts in excess of what they are paying in rent, except as it relates to allocating utilities.
- The units cannot be subleased by the owner to other businesses or individuals not employed by the business.
- The units cannot be used for short term rentals.

PROPOSED TIMELINE

- **Monday, April 29:** Mountain Village Business Open House Regarding the Business Master Lease Program (hybrid meeting)
- **Tuesday, April 30-May 15:** open the business pre-qualification application online
- **Thursday, May 16:** close the business application online
- **Wednesday, May 22:** weighted lottery
- **Wednesday, May 23-Monday, June 10:** business employees apply and qualify for move-in (approximate)
- **June 15-June 30:** anticipated tenant move-ins (staggered)

BUSINESS OUTREACH

Molly Norton, our Community Engagement Coordinator & J.D. Wise, Our Economic Development and Sustainability Director talked with business owners at the most recent merchant meeting and provided a brief survey by email to Mountain Village businesses. We are receiving strong positive feedback regarding a business master lease program and indicated to our businesses that council would be reviewing the framework and details after which point we would begin our clearer communications plan. As of Wednesday, March 13 eight businesses responded that they would participate in the program.

RECOMMENDED MOTION

I move to approve establishing the initial rent at \$3,600 for the 4-bedroom units and \$2,700 for the 3-bedroom unit at VCA Phase IV, West Building, Business Master Lease Program.

/mbh



Business and Government Activity Report
For the month ending: February 29th

Activity	2024			2023			YTD or MTD Variance	
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %
Village Court Apartments								
Occupancy Rate %	97.27%	-0.91%	97.73%	99.09%	0.45%	98.86%	-1.13%	-1.1%
# Vacated Units	2	1	3	3	1	5	(2)	-40.0%
# Work Orders Completed	22	2	42	21	1	41	1	2.4%
# on Waiting List	162	0	180	180	2	182	(18)	-10.0%
Public Works								
Sewage information is sometimes unavailable at time of publishing.								
Service Calls	466	(142)	1,074	332	(262)	866	208	24.0%
Truck Rolls	96	50	142	76	(26)	241	(99)	-41.1%
Snow Fall Inches	56	10	102	39	17	69	33	47.8%
Snow Removal - Streets & Prkg Lots Hours	na	NA	na	737	(17)	1,599	NA	NA
Roadway Maintenance Hours	na	NA	na	17	5	33	NA	NA
Water Billed Consumption Gal.	8,969,000	(30,124,000)	48,062,000	9,238,000	(41,316,000)	62,456,000	(14,394,000)	-23.0%
Sewage Treatment Gal.	9,107,000	(303,000)	18,517,000	9,519,000	551,000	20,825,000	(2,308,000)	-11.1%
Child Development Fund								
Daycare began billing a flat monthly amount and offering up to 5 days a week vs. 4 in September, therefore the calculations of average number of children will change somewhat.								
# Infants Actual Occupancy	7.27	0.00	4.88	4.88	(0.62)	2.40	2.40	49.1%
# Toddlers Actual Occupancy	8.93	0.00	11.73	11.73	0.96	(2.80)	(2.80)	-23.9%
# Preschoolers Actual Occupancy	14.34	(0.21)	10.67	10.67	(0.11)	3.67	3.67	34.4%
Transportation and Parking								
New parking rates, including commuter and residential permits, went into affect 12/23. Bus routes in January 2023 were due to gondola shut downs in that month.								
GPG Parking Utilization (% of total # of spaces occupied)	77.6%	10.00%	72.4%	85.50%	9.70%	80.4%	-8.0%	-10.0%
HGP Parking Utilization (% of total # of spaces occupied)	57.8%	8.60%	53.4%	89.50%	9.00%	84.8%	-31.4%	-37.0%
Parking Utilization (% of total # of spaces occupied)	66.4%	8.60%	62.0%	77.80%	8.30%	73.4%	-11.4%	-15.5%
Bus Routes # of Passengers	0	0	0	0	(721)	0	0	NA
Paid Parking Revenues	\$124,880	\$2,068	\$247,692	\$53,054	(\$10,828)	\$116,936	\$130,756	111.8%
Human Resources								
Seasonal EE's: Gondola Ops, Parking, Plaza Services New Hires: None Terms: 1VCA Maintenance Worker, 1 Gondola LME I, 1 Assistant Director Childcare, 1 Seasonal Parking Attendant, 1 seasonal Gondola Ops Reason for Terms: termination, resignations, moved away from the area								
FT Year Round Head Count	99	(3)	97	97	(4)	2	2	2.1%
Seasonal Head Count (FT & PT)	4	0	1	1	1	3	3	300.0%
Gondola FT YR, Seasonal, PT YR Head Count	52	(3)	53	53	(3)	(1)	(1)	-1.9%
Total Employees	155	(6)	157	157	0	(2)	(2)	-1.3%
Gondola Overtime Paid Hours	309	6	612	289	23	555	57	10.3%
Other Employee Overtime Paid	163	30	283	48	(57)	153	130	85.0%
# New Hires Total New Hires	0	(7)	7	4	(2)	10	(3)	-30.0%
# Terminations	5	1	9	1	(1)	3	6	200.0%
Communications & Business Development								
Town Hosted Meetings	6	(1)	14	4	(4)	12	2	16.7%
Email Correspondence Sent	15	0	30	17	2	32	(2)	-6.3%
E-mail List #	8,504	6	3,846	3,846	(4,528)	4,658	4,658	121.1%
Ready-Op Subscribers	2,203	16	2,124	2,124	1	79	79	3.7%
News Articles	16	(4)	34	15	(2)	17	17	100.0%
Press Releases Sent	1	(1)	3	1	(2)	4	(1)	-25.0%
Gondola and RETA								
Gondola # of Passengers	355,335	40,532	670,138	355,465	1,653	709,277	(39,139)	-5.5%
Chondola # of Passengers	35,255	4,055	73,020	32,856	(204)	70,926	2,094	3.0%
RETA fees collected by TMVOA	\$ 1,391,400	\$ 406,110	\$ 2,376,690	\$ 770,040	\$ 357,697	\$ 1,182,383	\$1,194,307	101.0%
Police								
Calls for Service #	535	(39)	1,109	363	(30)	756	353	46.7%
Investigations #	26	11	41	20	1	39	2	5.1%
Alarms #	14	2	26	13	0	26	0	0.0%
Arrests #	3	3	3	7	6	8	(5)	-62.5%
Summons #	3	2	4	1	(4)	6	(2)	-33.3%
Traffic Contacts #	11	(6)	28	20	(5)	45	(17)	-37.8%
Traffic Tickets Written #	0	(3)	3	1	(3)	5	(2)	-40.0%
Parking Tickets Written #	459	(200)	1,118	434	(220)	1,088	30	2.8%
Administrative Dismissals #	56	(36)	148	5	(10)	6	142	2366.7%



Business and Government Activity Report For the month ending: February 29th

Activity	2024			2023			YTD or MTD Variance	
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %
Building/Planning								
<i>Telluride permits are no longer being issued by Mountain Village</i>								
Community Development Revenues	\$210,383	\$85,704	\$335,062	\$23,917	\$7,610	\$40,224	\$294,838	733.0%
# Permits Issued	18	5	31	22	(14)	58	(27)	-46.6%
Valuation of Mtn Village Remodel/New/Additions Permits	\$41,398,956	\$38,165,015	\$44,632,897	\$302,200	\$12,800	\$591,600	\$44,041,297	7444.4%
Valuation Mtn Village Electric/Plumbing/Other Permits	\$62,500	\$21,424	\$103,576	\$378,300	(\$437,575)	\$442,000	(\$338,424)	-76.6%
# Inspections Completed	157	(23)	337	188	(198)	574	(237)	-41.3%
# Design Review/Zoning Agenda Items	22	12	32	21	14	28	4	14.3%
# Staff Review Approvals	20	(21)	61	11	(1)	23	38	165.2%
Valuation Telluride Electric/Plumbing Permits	\$0	\$0	\$0	\$331,723	\$268,023	\$1,147,598	(\$1,147,598)	-100.0%

All Hourly related items are unavailable due to the payroll system change over. Refuse and recycle statistics come from an outside source and are not always available at the time of publishing.

Plaza Services									
Snow Removal Plaza	Hours	na	NA	na	495	(319)	1,309	NA	NA
Plaza Maintenance	Hours	na	NA	na	657	49	1,265	NA	NA
Lawn Care	Hours	na	NA	na	0	0	0	NA	NA
Plant Care	Hours	na	NA	na	17	(17)	51	NA	NA
Irrigation	Hours	na	NA	na	7	7	7	NA	NA
TMV Trash Collection	Hours	na	NA	na	119	9	229	NA	NA
Christmas Decorations	Hours	na	NA	na	152	87	216	NA	NA
Residential Refuse	Pound	na	NA	na	77,415	(5,831)	160,661	NA	NA
Residential Recycle	Pound	na	NA	na	28,549	(2,017)	59,115	NA	NA
Diversion Rate	%	NA	NA	NA	26.94%	0.09%	26.90%	NA	NA

Vehicle Maintenance									
# Preventive Maintenance Performed	13	(5)	18	20	4	37	(19)	-51.4%	
# Repairs Completed	22	(2)	24	22	(4)	44	(20)	-45.5%	
Special Projects	4	0	4	1	0	3	1	33.3%	
# Roadside Assists	0	0	0	1	(3)	2	(2)	-100.0%	

Finance									
<i>2023 January billing through July 2024 will be reduced because of the Broadband sale. Lodging Revs is tracking differently now.</i>									
# Other Business Licenses Issued	45	(1056)	1,146	25	(957)	982	164	16.7%	
# Privately Licensed Rentals	7	(77)	91	2	(103)	105	(14)	-13.3%	
# Property Management Licensed Rentals	2	(528)	532	5	(486)	491	41	8.4%	
# Unique Property Advertisements Listings for MV	684	1		622	2		62	10.0%	
% of Paperless Billing Customers	60.13%	3.23%		65.23%	0.01%		-5.1%	-7.8%	
# of TMV AR Bills Processed	1,076	(47)	2,199	2,298	(5)	4,601	(2402)	-52.2%	

Accounts Receivable								
	TMV Operating Receivables (includes Gondola funding and childcare)		Utilities - Water/Sewer		VCA - Village Court Apartments			
Current	\$691,010	80.7%	\$296,957	92.9%	\$8,423	80.8%	Other Statistics Population (estimated) 1,434 (Active) Registered Voters 1,049 Assessed Property Valuation 430,319,955	
30+ Days	101,721	11.9%	13,226	4.1%	956	9.2%		
60+ Days	6,796	0.8%	5,691	1.8%	924	8.9%		
90+ Days	6,075	0.7%	177	0.1%	126	1.2%		
over 120 days	51,193	6.0%	3,602	1.1%	-	0.0%		
Total	\$ 856,795	100.0%	\$ 319,653	100.0%	\$ 10,429	100.0%		
	Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR			
Current	\$3,685	78.2%	\$ 1,000,075	83.9%	\$290,329	-154.5%		
30+ Days	1,024	21.7%	116,927	9.8%	(463,076)	246.5%		
60+ Days	3	0.1%	13,414	1.1%	2,368	-1.3%		
90+ Days	-	0.0%	6,378	0.5%	(31,094)	16.6%		
over 120 days	-	0.0%	54,795	4.6%	13,601	-7.2%		
Total	\$4,712	100.0%	\$ 1,191,589	100.0%	\$ (187,872)	100.0%		



TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

Agenda Item 6b

TO: Mountain Village Town Council

FROM: Lizbeth Lemley, Finance Director, Michelle Haynes, Assistant Town Manager, Paul Wisor, Town Manager

DATE: March 14, 2024

RE: VCA Phase IV Change Orders 2 & 3

Summary: Included in your packet is a proposed resolution to amend the VCA Phase IV budget originally approved in the Construction Management Agreement dated April 4, 2023, these updates were required to comply with the DOLA Grant Agreement and Use Covenant associated with the \$2.25 million TAHG grant awarded in June 2023.

Change Order 2 (Exhibit A): Change Order 2 details updates to accessible units required under the Use Covenant. The original plans for VCA Phase IV calculated the required number of accessible units between both buildings. The total number of required accessible units for the project were allocated between the two buildings. DOLA awarded grant funding for only the East building of the development and the Use Covenant recalculated the number of required accessible units for just the East building. Under the revised calculation, the number of accessible units in the East building is 3 fully accessible units and 2 hearing/vision impaired units. This resulted in an increase of 1 fully accessible unit and 1 hearing/vision impaired unit. The total cost of these modifications is \$43,800.88.

Change Order 3 (Exhibit B): Change order 3 details changes to the Builder's Risk Insurance policy required by the Grant Agreement. The agreement required all deductibles under the policy of \$25,000 or less. Several deductibles under the original policy were \$50,000. The cost of reducing the deductibles totals \$36,050.

This change order includes the grant funded installation of solar on the new buildings. The original Construction Management Agreement did not include the installation of solar as the grant funding had not been secured at that time, however, the grant funding and related expenses were included in the approved 2024 budget. The change order presented only reflects these amounts being added to the project budget in the Construction Management Agreement but does not result in any changes to the overall budgeted cost of the project.

Proposed Motion

I move to approve the proposed Resolution approving Phase IV Change Orders 2 & 3 and appropriating additional funds to cover these items.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO REAPPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING
AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH HEREIN, FOR THE
VILLAGE COURT APARTMENTS PHASE IV PROJECT FOR THE 2024 BUDGET YEAR**

RESOLUTION NO. 2024-__

WHEREAS, the Town of Mountain Village (the “Town”) is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Colorado Constitution and the Town’s Home Rule Charter (the “Charter”); and

WHEREAS, on April 4, 2023, the Town entered into a Construction Management Agreement (the “Contract”) with Triumph Development West, LLC for the construction of Phase IV of the Village Court Apartments (the “Project”); and

WHEREAS, the Town of Mountain Village Town Council (“Town Council”) adopted the 2024 annual budget on December 7, 2023, in accordance with Colorado law, and the Town Council made provision therein for revenues equal to or greater than the total proposed expenditures related to the Project as set forth in said budget; and

WHEREAS, to comply with DOLA’s requirements for grant funding for the Project, there are certain increased costs for the Project as outlined on Change Orders #2 and 3, attached hereto as Exhibits A and B; and

WHEREAS, the Town Council now desires to reappropriate funds provided in the budget to cover said increased costs of completing the Project as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

Section 2. Reappropriation. The Town Council hereby reappropriates the following sums to/from the following fund(s) for the stated purpose:

Village Court Apartments Fund Phase IV Capital Expense - \$79,850.88.
The additional expenses will be covered by Village Court Apartments Fund Balance

Section 3. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board’s intention that the various provisions hereof are severable.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town Council at a regular public meeting held on March 21, 2024.

TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney



Exhibit A

Triumph Development
www.triumphdev.com

January 29th, 2024

Town of Mountain Village
455 Mountain Village Blvd., Suite A
Mountain Village, CO. 81435

Re: Village Court Apartments Phase IV – Construction Management Agreement Change Order #2

To Whom It May Concern:

Please find a summary of the changes to the budget for the Village Court Apartments Phase IV Construction Management Agreement dated April 4, 2023. The Town of Mountain Village initiated these changes to comply with DOLA’s ADA requirements for grant funding. A summary of the revised Development Budget attached.

Budget Considerations	\$	Notes
NorthStar - ADA Millwork Production, Delivery & Install	31,250.00	
NorthStar - Procurement & Installation of ADA Appliances	5,447.00	
Shaw - Fire Alarm & Electrical Changes for Added Hearing / Visually Impaired Unit & Type A Unit	6,103.88	
Olsen Architecture - Additional CA Fees	1,000.00	
TOTAL	43,800.88	

Please acknowledge your agreement to these changes by signing below. Feel free to contact me with any questions or comments.

Signed:

Michael O’Connor
Triumph Development West, LLC

Acknowledged:

Signed: _____

Name: _____

Date: _____

TOMV VCA4					1.29.24
Development Budget					
Budget Item	Original Budget	10.19.23 TC Change Order	1.29.24 Change Order 2	Revised Budget	
Shaw Contract	\$ 11,154,839	\$ 1,062,428	\$ 6,104	\$ 12,223,371	
Shaw Bond	\$ 114,045			\$ 114,045	
Northstar Modular Contract	\$ 6,287,379		\$ 36,697	\$ 6,324,076	
Modular Bonding	\$ 94,311			\$ 94,311	
Transportation Allowance	\$ 675,494			\$ 675,494	
Set/Stitch Proposal	\$ 440,169	\$ 67,800		\$ 507,969	
Shuttling Allowance	\$ 45,000			\$ 45,000	
Staging Area Allowance	\$ 40,000			\$ 40,000	
Solar	\$ -			\$ -	
Sales & Use Taxes	\$ -			\$ -	
Builder Risk Insurance	\$ 179,896			\$ 179,896	
OCIP Insurance	\$ 291,879			\$ 291,879	
Electric Hookups	\$ 104,660			\$ 104,660	
Onsite Owner Items	\$ 23,000			\$ 23,000	
Testing	\$ 27,290			\$ 27,290	
Hardcost	19,477,962	1,130,228	42,801	20,650,991	
Entitlement, Permit & Impact Fees	-	-		-	
Soft cost					
CA Architecture	\$ 70,000	\$ 23,000	\$ 1,000	\$ 94,000	
ADA Consultant	\$ 1,500			\$ 1,500	
Design Reimbursable	\$ 15,000			\$ 15,000	
Survey	\$ 5,000			\$ 5,000	
Project Legal	\$ 10,000			\$ 10,000	
Estimated Developer Reimbursables	\$ 24,000			\$ 24,000	
Total Soft Cost	125,500	23,000	1,000	149,500	
Developer Fixed Fee	\$ 838,000	\$ -	\$ -	\$ 838,000	
Total Contingency	499,499	(150,000)	-	\$ 349,499	
Total After Contingency	\$ 20,940,961	\$ 1,003,228	\$ 43,801	\$ 21,987,990	



Exhibit B

Triumph Development
www.triumphdev.com

February 20th, 2024

Town of Mountain Village
455 Mountain Village Blvd., Suite A
Mountain Village, CO. 81435

Re: Village Court Apartments Phase IV – Construction Management Agreement Change Order #3

To Whom It May Concern:

Please find a summary of the changes to the budget for the Village Court Apartments Phase IV Construction Management Agreement dated April 4, 2023. Due DOLA Grant Requirements all deductibles for the project’s Builder’s Risk policy needed to be reduced to \$25,000. Meeting this requirement was cost prohibitive and the State accepted reducing Earth Movement, Flood, Wind/Hail and Named Storm to \$25,000. Achieving this came with an added cost of \$36,050. Additionally, the incorporation of solar panels required specialized snow holds to protect the public from falling ice and snow. Below is a summary of how the solar grant dollars will be spent. The total added cost for Change Order #3 is \$36,050.

Budget Considerations - Insurance Deductibles	\$	Notes
IMA Invoice - 307366	12,019	
IMA Invoice - 307368	24,031	
TOTAL	36,050	

Budget Considerations - Solar Grant Funding	\$	Notes
Grant Funding	312,796	
Solar Install - East Building	(128,000)	
Solar Install - West Building	(129,000)	
Snow Fence - Material	(36,546)	
Snow Fence - Installation	(8,000)	Shaw has carried \$12,000 for the install of the initial snow fence layout in their contract. An additional \$8,000 will cover the installation of the added materials.
Snow Fence - Engineering	(1,280)	
Contingency (3%)	(9,970)	
TOTAL	0	



Please acknowledge your agreement to these changes by signing below. Feel free to contact me with any questions or comments.

Signed:

Michael O'Connor
Triumph Development West, LLC

Acknowledged:

Signed: _____

Name: _____

Date: _____



AGENDA ITEM 7
TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

TO: Mountain Village Town Council
FROM: Paul Wisor, Town Manager
DATE: March 14, 2024
RE: Department Updates

Executive Summary: Below is a summary of notable activity within each of the Town's departments. Please contact the Town Manager if this report raises any questions.

Public Works

Asphalt RFP has been completed and awarded for 2024 overlays in Mountain Village. VCA Building #1 roof replacement is out to bid and the new VCA bus stop is in the design phase. First EV vehicle (Ford Lightning) has been put into service.

Road & Bridge

Snow removal services continue as routine – February had 69 inches of snow, mostly falling in the first 2 weeks of the month. Freeze/thaw cycle has begun with warming temperatures and pothole fixes have been executed around the Village.

Water

Production from Telluride wells is online to supplement flows in MV due to a potential leak in the system. The leak has been isolated and will be further investigated upon the closure of the ski resort. GIS mapping of water infrastructure continues as well as routine maintenance and distribution production.

Plaza Services

Holiday decorations continue to be removed as time allows between storms (we're almost there!). February was another busy month of events with the return of Gay Ski Week and multiple private group events. Increases in Spring Break visitation are keeping the team busy with trash removal and general maintenance within the plazas.

Facility Maintenance

Boiler and snowmelt issues continue to be addressed. VCA new construction walk-throughs and punch lists are underway for the new East Building. New office design for Town Hall is underway and should be under construction soon.

Vehicle Maintenance

Maintenance of snow removal equipment to keep up with winter weather related wear and tear. New welding trailer for on-site work is complete.

Munchkins

I wanted to share exciting news- this week two more of my staff wrapped up their state qualifications making them Lead Teacher qualified. That puts us now at 6 out of 8 employees state qualified as lead teachers. In my time here at Munchkins we have never had so many qualified staff- typically 3 maybe 4! I can't express how exciting this is for the program, it allows more flexibility in staffing, gives each classroom highly skilled and educated teachers, and sets our program apart from the others in the area from a quality standpoint.

With all this great news, there's always a little bump in the road. Sophia my assistant director and lead preschool teacher resigned at the end of February. Thankfully, Jordan Menefee was offered and accepted promotion into the lead teacher role. She's highly experienced- previously ran the Children's Museum in Tucson as well as the Erik Hite program for first responder's families. We are so fortunate that we had someone on staff who was very excited and willing to jump in and take on the Lead Preschool position. I will not be filling the assistant director position at this time; the program is lucky to have Jordan, Madiea, and soon to be Stacy, director qualified so I am working with finance on how the possibility of giving more responsibilities and potential small pay increases to those three lead teachers while in turn saving the program some money from that Assistant Director position. We will eventually be looking to hire a childcare assistant to help back fill Jordan's position ideally after spring break!

Community Development

Planning

Development review for mostly single family homes continues per usual. This was the last month that we contracted with Design Workshop to assist with design review, we should be able to handle this in-house going forward with Drew Nelson our senior planner fully on-board and familiar with our design review processes. We are also preparing for a series of CDC amendments to address various topics, so anticipate seeing those headed to council for review and adoption throughout the summer.

Building

Within the building department, Inspection staff attended the International Code Conference in Denver for continuing education. Inspections and plan review both seem to be picking up as we get closer to the spring building season. The Ordinance for adoption of 2021 building codes and associated CDC amendment has been drafted and will be reviewed by both DRB and Council in April. In preparing information for the 2023 year in review, building permit valuations were aggregated for 2023 and were valued at over \$110,000,00!

GIS

GIS has been busy with re-addressing efforts. Boulders, Coyote Court and Prospect Plaza are all underway. We have received some feedback from residents currently going through the process, and will make some slight modifications to the roll out prior to the next phase.

Forestry

Forestry continues to prepare for this summer's programming – receiving, inventorying and labeling equipment, developing the training plan for the seasonal crew and continuing to work with our regional partners to develop the actual work plan for the execution of a community-wide fuel break.

General

All staff except GIS were also involved in preparing for and testifying in a trial in municipal court regarding numerous code violations.

Clerk

The design charrette with the Blythe Group for the Council Chambers, Executive Session breakout room and remodel of the public bathrooms design project is set for March 19th. We are in the design stages with Voter Magic, the replacement voter database. The software has been installed and we are fine tuning its capabilities. Once complete, the clerks will begin the training sessions.

The MMXSilo platform document migration was successful. Once voter database training is complete, we will be working on determining the search parameters and setting up the access. The platform allows us to link it to the Town website providing the public access to public records without having to submit an open records request.

Human Resources

Market Compensation Study: In pursuit of ensuring fair and competitive compensation, HR has initiated it's bi-annual market compensation study. This study represents a proactive step towards maintaining a competitive edge in the job market and ensuring equitable compensation for our valued employees. We have initiated a market compensation study with a highly sought-after consultant specializing in municipality market studies across Colorado. The consultant has been rescheduled to be on-site during the third week of March to meet individually with directors to gain a deeper understanding of their departments.

Learning & Development Training: Our commitment to Learning & Development training continues with March's training titled: "So Glad We Don't Agree: Why Adversity is Healthy at TMV." Our training logistic strategy continues with a one-hour all staff training and then a one-hour supervisor deeper dive training. As a reminder, these are being conducted on-site by our consultant with Marble Peak Consulting. HR's strategic goals surrounding Learning & Development training will continue to enhance organizational growth, foster a culture of skill enhancement and improving employee engagement and retention, to point out a few factors.

Our team is continuing to work with and grow our robust HRIS software and improvements happen each day! We are ramping down the season and will be offboarding seasonal

employees and then move immediately into onboarding our next round of seasonal employees. We have also seen a significant increase in applications received for full time positions and have been able to successfully and quickly fill open positions. As we continue with our new HRIS software we will be able to provide time to hire metrics.

Police

February was again a very busy month. Some of the more significant calls included, officers verbally de-escalated a situation with a subject armed with a knife, A reported suspicious person was contacted in the core. This person had multiple felony warrants from Mesa County and had no explanation for what he was doing in Mountain Village or how he got here. Officers de-escalated uncooperative possible suicidal person and stabilized the situation. Officers and Telluride Fire Department responded to a structure fire. This is residence under construction, the fire department was able to quickly extinguish the fire and reduce the damage to the structure.

Deputy Chief Moir and the San Miguel Coroner investigated an unattended death. On February 28, we received a call of a disturbance. The citizen calling was able to contain the situation while we were enroute, and the citizen remained on scene to assist the first officer until others arrived.

We were also able to continue training both internally and attending outside classes. Officer Horn attended a 60-hour Krav Maga Instructor. This teaches officers how to gain, regain, and maintain control of common combative situations. The training was POST Funded as well. Officer Uribe attended an Advanced Domestic Violence response and investigation day long class in Montrose. All officers attended Blue to Gold case law webinar on Reasonable Suspicion, deep dive. Blue to Gold is a service that highlights and interprets legal decisions and case law for line level officers. Sgt. Moir is a certified instructor for this content. Officer Menter presented Trauma Informed Response and Interviewing training to all our officers. This is a program Officer Mentor spent considerable time developing at his last agency and brings a wealth of knowledge to the topic. Officers also attended webinars on; The impact of intimate partner violence within diverse & marginalized communities and Responding to hoax bomb threats and swatting webinar.

These incidents and training activities highlight the diverse challenges our officers face on a day-to-day basis. The successful de-escalation of potentially dangerous situations demonstrates the effectiveness of our training programs. Additionally, the continuous pursuit of knowledge, as evident in the completion of various specialized training courses, underscores our commitment to maintaining a highly skilled and well-prepared team.

We remain dedicated to providing a safe and secure environment for our community, and these incidents and training activities serve as valuable learning experiences for ongoing improvement.

Economic Development and Sustainability

The Economic Development team has been holding business check-in meetings with our Mountain Village business community. These meetings have been a great opportunity to share information and have an open dialogue around current Town initiatives, and to understand challenges facing our businesses and where the Town may be able to provide support. Additionally, work has focused on summer activities and events, including Market on the Plaza,

which has seen a healthy number of vendor applications. Initial vendor selection is complete, and the Market is on track to again provide a great variety of arts, goods, and fresh produce every Wednesday during the summer season. Additionally, staff is working with Brandon Berkel and the gondola team on the installation of Brandon's piece "Only We Know What Could Have Been" which was approved by the Public Art Commission for installation in the Oak Street gondola station.

Sustainability efforts continue and staff has begun work on updating the 2019 greenhouse gas emissions inventory in tandem with establishing an updated scope of work with our consultant, Cascadia Consulting, for updates to the 2020 Climate Action Plan. Preparations are also underway for a springtime launch of our many incentive programs, including the Solar Incentive Program, the Building Energy Incentive Program, and the Smart Irrigation Incentive Program.

Grant work continues and in addition to administering reporting and reimbursements from awarded grants, staff is working with internal departments to identify grants that are in line with the Town's planning and capital projects and strategize around funding opportunities. Town has also been working with Public Works, Parks & Rec, and the Forestry Department to apply for rebates from local utilities for a range of items and equipment including EV charging stations, the Town's new Ford F150 Lightning, and electric outdoor power equipment.

In addition to standard communications, the Communications Department has been focusing on spreading the word around many of our housing initiatives including the next tier of the Meadowlark lottery process and the upcoming move-in for the VCA Phase IV East Building. Additionally, work is nearing completion on the Town's 2023 Annual Report which will highlight all the Town's great accomplishments in 2023.

IT

Information Technology completed its NIST CFS baseline cyber security assessment conducted by Kivu. Several areas of improvement were identified. IT met with the tech committee regarding these cyber security enhancements. In addition, the budget committee was given this information and endorses additional funds requested for these systems in the 2024 budget. Currently IT is preparing a final approval agenda item for Council. IT is also involved in another cyber security audit with CLA (Clifton Larson Allen) accounting. This cyber security audit is ongoing and should be completed in the next month or so.

Finance

The Finance team is focused on the audit. The Finance team is also working on improving VCA policies and procedures and onboarding new employees.

Town Manager

Housing

Biennial compliance is almost complete. There were only four individuals who did not respond to our communications, and we will either garner voluntary compliance or send a penalties letter.

Meadowlark

Modules will be set late March or the first week of April. The lottery is scheduled for March 29th. We have approximately 45 interested buyers and approximately 15 pre-qualification applications in process to date.

VCA

Brittney Newell started as our VCA Property Manager.

East Building. We have started the selection process for the east VCA building utilizing our public wait list and transfer wait list

West Building. We will begin the communications program to fill the west building with selected Mountain Village businesses. The program and timeline is provided as part of this packet

Regional Wastewater Treatment Plant

Finn, Scott and Michelle met at the WWTP to discuss the short term fix design and engineering scope and timeline. The anticipated timeline is to keep the plant operational for 5-7 years while figuring out the next step of an upgraded plant.

Gondola

The Gondola subcommittee participated in site visits at Winter Park and Steamboat in gain a better understanding of modern gondola systems. The Managers Committee and the Subcommittee have concluded that the federal RAISE grant is not a good fit for the proposed new gondola. Rather, SMART will be pursuing a CIG grant, which could potentially fund up to 80% of the new gondola.

Transportation

Parking

Consistent with last month's comprehensive update, parking system revenues continue to be strong across all paid parking facilities, with utilization trending up slightly in February. Overall YTD parking system utilization is down 11% (HGP -31.4%, GPG -8.0%, NVC -23.3%). Permit applications and associated revenues have begun to taper off. While busy as expected on the weekends, the system has only gone into overflow once the entire season. Active management of GPG, coupled with the new policies and rate structures seem to be producing the desired results. Notably, a new zone has been established in the North Village Center lot to accommodate patients visiting medical providers situated on this side of the core.

Gondola

Business as usual at the gondola with February ridership down slightly 0.03% when compared to February of 2023. Year-to-date ridership is down 5.5% and season-to-date ridership is down 6.5%. With strong early March ridership, the gap is expected to close. Operational and mechanical uptime continues to be high despite challenges with recent high wind events. Staffing continues to be a challenge for both the operations and maintenance departments. Preparation for shoulder season maintenance in underway and recruiting / hiring efforts for summer season operators has been encouraging.

Parks and Rec

The Parks and Recreation team continues its winter maintenance routine, focusing on ice maintenance at Reflection, Village Pond, and Elk Lake. Adjustments to operational hours at the Reflection Ice Rink have been made, delaying opening times on sunny afternoons. While Elk Lake and Village Pond remain suitable for skating, the viability of these surfaces will diminish as we progress into March. Nordic grooming activities within the Town's license area and on the Valley Floor are ongoing. Recent snowfall ensures the continued viability of the Nordic trail system until the close of the ski area. Planning for the upcoming trail building season is underway, with scopes and contracts being developed for the summer projects. Additionally, efforts in content development for enhanced trails wayfinding are progressing.

**2023 ANNUAL REPORT
TELLURIDE HISTORICAL MUSEUM, INC.**

MISSION STATEMENT

The mission of the Telluride Historical Museum is to preserve the rich, colorful, and diverse history of the region and to bring history to life through exhibits, programs, and education.

VISION

We envision a museum that is an indispensable cultural asset which reaches beyond its walls to engage people by bringing history to life.

2023 EXECUTIVE SUMMARY

2023 was a year of growth and accomplishment at the Telluride Historical Museum. The Museum continued to see steady growth in admissions, store sales, membership, and special event revenue. In most cases these numbers approached, or even eclipsed, the levels the Museum had enjoyed prior to the pandemic.

This relative financial stability and ongoing growth allowed THM to complete one of its most ambitious projects to date – the move of a significant portion of its artifact collection from a suboptimal storage facility 65 miles outside of Telluride to more adequate, climate-controlled units located just outside of town. While this endeavor required a significant investment of staff time and THM's capital reserves, the effort will allow the Museum to more capably care for and maintain its artifact collection and help ensure that these historical treasures will continue to benefit the community for generations to come.

While the collection move was the most significant goal THM achieved during the year, it was not the Museum's only important accomplishment. 2023 also saw the return of *An Evening with Ken Burns*, THM's annual special event with the acclaimed documentary filmmaker; a revitalized *Telluride Dinner Party* event; the creation and installation of the Museum's latest annual exhibition, *Festival Capital of the Rockies: 50 Years of Festivals in Telluride*; and a critical restructuring of the Museum's staffing structure.

Taken together, these completed goals and accomplishments, along with sustained growth in terms of membership, admissions, and fundraising capacity, should serve as a solid foundation from which the Museum will be able to operate well into the future.

EXHIBITS & COLLECTIONS

The Museum planned its latest annual exhibit to coincide with significant milestones achieved by a pair of Telluride's signature summer events. Unveiled in June of 2023, *Festival Capital of the Rockies: 50 Years of Festivals in Telluride* uses the 50th anniversaries of both the Telluride Bluegrass Festival and Telluride Film Festival as points of departure through which to explore the entirety of Telluride's rich festival heritage. Featuring an array of festival posters, banners, programs, and photographs, *Festival Capital of the Rockies* explores how and why Telluride became a festival haven over the past five decades, while also shining a light on some of the town's lesser-known festivals. The new show, which also served as the organizing motif behind a number of the Museum's program offerings throughout the year, will remain on view until April 2024.

In addition to the new annual exhibit, the Museum also continued to maintain its array of permanent galleries as well as five off-site exhibits installed throughout San Miguel County, including the San Miguel County Sheriff's Office, Mountain Village Town Hall, the Telluride Medical Center, and the Wilkinson Public Library's Telluride Room.

In addition to its exhibit-related achievements, the Museum also accomplished a significant collections care and maintenance goal. After years of exploration and planning, the Museum was finally able to move the significant part of its collection stored in suboptimal conditions in Montrose, Colorado, to a newly-constructed, climate-controlled facility just outside the town. While the move allowed THM to bring this portion of its artifact collection 60 miles closer to town, it also provided the Museum the opportunity to store these items in a more organized, efficient, and appropriate manner. With meticulous planning and the purchase of new shelving, the Museum was able to reduce its storage needs by over 200 square feet while allowing ample room for the potential future growth of the collection. While the process required significant resources, both in terms of staff time and capital reserve funds, the effort will unquestionably help the Museum provide a higher standard of care and maintenance to these artifacts for years to come.

VISITORS & PROGRAM PARTICIPATION

6,672 members, residents, and guests visited the Museum in 2023. While this number fell a bit short of THM's typical pre-pandemic visitation level, it did represent a 2% increase in visitors compared to 2022.

Similar to admissions, program participation also experienced a modest increase in 2023. In total, 2,772 individuals participated in 83 Museum programs and events during the year, a 6.5% increase over the prior year. This tally also includes 418 school-aged children who participated in 19 Museum and Museum-partner school programs during the year.

The minor increase in overall program participation occurred despite the Museum’s decision to offer fewer programs than in 2022. This renewed focus on quality over quantity yielded some positive results: per-program attendance increased by over 37%, and a number of offerings including the *Evening with Ken Burns* film screening, *Telluride Dinner Party* event, and historical walking tour participation experienced near-record attendance.

Below is a summary of the full range of the Museum’s 2023 programs:

Program/Series	Location	Partners/Collaborators	Attendees
School programs/field trips/school outreach events/ After School at the Library (19 programs)	THM, WPL, Lone Tree Cemetery, the Valley Floor	Telluride School District, Telluride Academy, Telluride Mountain School, Wilkinson Library, Cortez School District, Pinhead Institute	515 (including both students & adults)
Historical Walking Tours (37 programs)	Telluride	Ashley Boling, Telluride Jazz Festival	625
Private Group/Facilitated Museum Visits/History Training Programs (6 programs)	Telluride	Mountain School, Telluride Academy, TREC, Telluride Ski & Golf, Telluride Reserve, Local Guides and Outfitters	128
Hikes into History (4 programs)	Valley Floor, Sneffels Highline, Woods Lake, Corkscrew Gulch	Bob Mather, Connie Coulter, Dalen Stephens, Sheep Mountain Alliance, Rudy Davison	61
Lone Tree Cemetery Tours (7 programs)	Lone Tree Cemetery		138
Fireside Chats (3 programs)	Hotel Madeline	Fred Blackburn, Sheep Mountain Alliance, Steve Gumble,	84
Partnered Events (1 programs)	Telluride	Telluride Chamber Music, New York Philharmonic Brass Quintet	183
Annual Exhibit Opening	THM		104
4th of July Festivities	THM		216
Senior Mahoney Day	THM		68
Telluride Dinner Party	Town Park Stage	Town of Telluride Parks and Recreation Department	69
An Evening with Ken Burns	Palm Theater	Florentine Films, Ken Burns	313
Halloween on the Hill	N. Fir Street		213

Night of the Telluride Undead	Telluride		55
		TOTAL	2,772

MEMBERSHIP

The Museum had 179 members join or renew in 2023, which continued a recent downward trend. On a more positive note, while the raw number of Museum members decreased slightly from the previous year, membership revenue increased noticeably. THM received \$50,400 in membership dues in 2023, an 8% increase over 2022. This number was not only the strongest showing since the COVID-19 pandemic, it also began to approach the revenue figures the Museum had achieved prior to the pandemic.

LEADERSHIP AND STAFF

Executive Director Kiernan Lannon continued to lead the Museum in 2023. A twelve-member board of directors, which included both resident and government representatives, provided guidance and oversight to the organization.

After a year of relative staff stability, the Museum once again underwent significant personnel changes in 2023. Kathy Rohrer, the Museum's long-tenured Collections Manager retired in the spring, while both Theresa Koenigsknecht and Mary Higgins returned to the Museum after brief periods away. The Museum also welcomed two new Visitor Services Coordinators and three Visitor Services Interns.

While the Museum was sad to see Kathy leave after nearly two decades of exemplary service to THM, her departure created an opportunity for the Museum to undertake a critically important restructuring of its staff positions. The once all-encompassing Director of Programs and Exhibits role was split into two distinct positions – one focusing on exhibits and one focusing on programs and education. The exhibits role grew to include aspects of collections care, while the programs and education role took on outreach and development responsibilities. The resulting office staff structure featuring an Executive Director, Curator of Collections and Exhibits, Director of Education and Outreach, and Museum Assistant, not only helped to maximize the relative strengths of the museum staff, it helped align the Museum's staffing with the museum field's traditional personnel model.

Below is a listing of the Museum's board of directors and reconfigured staff:

BOARD

Executive Committee:

Danny Craft, *President*
Todd Brown, *Treasurer*

Paula Malone, *Vice-President*
Kate Contillo, *Secretary*

Directors:

Lynne Beck
Fred Blackburn
Werner Catsman

JT Coe
Rudy Davison
Vicki Eidsmo

Government Representatives:

Marti Prohaska, *Town of Mountain Village Liaison*
Adrienne Christy, *Town of Telluride Liaison*

Emeriti:

Deborah Freedman
Richard Betts
Carol Kammer
Jack Harrison

Dan Garner
John S. Pillsbury III
Sheila Wald

STAFF

Kiernan Lannon, *Executive Director*
Molly Daniel, *Curator of Collections & Exhibits*
Theresa Koenigsknecht, *Director of Education and Outreach*
Mary Higgins, *Museum Assistant*
Jackie Ritter, *Visitor Services Coordinator*
Meg Taylor, *Visitor Services Coordinator*
Laurie Jalenak, *Visitor Services Coordinator*
Susanne Catsman, *Visitor Services Coordinator*
Smith Cochran, *Visitor Services Coordinator*
Ava Shimkonis, *Visitor Services Intern*
Alyssa Lawson, *Visitor Services Intern*
Annabelle Hay, *Visitor Services Intern*

**Telluride Historical Museum
2023 Statement of Operations**

Revenue

Admissions	\$	48,754	
Gifts and Donations	\$	37,720	
Memberships	\$	50,400	
Programming	\$	11,961	
Special Events	\$	37,871	
Town of Mountain Village- Mill Levy	\$	104,430	
Town of Telluride - Mill Levy	\$	113,260	
Investment Income	\$	4,522	
Store & Web Income	\$	27,804	
Total Revenue	\$	436,722	
Cost of Goods Sold	\$	14,800	
Gross Profit			\$ 421,922

Expenses

General & Administrative	\$	69,239	
Building	\$	25,185	
Payroll	\$	264,362	
Utilities	\$	13,662	
Programming	\$	6,947	
Special Events	\$	18,330	
Promo & Sales	\$	15,704	
Collection & Exhibits	\$	56,106	
Total Expenses	\$	469,535	
Operating Income (Loss)			\$ (47,613)



455 Mountain Village Blvd. Mountain Village, CO 81435
(970) 369-8606

Agenda Item 9

TO: Town Council
FROM: Paul Wisor, Town Manager
DATE: March 21, 2024
RE: Consideration of Sustainable Destination Marketing and Tourism Management Services Agreement Between the Town of Mountain Village and Telluride Tourism Board

EXECUTIVE SUMMARY:

The Town collects a 4% lodging tax, of which 50% is designated for use on marketing and tourism management. As part of these efforts, the Town has historically contracted with the Telluride Tourism Board (TTB) for tourism management services on behalf of the Town of Mountain Village. As such, the 2024 Sustainable Destination marketing and Tourism Management Services Agreement is before you for consideration.

ATTACHMENT:

- Sustainable Destination Marketing and Tourism Management Services Agreement Between the Town of Mountain Village and Telluride Tourism Board

OVERVIEW:

The Telluride Tourism Board (TTB) has historically provided destination marketing and tourism management services for the Town of Mountain Village. Beginning in 2022, at the request of the Town, the TTB engaged Karsh Hagan, a marketing agency based in Denver, CO, to develop and execute a comprehensive national and regional marketing campaign to market Mountain Village as part of the TTB's service agreement.

Of note, beginning in 2024 the Town of Telluride has re-engaged the Telluride Tourism Board to provide destination marketing services and is working in collaboration with the Town of Mountain Village, TTB, and Karsh Hagan as an equal funding partner in 2024 marketing efforts.

In addition to destination marketing, this service agreement outlines the following services and objectives: Operate of the visitors center and provide guest services staffing; operate telluride.com, the official website of the destination; operate central reservations booking services; produce and distribution professional lodging metrics; deliver consumer analytics via an economic dashboard; produce and distribute communications collateral; develop a summer and winter visitor guide; provide public relations management; and develop and implement international promotions.

The full contract including these objectives, associated compensation per objective, key performance indicators, and performance measures & goals is attached.

PROPOSED MOTION:

I move to approve the Sustainable Destination Marketing and Tourism Management Services Agreement Between the Town of Mountain Village and Telluride Tourism Board as presented.

**SUSTAINABLE DESTINATION MARKETING AND TOURISM MANAGEMENT SERVICES
AGREEMENT
BETWEEN TOWN OF MOUNTAIN VILLAGE AND TELLURIDE TOURISM BOARD**

THIS SUSTAINABLE DESTINATION MARKETING AND TOURISM MANAGEMENT SERVICES AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2024, by and between the TOWN OF MOUNTAIN VILLAGE, COLORADO, a Colorado home rule municipality (“**Town**”) and Marketing Telluride, Inc. d/b/a TELLURIDE TOURISM BOARD (“**TTB**”) a Colorado 501(c)(6) nonprofit corporation. Town and TTB are at times individually referred to herein as a “**Party**” and collectively referred to herein as the “**Parties**”.

RECITALS

- A. TTB was formed in 2005 to assume the responsibility of marketing the Telluride region as a year-round visitor destination.
- B. Town desires to engage TTB for general marketing and tourism management services (“**Services**”).
- C. The Parties desire to set forth certain terms and conditions between Town and TTB with respect to TTB’s Services.

NOW THEREFORE, in consideration of the mutual covenants, conditions, and agreements contained herein, the Parties agree as follows:

- 1. Term of Agreement; Exclusivity. This Agreement shall be effective, *nunc pro tunc*, as of January 1, 2024 (“**Effective Date**”) for a period of three (3) years and thereafter, subject to annual appropriation, shall renew every year for terms of one calendar year unless otherwise agreed by the Parties or unless Town or TTB delivers written notice to the other Party of their election not to renew not less than 90 days prior to the expiration of the then current term or in the event this Agreement is otherwise terminated pursuant to this Agreement. During the term of this Agreement and any renewal terms, TTB shall be the Town’s exclusive marketing/destination management organization.
- 2. Scope of Services to be provided by TTB. TTB shall perform the Services necessary to carry out the objectives set forth on **Exhibit “A”** attached hereto and incorporated herein by this reference, as may be amended by agreement of both Parties from time to time.
- 3. Compensation. For the satisfactory performance of the Services, Town shall pay Contractor the annual compensation in the amount set forth on **Exhibit “B,”** subject to revenue appropriations, and as such compensation may be amended by mutual agreement of the Parties, each year during the term of this Agreement. Payments for work not included in the Services shall be billed at TTB’s standard hourly rates unless otherwise agreed. TTB shall submit a detailed invoice monthly to the Town describing the professional services rendered pursuant to this Section 3. The Town shall pay the invoice within forty-five (45) days of receipt unless the work or the documentation therefore is unsatisfactory, in which case the Town shall provide written notice to TTB identifying with sufficient detail the non-compliant work and/or documentation and may only withhold payment for such portions of the Services that are not performed in accordance with this

Agreement, as may be amended, and only for so long as the Services remain non-compliant or the documentation is not provided. Except for those payments properly withheld as set forth herein, payments due and unpaid under this Agreement shall bear interest from the date payment is due at the rate of 1.5% per month (18% per annum).

4. TTB Board Composition. The TTB Board of Directors shall include at least one member appointed from the Town of Mountain Village Town Council or Town Council may elect to have their TTB Board seat(s) filled by a direct appointment that does not include an elected Town Councilmember. The number of the Town's appointees on the TTB Board of Directors shall increase at the same rate and by the same number as for Mountain Village's TTB Board appointees.
5. TTB Budgets. No later than September 1st of each year, TTB shall submit a budget to the Town of Telluride for the following year's Services. Such budget shall be approved by the Town no later than November 1st of each year. In the event the Town of Telluride does not approve a budget, the Town may choose to not appropriate funds for the following year in which case this Agreement shall be terminated. In the event that the Town approves a decreased budget or partial appropriation, TTB shall have the right to terminate this Agreement.
6. Marketing Plan. TTB shall, on an annual basis, not later than the 31st day of October in each year, prepare and submit to Town, a two (2) year marketing plan that shall include, at a minimum: objectives, tactics and goals.
7. Performance Indicators. TTB shall track and report the performance indicators set forth on **Exhibit "C"** which is attached hereto and incorporated herein (the "**performance indicators**" also referred to in the tourism industry as "**KPIs**"). Performance indicators reflect the relative success of the destination and are thus an important consideration, however TTB will not be held accountable for achieving targets for performance indicators.
8. Performance Measures. TTB shall track and report progress toward achievement of the performance measures set forth on **Exhibit "D"** which is attached hereto and incorporate herein. (the "**Performance Measures**"). TTB will hold itself accountable for achieving performance measures and report on measures regularly. The parties acknowledge and agree that the tax revenue and occupancy performance measures can be greatly affected by the economic climate and other factors beyond TTB's reasonable control.
9. Additional Performance Measures. This Agreement may contain such additional performance measures as Town may reasonably require and request in writing from TTB (the "**Additional Performance Measures**").
10. Reporting. During the term of the Agreement, TTB shall report to Town on a quarterly basis, as available, progress related to the Performance Measures. No later than April 1st of each year, TTB shall report to Town the outcome of the Performance Measures for the preceding year (the "**Annual Report**"). Not later than June 1 of each year, Town shall review the Annual Report to determine compliance.
11. Audits. TTB shall conduct annual audits of both the Annual Report and the Performance Measures outcomes to ensure credible reporting. The audits shall be conducted by outside independent

persons or firms qualified to conduct such audits having appropriate skills and experience including being experienced in conducting audits of non-profit entities. The results of the audits shall be made available to Town.

12. Meeting and Communication Policy. It shall be the policy of TTB to regularly communicate with Town, constituents and the public. In that regard, TTB will meet with Town staff and Mayor on an as needed basis. The Parties shall reasonably cooperate to ensure timely and accurate delivery of Services. Specifically, Town agrees to provide complete and accurate information to TTB when and as requested. TTB shall not be responsible or liable for delays resulting from Town's failure to provide timely or accurate information. Payment of TTB's fees set forth in this Agreement shall not be reduced, delayed or modified as a result of Town's failure to provide timely or accurate information.

All meetings of the TTB Board of Directors (the "**TTB Board**") shall be open to the public. Except in the event of an emergency meeting, TTB Board meeting notices/agendas shall be posted online at www.telluride.com at least 48 hours in advance of the meeting. The TTB Board shall only meet in executive session for the purposes enumerated in the TTB's executive session policy.

TTB shall, upon written request from the Town's manager, and within five (5) business days, provide the Town with financial reports, meeting minutes, and TTB Board resolutions which are kept by the TTB in the ordinary course of business. TTB shall have the right to redact from such disclosed records which relates to trade secrets, personnel or personnel matters, third party agreements or negotiations, information protected by attorney-client privilege and records of an executive session.

13. TTB to Remain Apolitical. Due to the current nature of the majority of the funding for TTB being derived from governmental public funds, TTB agrees that it will remain apolitical on Town ballot questions and candidates running for election to the Town Council, including a limitation that the TTB not expend funds on Town ballot issues except to provide responses to questions about Town ballot questions and to provide a factual summary, if and as determined by the TTB Board, on Town ballot questions, provided the summary includes arguments both for and against the election issue. Nothing herein shall prohibit any employee, board member or officer of TTB from receiving comments, or stating their own personal position, or other personal activities, regarding or relating to Town ballot questions and/or candidates.

14. Termination. Notwithstanding anything contained herein, this Agreement may be terminated by either Party in the event the other fails to perform or otherwise breaches any of its obligations hereunder, if, following the giving of notice by the terminating Party of its intent to terminate and stating the grounds therefor, the Party receiving such notice does not cure the failure or breach within ten (10) days. In the event that more than ten (10) days are required to cure a non-monetary breach, the cure must be commenced within ten (10) days of notice and be diligently prosecuted to completion within a reasonable period of time. Either Party may terminate this Agreement without cause following the giving of notice by the terminating Party of its intent to terminate ninety (90) days prior to the effective date of such termination. TTB's fee shall be due and payable to and including the effective date of termination. In the event that termination occurs during an annual term of this Agreement, TTB shall refund that portion of the pre-paid annual fee to the Town, less non-cancelable, or non-refundable payments and deposits, paid by

TTB, or due and payable by TTB, to third parties for purposes of performing the Services after the effective date of termination.

15. Indemnification. TTB shall agree to indemnify and hold harmless, Town and its officials, officers, agents, and employees, from and against all liabilities, claims, demands, actions, and debts (including reasonable attorney's fees) arising out of, claimed on account of, or in any manner predicated upon any injury, loss or damage to the property of, injuries to, or death of any person whatsoever, which may occur or be sustained in connection with the performance of the Agreement, or by any condition created thereby or based upon any alleged violation of any statute, ordinance, or regulation, except to the extent caused by the gross negligence or willful misconduct of the Town and/or its officials, officers, agents, or employees.
16. Data Limitations. Town acknowledges and agrees that marketing analytics and reports will be subject to confidentiality and other use limitations of third-party licensors and that TTB must comply with such restrictions in fulfilling its Services hereunder.
17. Consumer and Third-Party Content. Certain digital projects allow third parties to upload, download and otherwise interact with the digital materials that TTB produces. TTB is not responsible for any consumer generated content (blogs, digital materials, comments, etc.) or for any use by third parties of materials that are contained in any digital materials. In addition, many websites and other digital materials link to one another, and TTB is not responsible for materials and websites to which any TTB produced digital materials link with Client's authorization (including any references to those third-party materials and websites (e.g., descriptions, titles, trademarks, etc.) included in TTB produced digital materials to delineate or describe the existence of the link) nor for third party materials or websites that link to any Agency produced digital materials. Agency makes no warranties, shall have no liability, and shall have no obligation to indemnify Client, in connection with these links, content or materials.
18. LIMITATION ON DAMAGES. THE PARTIES AGREE THAT REMEDIES FOR ANY CLAIMS ASSERTED AGAINST EITHER PARTY, WHETHER BASED IN CONTRACT, WARRANTY OR ANY OTHER LEGAL OR EQUITABLE GROUNDS, SHALL BE LIMITED TO PROVEN DIRECT DAMAGES IN AN AMOUNT NOT TO EXCEED FEES IN EFFECT FOR THE THEN CURRENT YEAR OF SERVICES UNDER THIS AGREEMENT.
19. No Waiver of Governmental Immunity. Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Town, its officials, employees, contractors, or agents, or any other person acting on behalf of the Town and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.
20. Independent Contractor. TTB shall perform the services hereunder as an independent contractor and shall not be deemed by virtue of this Agreement to have entered into any partnership, joint venture, employer/employee or other relationship with the Town other than as a contracting party and independent contractor. The Town shall not be obligated to secure, and shall not provide, any insurance coverage or employment benefits of any kind or type to or for TTB or TTB's employees, sub-consultants, contractors, agents, or representatives, including coverage or benefits related but not limited to: local, state, or federal income or other tax contributions; insurance contributions (e.g., FICA); workers' compensation; disability, injury, or health;

professional liability insurance, errors and omissions insurance; or retirement account contributions.

21. Attorney's Fees. The Parties shall have all rights available at law or in equity to enforce the terms of the Agreement. In the event that any action is filed or maintained by either Party in relation to this Agreement, the primarily prevailing Party in any such action shall be entitled to recover its costs and reasonable attorneys' fees incurred or the reasonable value of salaried attorney's time.
22. Binding Effect. The Agreement shall constitute the entire understanding and agreement between the parties thereto and shall be binding upon the respective Parties.
23. TABOR Compliance. The Parties understand and acknowledge that the Town is subject to Article X, § 20 of the Colorado Constitution ("TABOR"). The Parties do not intend to violate the terms and requirements of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Agreement to the contrary, all payment obligations of the Town are expressly dependent and conditioned upon the continuing availability of funds beyond the term of the Town's current fiscal period ending upon the next succeeding December 31. Financial obligations of the Town payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of Town, and other applicable law. Upon the failure to appropriate such funds, this Agreement shall be terminated.
24. Governing Law, Venue, and Enforcement: This Agreement shall be governed by and interpreted according to the law of the State of Colorado. Venue for any action arising under this Agreement shall be in the appropriate court for San Miguel County, Colorado. To reduce the cost of dispute resolution and to expedite the resolution of disputes under this Agreement, the parties hereby waive any and all right either may have to request a jury trial in any civil action relating primarily to the enforcement of this Agreement. The parties agree that the rule that ambiguities in a contract are to be construed against the drafting Party shall not apply to the interpretation of this Agreement. If there is any conflict between the language of this Agreement and any exhibit or attachment, the language of this Agreement shall govern.
25. Time of Essence. Time shall be of the essence with respect to the covenants and conditions to be contained in the Agreement.
26. Entire Agreement; Amendments. This Agreement constitutes the entire agreement between the parties, and supersede all prior or contemporaneous negotiations, agreements and representations, whether oral or written, related to this subject matter, which specifically includes superseding, repealing and replacing, as between TTB and the Town, the prior 2005 Intergovernmental Agreement between San Miguel County, the Town of Telluride, the Town of Mountain Village and Marketing Telluride Inc. (now known as TTB) and the 2005 Service Agreement between the same parties referenced above. This Agreement may only be amended or modified in writing with the signatures of the Parties.
27. Counterparts; Electronic Signatures. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same

document. Electronically signed, scanned/emailed, facsimile copies of any Party's signature hereon shall be deemed an original for all purposes of this Agreement.

Accepted and agreed to by the Parties as of the Effective Date.

TOWN OF MOUNTAIN VILLAGE:

By: _____
Marti Prohaska, Mayor

APPROVED AS TO FORM:

Paul Wisor, Town Manager

Marketing Telluride, Inc. d/b/a Telluride Tourism Board

By: _____
Kiera Skinner, Executive Director

Exhibit "A"

Services and Objectives

Objective 1: Visitors Center/Guest Services: The Visitors Center welcomes an average of 12,000 people per year. Its central location in the Town of Telluride generates strong foot-traffic and a captive audience. Often the final touchpoint in the visitor funnel, the Visitors Center plays an essential role in destination management efforts, and offers an opportunity to reiterate community values to the guest. The TTB's local team is knowledgeable about the area, and are essential in directing guest activities, behaviors and traffic flows. Guest education will continue to be an important function of the guest service program, and more of an emphasis will be placed on business and event promotion and support.

In collaboration with the Colorado Flights Alliance, the TTB provides guest service staffing at the Montrose Regional Airport. The guest services team ensures a positive first impression for the destination, and is available to answer questions about the region. The guest services team will continue to educate guests about Mountain Village businesses and events, with ongoing training to emphasize its importance.

Objective 2: Telluride.com: The official website for the destination, Telluride.com garners over 1 million views annually with its strong organic url and freshly designed content. The site is a primary resource for visitors and locals, and is updated and monitored daily. Telluride.com will be the call to action for all marketing programs, with custom landing pages created to highlight Town of Mountain Village lodging, shopping, restaurants, events and activities.

Objective 3: Central Reservations: The TTB's Central Reservations platform is an essential component to Telluride.com and the destination, and is the call to action for all marketing. Whether guests are booking through Central Reservations online, or using it as a search engine to later book direct, they expect to find and have the ability to book lodging through a DMO's website. The TTB's local guest services team tailors lodging and activities based on the caller's preferences and budgets. Central Reservations also provides another touchpoint for the guest services team to highlight local businesses and events with potential visitors, and provide follow-up information via email.

Objective 4: Professional Lodging Metrics: The TTB will continue to produce and distribute important lodging metrics that assist with forecasting and destination management, including occupancy, average daily rate, revenue per available room, average length of stay and more. In 2023, the TTB worked to provide lodging metrics to third party agency EPS/RRC for the Town of Telluride's Short Term Rental (STR) Study. EPS/RRC commented on the accuracy of the TTB's lodging metrics platform and confirmed that it was the best source for their reporting. The TTB will continue to work with both towns on any upcoming projects that involve lodging metrics.

Objective 5: Consumer Analytics & Economic Dashboard: The TTB is currently using an in-bound consumer analytics platform to track visitation and guest behaviors. In addition, the TTB worked collaboratively with the municipalities to develop an economic dashboard through

Tourism Economics' Symphony platform. The economic dashboard will provide real-time economic metrics that can be used internally and for public consumption.

Objective 6: Communications/Collateral Development: Communication with visitors plays an essential role in destination management and business development. The TTB will continue to support businesses and events through collateral distribution at the Visitors Center, kiosk signage, Peak Sheet, banners and additional assets as needed. Print advertising and paid social campaigns will promote destination stewardship and provide business support. Summer and winter maps, and other stewardship materials will be produced to provide guest education tools.

Objective 7: Visitor Guide Development: The TTB will continue to develop and produce a destination Visitor Guide for the purpose of enhancing and promoting the visitor experience in the Telluride region. The guide will promote Mountain Village businesses and events through listings and editorial. The TTB/Visitor Guide team will continue to involve Town of Mountain Village staff in the process to ensure effective coverage and accuracy.

Objective 8: Public Relations Management: The TTB plays an important role in vetting direct media inquiries to ensure proper representation of Mountain Village and the destination. The team will continue to work with journalists and publications as the destination information resource, including message management, visit coordination, media monitoring and reporting.

Objective 9: International Promotions: The TTB will continue to focus on international efforts, and build on the momentum created during 2023. International tourists are Colorado's highest-value visitors, spending an average of 3x the domestic tourist. With a longer length of stay, higher spend and general preference for public transportation, the international visitor delivers lower impact on the destination while garnering more revenue.

In 2023, the TTB partnered with the Colorado Tourism Office (CTO) on media and travel trade missions in multiple cities in Mexico (spring and fall) and Australia in the fall to promote the winter season. In addition, the TTB participated in IPW, the world's largest international trade show, in the spring.

The TTB will continue to target key international markets (Mexico, Australia, South America (winter), and UK and Germany (summer), and represent Telluride & Mountain Village through in-market missions with travel trade and media, as well as hosting. In addition to partnering with the CTO, the TTB would like to work with the local lodgers on exclusive Telluride/Mountain Village missions as well.

The TTB will work with the CTO on co-op programs, and continue Search Engine Optimization (SEM) efforts in key international markets to keep Telluride top of mind.

Objective 10: Destination Marketing: The TTB will work with the Town of Mountain Village and the Town of Telluride on a collaborative destination marketing program with the goal of creating a positive economic impact on the Town of Mountain Village and regional community.

In collaboration with town teams, the TTB will work with existing agency, Karsh Hagan, to conceptualize, develop and execute a successful program. Karsh Hagan has produced strong results for Mountain Village over the past two years, and understands the challenges and opportunities that the region faces. With the direction of the TTB, Karsh has the ability to hit the ground running to seamlessly implement a destination campaign, while continuing to highlight the Town of Mountain Village as its own unique community through regional marketing.

A planning session with Karsh Hagan will take place in early Q1 to determine destination brand identity, conceptualize creative and discuss a media plan for summer. In February, creative concepts will be finalized followed by final review and approvals on the media plan. The summer campaign is slated to launch in April to encourage early bookings.

In June, winter marketing planning will begin, with an in-person meeting including TTB, Town of Telluride, Town of Mountain Village and Karsh Hagan. The winter campaign will kick-off in early October.

Campaigns will be tracked and monitored closely, and optimized as needed to ensure effectiveness. Karsh will generate monthly campaign reports that include KPIs such as impressions, click through rate (CTR), video completion rate (VCR) to measure engagement. The TTB will track destination KPIs including lodging metrics, tax revenues, visitation data, etc. to measure impact.

*Payments for additional work/expenses
billed at TTB's standard hourly rates (unless otherwise agreed)*

Exhibit "B"
Compensation

Visitors Center/Guest Services

Labor (Visitors Center and Montrose)	\$62,000
Rent, Space Cost	\$25,000
IT/Phones/Supplies	\$16,000
Total	\$103,000

Telluride.com

Website Management & Maintenance (web agency & internal)	\$70,500
Webcams	\$17,000
Customer Relationship Management Platform	\$15,000
Assets- Photos, creative & photo library platform	\$22,500
Total	\$125,000

Central Reservations

Operations (personnel)	\$96,000
Central Reservations Booking App	\$13,000
Fees (CC & Cen Res Platform)	\$26,000
Rent, Space Fees, Taxes	\$16,000
Telephone	\$9,000
Total	\$160,000
Less Projected 2024 Cen Res Revenue (60% of Total \$100,000)	(\$60,000)
Total	\$100,000

Metrics & Analytics

Professional Lodging Metrics	\$24,000
Consumer Analytics/Economic Dashboard	\$33,000
Management	\$15,000
Total	\$72,000

Communications/Collateral Development

Printing (maps, banners, posters, calendars, wraps)	\$25,000
Assets - photography, customer relationship management platform	\$20,000
Advertising: print, paid social, PPC	\$30,000

Creative Development	\$20,000
Labor	\$48,000
Total	\$143,000
Visitor Guide Development	
Development, Production & Distribution	\$40,000
Total	\$40,000
Public Relations Management	
Media Monitoring & Reporting Platform	\$8,000
Compensation for PR management services	\$45,000
Total	\$53,000
International Promotions	
Travel Expenses for missions & hosting	\$30,000
International events and shows	\$20,000
Marketing co-ops with CTO, travel trade and other partners	\$40,000
Search Engine Marketing (SEM)	\$24,000
Total	\$114,000
Destination Marketing	
Media Buy	\$520,000
Creative Development/Services	\$130,000
Media Planning/Execution	\$100,000
Total	\$750,000
Total Budget	\$1,500,000

Exhibit "C"

PERFORMANCE INDICATORS

Performance Indicator	Tracking Mechanisms
1. Occupancy	KeyData/Lodging Analytics
2. Average Daily Rate (ADR)	KeyData/Lodging Analytics
3. Tax Revenues	MuniRevs
4. Web Analytics	Google Analytics
5. Paid Media Impressions	Advertising Analytics Platform
6. Click Through Rates (CTRs)	Advertising Analytics Platform
7. Media Equivalencies	Critical Mention Platform
8. Air Load Factors	Colorado Flights Alliance
9. Visitor Center Traffic	TrafSys/Traffic Monitoring System
10. Central Reservations Booking Pace & Revenues	Central Reservations Platform
11. Visitor Data	Marketing Research Platform
12. Economic Data	Economic Dashboard

Exhibit D
PERFORMANCE MEASURES / GOALS

Performance Measures	Tracking Mechanisms	Target
Web Analytics	Google Analytics	At or over industry benchmarks
Pages/Session		1.5
Average Session Duration		> 1 minute
Bounce Rate		<60%
Marketing CTR	Advertising Reports	At or over .1% (industry benchmark)
Occupancy	Lodging Analytics	Increase by 2% YOY (all stays including domestic & international)
Tax Revenues	MuniRevs	Grow sales tax revenues by 5% annually, specifically in-town retail, restaurant, and lodging tax revenues

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MEMORANDUM

TO: Mountain Village Town Council
FROM: David McConaughy
RE: **Charter Amendments – Proposed Ordinance**
DATE: March 15, 2024

SUMMARY

This ordinance would set an election on July 9, 2024, for the consideration of five Charter Amendments.

- 1) Allowing property owners holding property in LLCs or other entities to vote like other non-resident property owners
- 2) Moving the regular election from June to July
- 3) Clarifying the effective dates of ordinances
- 4) Allowing publication of ordinances via the Town website rather than by newspaper
- 5) Reconciling a conflict between the Town Code and the Charter regarding DRB terms

PROPOSED CHARTER AMENDMENTS

1. Voting

Mountain Village is unique in Colorado by allowing non-resident property owners to vote in municipal elections. As a resort community, Mountain Village was always expected to include a significant number of second homes that would be owned by non-residents. Charter Section 2.3 therefore allows non-resident property owners to vote if they have owned property for at least 30 days. Where property is jointly owned (such as by a husband and wife), each owner of at least 50% of the property may vote.

It has become common for people to own properties in a family limited liability company (LLC) or other similar entity for estate administration purposes. If one member of the LLC dies, the member's asset is still part of his or her taxable estate, but the title remains in the LLC. LLC members can include provisions in the LLC Operating Agreement about transfer of LLC interests to other family members or the surviving members without triggering a real estate transfer. This can avoid a costly and lengthy probate process in court to determine inheritance and how to transfer all the assets of an estate. For similar reasons, property may be owned by a trust that designates a surviving spouse, children, grandchildren or others as beneficiaries. Presently, owners who take advantage of these common approaches are not able to vote in Mountain Village elections.

The proposed ordinance would restore voting rights to non-residents who own their properties in LLCs or similar entities to be consistent with voting rights for direct ownership. It would allow no more than two LLC members to vote, subject to the same 50% ownership rule that now applies for individual owners. For property owned by a trust, the trustee could designate one person to vote.

2. Election Date

The Charter presently sets municipal elections for the last Tuesday of June in odd-numbered years. The proposed change would move that to the last Tuesday in July. The Town conducts municipal elections by mail. Ballots are mailed approximately 22 days before the election to the address on file with the voter registration list. For 2025, the last Tuesday in June is June 24. The idea of moving the election date to July is to encourage greater participation in municipal elections and avoid having ballots mailed during off-season or when people may be traveling.

3. Procedures for Ordinances

The Charter requires two readings of ordinances but is silent as to when ordinances become effective. Where the Charter is silent, Colorado statutes should control. C.R.S. § 31-16-105 provides that ordinances shall not become effective until 30 days after publication. Similarly, C.R.S. § 31-11-105 provides that ordinances shall not become effective until 30 days after publication and provides for a citizen's right of referendum within that time period. If a referendum is filed, then the effective date is delayed until an election on the referendum occurs.

The statutes cited above apply to statutory towns where only one reading of an ordinance is required, so ordinances are only published one time. Under the Charter, Mountain Village requires two readings of ordinances, and the ordinance must be published after first reading. However, the Charter requires publication after second reading only if there are changes on second reading. The Charter would benefit from provisions clarifying the effective date regardless of whether or not changes occur on second reading.

An ordinance should not go into effect until after the referendum date expires. Otherwise, an ordinance might conceivably go into effect for several days or weeks only to be suspended pending an election, and then it may or may not go back into effect depending on the election result. As an example, imagine if the Council passed a "Be Like Alta" ordinance prohibiting snowboarding. The ordinance goes into effect for 5 days before a referendum petition is filed, and then it is soundly defeated at the election. In the meantime, the police issue a ticket to a snowboarder caught during the 5-day period when the ordinance was effective. Does he have to pay the fine?

The proposed amendment would clarify that ordinances must *always* be re-published following second reading and then take effect 14 days later, whether there are changes or not. This would provide a consistent effective date for all ordinances. The amendment would also clarify that the referendum deadline would be the day before the effective date, so the Constitutional referendum right would be preserved, and the "now it applies/now it doesn't" scenario outline above would be avoided. Especially if Proposed Amendment #4 is approved to publish ordinances via the website, re-publication after second reading should be easy to provide a clear and consistent rule on the effective date and the referendum deadline.

4. Publication by Website

Many Colorado cities and towns publish their ordinances and public notices on their official websites rather than in printed newspapers. The Charter presently requires publication by newspaper. This requires additional effort by the Town Clerk and payment of publication costs to the newspaper. Publication by newspaper also causes delay, especially when there may be no local newspaper that publishes a daily edition. The drafters of the Charter may not have anticipated the evolution of the Internet to its modern form.

Publication via the Town's official website would save time and money, provide more immediate notice to the citizens of the Town, and bring Mountain Village in line with other municipalities.

5. Design Review Board

In 2022, the Town Council amended the Municipal Code to change the terms of DRB members from 2-year terms to 4-year terms to benefit from the experience and institutional knowledge of DRB members. That change conflicts with the Charter, which provides for 2-year terms. The proposed amendment would delete the 2-year term requirement in the Charter and provide that terms for DRB members shall be set by ordinance.

Note that, as of now, no decision of the DRB should be impacted by the conflict because it has been less than two years since adoption of the 2022 ordinance making this change to the municipal code.

PROPOSED MOTION

I move to approve on first reading an ordinance of the Town Council of the Town of Mountain Village, Colorado, calling a special election for July 9, 2024, and submitting ballot questions to the qualified electors at the special election to amend the Town of Mountain Village Home Rule Charter.

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO CALLING A SPECIAL ELECTION FOR JULY 9, 2024, AND SUBMITTING BALLOT QUESTIONS TO QUALIFIED ELECTORS AT THE SPECIAL ELECTION TO AMEND THE TOWN OF MOUNTAIN VILLAGE HOME RULE CHARTER

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, pursuant to section 2.2(b) of the Charter, the Town Council may call a special election at least 60 days in advance of the election by ordinance, which sets forth the special purpose of such election; and

WHEREAS, pursuant to section 11.8 of the Charter, the Charter may be amended at any time in the manner provided in C.R.S. § 31-2-210, as amended; and

WHEREAS, Section 2.1 of the Charter provides that elections shall be governed by the Colorado Municipal Election Code of 1965 (the “Municipal Election Code”); and

WHEREAS, the Town Council finds and determines that the Town was designed as a resort community and, as such, it was known that there would be a significant proportion of the homes therein owned as “second homes,” which is why the Charter provides that, in addition to residents of the Town, owners of property including second homes may vote in municipal elections; for various reasons since the Town’s founding it has become common to own a home through a limited liability company (“LLC”) or similar entities; that said form of home ownership is very popular in the Town today, but this form of ownership precludes voting in municipal elections in the Town; and that it is the best interests of the Town, its residents, and owners of real property therein to establish voting rights to homeowners with indirect ownership; and

WHEREAS, the Town Council find and determines that because the Town is a resort community and there are a significant number of second homes, many eligible electors are not present for regular municipal elections occurring on the last Tuesday of June in odd-numbered years; and that to ensure as many eligible voters as possible are able to participate in municipal elections, it is in the best interests of the Town and all eligible electors to change the date of regular municipal elections to the last Tuesday in July in odd-numbered years; and

WHEREAS, the Charter is silent as to the effective date of an ordinance; under Colorado statutes applicable to statutory towns with only one reading of an ordinance the effective date depends on the date of publication; the Charter requires two readings of an ordinance, but the Charter’s requirements for publication differ based on whether or not changes are approved on second reading; as a result, there is potential for confusion concerning the effective dates of ordinances; and the Council finds that it is in the best interests of the Town and the public to clarify when ordinances become effective; and

WHEREAS, the Colorado Constitution and the Charter provide citizens with a right of referendum, and because the effective date of an ordinance may be suspended until the outcome of a referendum election, the Charter should be clear that the deadline for a referendum should fall before the effective date of any such ordinance; and

WHEREAS, the Town Council finds and determines that the internet has become a common and convenient source of information for the public and that Section 5.9 of the Charter, which requires publishing ordinances and notices in a newspaper, requires unnecessary costs and delay and should be replaced to authorize publication via the Town’s official website; and

WHEREAS, Article XII of the Charter provides for the establishment of the Design Review Board, and Section 12.1(b)(2) addresses the terms of Design Review Board Members; and

WHEREAS, the Town Council has previously determined in the enactment of Ordinance 2022-03 that the Town would benefit from the experience and institutional knowledge of members of the Design Review Board and that terms of Board Members should be four years, and the Council therefore finds that it would be in the best interests of the Town to amend Section 12.1(b)(2) to provide Council with the power and flexibility to establish and amend the length of terms by Ordinance; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and the public to call a special election to submit ballot questions to eligible electors to amend the Charter to address these issues as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Election Call. The Town Council hereby calls a special election of qualified electors to be conducted on Tuesday, July 9, 2024, pursuant to the authority and requirements of the Charter and C.R.S. § 31-2-210.

Section 3. Proposed Amendments. At the July 30, 2024, special election, questions shall be submitted to the qualified electors of the Town that will allow said electors to determine whether to: (1) amend Section 2.3 of the Charter to establish voting rights in municipal elections to homeowners with indirect ownership, i.e., ownership via a corporate entity or trust; (2) amend Section 2.2 of the Charter to change the date of the regular municipal election from the last Tuesday in June to the last Tuesday in July of odd-numbered years; and (3) amend Section 5.2 of the Charter to establish that ordinances become effective 14 days after publication following second reading and amend Section 5.4 of the Charter to clarify when the referendum deadline would be based on that effective date. These proposed amendments to the Charter are as follows (with material to be amended shown in redline):

Section 2.3. VOTER QUALIFICATIONS

c) Qualifications of Non-resident Property Owners. Natural persons owning real property located within the boundaries of the Town who are not legal residents of the Town may become registered electors

of the Town and as such shall be qualified to vote for a municipal candidate, and on any municipal issue at any Town election, so long as they:

- 1) register with the Town Clerk, or the San Miguel County Clerk if they are residents of San Miguel County, at least twenty-nine (29) days prior to any Town election;
- 2) have been owners of record of real property within the Town for at least thirty (30) consecutive days immediately prior to the date of the election;
- 3) have during that time owned a minimum of fifty percent (50%) of the fee title interest in the subject real property; and
- 4) will be at least eighteen (18) years of age at the time of the election.

Owners of real property located within the boundaries of the Town that are not natural persons, including but not limited to corporations, limited partnerships, limited liability companies, and trusts, may designate at least one but no more than two natural persons, regardless of how many separate parcels may be owned by such owner, to act on behalf of such owner as registered electors of the Town and be qualified to vote for a municipal candidate and on any municipal issue at any Town election, so long as:

- 1) The designated natural person(s) must register with the Town Clerk at least twenty-nine (29) days prior to the date of the election; and
- 2) The owner must be an owner of record of at least a 50% interest in the real property within the Town for at least thirty (30) consecutive days immediately prior to the date of the election, provided that if two entities meet this requirement for a single parcel then each may only designate one natural person to vote; and
- 3) Each natural person designated by such owner must have owned at least a 50% interest in the entity that is the owner for at least thirty (30) consecutive dates immediately prior to the date of the election, or if the owner is a trust then the trustee or trustees may designate only one natural person for each qualifying trust; and
- 4) Each natural person so designated must be at least eighteen (18) years of age at the time of the election.

Any real property will qualify for the purposes described above regardless of whether it is intended for residential or commercial use. The fee ownership in such property shall include, without limitation, ownership interest in any platted parcel of land, or townhome, or condominium unit, as well as ground leasehold real estate interests. Such property interest shall not, however, include Ownership of parking spaces, religious or other charitable facilities, hotel units, roads, or common areas intended for non-profit use. In the case of condominium, townhome, and similar common interest ownership regimes, the commonly owned areas shall not be deemed property interests separate from the ownership interests to which they may be appurtenant, and no person owning, or belonging to, any association, partnership or other entity formed for the purposes of managing or owning such common areas shall, because of that fact

alone, become a registered elector. To be an “owner of record” there must be a deed or other instrument recorded with the San Miguel Clerk and Recorder reflecting such ownership.

f) Only One Vote Per Person. No person shall be entitled to cast more than one vote in any election, regardless of whether or not he or she may be a qualified legal resident and/or own one or more parcels of qualified real property and/or be designated by a property owner that is not a natural person.

Section 2.2. DATES AND TIMES FOR ELECTION.

a) Regular Municipal Elections of the Town shall be held on the last Tuesday in July of odd-numbered years.

Section 5.2. PROCEDURE FOR ORDINANCES.

f) Any ordinance may be amended at any time before it is finally approved by the Town Council. The Ordinance shall be published in full within seven (7) days after its final passage, unless otherwise provided in this Charter.

h) Except for emergency ordinances enacted pursuant to Section 5.8 below, ordinances shall become effective fourteen (14) days after publication following second reading.

Section 5.4. PROCEDURE FOR REPEALING ORDINANCES BY REFERENDUM.

Repeal of an ordinance by referendum shall be initiated according to the procedures set forth in Sections 5.3(a) and (b), except that the referendum petition must be filed with the Town Clerk prior to the date that the subject ordinance becomes effective pursuant to Section 5.2(h). Any other matter recognized by state law as appropriate for referendum shall be initiated according to procedures set forth in Section 5.3(a) and (b).

Section 5.9. PUBLICATION OF ORDINANCES AND OTHER PUBLIC NOTICES.

Ordinances and other public notices as required in this Charter may be published on the official website of the Town or posted in at least three (3) public places within the Town and at the office of the Town Clerk.

Section 12.1 DESIGN REVIEW BOARD.

b) DRB Membership.

- 1) The DRB shall consist of seven (7) members, all appointed by the Town Council.
- 2) The terms for members of the DRB shall be as established by Ordinance of the Town Council.

Section 4. Official Ballot Questions. At the July 9, 2024, special election, there shall be submitted to the qualified electors the following ballot questions:

Ballot Question No. 1

Voter Qualification of Non-Natural Persons

Shall Section 2.3 of the Town of Mountain Village Home Rule Charter be amended to allow owners of real property within the Town that are not natural persons, including corporate entities and trusts, to designate a natural person to act on behalf of such owner as a registered elector and be qualified to vote in municipal elections so long as:

the designated natural person registers with the Town Clerk at least 29 days prior to the date of the election;

the owner is an owner of record of at least a 50% interest in the real property for at least 30 consecutive days immediately prior to the date of the election, provided that if two entities meet this requirement for a single parcel then each may only designate one natural person to vote;

each designated natural person has owned at least a 50% interest in the entity that is the owner for at least 30 consecutive days immediately prior to the date of the election, or if the owner is a trust, then the trustee(s) may designate only one natural person for each qualifying trust; and

each designated natural person is at least 18 years of age at the time of the election?

YES/FOR _____

NO/AGAINST _____

Ballot Question No. 2

Change Regular Municipal Election to July

Shall Section 2.2 of the Town of Mountain Village Home Rule Charter be amended to change the date of regular municipal elections from the last Tuesday in June to the last Tuesday in July of odd-numbered years?

YES/FOR _____ NO/AGAINST _____

Ballot Question No. 3

Clarification of Ordinance Effective Date and Referendum Deadline

Shall Sections 5.2 and 5.4 of the Town of Mountain Village Home Rule Charter be amended to establish that, except for emergency ordinances enacted pursuant to Section 5.8, ordinances shall become effective 14 days after publication following second reading and that a referendum petition challenging any ordinance must be filed with the Town Clerk prior to the date that the subject ordinance becomes effective?

YES/FOR _____ NO/AGAINST _____

Ballot Question No. 4

Publication of Ordinances and Public Notices on the Town Website

Shall Section 5.9 of the Town of Mountain Village Home Rule Charter be amended to authorize publication of ordinances and public notices via the Town's official website rather than a newspaper?

YES/FOR _____ NO/AGAINST _____

Ballot Question No. 5

Design Review Board

Shall Section 12.1(b)(2) of the Town of Mountain Village Home Rule Charter be amended to provide that the Town Council shall establish the terms of Design Review Board members by Ordinance?

YES/FOR _____ NO/AGAINST _____

Section 5. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 6. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Effective Date. This Ordinance shall become effective on _____, 2024, and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 8. Public Hearing. A public hearing on this Ordinance was held on the ___ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 9. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of March, 2024.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this __ day of _____, 2024.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as to Form:

David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado (“Town”) do hereby certify that:

1. The attached copy of Ordinance No. 2024-__ (“Ordinance”) is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town (“Council”) at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 21, 2024, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

3. After the Council’s approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2024 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2024. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 2024.

Susan Johnston, Town Clerk

(SEAL)

Glenwood Springs Office
910 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.

ATTORNEYS AT LAW
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MEMORANDUM

TO: Mountain Village Town Council
FROM: David McConaughy, Town Attorney
RE: **Ski Ranches Fire Safety Project**
DATE: March 18, 2024

SUMMARY

The Town provides water services to Ski Ranches Subdivision which is outside the municipal limits of the Town. The Town and Ski Ranches have been discussing a formal agreement to memorialize the terms of continued water service including, among other things, applicable rates and levels of service.

While these other issues are being considered, Council directed Town Staff to work with Ski Ranches on a cooperative Fire Safety Project this year. In general, under the proposed agreement, the Town would apply for grants and other funding sources and direct the work as a priority project, with Ski Ranches' reimbursing the Town for expenses incurred.

Negotiations over the agreement have stalled, largely because of issues left unaddressed in the current draft such as past and future water service fees and the scope of future service for additional units. Note that the Town Council adjusted all water rates on November 16, 2023, by Resolution 2023-1116-25, including the rates for Ski Ranches. That resolution is attached.

The latest draft agreement for the Fire Safety Project is attached for Council's consideration. As of this writing, Ski Ranches has not agreed to these terms. Staff is concerned that the window of opportunity to pursue the project this year may be closing soon if no agreement is reached.

RECOMMENDATION

I recommend that Council consider a motion *authorizing the Mayor to execute an agreement with Ski Ranches Association on substantially the terms set forth in the attachments to this memo, subject to final approval of the exhibits on a staff level.*

This will at least give the parties the opportunity to proceed if Ski Ranches decides to agree to these terms.

FIRE SAFETY PROJECT AGREEMENT

SKI RANCHES – MOUNTAIN VILLAGE

This Fire Safety Project Agreement (“**Agreement**”), effective the ____ day of _____, 2024, is between The Town of Mountain Village (the “**Town**”), a Colorado home rule municipality, and Telluride Ski Ranches Association (“**Ski Ranches**”), a Colorado nonprofit corporation, (each individually referred to as a “**Party**” and collectively as the “**Parties**”).

Recitals

- A. Ski Ranches was established in 1971 as a residential subdivision in San Miguel County, Colorado, in the area described on the survey attached **Exhibit A** (the “**Ski Ranches Service Area**”).
- B. In 1983, the Mountain Village Metropolitan District (“**MVMD**”) was established and assumed responsibility for water service to Ski Ranches pursuant to C.R.S. § 32-1-1001 *et seq.*
- C. Water rights to serve the Ski Ranches were acquired by Telluride Properties, Inc. and subsequently conveyed to MVMD in 1998 by Telluride Properties, Inc.’s successor, the Telluride Company.
- D. The Town was incorporated in 1995 and provides water service to its residents and also to some properties outside of its boundaries as permitted under C.R.S. § 31-35-701.
- E. MVMD was dissolved pursuant to an Order of the San Miguel County District Court dated December 13, 2006.
- F. The Town has provided potable water service to Ski Ranches since 2007, but there is no written agreement directly between the Town and Ski Ranches to memorialize the terms of water service to the Ski Ranches.
- G. To date, Ski Ranches continues to pay service fees to the Town and receive from the Town water service; however, Ski Ranches is served by independent septic systems and thus does not receive septic service from the Town, as do properties within the Town’s municipal boundaries.
- H. The Town has already initiated a project to improve the fire safety water infrastructure available to Ski Ranches to ensure that such water system infrastructure meets all state and local requirements (the “**Fire Safety Project**”).

- I. Ski Ranches and the Town desire to enter into this written Agreement to formally memorialize a joint plan to accelerate the Fire Safety Project from its current twenty-five (25) to thirty (30) year timeframe to three (3) to seven (7) years to completion.

Agreement

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. The foregoing recitals are incorporated by reference herein as representations and acknowledgments of the Parties.
2. The Parties accept and agree with the Letter Report prepared by Wright Water Engineers, Inc. (“**WWE Report**”), including but not limited to, the conclusions and recommendations as shown in **Exhibit B**.
3. The Parties agree to proceed with an engineering design commencing within 30 days after mutual execution of this Agreement for a 2024 scope of work as recommended in the WWE Report (“**2024 Engineered Plans**”), if the outsourced Town engineer is available to perform such work or as soon thereafter as practicable.
4. Ski Ranches shall have 30 days to review, provide input and accept the 2024 Engineered Plans with the use of Wright Water Engineers, Inc. (“**WWE**”) or another Ski Ranches selected engineer, acceptance shall not be unreasonably withheld, conditioned or delayed.
5. The Town shall prepare a draft request for proposal (“**RFP**”) or other form of solicitation consistent with the Town’s procurement policies to obtain bids for construction of the work outlined in the final 2024 Engineered Plans. The draft RFP and associated proposed construction contract for the Fire Safety Project shall be provided to Ski Ranches for review and comment, who shall provide input on the construction contract within fourteen (14) business days of receipt, and the Parties shall jointly accept the construction contract, which approval shall not be unreasonably withheld, conditioned or delayed by either Party.
6. The Town acknowledges that its staff will be responsible to oversee construction of the Fire Safety Project in general conformance with the 2024 Engineered Plan and specifications and will consult with a Ski Ranches designated representative during construction and during Key Decisions (as defined in subsection 7.6 below). At a minimum, the Town’s construction contract with the Fire Safety Project contractor (“**Contractor**”) shall include provisions for the following:
 - 6.1. WWE or another selected Ski Ranches representative will be allowed to participate in the pre-construction meeting and regularly scheduled construction progress meetings (anticipated weekly) to review status of the Fire Safety Project work as it occurs through the construction season;

- 6.2. The Ski Ranches and their designated representative shall be listed as additionally insured under the Contractor's general liability insurance for the duration of the construction contract.
 - 6.3. A Ski Ranches representative will be present during the Fire Safety Project walkthrough that develops a final punch list prior to final payment. A Ski Ranches representative will be present during the final walkthrough of the Fire Safety Project after all punch list items have been completed by the Contractor and prior to final payment.
 - 6.4. Ski Ranches, through its designated representative, shall be consulted on all Key Decisions, specifically, Ski Ranches shall be provided with at least five (5) business days to review and provide input on Key Decisions, and the Parties shall jointly approve Key Decisions, which approval shall not be unreasonably withheld, conditioned or delayed by either Party.
 - 6.5. A procedure for the Ski Ranches designated representative to review the Contractor's progress payment applications and supporting information in order to verify to Ski Ranches' reasonable satisfaction that the work for which payment is requested has been completed in general conformance with the 2024 Engineered Plans and associated specifications.
 - 6.6. As used herein, "**Key Decisions**" means written change orders for the Fire Safety Project, changes in the Fire Safety Project budget, material changes in the location of the Town's water service infrastructure in conjunction with the Fire Safety Project and/or changes in scope of the Fire Safety Project work.
7. Once the RFP and associated construction contract are mutually accepted by both Parties, the Town shall issue the RFP or other form of solicitation consistent with the Town's procurement procedures to obtain contractor bids for construction of the work outlined in the 2024 Engineered Plans and provide the bids to Ski Ranches for review, who shall provide input on the contractor selection process and cost review, and the Parties shall jointly approve the contractor/bid, which approval shall not be unreasonably withheld, conditioned or delayed by either Party. Prior to the formal award of such bid, Ski Ranches must provide the Town with proof of its financial capability to pay for the costs of the work, which may be in the form of cash on hand, awarded grants, approved loan agreements, a bond, or such other assurance as the Town deems satisfactory in its reasonable discretion.
 8. The Town shall not impose any new or additional water rate surcharge on Ski Ranches homeowners for the specific purpose of funding the Fire Safety Project but shall instead allow Ski Ranches to finance the Fire Safety Project through whatever means it deems necessary and appropriate.

9. All expenditures incurred by the Town directly related to the Fire Safety Project shall be paid by, and reimbursed to, the Town pursuant to the following hierarchy:
 - 9.1. First, the Town shall utilize State, federal and any other grant funds awarded for the Fire Safety Project; and
 - 9.2. Second, Town shall utilize loan funds from State and federal agencies, as discussed below; and
 - 9.3. Third, if and to the extent that the funding described in subsections 10.1, 10.2 and 10.3, above, is exhausted, Town shall invoice Ski Ranches monthly for reimbursement pursuant to section 13, below, or if no loan repayment schedule applies, then for reimbursement by Ski Ranches within 90 days of invoice.

10. The Town shall in good faith pursue financing and/or construction of the Fire Safety Project through channels available to the Town, including but not limited to applying for and pursuing a Drinking Water Revolving Fund (“DWRF”) Loan from the Colorado Department of Public Health and Environment (“CDPHE”) State Revolving Fund (“SRF”), Colorado Water Conservation Board (“CWCB”) and federal funding opportunities. SRF Loans are administered by the CDPHE in cooperation with the Department of Local Affairs and the Colorado Water Resources & Power Development Authority. The Parties agree and acknowledge that no particular funding arrangement from any entity or agency not a party to this Agreement is guaranteed.

11. More specifically, for purposes of obtaining DWRF Loan funding, the Town shall:
 - 11.1. List and include the estimated cost of the Ski Ranches Fire Safety Project water system improvements on the Town’s 2025 SRF eligibility survey which is anticipated to be open between late May and June 2024;
 - 11.2. Once the Town’s eligibility survey is submitted to CDPHE, the Town agrees to submit a completed pre-qualification form to initiate the DWRF loan application process for the Ski Ranches water system improvements, including but not limited to the Fire Safety Project.
 - 11.3. Invite Ski Ranches representatives to attend the pre-qualification meeting with Town and SRF representatives.

12. In the event that the Fire Safety Project is pre-qualified for a DWRF Loan, the Parties shall work together to complete the remaining DWRF Loan program steps outlined in the attached **Exhibit C TO BE ATTACHED**.

13. Ski Ranches, as the Ski Ranches’ owners’ association, will be responsible for reimbursing the Town in accordance with the DWRF Loan repayment schedule developed by SRF representatives for the Fire Safety Project. Town shall credit Ski Ranches for its payment of costs covered by the DWRF loan in advance of loan disbursements to the Town.

14. The Parties shall continue working together to complete the Fire Safety Project in the same process as outlined herein for year 2024, with a goal of completing the entire Fire Safety

Project in 3 to 7 years. The Parties acknowledge and agree to negotiate in good faith to extend this Agreement, develop additional annual scopes of work and jointly pursue funding in order to complete the Fire Safety Project following completion of the scope of work set forth in the 2024 Engineered Plans.

15. If the Town connects other properties to the physical infrastructure that serves the Ski Ranches, the Town will require reimbursement to Ski Ranches for proportionate expenses associated with the Fire Safety Project that benefit the newly connected properties.

16. In the event either Party defaults on its obligations pursuant to this Agreement, the non-defaulting Party shall give the other Party written notice of default, and the defaulting Party shall then have 30 days to effectuate a cure or to commence a cure if the cure cannot reasonably be completed within such 30-day period. If no such cure is completed or commenced within such period, then the non-defaulting Party shall be free to pursue any available remedy at law or equity, including but not limited to specific performance.

17. General Provisions:

- a. Notice. All notices and other communications shall be in writing and shall be deemed to have been duly given on the date of service, if sent by email or if served personally on the party to whom notice is given. Notice shall be deemed to have been duly given three days after mailing if mailed to the party to whom notice is to be given by first class mail, registered or certified, postage prepaid and properly addressed as follows:

To SKI RANCHES:

Telluride Ski Ranches Association

c/o Telluride Consulting, LLC
P.O. Box 518, Telluride, CO 81435
garrett@tellurideconsulting.com

To TOWN:

Paul F. Wisor, Mountain Village Town Manager
455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435
pwisor@mtnvillage.org

- b. Governing Law and Venue. This Agreement shall be construed under Colorado law, and the forum for resolution of any and all disputes arising hereunder shall be the District Court in and for San Miguel County, State of Colorado.

- c. Binding Effect. The terms of this Agreement shall be binding on and shall inure to the benefit of the Parties' successors and assigns.
- d. Headings. The headings of this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.
- e. Amendments. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by the Parties.
- f. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument. Electronic signatures shall be acceptable, valid and enforceable.
- g. Proper Authority. The individuals signing below represent and warrant that they are authorized to sign on behalf of and bind the respective Parties to the terms and conditions hereof.
- h. Subject to Appropriations. Any and all fiscal obligations of the Town arising out of this Agreement shall at all times be subject to annual budgeting and appropriation as required by the Colorado Constitution and other applicable law.
- i. Remedies/Attorneys' Fees. In the event of breach of this Agreement, and subject to the provisions of Section 14 above, the prevailing Party shall be entitled to recover its costs and attorney fees in addition to any other remedies.

SIGNATURES:

TELLURIDE SKI RANCHES ASSOCIATION

By: _____

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: _____

Attest: _____



Wright Water Engineers, Inc.

1666 N. Main Avenue, Suite C
Durango, Colorado 81301
(970) 259-7411 TEL
(970) 259-8758 FAX

www.wrightwater.com
e-mail:hlenhart@wrightwater.com

August 21, 2023

Via email: scott@tellurideconsulting.com

Scott Benge, Chief Operations Officer, and
Members of the Telluride Ski Ranches Association
Telluride, CO 81435

*Draft For Review and
Comment*

Re: Letter Report – Review of Ski Ranches Water System Capital Improvements Plan

Dear Scott and Members of the Telluride Ski Ranches Association,

Wright Water Engineers, Inc. (WWE) is pleased to provide the Telluride Ski Ranches Association (Ski Ranches) with this letter report summarizing our review of the *Draft – Town of Mountain Village, Ski Ranches Water System Capital Improvements Plan*, prepared by Russell Planning and Engineering, Inc. (Russell Engineering), dated November 9, 2017 (Water System Improvement Plan), and the associated Phased Conditions Water Distribution Model that was used to support the Water System Improvement Plan. This letter report is organized to provide a high-level overview of our findings and recommended next steps, followed by report sections which provide more detail for the basis of our review and associated conclusions.

Executive Summary

WWE prepared this letter report to provide the Ski Ranches with an independent engineering review of the recommendations outlined in the Water System Improvement Plan. Based on WWE’s review of the Water System Improvement Plan and the associated Water System Model, WWE offers the following findings:

Major Conclusions and Recommendations:

WWE’s modified water distribution computer model, updated to reflect Ski Ranches water system improvements completed through the end of 2022, indicates approximately 22 percent of the hydrants in the Ski Ranches water distribution system **cannot** currently meet Telluride Fire Protection District (TFPD) minimum fire flow requirement of 1,000 gpm, and 28 percent of the hydrants **cannot** meet the Town required fire flow of 1,250 gpm. Given the importance of adequate fire protection for human health and safety and to help minimize the potential risk of a wildfire starting from a residential fire, WWE recommends the Ski Ranches work collaboratively with the Town of Mountain Village (Town) to identify solution-based approaches to finance and manage a more comprehensive project to install improvements identified in the Water System Improvement Plan on a more accelerated timeline.

WWE understands the Town's annual budget to fund the Water System Improvement Plan is \$250,000. Based on the estimated present-day cost¹ of \$8.9 million to design and construct all the improvements presented in the Water System Improvement Plan, it will take more than 30 years to make the improvements.

Overall, WWE recommends constructing all phases of the Water System Improvement Plan due to the age of the system which is at or near the end of its useful service life. At a minimum, WWE recommends the Ski Ranches work with the Town and consider applying for a loan through the State Revolving Fund (SRF) program to fully fund and construct at least one of the following alternatives on a more accelerated timeline to help minimize impacts to Ski Ranches water service rates. Computer modeling indicates each of the following alternatives is anticipated to provide the TFPD required fire flow of at least 1,000 gpm to every hydrant in the Ski Ranches:

1. The first three phases of the Water System Improvement Plan, with an estimated present-day cost of \$5.3 million, or
2. The first two phases of the Water System Improvement Plan plus the addition of a pipeline loop between Vance Creek Road and Saddle Horn Lane, with an estimated present-day cost of \$4.6 million. Please note that the proposed loop between Vance Creek Road and Saddle Horn Lane was not part of the original Water System Improvement Plan (see Figure 1).

WWE recommends implementing one of the above alternatives to help address health and human safety concerns and minimize the potential for the cost of these alternatives to grow beyond a \$250,000 annual SRF loan payment, the Town's current annual budget for the Ski Ranches improvements. Based on WWE's Projected Future Project cost projections, the annual loan payment for both these alternatives could exceed \$250,000 in or around 2025. Additional funding is required for implementation of all phases of the Water System Improvement Plan.

WWE understands from the Ski Ranches that the Town may have limited capacity to take on managing a water system improvement plan of this magnitude and encourages the Ski Ranches to work collaboratively with the Town to find a project management and financing strategy that works well for both parties.

Fire Suppression Volume Adequacy Findings:

- The Ski Ranch Community requires approximately 150,000 gallons of water storage to meet Town fire suppression flow requirement of 1,250 gallons per minute for 2 hours. According to the Town water system operator, the Ski Ranches 100,000-gallon water storage tank is currently equipped with an automatic bypass valve that provides the Ski Ranches Community water system with additional fire suppression storage from the Town's combined 2.7 million gallons of water storage and meets fire suppression volume requirements.

¹ The Water System Improvement Plan estimated a total project cost of \$7,202,000. Cost adjusted to 2023 value by using Engineering News Record Construction Cost Indices.

Proposed Distribution System Improvements:

- Based on WWE’s review of the Phased Improvements Model, it appears that the order of proposed phasing addresses system deficiencies in a logistically efficient manner, however, WWE recommends accelerating the timeline for implementation of Water System Improvement Plan.
- Under full-buildout demand conditions, the Phased Improvements Model indicates the Water System Improvement Plan is adequate to comply with a TFPD minimum fire flow requirement of 1,000 gpm.
- Under full-buildout demand conditions, the Phased Improvements Model indicates the improvements recommended in the Water System Improvement Plan would allow 90 percent of the hydrants in the Ski Ranches community to meet the Town required fire flow of 1,250 gpm. Modeling results suggest the addition of a pipeline loop between Vance Creek Lane and Saddle Horn Lane (see Figure 1), not currently included in the Water System Improvement Plan, is required for all hydrants to meet the Town’s fire flow requirement of 1,250 gpm.
- Under full-buildout demand conditions, the Phased Improvements Model indicates the lowest modeled residual pressure in the distribution system is approximately 20 pounds per square inch (psi) under a TFPD required fire flow demand of 1,000 gpm. This modeled residual pressure complies with the Colorado Department of Public Health and Environment (CDPHE) Potable Water System Design Criteria minimum residual distribution pressure requirement of 20 psi.

1.0 Review Scope and Documentation Relied Upon

This letter is intended to provide the Ski Ranches with an independent engineering review of the Water System Improvement Plan for the Ski Ranches Community. WWE’s review focused on reviewing and confirming the engineering assumptions used to develop the recommendations of the Water System Improvement Plan for general conformance with the standard of practice for water distribution system planning. To perform this review, WWE relied upon the following documentation:

- *Water System Network Analysis, Recommendations and Costs – Town of Mountain Village Colorado*, prepared by Professional Consultant Inc., PCI, dated 2009 (Water System Analysis).
- *Draft – Town of Mountain Village, Ski Ranches Water System Capital Improvements Plan*, prepared by Russell Planning and Engineering, Inc. (Russell), dated November 9, 2017 (Water System Improvement Plan).
- Existing Conditions Water Distribution Model for the Town of Mountain Village (Existing Conditions Model). Phased Conditions Water Distribution Model for the Ski Ranches Distribution System (Phased Improvements Model). Received March 2023 in EPANet Model format from Short Elliott Hendrickson Inc. (SEH).

- Ordinance No. 2016-11 An Ordinance Amending the Town of Mountain Village Municipal Code Chapter 13.10 Water and Sewer Rules, Regulations and Rates.
- Colorado Department of Public Health and Environment Design Criteria for Potable Water Systems. Dated July 1, 2022. (CDPHE Potable Water System Design Criteria).
- Information gathered during WWE site visit on October 6, 2022 (see Attachment A).
- Teleconference with Scott Heidergott, Fire Marshal for TFPD on March 29, 2023.
- Teleconference with Bob Haining, Town of Mountain Village Water System Operator, on April 12, 2023.

2.0 Ski Ranches Water Distribution System Review

WWE understands the Ski Ranches water storage and distribution system (water system) is part of the Town's public water system. The Ski Ranches water system does not have its own public water system identification number (PWSID), and it is covered under the Town's PWSID. The Ski Ranches water distribution system is currently served by a 100,000-gallon water storage tank that is filled by a 6-inch diameter pipeline connected to the Town's water distribution system.

The existing water distribution system for the Ski Ranches Community, constructed in or around the 1970's, is generally a 6-inch diameter ductile iron pipe (DIP). As discussed in Attachment A, it appears that the original DIP was directly buried below ground (in contact with soil) without corrosion or cathodic protection. Due to its age and the conditions in which it was originally installed, the DIP is at or near the end of its useful service life, evidenced by the numerous water line breaks that have and continue to occur within the Ski Ranches Distribution System (see Attachment A).

The following sections provide the basis for WWE's review of the Water System Improvement Plan.

2.1 Distribution System Planning Criteria

In accordance with WWE's scope, our review is focused on providing an engineering-based review of the Water System Improvement Plan's reasonableness and suitability to meet fire suppression storage, fire flow requirements, and distribution pipeline system pressures in accordance with the engineering profession standard of care. The following provides a summary of the planning criteria WWE used to evaluate the Water System Improvement Plan:

- **Fire Flow and Suppression Storage:** The Water System Improvement Plan based its recommendations on a fire flow requirement of 1,250 gpm for 2 hours. This equates to a fire suppression storage volume of 150,000 gallons. WWE interviewed the TFPD Fire Marshal, and the Fire Marshal's required fire flow is 1,000 gpm for 1 hour for the Ski Ranches Community. This equates to a fire suppression storage volume of 60,000 gallons.

According to the Water System Improvement Plan, the selected fire flow requirement of 1,250 gpm for 2 hours is based on a target flow set by the Town. WWE understands that the Town's fire flow requirement is higher than what the Fire Marshal requires for the Ski Ranches Community because there are areas in Town with higher density and larger structure footprints when compared to the Ski Ranches Community.

Based on this information, WWE used a **fire flow requirement between 1,000 and 1,250 gpm**, and a **fire suppression storage volume of 150,000 gallons** as the planning criteria for reviewing the adequacy of the Water System Improvement Plan.

- **Water Demands:**

- **Existing Water System Demands:** Typical Fire Flow hydraulic modeling analysis is performed under a maximum day demand scenario, with the required fire flow rate added to a system stressed by the maximum demand. According to the Water System Improvement Plan, the maximum day demand estimates are based on the average day demand from the larger of either meter readings or an assumed 100 gallons per day (gpd) per person times the average number of people per home, with a peaking factor of 4.5 from average day to maximum day.

Based on WWE's review of the Existing Conditions Water Distribution Model the peak hour baseline demand on the system used as the basis for the Water System Improvement Plan is approximately 18,400 gallons per hour (gph). This equates to a daily demand of approximately 100,000 gpd for the Ski Ranches water system. Based on conversations with the Ski Ranches water system operator, a Ski Ranches community base daily demand of 100,000 gpd is reasonable for planning purposes.

Additionally, WWE independently calculated the existing conditions demand for the current developed lot count with accessory dwelling units (ADUs) using the assumption of 100 gpd per person times a 4.5 peaking factor. WWE calculated an ADU base demand of 90 GPD per ADU². WWE's calculated existing conditions demand was less than 18,400 gph, which suggests that the existing demands used in the Existing Conditions Water Distribution Model are conservative and based on meter readings, rather than a baseline demand of 100 gpd per person. Existing lot conditions are shown on Figure 2.

Based on this information, planning for an **existing conditions base peak hourly demand of 18,400 gph** appears consistent with EPA and CDPHE published planning criteria.

Full Buildout Water System Demands: WWE calculated a **full buildout conditions peak hourly demand of approximately 22,900 gph** for the Ski Ranches Community. To estimate full buildout demand conditions, WWE added demands from an additional 40 single-family residential units (SFUs) and 152 ADUs to the existing conditions demands. This reflects potential demand conditions if all 204 lots included an SFU and an ADU, a conservative assumption.

²WWE calculated the demand per ADU by multiplying the base demand from a SFU by the ratio of the allowable ADU footprint (793 square feet) to the average area of an SFU (2,000 square feet).

WWE's calculated full buildout demand also includes future demands from Skyfield, a small development immediately west of Ski Ranches, which is provided water by the Ski Ranches Water system. Ski Ranches provided full build out assumptions for Skyfield and included 21 developed lots each constructed with an ADU, a conservative assumption.

Distribution Pipeline System Pressures: To assess the impacts of a fire flow from one hydrant on other areas in the distribution system, the Water System Improvement Plan assumed a minimum residual pressure requirement of 10 psi anywhere else in the Ski Ranches system. CDPHE Potable Water System Design Criteria indicates that a minimum residual pressure requirement of 20 psi should be maintained anywhere else in a water system during a fire flow event.

Based on this information, WWE used a **minimum residual system pressure of 20 psi** in accordance with CDPHE Potable Water System Design Criteria as planning criteria to assess the fire flow availability at one hydrant based on the recommended improvements.

2.2 Existing Conditions

The following sections summarize WWE's review of the existing system, as it relates to the planning criteria discussed in Section 2.1.

2.2.1 Fire Suppression Storage

As discussed in PCI's Water System Analysis and the Water System Improvement Plan, the existing storage tank is not adequately sized to meet the fire suppression storage criteria of 150,000 gallons. The Water System Improvement Plan recommended that the conditions between the 6-inch water feed line from the Town to the tank be improved so that a minimum of 1,250 gpm could be delivered to the Ski Ranches water system in the event of a fire and make use of the additional storage available in the Town water system.

According to the Ski Ranches water system operator the 6-inch line coming into the Ski Ranches Community water tank is now equipped with an automatic bypass valve that allows up to 1,440 gpm to flow directly into the Ski Ranches Community water distribution system without having to enter the tank. The water system operator noted the bypass valve was tested to confirm the 1,440-gpm flow rate. According to the water system operator, the automatic tank bypass valve is set to open when demand from the water system is greater than 500 gpm for 30 minutes or more. This improvement reportedly provides the Ski Ranches Community water system with additional fire suppression storage at from the Town's combined 2.7 million gallons of water storage at a flow rate greater than the minimum required.

2.2.2 Fire Flow Availability and Distribution System Pressures

As discussed in PCI's Water System Analysis and the Water System Improvement Plan, the Existing Conditions Model indicates the distribution system is not adequately sized to convey the required fire flow to the hydrants located throughout the Ski Ranches Community. Both PCI's Water System Analysis and the Water System Improvement Plan indicate that under existing

conditions the hydrants in the Ski Ranches Community can sustain a flow of 500 gpm or less under peak user demand conditions.

WWE performed a desktop level evaluation of the Existing Conditions Model received from SEH to check the reasonableness of model parameters such as pipe diameters, pipe lengths, roughness coefficients, baseline system demands, pressure zone settings and elevations of each node in the system. Based on WWE's desktop level review and communication with the water systems operator, WWE did not observe any model parameter omissions or obvious issues with the Existing Conditions Model that would affect the overall conclusions.

After performing the desktop evaluation, WWE ran the Existing Conditions Model and obtained similar results between the values published in the Water System Improvement Plan and WWE's run of the Existing Conditions Model. See Table 1 for a comparison of WWE's Existing Conditions Model run results compared with the published results in the Water System Improvement Plan. WWE agrees with the conclusion that the existing distribution system is not adequately sized to meet fire flow requirements at any existing hydrant and does not maintain minimum residual system pressures in accordance with CDPHE Potable Water System Design Criteria.

2.3 Post Water System Improvement Plan Conditions

The following sections summarize WWE's review of the improvements recommended in the Water System Improvement Plan, as it relates to the planning criteria discussed in Section 2.1. Please note that Fire Suppression Storage is not covered in the following sections and is addressed in Section 2.2.1

2.3.1 Fire Flow Availability and Distribution System Pressure

According to the Water System Improvement Plan, Russell Engineering used the Existing Conditions Model developed for PCI's Water System Analysis as the basis for the resizing, and phasing of the Ski Ranches community distribution system. WWE received the Phased Improvements Model from SEH which WWE understands was the basis for the recommendations developed as part of the Water System Improvement Plan.

WWE performed a desktop level evaluation of the Phased Improvements Model received from SEH to review model parameters such as pipe diameters, pipe lengths, roughness coefficients, baseline system demands, pressure zone settings and elevations of each node in the system. Based on WWE's desktop level review and communication with the water systems operator, WWE only disagreed with one of the model inputs used to develop the recommended improvements.

The pipeline diameters input into the Phased Improvements Model were consistent with nominal pipe diameters (i.e., 10-inch, 8-inch, etc.) and did not consider the actual internal diameter of the proposed pipeline material. WWE observed construction of a portion of the Phase 1 improvements, including installation of a 10-inch diameter HDPE pipe with an inside pipe diameter less than 9 inches (IPS HDPE DR-11). The actual inside diameter of a 10-inch diameter IPS HDPE DR-11 pipe is 8.679 inches and the actual diameter of an 8-inch pipe (same material

and grade) is 6.96 inches. As a result, the Phased Improvements Model assumes more flow area is available in the pipelines than is physically available based on the pipe material.

WWE updated and ran the Phased Improvements Model with corrected pipe diameters to better reflect fire flow availability at each hydrant under post improvement conditions (Modified Phased Improvements Model). WWE's model output also assumes that 20 psi must be available at the hydrant, and minimum residual system pressure of 20 psi in accordance with Section 2.1.

WWE's Modified Phased Improvement Model indicates reduced flow availability at select hydrants when comparing them with the flow availability published in the Water System Improvement Plan. While there is reduced flow capacity, the results indicate that adequate fire flow, hydrant pressure, and residual system pressure criteria are met with the TFPD requirements of 1,000 gpm, but not all hydrants meet the Town requirement of 1,250 gpm. See Table 1 for a comparison of WWE's Modified Phased Improvements Model results compared with the published results in the Water System Improvement Plan.

2.3.2 Full Buildout Fire Flow Availability and Distribution System Pressure

WWE also ran the Modified Phase Improvement Model under the full buildout demand conditions described in Section 2.1. The results of the Modified Phased Improvement Model – Full Buildout indicate that adequate fire flow, hydrant pressure, and residual system pressure criteria are met with the TFPD requirements of 1,000 gpm, but not all hydrants meet the Town requirement of 1,250 gpm. The results of WWE's Modified Phased Improvement Model – Full Buildout indicate that 100 percent of the hydrants meet fire flow, hydrant pressure, and residual system pressure criteria with the TFPD requirements of 1,000 gpm, and 90 percent of the hydrants meet the Town requirement of 1,250 gpm (see Table 2).

2.3.3 As-Built Conditions Fire Flow Availability and Distribution System Pressure

WWE understands that a portion of the Phase 1 improvements identified in the Water System Improvements have already been installed. Per WWE's conversation with the water system operator, improvements made to the water distribution system through 2022 included:

- Replacement of the PRV at the water storage tank.
- The diameter of the pipe into the tank was increased to a 6-inch diameter HDPE pipe.
- The distribution system is looped with a 10-inch diameter HDPE from the tank to hydrant 39.
- Two distribution system PRVs were replaced.
- The distribution line is now a 10-inch diameter HDPE between the tank and the intersection of Fox Farm Road and Saddle Horn Lane.

WWE modified the Existing Conditions Model to reflect these improvements made through 2022. The results of WWE's 2022 Conditions Model indicate that approximately 78 percent of the hydrants meet fire flow, hydrant pressure, and residual system pressure criteria with the TFPD

requirements of 1,000 gpm, and 72 percent of the hydrants meet the Town requirement of 1,250 gpm (see Table 2).

2.4 Other Considerations

2.4.1 Order of Project Phasing

Currently, WWE does not have recommended changes to the proposed phasing of the Water System Improvement Plan. Based on WWE's Modified Phased Improvements Model, it appears that the order of proposed phasing provides a reasonable sliding scale of benefit to the overall Ski Ranches community with the implementation of each phase. Table 2 provides the percent of the total number of hydrants in the Ski Ranches Community anticipated to meet the fire flow criteria (see Section 2.1) with the implementation of each phase.

It is worth noting that under Phase 3 conditions WWE's Modified Phased Improvements Model indicates that every hydrant in the Ski Ranches Community would meet the TFPD requirement of 1,000 gpm with 20 psi available at the hydrant and 20 psi minimum residual pressure in the distribution system.

2.4.2 Addition of Vance Creek Road and Saddle Horn Lane Loop

During WWE's field visit, the Ski Ranches water system operator noted that the system would benefit from the installation an 8-inch diameter water distribution loop, approximately 950 feet long, between the cul-de-sac on Vance Creek Road and the water line at Saddle Horn Lane (see Figure 1). WWE updated and ran the Modified Phased Improvements Model with this additional loop to help understand potential benefits to the distribution system.

Based on the modeling results the additional loop is necessary for the water system to meet the Town's fire flow criteria of 1,250 gpm. If this loop is incorporated into the phasing of the Water System Improvement Plan, WWE recommends it be incorporated as part of Phase 2, because the model suggests it would provide the hydrants in this area with increased fire flow capacity before the implementation of Phase 3. As shown in Table 2, WWE modeling suggests that implementation of the loop during Phase 2 will increase the percentage of hydrants meeting 1,000 gpm from 88 percent to 100 percent when compared with the current Water System Improvement Plan. The modeled percentage of hydrants meeting 1,250 gpm under Phase 2 conditions would also increase from 86 percent to 98 percent with implementation of the loop.

Based on the Phase 2 cost estimate developed by Russell in the Water System Improvement Plan, the addition of this loop could add approximately \$200,000 to the overall 2017 Phase 2 Project costs, for a total Phase 2 cost of approximately \$2.5 million in present-day dollars.

2.4.3 Water System Improvement Plan Implementation Timeline and Financing

WWE understands that the Town is currently funding construction of the Water System Improvement Plan at an amount of up to \$250,000 a year. WWE understands this \$250,000 is being generated by special assessments on the Ski Ranches water utility bill from the Town. The

total estimated cost to complete all phases presented in the 2017 Water System Improvement plan is estimated at approximately \$8.9 million in 2023 dollars (see Table 3). Without accounting for inflation or changes to fire protection code requirements, full implementation of the plan will take more than 30 years to complete at the current annual funding rate.

Given the importance of adequate fire protection for human health and safety, and the potential risk of starting a wildfire due to a Ski Ranches residential fire, WWE recommends the Ski Ranches work with the Town to secure a loan to fully fund all or at least the first three phases of the Water System Improvement plan so it can be implemented on a faster timeline. The Town may be able to qualify for a low interest loan from the State Revolving Fund (SRF) program to fund construction of at least the first three phases or all phases of the Water System Improvement Plan. With this funding secured, the Water System Improvement plan could be designed and constructed over a much shorter time span. Rather than paying \$250,000 per year for construction, the \$250,000 could be used to pay the annual loan payment.

WWE typically uses the Engineering News-Record Construction Cost Index (ENR CCI) to adjust historical construction cost estimates into today's dollars. Based on the total Water System Improvement Plan cost of \$7.2 million estimated in 2017, and the ENR CCI change between 2017 and May 2023, the estimated cost to implement all phases is approximately \$8.9 million in 2023 dollars. The cost to implement the first three phases of Water System Improvement Plan is approximately \$5.3 million in 2023 dollars (see Table 3).

Table 3 provides a summary of the loan amortization schedule for a \$5.3 million loan over a range of interest rates. According to the Colorado Water Resources and Power Development Authority website³ the standard rate for an SRF loans is 3.25 percent but could change in the future. The annual payment for an SRF loan principal of \$5.3 million could range between approximately \$270,000 at an interest rate of 3.0 percent and \$297,000 at an interest rate of 3.75 percent.

The anticipated annual payment for an SRF loan principal of \$8.9 million could range between approximately \$454,000 at an interest rate of 3.0 percent and \$499,000 at an interest rate of 3.75 percent (see Table 3).

As discussed in section 2.4.2, the results of WWE's Modified Phased Improvement Model review suggest the addition of the Vance Creek Road and Saddle Horn Lane Loop as part of the Phase 2 improvements may provide at least 1,000 gpm to all the hydrants in the Ski Ranches community in accordance with TFPD requirements. The estimated cost to implement the first two phases of Water System Improvement Plan with the addition of the loop is approximately \$4.6 million in 2023 dollars (see Table 4).

The anticipated annual payment for an SRF loan principal of \$4.6 million could range between approximately \$235,000 at an interest rate of 3.0 percent and \$258,000 at an interest rate of 3.75 percent. Assuming the results of WWE's modeling of the loop are confirmed by more detailed engineering, this approach may be the most cost-effective approach to allow the Ski Ranches water

³Accessed 5/8/2023: <https://www.cwrpda.com/current-interest-rates>

distribution system to meet TFPD's fire flow requirement of 1,000 gpm within the current annual budget. WWE still recommends implementing all phases of the Water System Improvement Plan.

In order to keep potential project costs within a fundable range, WWE recommends the Ski Ranches work collaboratively with the Town to identify solution-based approaches for funding and designing the improvements by 2025. Table 5 provides a summary of projected water system improvement plan costs for each option discussed between 2023 and 2033. As shown in Table 5, the anticipated annual loan payment for improvements through Phase 2 with the addition of the Vance Creek Road and Saddle Horn Lane Loop is anticipated to be greater than \$250,000 in or around 2025.

3.0 Potential Grant Funding Sources

WWE's experience with grants for water infrastructure improvements of this nature suggests the Ski Ranches will have difficulty qualifying for grants from more common grant funding agencies such as the Colorado Department of Local Affairs (DOLA), CDPHE, EPA, and the Natural Resources Conservation Service (NRCS). Ski Ranches may have difficulty qualifying and securing grant funding because: 1) it is unlikely that the Ski Ranches would qualify as a disadvantaged community, and 2) WWE is unaware of any drinking water quality issues at the Ski Ranches. Most grant funds are targeted for disadvantaged communities with low to middle median household income or focused on drinking water quality compliance issues or emerging contaminants.

WWE recommends first reaching out to the regional DOLA representative, as they are a good local resource for identifying potential grant opportunities through DOLA or other state and federal agencies. The current DOLA regional manager is Patrick Rondinelli, and his contact information can be found here⁴. If requested, WWE can assist the Ski Ranches with identifying potential grant funding opportunities that may be applicable to the Water System Improvement Plan.

Other potential sources of grant funding include:

- CDPHE
 - Water quality grants: <https://cdphe.colorado.gov/glu>
 - Source Water Protection: <https://cdphe.colorado.gov/water-quality/drinking-water-resources-for-water-systems/source-water-assessment-and-protection-1>
- USDA: <https://www.rd.usda.gov/programs-services/all-programs/co>

4.0 Overall Summary and Conclusions

In summary, WWE's review of the 2017 Water System Improvement Plan prepared by Russell Engineering indicates that the recommended improvements in the Water System Improvement

⁴ <https://dlg.colorado.gov/regional-managers-and-regional-assistants>

Plan are adequately sized to meet the water distribution planning criteria for fire flow suppression and water distribution system pressures under existing and full buildout conditions.

Given the current proposed timeline of approximately 30 years or more for implementation of the Water System Improvement Plan WWE recommends the Ski Ranches work with the Town to secure SRF loan funding (or similar funding source) for the design and construction of at least one of the following alternatives: 1) the first three phases of the Water System Improvement Plan, or 2) the first two phases with the addition of the Vance Creek Road and Saddle Horn Lane Loop. Computer modeling suggests construction of one of these alternatives is anticipated to provide at least 1,000 gpm to every hydrant in the Ski Ranches Community, which meets the fire flow requirement from the TFPD.

To keep potential project costs within a fundable range and minimize impacts to Ski Ranches water rates, WWE recommends the Ski Ranches work collaboratively with the Town to identify solution-based approaches for funding and designing the improvements by 2025. WWE anticipates the annual loan payment for improvements through Phase 2 with the addition of the Vance Creek Road and Saddle Horn Lane Loop will become greater than \$250,000 in or around 2025.

WWE understands from the Ski Ranches that the Town may have limited capacity to take on managing and implementing a water system improvement plan of this magnitude and encourages the Ski Ranches to work collaboratively with the Town to identify a potential project management and financing strategy that works well for both parties.

The alternatives presented herein are intended to provide the Ski Ranches with an understanding of what may be feasible given the current annual project budget limit. Overall, WWE recommends constructing all phases of the Water System Improvement Plan due to the age of the system which is at or near the end of its useful service life, and additional funding is needed to implement all phases of the Water System Improvement Plan.

Please feel free to call or email me if you have any questions regarding this letter report.

Sincerely,

WRIGHT WATER ENGINEERS, INC.

By _____
Hayes A. Lenhart, P.E.
Senior Water Resources Engineer

Attachments:

Table 1. Modeled Fire Flow Availability and Pressures at Select Hydrants

Table 2. Hydrants Meeting Fire Flow Criteria After Each Phase of Implementation

Table 3. Loan Amortization Scenarios – Implementation through Phases 3 and 4

Table 4. Loan Amortization Scenario - Implementation through Phase 2 with Vance Creek Road and Saddle Horn Lane Loop

Table 5. Projected Future Water Improvement Plan Costs

Figure 1. Proposed Pipe Loop Schematic Saddle Horn Lane to Vance Creek Road

Figure 2. Telluride Ski Ranches Existing Lot Conditions

Attachment A. December 14, 2022 – WWE letter regarding: Summary of October 6, 2022, Site Visit to Telluride Ski Ranches Water System.

Table 1
Modeled Fire Flow Availability and Pressures at Select Hydrants
 Telluride Ski Ranches

General Notes:

Russell Reported Values: Values published the *Draft - Town of Mountain Village, Ski Ranches Water System Capital Improvements Plan*, prepared by Russell Planning and Engineering, Inc., dated November 9, 2017

WWE Modeled Values:

Existing Conditions: Results from EPANet model executed by WWE, received March 2023 from Short Elliott Hendrickson Inc.

Post Phase 1 through 4 Improvements: Results from EPANET model executed by WWE, after correcting pipe diameter for each phase in EPANet model received March 2023 from Short Elliott Hendrickson Inc.

Hydrants: There are a total of 50 hydrants in the model. The hydrants shown below are representative of the pressure zones in the system.

Existing Conditions Model (No improvements)							
Hydrant ID	Pressure Zone	Russell Reported Values			WWE Modeled Values		
		Available Flow	Pressure at Hydrant	Residual System Pressure	Available Flow	Pressure at Hydrant	Residual System Pressure
SRFH-40	1	424	28	0	424	28	0
SRFH-16	1	487	74	0	487	74	0
SRFH-51	2	499	61	0	499	61	0
SRFH-26	2	499	142	0	499	142	0
SRFH-04	3	498	63	0	498	63	0
SRFH-15	4	487	83	0	487	83	0

2022 Conditions Model (Includes Improvements Completed through end of 2022)							
Hydrant ID	Pressure Zone	Russell Reported Values			WWE Modeled Values		
		Available Flow	Pressure at Hydrant	Residual System Pressure	Available Flow	Pressure at Hydrant	Residual System Pressure
SRFH-09	3	Not Modeled by Russell			725	20	20
SRFH-22	2				1,550	105	20
SRFH-10	4				1,225	21	21
SFRH-17	1				1,400	22	20
SRFH-55	2				820	44	20
SRFH-04	3				1,025	20	20

Post Phase 1 Improvements							
Hydrant ID	Pressure Zone	Russell Reported Values			WWE Modeled Values		
		Available Flow	Pressure at Hydrant	Residual System Pressure	Available Flow	Pressure at Hydrant	Residual System Pressure
SRFH-09	3	737	20	46	735	20	20
SRFH-22	2	4,842	25	10	1,550	137	20
SRFH-10	4	1,283	20	30	1,225	21	21
SFRH-17	1	1,577	20	20	1,400	22	20
SRFH-55	2	888	33	10	825	45	21
SRFH-04	3	1,068	20	48	1,050	22	22

Post Phase 1 and Phase 2 Improvements							
Hydrant ID	Pressure Zone	Russell Reported Values			WWE Modeled Values		
		Available Flow	Pressure at Hydrant	Residual System Pressure	Available Flow	Pressure at Hydrant	Residual System Pressure
SRFH-17	1	2,870	20	16	1,500	34	21
SRFH-24	2	1,633	20	44	1,500	31	21
SRFH-10	4	3,711	38	10	1,500	65	21
SRFH-04	3	1,767	20	44	1,450	22	21
SRFH-45	1	1,514	20	44	1,450	20	20
SRFH-49	2	990	61	10	925	71	20

Post Phase 1, Phase 2 and Phase 3 Improvements							
Hydrant ID	Pressure Zone	Russell Reported Values			WWE Modeled Values		
		Available Flow	Pressure at Hydrant	Residual System Pressure	Available Flow	Pressure at Hydrant	Residual System Pressure
SRFH-04	3	1,767	20	43	1,300	21	21
SRFH-07	3	1,944	20	42	1,325	21	21
SRFH-14	4	2,847	25	10	1,500	57	20
SRFH-23	2	2,299	36	10	1,550	95	20
SRFH-24	2	1,639	20	44	1,500	31	21
SRFH-45	1	1,517	20	45	1,450	20	20
SRFH-52	2	1,296	20	16	1,090	20	20

Post Phase 1, Phase 2, Phase 3 and Phase 4 (all Phases) Improvements							
Hydrant ID	Pressure Zone	Russell Reported Values			WWE Modeled Values		
		Available Flow	Pressure at Hydrant	Residual System Pressure	Available Flow	Pressure at Hydrant	Residual System Pressure
SRFH-41	1	2,974	20	36	1,500	30	21
SRFH-51	2	1,948	20	44	1,150	21	21
SRFH-52	2	2,217	20	10	1,225	39	22
SRFH-07	3	3,894	20	28	1,500	69	21
SRFH-01	3	5,539	72	10	1,500	68	21
SRFH-19	4	3,028	20	31	1,500	43	21

Table 2
Hydrants Meeting Fire Flow Criteria at Various Phases of Implementation
 Telluride Ski Ranches

Existing Demands					
WWE Modified Phase Improvement Model Results			WWE Modified Phase Improvement Model with Vance Road and Saddle Horn Lane Loop Included		
Water System Improvement Phase	Percent of Hydrants Meeting Fire Flow Criteria		Water System Improvement Phase	Percent of Hydrants Meeting Fire Flow Criteria	
	1,000 gpm (20 psi)	1,250 gpm (20 psi)		1,000 gpm (20 psi)	1,250 gpm (20 psi)
Phase 1	80%	72%	Phase 1	80%	72%
Phase 2	88%	86%	Phase 2 (with loop)	100%	98%
Phase 3	100%	90%	Phase 3 (with loop)	100%	100%
Phase 4	100%	90%	Phase 4 (with loop)	100%	100%

2022 Existing Condition and Demand		
WWE 2022 Conditions Model Results		
Water System Improvement Phase	Percent of Hydrants Meeting Fire Flow Criteria	
	1,000 gpm (20 psi)	1,250 gpm (20 psi)
All Improvements Through 2022	78%	72%

Full Buildout Demands					
Modified Phased Improvement Model – Full Buildout			Modified Phased Improvement Model – Full Buildout with Vance Road and Saddle Horn Lane Loop Included		
Water System Improvement Phase	Percent of Hydrants Meeting Fire Flow Criteria		Water System Improvement Phase	Percent of Hydrants Meeting Fire Flow Criteria	
	1,000 gpm (20 psi)	1,250 gpm (20 psi)		1,000 gpm (20 psi)	1,250 gpm (20 psi)
Phase 4	100%	90%	Phase 4 (with loop)	100%	100%

Table 3
Loan Amortization Scenarios - Implementation through Phase 3 and Phase 4
Ski Ranches Water System Improvement Plan
 Telluride Ski Ranches

Water System Improvement Plan Cost Estimate		Notes / References
2017 Phase 1 Cost	\$1,700,000	All Cost from <i>Draft – Town of Mountain Village, Ski Ranches Water System Capital Improvements Plan</i> , prepared by Russell Planning and Engineering, Inc. (Russell), dated November 9, 2017 (Water System Improvement Plan). Costs not independently verified by WWE.
2017 Phase 2 Cost	\$1,800,000	
2017 Phase 3 Cost	\$802,000	
2017 Subtotal (through Phase 3)	\$4,302,000	
2017 Phase 4 Cost	\$2,900,000	
2017 Total Cost (All Phases)	\$7,202,000	
2017 ENR CCI	10737	Values from Engineering New Record Construction Cost Index. Available here: https://www.enr.com
May 2023 ENR CCI	13288	
Estimated 2023 Water System Improvement Plan Cost Through Phase 3	\$5,300,000	Equals 2017 Subtotal (through Phase 3) x (May 2023 ENR CCI ÷ 2017 ENR CCI)
Estimated 2023 Water System Improvement Plan Cost All Phases	\$8,900,000	Equals 2017 Total Cost (All Phases) x (May 2023 ENR CCI ÷ 2017 ENR CCI)

Initial Loan Terms through Phase 3				
Interest Rate	3.00%	3.25%	3.50%	3.75%
Principal	\$5,300,000	\$5,300,000	\$5,300,000	\$5,300,000
Term (years)	30	30	30	30
First payment Year	2024	2024	2024	2024
Annual Payment	\$270,402	\$279,213	\$288,168	\$297,264

Initial Loan Terms through Phase 4 (All Phases)				
Interest Rate	3.00%	3.25%	3.50%	3.75%
Principal	\$8,900,000	\$8,900,000	\$8,900,000	\$8,900,000
Term (years)	30	30	30	30
First payment Year	2024	2024	2024	2024
Annual Payment	\$454,071	\$468,867	\$483,905	\$499,180

Water System Improvement Implementation Through Phase 3 Amortization Schedule Only												
Year	3.00% Interest Rate			3.25% Interest Rate			3.50% Interest Rate			3.75% Interest Rate		
	Interest	Principle	Balance									
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
2024	159,000	111,402	5,188,598	172,250	106,963	5,193,037	185,500	102,668	5,197,332	198,750	98,514	5,201,486
2025	155,658	114,744	5,073,854	168,774	110,439	5,082,597	181,907	106,261	5,091,071	195,056	102,209	5,099,277
2026	152,216	118,186	4,955,667	165,184	114,029	4,968,569	178,187	109,981	4,981,090	191,223	106,042	4,993,235
2027	148,670	121,732	4,833,935	161,478	117,735	4,850,834	174,338	113,830	4,867,260	187,246	110,018	4,883,217
2028	145,018	125,384	4,708,551	157,652	121,561	4,729,273	170,354	117,814	4,749,446	183,121	114,144	4,769,074
2029	141,257	129,146	4,579,406	153,701	125,512	4,603,761	166,231	121,937	4,627,509	178,840	118,424	4,650,649
2030	137,382	133,020	4,446,386	149,622	129,591	4,474,171	161,963	126,205	4,501,303	174,399	122,865	4,527,784
2031	133,392	137,010	4,309,375	145,411	133,803	4,340,368	157,546	130,622	4,370,681	169,792	127,472	4,400,312
2032	129,281	141,121	4,168,255	141,062	138,151	4,202,217	152,974	135,194	4,235,487	165,012	132,253	4,268,059
2033	125,048	145,354	4,022,900	136,572	142,641	4,059,576	148,242	139,926	4,095,561	160,052	137,212	4,130,847
2034	120,687	149,715	3,873,185	131,936	147,277	3,912,299	143,345	144,823	3,950,737	154,907	142,358	3,988,489
2035	116,196	154,207	3,718,978	127,150	152,063	3,760,236	138,276	149,892	3,800,845	149,568	147,696	3,840,793
2036	111,569	158,833	3,560,146	122,208	157,005	3,603,230	133,030	155,138	3,645,706	144,030	153,235	3,687,559
2037	106,804	163,598	3,396,548	117,105	162,108	3,441,122	127,600	160,568	3,485,138	138,283	158,981	3,528,578
2038	101,896	168,506	3,228,042	111,836	167,377	3,273,745	121,980	166,188	3,318,950	132,322	164,943	3,363,635
2039	96,841	173,561	3,054,482	106,397	172,816	3,100,929	116,163	172,005	3,146,945	126,136	171,128	3,192,507
2040	91,634	178,768	2,875,714	100,780	178,433	2,922,496	110,143	178,025	2,968,920	119,719	177,545	3,014,961
2041	86,271	184,131	2,691,583	94,981	184,232	2,738,264	103,912	184,256	2,784,664	113,061	184,203	2,830,758
2042	80,747	189,655	2,501,929	88,994	190,220	2,548,045	97,463	190,705	2,593,959	106,153	191,111	2,639,647
2043	75,058	195,344	2,306,585	82,811	196,402	2,351,643	90,789	197,379	2,396,580	98,987	198,278	2,441,369
2044	69,198	201,205	2,105,380	76,428	202,785	2,148,858	83,880	204,288	2,192,292	91,551	205,713	2,235,656
2045	63,161	207,241	1,898,139	69,838	209,375	1,939,483	76,730	211,438	1,980,854	83,837	213,427	2,022,229
2046	56,944	213,458	1,684,681	63,033	216,180	1,723,303	69,330	218,838	1,762,016	75,834	221,431	1,800,798
2047	50,540	219,862	1,464,820	56,007	223,206	1,500,097	61,671	226,497	1,535,519	67,530	229,734	1,571,064
2048	43,945	226,457	1,238,362	48,753	230,460	1,269,638	53,743	234,425	1,301,094	58,915	238,350	1,332,714
2049	37,151	233,251	1,005,111	41,263	237,950	1,031,688	45,538	242,630	1,058,464	49,977	247,288	1,085,427
2050	30,153	240,249	764,862	33,530	245,683	786,004	37,046	251,122	807,342	40,703	256,561	828,866
2051	22,946	247,456	517,406	25,545	253,668	532,336	28,257	259,911	547,431	31,082	266,182	562,684
2052	15,522	254,880	262,526	17,301	261,912	270,424	19,160	269,008	278,423	21,101	276,164	286,520
2053	7,876	262,526	0	8,789	270,424	0	9,745	278,423	0	10,744	286,520	0

Table 4
Loan Amortization Scenario - Implementation through Phase 2 with Vance Creek Road and Saddle Horn Lane Loop
Ski Ranches Water System Improvement Plan
 Telluride Ski Ranches

Water System Improvement Plan Cost Estimate		Notes / References
2017 Phase 1 Cost	\$1,700,000	Phase 1 and Phase 2 Costs from <i>Draft – Town of Mountain Village, Ski Ranches Water System Capital Improvements Plan</i> , prepared by Russell Planning and Engineering, Inc. (Russell), dated November 9, 2017 (Water System Improvement Plan). Costs not independently verified by WWE.
2017 Phase 2 Cost	\$1,800,000	
2017 Vance Creek Road and Saddle Horn Lane Loop	\$200,000	
2017 Subtotal (through Phase 2 with Loop)	\$3,700,000	Vance Creek Road and Saddle Horn Lane loop (950 feet of 8" diameter pipe) cost estimate based on Phase 2 unit pipeline costs (\$214 per linear foot) calculated from Water System Improvement Plan.
2017 ENR CCI	10737	Values from Engineering New Record Construction Cost Index. Available here: https://www.enr.com
May 2023 ENR CCI	13288	
Estimated 2023 Water System Improvement Plan Cost Through Phase 2 with Loop	\$4,600,000	Equals 2017 Subtotal (through Phase 2 with loop) x (May 2023 ENR CCI + 2017 ENR CCI)

Initial Loan Terms through Phase 2 with Loop				
Interest Rate	3.00%	3.25%	3.50%	3.75%
Principal	\$4,600,000	\$4,600,000	\$4,600,000	\$4,600,000
Term (years)	30	30	30	30
First payment Year	2024	2024	2024	2024
Annual Payment	\$234,689	\$242,336	\$250,108	\$258,003

Water System Improvement Implementation Through Phase 2 with Vance Creek Road and Saddle Horn Lane Loop Amortization Schedule Only												
Year	3.00% Interest Rate			3.25% Interest Rate			3.50% Interest Rate			3.75% Interest Rate		
	Interest	Principle	Balance									
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
2024	138,000	96,689	4,503,311	149,500	92,836	4,507,164	161,000	89,108	4,510,892	172,500	85,503	4,514,497
2025	135,099	99,589	4,403,722	146,483	95,853	4,411,311	157,881	92,227	4,418,665	169,294	88,709	4,425,787
2026	132,112	102,577	4,301,145	143,368	98,968	4,312,343	154,653	95,455	4,323,210	165,967	92,036	4,333,751
2027	129,034	105,654	4,195,491	140,151	102,185	4,210,158	151,312	98,796	4,224,414	162,516	95,487	4,238,264
2028	125,865	108,824	4,086,667	136,830	105,506	4,104,652	147,855	102,254	4,122,161	158,935	99,068	4,139,196
2029	122,600	112,089	3,974,579	133,401	108,935	3,995,718	144,276	105,833	4,016,328	155,220	102,783	4,036,413
2030	119,237	115,451	3,859,127	129,861	112,475	3,883,242	140,571	109,537	3,906,792	151,365	106,638	3,929,775
2031	115,774	118,915	3,740,213	126,205	116,131	3,767,112	136,738	113,370	3,793,421	147,367	110,637	3,819,139
2032	112,206	122,482	3,617,730	122,431	119,905	3,647,207	132,770	117,338	3,676,083	143,218	114,785	3,704,353
2033	108,532	126,157	3,491,574	118,534	123,802	3,523,406	128,663	121,445	3,554,638	138,913	119,090	3,585,263
2034	104,747	129,941	3,361,632	114,511	127,825	3,395,580	124,412	125,696	3,428,942	134,447	123,556	3,461,708
2035	100,849	133,840	3,227,793	110,356	131,980	3,263,601	120,013	130,095	3,298,847	129,814	128,189	3,333,519
2036	96,834	137,855	3,089,938	106,067	136,269	3,127,332	115,460	134,648	3,164,198	125,007	132,996	3,200,523
2037	92,698	141,990	2,947,947	101,638	140,698	2,986,634	110,747	139,361	3,024,837	120,020	137,983	3,062,539
2038	88,438	146,250	2,801,697	97,066	145,270	2,841,364	105,869	144,239	2,880,598	114,845	143,158	2,919,381
2039	84,051	150,638	2,651,060	92,344	149,992	2,691,372	100,821	149,287	2,731,311	109,477	148,526	2,770,855
2040	79,532	155,157	2,495,903	87,470	154,866	2,536,506	95,596	154,512	2,576,799	103,907	154,096	2,616,759
2041	74,877	159,812	2,336,091	82,436	159,899	2,376,607	90,188	159,920	2,416,878	98,128	159,875	2,456,884
2042	70,083	164,606	2,171,485	77,240	165,096	2,211,510	84,591	165,517	2,251,361	92,133	165,870	2,291,014
2043	65,145	169,544	2,001,941	71,874	170,462	2,041,049	78,798	171,310	2,080,051	85,913	172,090	2,118,924
2044	60,058	174,630	1,827,311	66,334	176,002	1,865,047	72,802	177,306	1,902,744	79,460	178,543	1,940,381
2045	54,819	179,869	1,647,442	60,614	181,722	1,683,325	66,596	183,512	1,719,232	72,764	185,239	1,755,142
2046	49,423	185,265	1,462,176	54,708	187,628	1,495,697	60,173	189,935	1,529,297	65,818	192,185	1,562,957
2047	43,865	190,823	1,271,353	48,610	193,726	1,301,971	53,525	196,583	1,332,714	58,611	199,392	1,363,565
2048	38,141	196,548	1,074,805	42,314	200,022	1,101,950	46,645	203,463	1,129,251	51,134	206,869	1,156,695
2049	32,244	202,444	872,361	35,813	206,523	895,427	39,524	210,584	918,667	43,376	214,627	942,068
2050	26,171	208,518	663,843	29,101	213,235	682,193	32,153	217,955	700,712	35,328	222,676	719,393
2051	19,915	214,773	449,070	22,171	220,165	462,028	24,525	225,583	475,129	26,977	231,026	488,367
2052	13,472	221,217	227,853	15,016	227,320	234,708	16,630	233,479	241,650	18,314	239,689	248,678
2053	6,836	227,853	0	7,628	234,708	0	8,458	241,650	0	9,325	248,678	0

Table 5
Projected Future Water Improvement Plan Costs
Ski Ranches Water System Improvement Plan
Telluride Ski Ranches

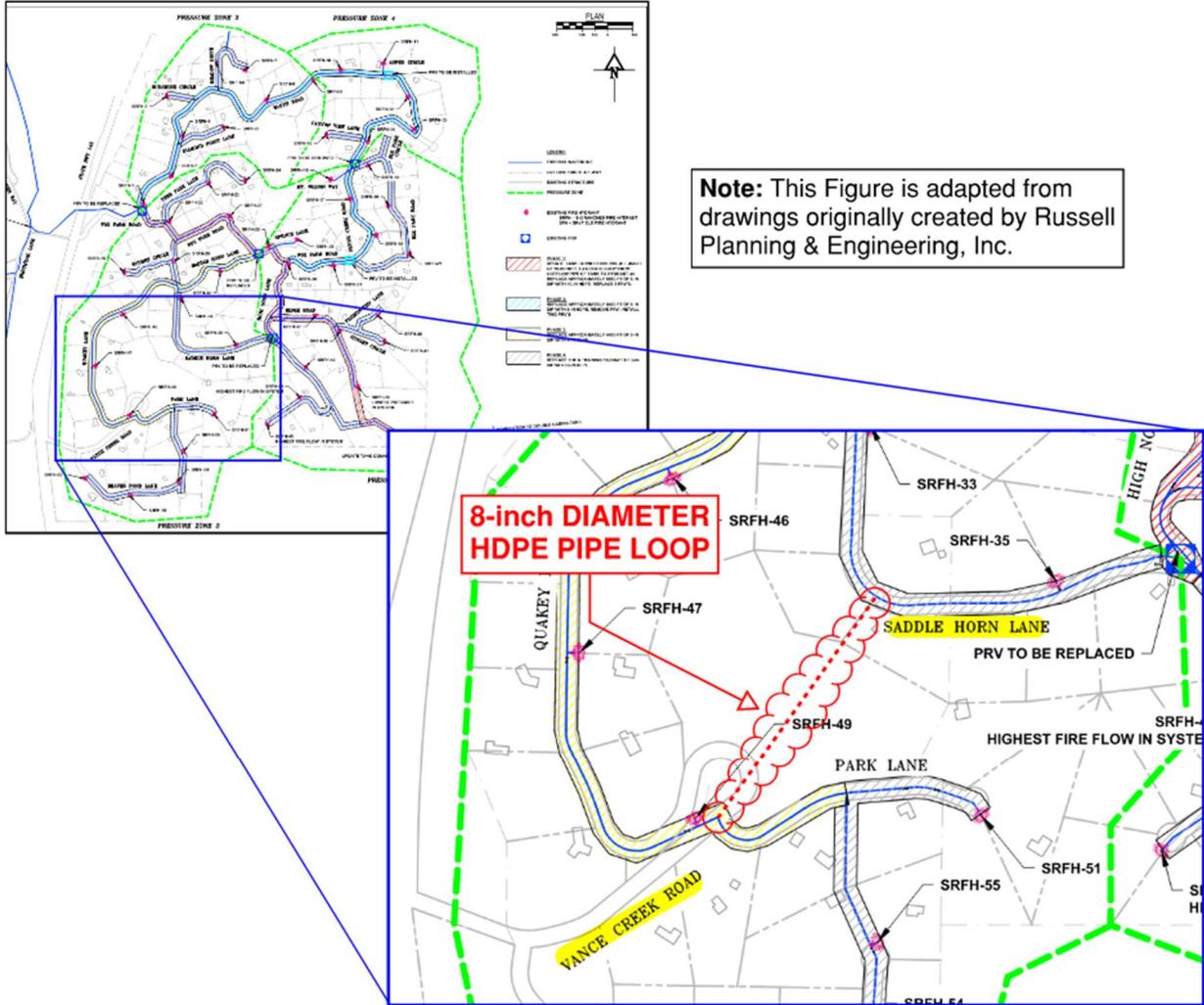
Assumptions			Notes / Comments
Annual Inflation Rate	3%		Assumed Annual Inflation Rate. Current Average Annual CPI Over last 10 years (2013 to 2023). https://www.bls.gov/cpi/ Current 30-year interest rate for a Non-Disadvantaged Community SRF Loan. https://www.cwrpda.com/current-interest-rates
Loan Interest Rate	3.25%		
Loan Term	30 year		

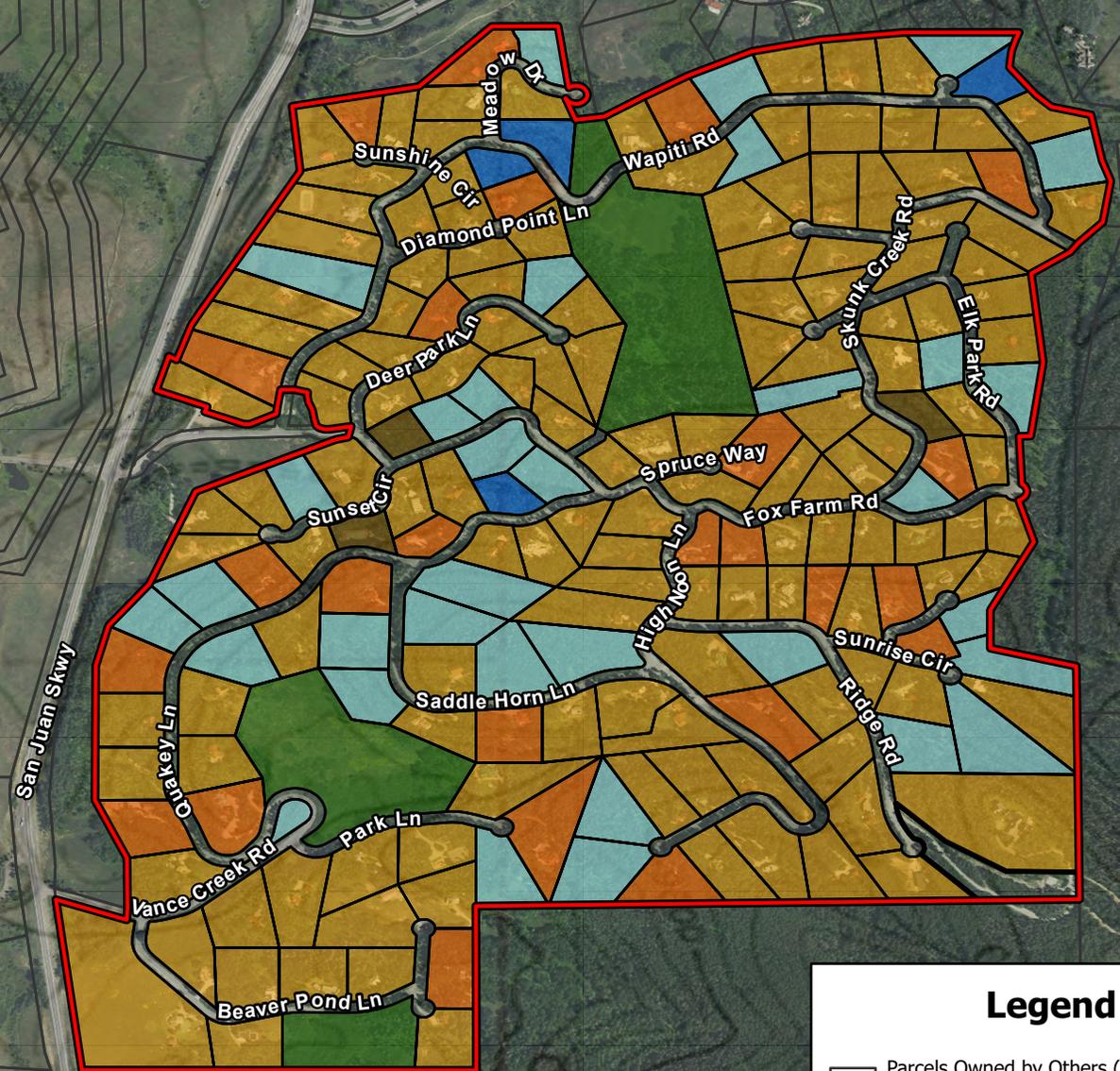
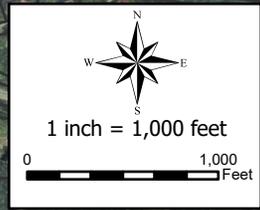
Year	Project Costs Through Phase 3		Project Costs Through Phase 2 with Loop		Project Cost All Phases (1 through 4)	
	Principal	Annual Loan Payment	Principal	Annual Loan Payment	Principal	Annual Loan Payment
	(1)	(2)	(3)	(4)	(5)	(6)
2023	\$5,300,000	\$279,213	\$4,600,000	\$242,336	\$8,900,000	\$468,867
2024	\$5,460,000	\$287,642	\$4,740,000	\$249,711	\$9,170,000	\$483,091
2025	\$5,620,000	\$296,071	\$4,880,000	\$257,087	\$9,450,000	\$497,842
2026	\$5,790,000	\$305,027	\$5,030,000	\$264,989	\$9,740,000	\$513,120
2027	\$5,960,000	\$313,983	\$5,180,000	\$272,891	\$10,040,000	\$528,924
2028	\$6,140,000	\$323,466	\$5,340,000	\$281,320	\$10,350,000	\$545,256
2029	\$6,320,000	\$332,948	\$5,500,000	\$289,749	\$10,670,000	\$562,114
2030	\$6,510,000	\$342,958	\$5,670,000	\$298,705	\$10,990,000	\$578,972
2031	\$6,710,000	\$353,494	\$5,840,000	\$307,661	\$11,320,000	\$596,357
2032	\$6,910,000	\$364,031	\$6,020,000	\$317,144	\$11,660,000	\$614,269
2033	\$7,120,000	\$375,094	\$6,200,000	\$326,627	\$12,020,000	\$633,234

Column Notes:

- (1) First Row - See Table 3 For 2023 Project Costs.
Subsequent Rows = (previous year principal) x ((1 + Annual Inflation Rate)^(Current Row Year - Previous Row Year)) rounded to nearest 10,000.
- (2) Equals calculated annual loan payment for current row principal based on loan assumptions.
- (3) First Row - See Table 4 For 2023 Project Costs.
Subsequent Rows = (previous year principal) x ((1 + Annual Inflation Rate)^(Current Row Year - Previous Row Year)) rounded to nearest 10,000.
- (4) Equals calculated annual loan payment for current row principal based on loan assumptions.
- (5) First Row - See Table 3 For 2023 Project Costs.
Subsequent Rows = (previous year principal) x ((1 + Annual Inflation Rate)^(Current Row Year - Previous Row Year)) rounded to nearest 10,000.
- (6) Equals calculated annual loan payment for current row principal based on loan assumptions.

Figure 1. Proposed Pipe Loop Schematic Saddle Horn Lane to Vance Creek Road Telluride Ski Ranches Association





Legend

- Parcels Owned by Others (San Miguel County Assessor's Office GIS Data)
- Ski Ranches Service Area (San Miguel County Assessor's Office GIS Data)
- Developed Lot - No ADU (138 Lots)
- Developed Lot - With ADU (25 Lots)
- Vacant Undeveloped Lot (34 Lots)
- Lots Pending or Under Construction (4 Lots)
- Open Space Lots - Not Developable (4 Lots)
- Contiguous Lot (3 Lots)
- Utility Lot (1 Lot)

Date: 8/7/2023 Document Path: P:\221-084 Telluride Ski Ranches\000\Mapping\Telluride Ski Ranches.aprx

User Name: dneilson

Wright Water Engineers, Inc.
1666 N. Main Ave., Ste. C
Durango, CO 81301
(970) 259-7411 ph 259-8758 fx

SAN MIGUEL COUNTY, COLORADO

TELLURIDE SKI RANCHES EXISTING LOT CONDITIONS

SKI RANCHES

PROJECT NO.
221-084.000

FIGURE
2



Wright Water Engineers, Inc.

1666 N. Main Avenue, Suite C
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www.wrightwater.com
e-mail:hlenhart@wrightwater.com

December 14, 2022

Via email: scott@tellurideconsulting.com

Scott Bengé, Chief Operations Officer, and
Members of the Telluride Ski Ranches Association
Telluride, CO 81435

Re: Summary of October 6, 2022, Site Visit to Telluride Ski Ranches Water System

Dear Scott and Members of the Telluride Ski Ranches Association,

Wright Water Engineers, Inc. (WWE) is pleased to provide the Telluride Ski Ranches Association (Ski Ranches) with this letter report summarizing our field observations from an October 6, 2022, site visit to the Ski Ranches water system. WWE reviewed the following documents prior to our site visit:

- *2022 Ski Ranches Improvements – Water Line Replacement* design drawings prepared by SEH, Inc., dated January 11, 2022 (2022 Design Drawings).
- *Draft – Town of Mountain Village, Ski Ranches Water System Capital Improvements Plan*, prepared by Russell Planning and Engineering, Inc. (Russell), dated November 9, 2017 (2017 Water System Improvement Plan).
- *Water System Network Analysis, Recommendations and Costs – Town of Mountain Village Colorado*, prepared by SEH, Inc (SEH), dated 2009 (2009 Water System Analysis).

The following people attended the October 6, 2022, site visit:

Name	Representing
Bob Haining – Ski Ranches Water System Operator	Telluride Mountain Village
Peter McGinty – Ski Ranches Facilities Manager	Ski Ranches
John Knowles – Retired Ski Ranches Facilities Manager	Ski Ranches
Michael Johnson – Property Owner	Ski Ranches
Keith Hampton – Property Owner	Ski Ranches
Hayes Lenhart, P.E.	WWE

WWE’s field visit focused on the following two items: 1) observe active construction of the water line replacement project associated with the 2022 Design Drawings on behalf of the Ski Ranches, and 2) develop a better understanding of the Ski Ranches existing water system to help inform WWE’s continued review of the 2009 Water System Analysis and the 2017 Water System Improvement Plan recommendations.

In accordance with our Scope of Work and Agreement with the Ski Ranches, the intent of this letter report is to summarize WWE’s field observations associated with active construction of the

water line replacement. Additionally, a summary of initial water system observations based on our field visit is also provided in this letter report. The remainder of this letter report is separated into two sections: 1) Construction Observation Summary and 2) Initial Water System Observation Summary.

Construction Observation Summary

During the site visit WWE observed an active construction zone associated with a portion of the Ski Ranches water line replacement project covered in the 2022 Design Drawings. The onsite general contractor performing the water line replacement was Telluride Gravel. Based on verbal communication with Bob Haining, WWE understands that Telluride Gravel constructed all the Ski Ranches water system improvements within the last six years. During the site visit, construction was occurring near the intersection of Fox Farm Road and High Noon Lane, and WWE compared our visual observation of the construction activities with the 2022 Design Drawings. Notable observations during our field visit included the following:

- The distance between the top of the pipe and the finished grade surface was at least 6 feet in accordance with the 2022 Design Drawings to help minimize the potential for the distribution piping to freeze during the winter. This minimum depth requirement is consistent with the current Town of Mountain Village Water and Sewer Rules (Ordinance No. 2016-11).
- Tracer wire and buried marking tape were present on top of the replacement pipeline in general conformance with the 2022 Design Drawings.
- The distribution pipe staged onsite consisted of a 10-inch diameter High Density Polyethylene (HDPE) DR-11 that meets the requirements of American Water Works Association (AWWA) C906. The pressure rating for this pipe is 200 pounds per square inch (PSI).
- The bedding materials staged onsite consisted of a fine-grained sandy material. WWE observed evidence of this material below and surrounding the newly installed distribution pipeline. Based on WWE's experience, the onsite bedding material appeared suitable for use with HDPE pipe.
- The contractor took care to minimize the potential for contamination of the distribution pipeline during installation. WWE observed the installation of temporary pipe caps at the ends of open pipe segments to prevent loose debris from entering the pipeline.

WWE understands that Bob Haining is serving as the Owner's representative during construction of the distribution system improvements. Based on conversations with Bob Haining, WWE also understands the Contractor is performing the following:

- Pressure testing new sections of the pipeline in accordance with AWWA requirements before putting the new sections into service.

- Compacting the pipeline bedding material and backfill material in accordance with 2022 Design Drawings.
- Members of the contractor's crew performing the pipeline installation are certified HDPE pipe welders.
- Disinfecting the new sections of pipeline in accordance with AWWA requirements before putting the new sections into service.
- Bob Haining was unaware of any post-construction issues associated with water system improvements installed by Telluride Gravel over the last six years.

Based on WWE's field observations and verbal communication with Bob Haining, it appears that the general contractor is constructing the pipeline in general conformance with the 2022 Design Drawings.

Initial Water System Observations Summary

WWE toured elements of the Ski Ranches water system, including the water storage tank, an existing pressure reducing valve vault, and interviewed Bob Haining and John Knowles on current and historical operation of the Ski Ranches water system. The following provides an initial summary of our preliminary observations and findings from the site visit, more detail on WWE's review of the Ski Ranches water system will be provided in a subsequent report:

- The Ski Ranches water system does not have its own public water system identification number (PWSID). The Ski Ranches water system is covered under the Town of Mountain Village PWSID.
- Bob Haining indicated the average day water demand of the Ski Ranches community under full buildout conditions would be approximately 150,000 gallons per day.
- According to Bob Haining, if fire suppression water is needed within the Ski Ranches community, the Ski Ranches water storage tank can be bypassed to allow water to flow directly from the Town of Mountain Village System to the Ski Ranches distribution system. The bypass piping is sized to facilitate a fire flow demand of 1,440 gallons-per-minute (gpm). WWE has not had an opportunity to confirm this statement with engineering calculations or the distribution system model developed to support 2009 Water System Analysis.
- Bob Haining indicated that the annual budget for implementing the capital improvements identified in the 2017 Water System Improvement Plan is currently approximately \$250,000 per year.
- During the tour John Knowles provided a map showing the approximate locations of water main breaks that occurred between 2011 and 2022 in the Ski Ranches distribution system (see Attachment A). Bob Haining indicated that the water main breaks typically consist of an approximately 1-inch diameter hole that forms in the existing pipe. This failure

mechanism is consistent with corrosion issues. The existing pipe is a 6-inch diameter Class 50 ductile iron pipe (DIP), and the broken pipe section is typically replaced with a 6-inch diameter Class 52 DIP.

- Bob Haining stated that the existing DIP water line was buried directly and does not appear to be wrapped in polyethylene to protect the pipe from corrosion due to direct contact with the soil. Wrapping buried DIP with polyethylene is a typical modern-day standard of practice. As part of the water main repair, Bob Haining typically installs a 60-pound sacrificial anode to provide cathodic protection to the existing pipeline and minimize the potential for further corrosion of the existing pipeline in the vicinity of the break.

Please feel free to call or email me if you have any questions regarding this letter.

Sincerely,

WRIGHT WATER ENGINEERS, INC.

By 

Hayes A. Lenhart, P.E.

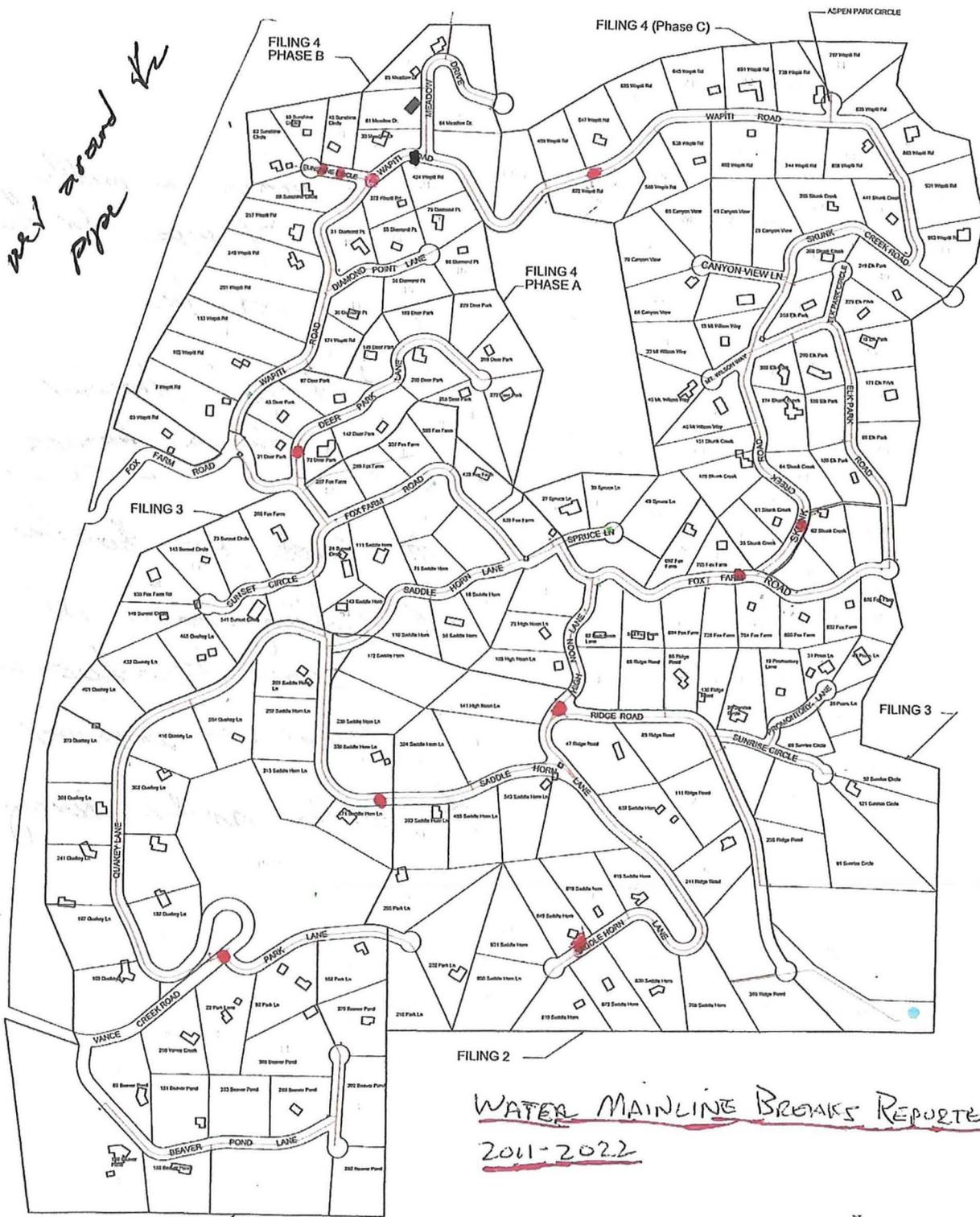
Senior Water Resources Engineer

Attachments:

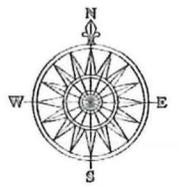
Attachment A. Illustration of water main break locations in the Ski Ranches distribution system that occurred between 2011 and 2022, prepared by John Knowles.

Telluride Ski Ranches

new road pipe



WATER MAINLINE BREAKS REPORTED
2011-2022



FEET 250 0 250 FEET
GRAPHIC SCALE
SCALE: 1 INCH = 250 FEET

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO AMENDING THE TOWN OF MOUNTAIN VILLAGE FEE SCHEDULE TO ADJUST
WATER AND SEWER FEES AND CHARGES**

RESOLUTION NO. 2023-1116-25

WHEREAS, the Town of Mountain Village (the "Town") is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Colorado Constitution and the Town's Home Rule Charter (the "Charter"); and

WHEREAS, pursuant to C.R.S. § 31-35-402(1)(f) and Section 10.3 of the Charter, the Town may from time to time establish rates, fees, tolls, and charges for the services furnished by its water and sewer facilities; and

WHEREAS, Chapter 13.08 of the Mountain Village Municipal Code outlines the Town's rules and regulations concerning tap fees and service charges to residents of the Town, which fees and charges are as established in the Town of Mountain Village Fee Schedule and amended by resolution ("Fee Schedule"); and

WHEREAS, the Town has not adjusted its tap fees since 2007; and

WHEREAS, at Town Council's direction, the Town engaged engineers at SGM, Inc. ("SGM") to assess the Town's infrastructure, estimate costs for identified capital improvement projects, and provide a comprehensive water and sewer rate study ("Rate Study"); and

WHEREAS, per the Rate Study, SGM estimates that to adequately fund the Town while maintaining the recommended reserve balance and implementing planned capital projects, the Town needs to increase water and sewer fees and charges; and

WHEREAS, upon review of the Town's tap fees and service charges for water and sewer and with consideration of the Rate Study, the Town Council finds and determines that the Town's current fees and charges are low compared to other similar mountain communities and should be adjusted to provide for current operating costs and future capital reserves as described in the Rate Study; and

WHEREAS, an increase in the tap inspection fee for new development is necessary and appropriate to cover the Town's increased costs in inspecting new taps and support existing infrastructure; and

WHEREAS, increases in the monthly base fees for water and sewer services are necessary and appropriate to cover rising operations and maintenance costs and build reserves for planned capital projects; and

WHEREAS, the implementation of a monthly surcharge on top of the sewer base rate is necessary and appropriate to fund necessary upgrades to the Town's sewer collection and treatment system; and

WHEREAS, the Town Council conducted a work session at its October 19, 2023, public meeting to discuss the Rate Study; and

WHEREAS, after comments from Town staff and review and discussion of the Rate Study, the Town Council hereby approves the Rate Study and finds and determines that it is necessary to increase the base monthly water and sewer rates and tap inspection fees to remain adequately funded so as to continue to provide water and sewer services to residents of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

Section 2. Adoption of Rate Study and New Rates and Fees. The Town Council hereby approves and adopts the Rate Study. Based on the Rate Study, the Town Council approves and adopts, effective immediately, the following water and sewer rates and fees:

Effective immediately, there shall be a 4.76% per year increase in both the water base fee and usage charges. As of January 1, 2027, the water base fee and usage charges shall increase by 3.0% per year (or as determined by the Town based on real-time inflation).

Effective immediately, there shall be a 4.76% per year increase in both the sewer base fee and usage charges, in addition to a monthly surcharge of \$10 per EBU per month (or as determined by the Town to account for increasing capital costs). As of January 1, 2027, the sewer base fee and usage charges shall increase by 3.0% per year (or as determined by the Town based on real-time inflation).

Effective immediately, the water and sewer tap fees shall be adjusted as outlined in the Fee Schedule, attached hereto and incorporated herein as Exhibit A.

Section 3. Amendment of Fee Schedule. The Town Council hereby amends the Fee Schedule as outlined in Exhibit A.

Section 4. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

Section 5. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town Council at a regular public meeting held on November 16, 2023.

TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL



By: _____
Martinique Prohaska, Mayor

ATTEST:



Susan Johnston, Town Clerk

APPROVED AS TO FORM:



David McConaughy, Town Attorney

Exhibit A

EXHIBIT "A"

MOUNTAIN VILLAGE

Classification (Per LUO or other)	Tap Fee	Square	Extra	EBU	Water/Sewer Regs	Rate	Monthly	Monthly	Monthly	Notes
	per tap	Footage	Square footage	Factor (1)	Classification	Structure	Table	Water	Sewer	
Single Family	\$ 43,300	3,000	\$8,660 / 500 sf	100%	Residential	Seasonal	SF	\$ 83.01	\$ 83.01	
Sewer Surcharge				100%	Residential				10.00	
Condo	\$ 43,300	3,000	\$8,660 / 500 sf	100%	Residential	Seasonal	CD	83.01	83.01	
Sewer Surcharge				100%	Residential				10.00	
Guesthouse	\$ 21,650	1,500	\$8,660 / 500 sf	50%	Residential	Seasonal	SG	41.51	41.51	
Sewer Surcharge				50%	Residential				5.00	
Combined Rate Table (Main + Guest)	\$ 64,950	4,500	\$8,660 / 500 sf	150%	Residential	Seasonal	CRT	124.52	124.52	Each tap has separate meter - base fees 1 1/2
Sewer Surcharge				150%	Residential				15.00	
Subdividable Duplex - 2 taps	\$ 43,300	3,000	\$8,660 / 500 sf	100%	Residential	Seasonal	SF	83.01	83.01	Each tap has separate meter - base fees are per meter
Sewer Surcharge				100%	Residential				10.00	
Non Subdividable Duplex - 2 taps	\$ 43,300	3,000	\$8,660 / 500 sf	100%	Residential	Seasonal	SF	83.01	83.01	Each tap has separate meter - base fees are per meter
Sewer Surcharge				100%	Residential				10.00	
Hotel	\$ 8,660	500	\$1,083 / 50 sf	20%	Commercial	Seasonal	HO	16.60	16.60	5 hotel units equals 1 EBU Commercial
Sewer Surcharge				20%	Commercial				2.00	
Hotel Eff	\$ 12,990	750	\$1,083 / 50 sf	30%	Commercial	Seasonal	HE	24.90	24.90	3 hotel efficiency units equals 1 EBU Commercial
Sewer Surcharge				30%	Commercial				3.00	
Lodge Efficiency (Kitchen)	\$ 10,825	750	\$1,083 / 50 sf	25%	Commercial	Seasonal	EE	20.75	20.75	4 lodge units equals 1 EBU Commercial
Sewer Surcharge				25%	Commercial				2.50	
Emp Condo/Apartment	\$ 21,650	3,000	\$4,330 / 500 sf	50%	Deed Restricted	Seasonal	DR	41.51	41.51	
Sewer Surcharge				50%	Deed Restricted				5.00	
Emp Dorm	\$ 10,825	3,000	\$8,660 / 500 sf	25%	Deed Restricted	Seasonal	EA	20.75	20.75	
Sewer Surcharge				25%	Deed Restricted				2.50	
Commercial (per 2,000sf)	\$ 43,300	2,000		100%	Commercial	Seasonal	CM	83.01	83.01	
Sewer Surcharge				100%	Commercial				10.00	
Fireman	\$ 43,300	3,000	\$8,660 / 500 sf	100%	Residential	Seasonal	F1	-	n/a	Base water free then escalating rate structure
Construction	n/a	n/a	n/a	n/a	Construction	n/a	CT	-	n/a	structure
Snowmaking	n/a	n/a	n/a	n/a	Snow Commercial	n/a	Snow	-	n/a	Approximately \$3.37/1,000 gallons (pond) and \$3.67/1,000 gallons on hydrants
Common Irrigation (May thru Oct)	n/a	n/a	n/a	n/a	Irrigation	Seasonal	I1	83.01	n/a	Individual meters
Irrigation Added to House Usage	n/a	n/a	n/a	n/a	Irrigation	Seasonal	I2	-	n/a	Usage added to house meter
Common Irrigation - year round	n/a	n/a	n/a	n/a	Irrigation	Year Round	I3	83.01	n/a	Year round, for outdoor hot tubs or equivalent

Water/Sewer Classification Rates

Residential - Commercial - per EBU (1)

Deed Restricted - per EBU (1)

Irrigation

Winter - October thru May	\$/1,000 Gal
1 to 8,000 gallons	Base
8,001 to 16,000 gallons	\$6.29
16,001 to 24,000 gallons	\$8.38
24,001 to 32,000 gallons	\$10.48
32,001 to 40,000 gallons	\$12.57
40,001 plus	\$20.95

Winter - October thru May	\$/1,000 Gal
1 to 4,000 gallons	Base
4,001 to 8,000 gallons	\$6.29
8,001 to 16,000 gallons	\$8.38
16,001 to 24,000 gallons	\$10.48
24,001 to 32,000 gallons	\$12.57
32,001 plus	\$20.95

Seasonal Rate Structure-Summer	\$/1,000 Gal
May thru October	
1 to 12,000 gallons	Base
12,001 to 16,000 gallons	\$6.29
16,001 to 24,000 gallons	\$8.38
24,001 to 32,000 gallons	\$10.48
32,001 to 40,000 gallons	\$12.57
40,001 plus	\$20.95

Summer - June thru September	\$/1,000 Gal
1 to 14,000 gallons	Base
14,001 to 16,000 gallons	\$6.29
16,001 to 24,000 gallons	\$8.38
24,001 to 32,000 gallons	\$10.48
32,001 to 40,000 gallons	\$12.57
40,001 plus	\$20.95

Summer - June thru September	\$/1,000 Gal
1 to 7,000 gallons	Base
7,001 to 8,000 gallons	\$6.29
8,001 to 16,000 gallons	\$8.38
16,001 to 24,000 gallons	\$10.48
24,001 to 32,000 gallons	\$12.57
32,001 plus	\$20.95

Year Round Rate Structure	\$/1,000 Gal
1 to 10,000 gallons	Base
10,001 to 16,000 gallons	\$6.29
16,001 to 24,000 gallons	\$8.38
24,001 to 32,000 gallons	\$10.48
32,001 to 40,000 gallons	\$12.57
40,001 plus	\$20.95

Construction	\$/1,000 Gal
Year Round Rate Structure	
1 to 10,000 gallons	usage @ \$3.67
10,000 to 16,000 gallons	\$6.29
16,001 to 24,000 gallons	\$8.38
24,001 to 32,000 gallons	\$10.48
32,001 to 40,000 gallons	\$12.57
40,001 plus	\$20.95

Notes -

1. EBU = equivalent billing unit or 1 single family equivalent

SKI RANCHES

Classification (Per LUO or other)	Tap Fee per tap	Square Footage	Extra Square footage	EBU Factor (1)	Water/Sewer Regs Classification	H2O Rate Table	Base Rate Water	Notes
Single Family	\$21,650	3,000	\$4,330 / 500 sf	100%	Residential	W1	\$192.42	
Guesthouse	\$10,825	1,500	\$4,330 / 500 sf	50%	Residential	WJ	96.21	
Construction	n/a	n/a	n/a	n/a	Construction	WT	n/a	Usage billed \$5.50 / 1,000 gallons up to 10,000 gal then escalating rate structure
Fireman	\$21,650	3,000	\$4,330 / 500 sf	100%	Residential	F2	n/a	Base water free then escalating rate structure
Vacant Lot	n/a	n/a	n/a	n/a	Residential	ZZ	n/a	Proposed no charge after 12/31/03
Common Irrigation (May thru Oct)		n/a	n/a	n/a	Irrigation	I5	192.42	Individual meters
Irrigation Added to House Usage	n/a	n/a	n/a	n/a	Irrigation	SRI	n/a	Usage added to house meter

SKYFIELD

Classification (Per LUO or other)	Tap Fee per tap	Square Footage	Extra Square footage	EBU Factor	Water/Sewer Regs Classification	H2O Rate Table	Base Rate Water	Notes
Single Family	\$32,475	3,000	\$6,495 / 500 sf	100%	Residential	SK	\$192.42	
Guesthouse	\$16,238	1,500	\$6,495 / 500 sf	50%	Residential	SL	96.21	
Fireman	\$32,475	3,000	\$6,495 / 500 sf	100%	Residential	F3	n/a	Base water free then escalating rate structure
Vacant Lot	n/a	n/a	n/a	n/a	Residential	YY	n/a	\$52.50 monthly until meter is installed
Common Irrigation (May thru Oct)	n/a	n/a	n/a	n/a	Irrigation	I6	192.42	Individual meters
Irrigation Added to House Usage	n/a	n/a	n/a	n/a	Irrigation	I7	n/a	Usage added to house meter

Water Classification Rates

Residential - Per EBU (1)

Irrigation

Construction

Rate Structure-Winter October thru May		Rate Structure-Summer May thru October		Year Round Rate Structure	
	\$/1,000 Gal		\$/1,000 Gal		\$/1,000 Gal
1 to 8,000 gallons	BASE	1 to 12,000 gallons	BASE	1 to 10,000 gallons	usage @ \$5.50
8,001 to 16,000 gallons	\$9.43	12,001 to 16,000 gallons	\$9.43	10,001 to 16,000 gallons	\$9.43
16,001 to 24,000 gallons	\$12.57	16,001 to 24,000 gallons	\$12.57	16,001 to 24,000 gallons	\$12.57
24,001 to 32,000 gallons	\$15.71	24,001 to 32,000 gallons	\$15.71	24,001 to 32,000 gallons	\$15.71
32,001 to 40,000 gallons	\$18.86	32,001 to 40,000 gallons	\$18.86	32,001 to 40,000 gallons	\$18.86
40,001 plus	\$31.43	40,001 plus	\$31.43	40,001 plus	\$31.43
Rate Structure-Summer June thru September					
	\$/1,000 Gal				
1 to 14,000 gallons	BASE				
14,001 to 16,000 gallons	\$9.43				
16,001 to 24,000 gallons	\$12.57				
24,001 to 32,000 gallons	\$15.71				
32,001 to 40,000 gallons	\$18.86				
40,001 plus	\$31.43				

Notes -

1. EBU = equivalent billing unit or 1 single family equivalent



TO: Town Council
FROM: J.D. Wise, Economic Development & Sustainability Director
Molly Norton, Community Engagement Coordinator
DATE: March 21, 2024
RE: Creation of the Plaza Vending Committee and adopting Committee Bylaws

EXECUTIVE SUMMARY:

Town staff is proposing reestablishing the Plaza Vending Committee to ensure a formal and fair review of plaza vending applications and regulations. The Committee will meet seasonally to review vending applications and as needed for work on the plaza vending program. The Committee will consist of one (1) councilperson, one (1) at-large Mountain Village community member, one (1) member from a Mountain Village food and beverage business, one (1) member from a Mountain Village retail business and one (1) Town staff member.

ATTACHMENT:

- Drafted Plaza Vending Committee Bylaws

BACKGROUND:

The original Plaza Vending Committee was formed in 2019, consisting of members of Town staff, TMVOA and a councilperson. Prior to 2019, vendor selection was the sole discretion of the Business Development and Community Engagement Coordinator. The Plaza Vending Committee was dissolved in 2021 to reduce administrative burdens and the Business Development Advisory Committee (BDAC) has been reviewing and approving plaza vending applications since that time.

OVERVIEW:

History has proven vending selections can be controversial and highly competitive. The creation of the Plaza Vending Committee is recommended to establish appropriate representation for plaza vending decisions, to formalize the review of plaza vending applications, and to create an appropriate body to discuss the plaza vending regulations and recommend updates to Town Council.

It is proposed that the Plaza Vending Committee meet seasonally to review the summer and winter vending applications as well as on an as-needed basis to further discuss the plaza vending program. Recommended committee members shall consist of one (1) councilperson, one (1) at-large Mountain Village community member, one (1) member from a Mountain Village food and beverage business, one (1) member from a Mountain Village retail business and one (1) Town staff member.

If approved, staff will notice vacancies for the Plaza Vending Committee to be appointed at the April 25, 2024 Town Council Meeting.

STAFF RECOMMENDATION:

1. Approve the Plaza Vending Committee Bylaws as presented.

RECOMMENDED MOTION:

I move to approve the creation of the Plaza Vending Committee and its bylaws.

**BYLAWS OF THE TOWN OF MOUNTAIN VILLAGE
PLAZA VENDING COMMITTEE**

**ARTICLE I
Formation**

Section 1. Creation and Name. The name of this Committee, organized by the Town of Mountain Village ("Town"), shall be the Plaza Vending Committee ("Committee"), which Committee is authorized by Town Council to perform the tasks set forth herein. The Committee shall not have any binding authority on the Town or Town Council, and its scope of rights to provide non-binding recommendations shall be limited as specifically set forth herein.

**ARTICLE II
Intent and Purpose**

Section 1. Intent and Purpose. The intent and purpose of the Committee shall be to approve and assign the location, design, and use of plaza vending, and to evaluate that such activities contribute to the vibrancy of the Town's Village Center plazas. The Committee shall also develop and recommend Plaza Vending Regulations for Town Council consideration and approval.

**ARTICLE III
Membership**

Section 1. Appointments.

- A. The Committee shall consist of no less than five (5) members, each of whom shall be appointed by Town Council, and reflect the following membership:
 - 1. One Town Council member
 - 2. One member of the Mountain Village community at-large
 - 3. One member from a Mountain Village food and beverage business
 - 4. One member from a Mountain Village retail business
 - 5. The Economic Development and Sustainability Director, or their representative

Section 2. Purpose. The responsibilities of the Committee members are outlined in Article II. Town Council may add additional tasks at its discretion.

Section 3. Term. Terms of appointed members shall be staggered with the Town Council and at-large Committee members serving two (2) year terms, and the remaining business representatives serving an initial one (1) year term and subsequent two (2) year term for any reappointments or new appointments. Any member may be removed with or without cause by a majority vote of Town Council.

Section 4. Replacement. Upon a vacancy of a Committee member seat, the replacement Committee member(s) shall be appointed by Town Council pursuant to Article III, Section 1 above.

**ARTICLE IV
Chairperson**

Section 1. Chairperson. The Town Council representative shall act as Committee Chairperson.

Section 2. Duties of Chairperson.

- A. **Chairperson.** The Chairperson shall preside at all meetings of the Committee, and with the assistance of the Economic Development Director, or their designee, shall perform all duties usually incident to the office of Chairperson and such other duties as may be assigned to them from time-to-time by the Committee, in accordance with these Bylaws.

**ARTICLE V
Meeting**

Section 1. Regular Meeting. The schedule for Committee meetings shall be as follows:

- A. Plaza vending selections shall occur within the thirty (30) days following the seasonal (i.e., Summer and Winter) plaza vending application deadline as set by the Economic Development Department.
- B. Meeting dates shall be set and scheduled by the Committee, as set forth above. Attendance by Committee members at any meeting shall be in person or by video/telephone conference call where all parties can hear each other.

Section 2. Special Meetings. The Committee Chairperson shall be permitted to call Special Meetings as needed.

Section 3. Order of Business. At regular meetings of the Committee, the following outline presents the recommended order of business:

- 1. Applicant review and discussion
- 2. Public comment
- 3. Vote and plaza vendor selection
- 4. Adjourn

Section 4. Voting. When a motion for vote is made at any Committee meeting, all regular members of the Committee shall vote either by voice or roll call vote. A roll call vote shall be conducted upon the request of a regular member of the Committee or at the discretion of the presiding officer. Any action requiring a vote shall be decided by a simple majority of those Committee members in attendance at any duly convened meeting with a quorum.

Section 5. Quorum. A majority of the Committee members shall be necessary to constitute a quorum for the transaction of business.

Section 6. Rules of Order. Unless otherwise specified in these Bylaws, the Committee will follow procedures outlined in Robert's Rules of Order, Newly Revised.

Section 7. Agenda. The Committee Chairperson shall prepare the agenda and shall distribute no less than three (3) calendar days in advance of any scheduled meeting. Other items of the agenda shall include, but not be limited to, complete applications and supplemental documents, any intervening special meetings, and Committee reports.

**ARTICLE VI
RULES AND REGULATIONS**

Section 1. Rules and Regulations. The Committee shall recommend any amendments to the Plaza Vending Regulations for approval by Town Council. The Committee is subject to said regulations, as approved by Town Council.

**ARTICLE VII
MISCELLANEOUS**

Section 1. Authority. The authority of the Committee and its members shall be limited as to the express purposes and authority granted herein and shall not be expanded outside the scope of authority necessary to carry out these Bylaws and the Plaza Vending Regulations.

Section 2. Amendment. These Bylaws shall not be amended, except in writing and approved by a majority of Town Council at a duly noticed Town Council meeting.

Adopted and Approved by the Town of Mountain Village Town Council at a public hearing held on March 21, 2024.

Town of Mountain Village, Town Council

By: _____
Martinique Davis Prohaska, Mayor

Attest:

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

David H. McConaughy, Town Attorney



455 Mountain Village Blvd. Mountain Village, CO 81435
(970) 369-8606

TO: Town Council
FROM: J.D. Wise, Economic Development & Sustainability Director
Molly Norton, Community Engagement Coordinator
DATE: March 21, 2024
RE: Adopting Revised Mountain Village Plaza Vending Regulations

EXECUTIVE SUMMARY:

The Plaza Vending Panel amended the Plaza Vending Regulations at its October 4, 2023 meeting. Town staff is proposing further revisions to the Plaza Vending Regulations specific to the appeals process, as outlined below. Additionally, staff recommends further review of the regulations with the newly formed Plaza Vending Committee.

ATTACHMENT:

- Proposed Plaza Vending Regulations

OVERVIEW:

At the October 4, 2023 Plaza Vending Panel meeting, staff brought forward recommended changes to the Plaza Vending Regulations for review and approval by the Plaza Vending Panel. These changes were prompted by discussions at previous Plaza Vending Panel and business development meetings, and also encompassed administrative changes to streamline staff's management of the plaza vending program. The Plaza Vending Panel voted unanimously to approve the updated Plaza Vending Regulations with the addition of criteria around competition between vending carts and brick and mortar businesses.

Council will remember that an appeal to the Plaza Vending Panel's conditional approval of Cheezy, LLC's winter vending application was heard in November 2023 and proved to be an onerous process for council, staff, and the applicant. As such, staff is recommending revisions to the Plaza Vending Regulations appeals process to reduce the burden on all involved parties in the event of an appeal.

Although the plaza vending regulations were removed from the CDC in 2019, the reference to an appeals process under CDC section 17.4.5 remained in the regulations and prompted the appeals process that came before council. Staff is recommending removing reference to the CDC appeals process, and outlining the appeals process in the vending regulations as follows:

4. Appeals

- a. Any appeal of a decision or final action by the Plaza Vending Committee may be made by the applicant by filing a written request of appeal within fourteen (14) days of the date of the decision or final action appealed.
 - i. The Mayor, Mayor ProTem and Town Manager, or their respective designees, will review such request for appeal within fourteen (14) days of filing and make a determination on if the appeal may proceed to Town Council.
 - ii. If directed, the Town Council will hear such appeal within sixty (60) days of filing the appeal. Town Council shall hear the appeal in the form of a call-up where Town Council will reconsider the original application and make a determination on approval or denial. Town Council's decision shall be considered final.



455 Mountain Village Blvd. Mountain Village, CO 81435
(970) 369-8606

It's worth noting that the proposed change removes the requirement of a quasi-judicial hearing, the required payment by the appellant of an up to \$2,000 appeal fee, and the need for the applicant to secure and pay for a court reporter.

NEXT STEPS:

Town staff, vendors and brick and mortar businesses all feel that further revisions are still needed to the Plaza Vending Regulations. Town staff proposes that Council adopt the Plaza Vending Regulations as presented so that staff can move forward with opening summer vending applications immediately. Staff then proposes working with the Plaza Vending Committee to gather further public input and recommend changes to the regulations that would be brought back to council for adoption at a future date.

STAFF RECOMMENDATION:

Staff recommends approval of the Plaza Vending Regulations as presented.

PROPOSED MOTION:

I move to approve the Town of Mountain Village Plaza Vending Regulations as presented.

TOWN OF MOUNTAIN VILLAGE VENDING REGULATIONS

1. Purpose and Intent

The purpose of these regulations is to establish criteria for the placement of vending apparatuses in the Town of Mountain Village. Vending opportunities provide the community a wider choice of eating, drinking, and vending options and provide suitable, low cost sites for the incubation of new business in Town.

The Town of Mountain Village Vending Regulations (“Vending Regulations”) are intended to regulate the location, design and use of vending apparatuses and temporary vending structures within public plazas and similar areas in order to ensure such activities contribute positively to the vibrancy of the Village Center and other public plaza areas.

2. Applicability

The Vending Regulations are applicable to any person or entity desiring to conduct food, beverage or retail vending on a plaza area within the Town of Mountain Village.

3. Review Process and Criteria for Decision

Applicants desiring to vend in the Mountain Village must submit complete plaza vending applications and shall delivered such completed applications to the Plaza Vending Committee which must be received by the seasonal deadline in order to be considered for approval. Applications received after the seasonal deadlines may be considered at the Committee’s discretion by written request from the applicant and explanation for late submission and must pay a late fee in addition to the application fee to be considered by the Plaza Vending Committee.

Only complete applications with all required supplemental documentation, filed by such deadlines will be accepted.

The criteria for decision to be applied by the Plaza Vending Committee are as follows:

- a.** Offered food, goods, wares, merchandise, services and hours of operation;
- b.** Diversity and compatibility of offering with existing businesses;
- c.** Food and services offered by applicant do not directly compete with existing Mountain Village plaza businesses;
- d.** The number of summer and/or winter seasons the applicant has vended on public property in the town;
- e.** Appearance, quality, safety and attractiveness of the vending operation and display apparatus;
- f.** Compliance and performance with Vending Regulations and Plaza Use Design Standards;
- g.** It shall be the burden of the applicant to demonstrate that submittal material and the proposed vending business substantially comply with the Vending Regulations and the Plaza Use Design Standards; and

- h. The Plaza Vending Committee will have sole and absolute discretion in granting a vending permit and will base its decision on the Town's needs for vending at that time.

4. Appeals

- a. An applicant may appeal a decision or final action by the Plaza Vending Committee by filing a written request of appeal with the Mountain Village Economic Development Department within fourteen (14) days of the date of the decision or final action appealed. The request for appeal must state with particularity the grounds for appeal, including any alleged violation of these Regulations.
 - i. The Mayor, Mayor ProTem and Town Manager, or their respective designees, will conduct a preliminary review of such request for appeal within fourteen (14) days of filing and determine whether grounds for an appeal exist. Upon completion of the preliminary review, the Mayor, Mayor ProTem and Town Manager, or their designees, shall dismiss the appeal in writing if they find that one or more of the following circumstances exist:
 1. The alleged violation, even if true, would not constitute a violation of these Regulations;
 2. The alleged violation was previously asserted in another appeal and is already being considered or was resolved;
 3. The alleged violation, even if true, is minor in nature and fails to justify the use of public resources to address;
 4. The appeal is time barred per section 4(a);
 5. The appeal is, on its face, frivolous, groundless, or brought for purposes of harassment; or
 6. The matter has or will become moot.
 - ii. In the event the appeal is not dismissed pursuant to section 4(a)(i), Town Council shall convene within a reasonable time and review the original application *de novo* and in accordance with these Regulations. Town Council's decision shall be final and binding upon the applicant.

5. General Standards

- a. **Location and Number.** The locations for approved vending applications shall be approved and assigned by the Plaza Vending Committee after considering all of the applications. The number of vending apparatuses and associated vending permits in plaza areas shall be as shown in Exhibit A
 - i. **Additional Vending Apparatuses.** The Plaza Vending Committee may permit additional vending apparatuses on plaza areas, in its sole discretion provided the Plaza Vending Committee determines that additional vending apparatuses are warranted and do not unreasonably impact the plaza areas.

- b. **Vending Season, Operating Days and Hours.** Vendors must apply for and have a plaza use license agreement for each season in which they desire to operate.
 - i. **Summer Season:** Vending apparatuses shall operate a minimum of four (4) days per week, four (4) hours per day no later than the first Market on the Plaza through Labor Day unless otherwise approved by the Vending Committee. Vending operations are required during the Market on the Plaza, on designated Wednesdays from 11am-4pm.
 - ii. **Winter Season:** Vending apparatuses shall operate a minimum of five (5) days per week, four (4) hours per day no later than December 15 until ski area closing unless otherwise approved by the Plaza Vending Committee.
 - 1. Monthly rent will begin December 1st for the winter season and June 1st for the summer season and will not be prorated to vendors actual start date should vendor start after these dates.
 - 2. Vending during Mountain Village special events will count toward minimum operation requirements.
- c. **Required Hours of Operation.** Hours of operation are as follows:
 - i. Vending hours shall be consistent throughout each season and shall meet the minimum requirements as set forth in section b above.
 - ii. Applicants shall submit a plan for the hours and days of operations to be approved by the Plaza Vending Committee as part of the approval process. Any change in the scheduled days and/or hours of operation for approved vending operations, other than minor, temporary changes due to weather and sick days, shall be approved by the Plaza Vending Committee prior to any such change in the schedule.
 - iii. **Special Events and After-Hours Vending.** The Town recognizes vendors may desire to operate outside of their normal operating hours during Town approved special events or town happenings (i.e. Club Red, music concerts, festivals weekend evenings). Such requests must be made in writing to the Town's Economic Development department at least 48 hours prior to the rested after hours vending and will be approved on a case-by-case basis.
- d. **Vending Apparatus Required.** Vending is only allowed from an approved vending apparatus or temporary structure. Vending apparatuses must meet all applicable size, space, and design standards per the Plaza Use Design Standards, Lighting Regulations, and Sign Regulations as set forth in the Town of Mountain Village Community Development Code.
- e. **Maximum Footprint.** All apparatus and related equipment must be contained in a 40 square foot area. All equipment must be necessary to the vending apparatus and vendor's business and must be kept orderly clean manner and may not constitute a potential safety hazards. Vending Apparatuses shall enclose or screen from view of the right of way and abutting property all accessory items not used

by customers, including, but not limited to, tanks, barrels, or other accessory items. All said accessory items must be confined to the designated pad.

- f. Vending Permit Required.** No person shall stage, operate or have present a vending apparatus within the town without a valid vending permit issued in accordance with these Vending Regulations.
- g. Limits on the Hours of Operation.** The Town may set hours of operation, limitations on and similar measures for vending activities to ensure no adverse impacts to residents and guests.
- h. Amplified Music Prohibition.** Amplified music for vending is prohibited.
- i. Special Event Vending.** A vending permit is not required for vending that is approved as a special event pursuant to the provisions regulating Special Events.
- j. License Agreement Required.** The vending permittee shall enter into a license agreement with the Town for the vending operation in such form, manner and content as determined by the Town.

 - i.** A license agreement having a term of more than one (1) year shall be reviewed annually by the Vending Committee for compliance. In the event of non-compliance, the license agreement and vending permit may be terminated.
 - ii.** License agreements may be issued for a term of up to three (3) years at the discretion of the Vending Committee.
 - iii.** Notwithstanding any other provisions therein, a plaza vending license agreement shall provide for indemnification of the Town from any liability for damages resulting from the operation of the vending business and for general liability insurance in such amounts as determined by the Town and naming the Town as an additional insured.
- k. Required Documentation.** Once the Vending application has been approved by the Town, but prior to the issuance of a vending permit, the applicant shall submit the following prior to the commencement of operations.

 - i.** Proof of insurance satisfactory to the Town;
 - ii.** Town business license;
 - iii.** Colorado sales tax license;
 - iv.** For prepared food, San Miguel Environmental Department permit;
 - v.** Cash security deposit with the Town in an amount determined by the Town for the purpose of guaranteeing the repair of any damage to plaza areas caused by the vending operation; and
 - vi.** Executed license agreement as required by this regulation.

6. **Non-transferable.** The vending permit shall not be transferable or assignable.
7. **Non-interference.** No person engaged in vending shall make any unnecessary sounds or noise, nor obstruct any pathway or other public property, nor disturb or impede other persons or otherwise create any public nuisance. The use of radios, stereos or any other audio systems in connection with any vending is prohibited.
8. **Vehicles.** Private vehicles for vending are prohibited in the plaza areas for any purpose unless the Town has issued a plaza area access permit pursuant to the Town of Mountain Village Municipal Code.
9. **Area Maintenance.** Vending permittee shall maintain both the permitted area, the immediate area surrounding the permitted area, the plaza area surface (washing down pavers, clean pavers, etc.) and the vending apparatus in a neat, clean and hazard free condition and to the town's satisfaction.
10. **Cleaning.** Vending permittee shall clean the areas of the designated vending apparatus which are covered by the vending permit by removing debris, trash, sweeping and washing down the location as needed to the satisfaction of the Town. The cleaning shall be conducted as frequently as each day, if necessary, to prevent debris or trash from being blown or scattered around the plaza area.
11. **Repair of Damage.** Vending permittees shall, to the satisfaction of the Town, repair and/or replace any damage to any portion of the permitted vending apparatus area only to the extent any damages shall be caused by or in connection with permittee's use thereof, including without limitation the placement of personal property on the plaza area.
 - a. All costs for such repair or replacement shall be the responsibility of the permittee.
 - b. The Town, in its sole discretion, shall determine when the vending area needs repair or replacement due to the activities of permittee and/or its customers in the vending area.
 - c. The Town may suspend a vending permit for failure to pay for damage or the payment of a required damage deposit.
12. **Snow Removal.** The vending permittee shall move the vending apparatus per request of the Town for snow removal and/or plaza maintenance when necessary.
13. **Recycling and Trash.** Trash removal fees for public trash generated by the vending permittee are included in the monthly permit fee as established in the fee resolution for Vending Carts All back-of-house trash must be removed daily by the permittee.

- 14. Public Seating Areas.** The vending permittee must make every reasonable effort to ensure their customers utilize the public seating area and do take food items into the seating areas of neighboring restaurants.
- 15. Monthly Vending Fees.** The vending permittee shall remit the monthly vending fee as set forth in the fee resolution, with such fee to be due and payable on the first of each month. Vending fees shall be prorated for partial months in each season (partial months based on start dates outlined in 4.b.i and ii and will not be prorated based on when a vendor chooses to start the season).
- 16. Plaza Location.** The Town has the right to relocate the site of the apparatuses of plaza vending permit holders within all the designated plaza areas. The vending permit administrator shall notify the vending permittee three (3) days prior to any vending apparatus relocation.
- a. If a vendor wishes to move locations during high traffic events, a request must be submitted to the Plaza Vending Committee Chair designated staff member seven (7) days prior to the desired date of location change.
- 17. No Encroachment.** Vending permittee shall have the obligation to prevent encroachment of the vending apparatus or any related vending equipment or permittee property onto areas of the plaza outside the designated vending apparatus location except for any approved storage location shown in the required license agreement.
- 18. Abandon/Surrender.** A permittee without written authorization from the Town acknowledging extenuating circumstances, who fails to conduct vending operations during the required hours of operation for a period of two (2) consecutive weeks during the designated season, will be considered to have surrendered and abandoned his or her vending permit. The Town shall have the right to reassign that space to another applicant. The Town has the right to refuse to authorize an absence. The Town shall send written notice of the surrender and abandonment of the permit to the permittee.
- 19. Utility Fees.** The Town may require a plaza vending operator to pay utility fees if the vending apparatus operation uses electric utilities. The use of generators is prohibited.
- 20. Revocation and Suspension.**
- a. Any vending permit issued hereunder may be revoked or suspended by the Plaza Vending Committee for a violation or breach of a term or condition of the vending permit or license agreement, including, but not limited to:
 - i. Operation of a vending apparatus in a location other than that approved or outside the permitted area;

- ii. Failure to pay monthly plaza vending fee;
- iii. Failure to clean areas of the designated vending apparatus location to town satisfaction;
- iv. Failure to remain in operation during the minimum number of business hours or days;
- v. Failure to maintain the design of a vending apparatus or vending apparatus signs in the condition as represented in the development application;
- vi. Failure to pay for the repair and/or replacement of any damage to any portion of the permitted vending apparatus area caused by or in connection with permittee's use thereof;
- vii. Changing the use of the vending apparatus that does not comply with the approved application;
- viii. Failure to remove vending apparatus from designated location as required by the vending permit;
- ix. Permittee violates any provision of this Plaza Vending Rules and Regulations or other law or regulation of the Town.;
- x. The permittee obtained the vending permit by fraud or misrepresentation; and/or
- xi. The permittee is convicted of an offense that would create a danger to the public health, safety and welfare following issuance of the vending permit.
 - 1. No permittee whose vending permit has been revoked may receive a refund of any part of the permit fee paid.
 - 2. Upon revocation or expiration of any vending permit, the permittee shall remove all structures or improvements from the permit area and storage area and restore the area to its condition existing prior to issuance of the permit within forty-eight (48) hours of revocation or expiration of permit.
 - 3. If the vending permit is revoked, the permittee may not apply for the same type of permit for one (1) year after the effective date of the revocation.

APPROVED AND ADOPTED BY THE MOUNTAIN VILLAGE PLAZA VENDING PANEL AT THE OCTOBER 4, 2023 PLAZA VENDING MEETING.

APPROVED AND ADOPTED BY THE MOUNTAIN VILLAGE TOWN COUNCIL AT THE _____, 2024 TOWN COUNCIL MEETING.



Agenda Item 14
**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council
FROM: Drew Nelson, Senior Planner
FOR: Town Council Meeting – March 21, 2024
DATE: March 7, 2024

RE: Consideration of a Resolution Approving a Height Variance of 8' above maximum allowable height for Lot 166AR2-10, TBD Stonegate, pursuant to CDC 17.3.11 and 17.4.16

Staff is requesting that this be continued to the May 16, 2024 Town Council Meeting

BACKGROUND: Staff is requesting a continuation of the Consideration of a Resolution Approving a Height Variance of 8' above maximum allowable height for Lot 166AR2-10, TBD Stonegate, pursuant to CDC sections 17.3.11 and 17.4.16. The memo is being provided not to open the public hearing but solely for the purpose of the Town Council providing a motion to continue to the May 16, 2024 meeting date.

Council also has the ability to table the item, which would require the applicant to re-notice the project at a time in the future.

RECOMMENDED MOTION: I move to continue the Consideration of a Resolution Approving a Height Variance of 8' above maximum allowable height for Lot 166AR2-10, TBD Stonegate, pursuant to CDC 17.3.11 and 17.4.16 to the regular May 16, 2024 Town Council Meeting

/DN



**COMMUNITY DEVELOPMENT
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item # 15

TO: Mountain Village Town Council
FROM: Amy Ward, Community Development Director
FOR: March 21, 2024
DATE: March 12, 2024
RE: Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations

ATTACHMENTS

Exhibit 1: Proposed Ordinance

PUBLIC COMMENT

None received

CHANGES SINCE FIRST READING

Section 17.6.1.B.2.iii was amended to add the language “applicable within home rule municipalities” at the request of Council.

STAFF ANALYSIS AND RECOMMENDATION

This added language just clarifies that we operate as a home rule municipality and that only state and federal permits that are applicable to home rule municipalities would apply.

Staff recommends approval of the Ordinance as proposed.

PROPOSED MOTION

I move to approve on second reading an Ordinance to Amend the CDC Section 17.6.1.B- Wetlands Regulations.

/aw

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE
AMENDING SECTIONS 17.4.2, 17.4.3, 17.6.1, AND 17.8.1 OF THE MOUNTAIN VILLAGE
MUNICIPAL CODE REGARDING WETLAND REGULATIONS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, the Town has adopted zoning and subdivision regulations codified at Title 17 of the Mountain Village Municipal Code and referred to as the Community Development Code (the “CDC”); and

WHEREAS, the CDC Section 17.6.1 includes regulations regarding the preservation and protection of wetlands; and

WHEREAS, the issuance of the United States Supreme Court decision in *Sackett v. Environmental Protection Agency* has created ambiguity and inconsistency in the scope of wetlands subject to regulation under the CDC; and

WHEREAS, Town Council now desires to amend the CDC’s definition of “wetlands” and other relevant portions of CDC Chapter 17.4 and Section 17.6.1.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, AS FOLLOWS:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment of CDC Sec. 17.8.1. The Town Council hereby amends CDC Section 17.8.1 of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

Wetlands. An area where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. ~~Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.~~

Section 3. Amendment of CDC Sec. 17.6.1. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

B. *Wetland Regulations.*

...

2. Standards

d. The review authority shall only allow for wetland disturbance or fill if it is demonstrated that there is not a practicable alternative to avoiding such activities and if the following criteria are met:

...

iii. ~~the United States Army Corps of Engineers (“USACE”) has reviewed the proposed wetland disturbance or fill and has either recommended approval or has approved the required federal permits~~ **all state and federal permits related to the disturbance or fill applicable within home rule municipalities (if any) have been approved.**

...

f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands **report and** delineation performed by a USACE qualified **wetlands** consultant **or other appropriate professional.** **The wetlands report required by this section must have been prepared within 5 years of the date of the development application and shall include an analysis of whether the wetlands are subject to any federal or state wetland permitting process in effect as of the date of the development application.**

~~i. Written verification of the delineation from the USACE is required prior to the review authority issuing the final CDC required development approval.~~

~~(a) The review authority may also, as a condition of the final approval, require the submission of the USACE wetland delineation verification prior to the issuance of a development permit.~~

~~(b) ACE written approval of wetland delineations typically expire after five (5) years. A new wetland delineation approval letter from the USACE shall be submitted if the original wetland delineation approval has expired.~~

...

i. Any development application that proposes wetland fill **to a wetland that is subject to federal and/or state regulation** shall be referred to the USACE **appropriate state or federal agency** in accordance with the Referral and Review Process to ensure compliance with the federal **and state** wetland permitting process.

j. Through a Class 5 application, whether as a standalone application or in conjunction with another land use application, an applicant may request from Town Council a waiver of the Wetland Regulations. Town Council may, after weighing the public benefits to be gained by the subject application and the purpose and intent of these Wetland Regulations, grant the waiver in whole or in part and with or without conditions. Town Council shall be the sole review authority with authorization to grant a waiver from these Wetland Regulations.

Section 4. Amendment of CEC Sec. 17.4.2.B. Town Council hereby amends “Table 4-1 Development Application Classes” set forth in CDC Section 17.4.2.B to include the language in **and underlined** under the “Subdivision” portion of Table 4-1:

Development Application Type	Application Class	Review Authority
<u>Wetland Regulations Waiver under CDC Sec. 17.6.1.B.2.j</u>	Class 5	Town Council

Section 5. Amendment of CDC Sec. 17.4.3.J.5. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

17.4.3. *Development Review Procedures*

...

J. *Step 10: Review Authority Public Hearing or Meeting.*

...

5. *Other Class 5 Applications.* Minor subdivision, **requests for waiver of Wetland Regulations under CDC Section 17.6.1.B.2.j,** and other class 5 development applications do not require a public hearing.

Section 6. Effect of Ordinance. Those provisions on the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

Section 7. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 8. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 9. Effective Date. This Ordinance shall become effective on fourteen (14) days after final publication pursuant to Section 4.3 of the Town Charter and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 10. Public Hearing. A public hearing on this Ordinance was held on the ____ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 11. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

By: _____
David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2024-____ (the "Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	“Absent”	“Abstain”
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez (Rick)				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____ in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	“Absent”	“Abstain”
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez (Rick)				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____ 2024.

By: _____
Susan Johnston, Town Clerk (SEAL)



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item No. 16

TO: Town Council

FROM: Amy Ward, Community Development Director and Rodney Walters, Town Forester / GIS Assistant

FOR: Town Council Regular Meeting

DATE: March 21, 2024

RE: Work Session regarding potential future Community Development Code (CDC) Amendments, 17.6.1 Environmental Regulations-Fire Mitigation and Tree Protections

Attachments can be found at the following link

< <https://mtnvillage.files.com/f/d617ebe977d8249c> > :

- CDC, Environmental Regulations amendments, draft
- The Colorado State Forest Service - [The Home Ignition Zone, A guide to preparing your home for wildfire and creating defensible space](#)
- National Wildfire Coordinating Group – [NWCG Standards for Mitigation in the Wildland Urban Interface, PMS 052, May, 2023](#)
- [Managing Trees During Site Development and Construction, Third Edition, 2023](#)
- [Relative Tolerance of Selected Species to Development Impacts \(adapted from Matheny and Clarke, 1998\)](#)
- [Example Tree Protection sign - City of Denver Tree Protection Zone sign](#)

CDC Amendment Workshop Discussion – Recommended Updates to Environmental Regulations

Background:

The current Wildfire Mitigation and Forestry Management Regulations in the CDC are either out of date or do not currently align with accepted best management practices (BMPs)/standards or both. Regulatory requirements that align with wildfire mitigation and forest management BMPs and standards will be more effective in facilitating desirable outcomes. Updates to the CDC will provide regulatory requirements that align with up-to-date scientific knowledge and currently accepted professional BMPs and standards.

The Wildfire Mitigation zones listed in the CDC are based on 2003 Colorado State Forest Service standards (Creating Wildfire-Defensible Zones, no. 6.302), which has since been replaced by new standards (The Home Ignition Zone) and the NWCG Standards of Mitigation in the Wildland Urban Interface. The wildfire mitigation zones in the new standards are defined differently from the way they are defined in the CDC, which makes communicating about defensive space standards with our business owners and residents challenging. In order to best protect our community and communicate with community members about wildfire mitigation, we recommend that the CDC wildfire mitigation standards be updated to reflect current BMPs and Standards.

The zones in the new standards are defined as follows.

- Zone 1, 0 - 5 feet from the Building: (removal of all flammable materials, including vegetation (sod, shrubs, slash, mulch, and other woody materials).
- Zone 2, 5 - 30 feet from the Building: Reduce fuels in this area transitioning away from the building (designed to significantly reduce fire intensity by creating space between the building, trees, and other flammable vegetation)
- Zone 3, 30 - 100 feet away from the Building or up to 200 feet on steep slopes: The focus of this zone is to implement measures to keep fire on the ground and to drive active crown fire to the ground where it will be less intense. This is accomplished by limbing up conifers and creating or maintaining space in between crowns.

These new zone definitions eliminate the need to define zones based on assessing slope steepness and utilizing charts. This will eliminate ambiguity and confusion in defining and understanding zones. Because these new zone definitions will represent a significant shift in the way buildings and associated landscapes are designed, we want to verify the Council is in support of these changes prior to implementing these CDC changes, which are described in more detail below. .

- The intention of Zone 1 is to create a non-flammable hardscape (flagstone, lava rock, gravel mulch, etc.) to keep flames from coming into direct contact with the building.
 - Sod would still be allowed for new developments, but not right up to the side of buildings. Planters would be minimally allowed (but not under windows, adjacent to vents, or other areas, such as when there is minimal space between adjacent buildings).
 - Is the Council willing to defend this new approach, which will better reflect current BMPs and standards for defensible space?
- The purpose of Zone 2 is to reduce fire intensity. Our current CDC requirement allows very little to no vegetation 15 feet from buildings. –
 - This new zone definition would reduce vegetation out to 30 feet away from buildings but would still allow for some woody plants (mostly shrubs but also a limited amount of trees or planters unattached to the home) and would allow for some more intentional landscaping.

The Tree protection standards in the CDC do not currently reflect the latest BMPs for Tree Protection During Site Development. Most importantly as they relate to tree protection fencing. The CDC sets the drip edge of the tree canopy and the place-to-place tree protection fencing.

Since most of our trees are forest trees, the drip edge of the canopy rarely even meets protections for the critical root zone (minimum space required for trees to meet their physiological functions long term) and does not consider the BMPs for establishing and maintaining a Tree Protection Zone (TPZ), which takes other factors into consideration, including the species tolerance to site disturbance and age of the tree(s). The current requirement of plastic snow fencing for tree protection is ineffective because it is easily knocked down or moved and because it does not provide enough space for long term tree health and survival. It often takes trees 5 years to show signs of decline after construction has occurred. If the current BMPs are adopted into the CDC, it would be likely that a greater amount of trees will be planned for removal during development. However, it would mean that more trees that are planned for retention would survive and thrive long-term, thus providing better outcomes for property owners and the community. Trees that are unlikely to survive would be removed before construction begins, which would save the expense and inconvenience of working around trees that have been unrealistically planned for retention.

Bringing the CDC into alignment with current BMPs would change how tree protection is conducted in the Town of Mountain Village during development. For that reason, we are asking the if the Town Council will support us if we implement the following changes?

- Define a Tree Protection Zone (TPZ) according to the formula recommended by the current BMPs, which includes tree diameter (dbh), age of the tree and tree species relative tolerance to construction disturbances.
- Construct a chain link fence with a rigid top rail attached to round, hollow 2-inch steel posts set 2 feet into the ground at a maximum 10 foot spacing. This type of fencing would require more effort and expense to install, but would ensure better long-term tree survival, health, and structural stability.
- Require a tree protection sign to be affixed to the protection fencing.

From: [Michelle Haynes](#)
To: [council](#)
Subject: FW: VCA resident committee seat appointment
Date: Wednesday, March 20, 2024 12:08:33 PM

Dear Town Council:

So far I had one vca resident committee member advocate for Piper and one (see below) for Nicolas.

Thank you,

photo



Michelle Haynes
Assistant Town Manager, Town of Mountain Village

Office | [970-239-4061](tel:970-239-4061) | [Mobile](#) | [970-417-6976](tel:970-417-6976)

mhaynes@mtnvillage.org

[455 Mountain Village Blvd., Ste. A, Mountain Village, CO 81435](#)



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From: Ursula Cristol <UCristol@telluride.k12.co.us>
Sent: Wednesday, March 20, 2024 10:27 AM
To: Michelle Haynes <MHaynes@mtnvillage.org>
Subject: Re: VCA resident committee seat appointment

Caution: External Message - Please be cautious when opening links or attachments in email.

Dear Michelle

Hope you are doing well .

I would like to recommend for the vacancy for the committee : Nicolas Bosma .

I feel that he is a long term resident in VCA and will have a great perspective for the working force IN mountain village about the needs .

I wasn't able to find his resume but I did a research on his background and work experience in our town (mountain village)

Sorry I had being very busy at work and going back to walk (I broke my foot)

Thank you
Ursula Cristol

From: Michelle Haynes <MHaynes@mtnvillage.org>

Date: Wednesday, March 13, 2024 at 1:42 PM

To: Valentina Roa <roa_valentina@yahoo.com>

Cc: Trevor Browning <trevorkb@gmail.com>, Charles Lynch <lynchc71@yahoo.com>, Ursula Cristol <ucristol@telluride.k12.co.us>, Brittany Newell <Bnewell@mtnvillage.org>, Lizbeth Lemley <llemley@mtnvillage.org>

Subject: Re: VCA resident committee seat appointment

Thank you!

Regards

On Mar 13, 2024, at 1:39 PM, Valentina Estrella <roa_valentina@yahoo.com> wrote:

Caution: External Message - Please be cautious when opening links or attachments in email.

Good afternoon,

Piper's name stands out to me as she is already involved with town ordinances with the town of Telluride.

Valentina

On Wednesday, March 13, 2024, 1:21 PM, Michelle Haynes <MHaynes@mtnvillage.org> wrote:

My apologies Matt Lewis.....;{



Michelle Haynes

Assistant Town Manager, Town of Mountain Village

Office | 970-239-4061 | Mobile | 970-417-6976

mhaynes@mtnvillage.org

[455 Mountain Village Blvd., Ste. A, Mountain Village, CO 81435](#)



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From: Michelle Haynes

Sent: Wednesday, March 13, 2024 1:19 PM

To: Trevor Browning <trevorkb@gmail.com>; Valentina Roa <roa_valentina@yahoo.com>; Charles Lynch <lynchc71@yahoo.com>; Ursula Cristol <ucristol@telluride.k12.co.us>
Cc: Brittany Newell <bnewell@mtnvillage.org>; Lizbeth Lemley <Lemley@mtnvillage.org>
Subject: VCA resident committee seat appointment

Dear Trevor, Valentina, Charles and Ursula:

Good afternoon. We received three applications to fill Matt Lewy's seat. Town Council will hear this item next Thursday. I'd love your input if any of you preferred one committee member applicant over the other. Attached are the three applicants and their names are listed below:

<!--[if !supportLists]-->○ <!--[endif]-->**Nicolas Bosma, lived at VCA for eleven (11) years**

<!--[if !supportLists]-->○ <!--[endif]-->**Luke Kernell, lived at VCA for four (4) years**

<!--[if !supportLists]-->○ <!--[endif]-->**Piper Miller, lived at VCA for six (6) years**

Could you either email me directly or email the group with your preference? I need to submit the memo to Council theoretically by Thursday at 5:00 pm and would love your input before then.

Thank you!



Michelle Haynes

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|



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From: [Heather Knox](#)
To: [council](#)
Subject: No to LLC's having voting rights in Town of Mountain Village elections
Date: Tuesday, March 19, 2024 10:35:19 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

Mountain Village Town Council –

I want to provide public comment on the agenda item discussing expanding Town of Mountain Village voting rights to LLC's.

LLC's have voting rights in TMVOA elections, which is appropriate. LLC's are not individuals. An LLC is not a resident focused on the quality of life for the Mountain Village community. It is not appropriate to expand voting rights to include LLC's in Town of Mountain Village elections.

Thank you for considering my public comment.

Heather Knox

Hknox9500@gmail.com

(970)729-3362

327 Adams Ranch Road #402

Mountain Village, CO 81435

From: [Susan Blank](#)
To: [council](#)
Subject: Voting
Date: Wednesday, March 20, 2024 2:18:20 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

My wife and I would be very happy to have the privilege to vote in Mountain Village elections since we are owners for over eight years and we had to own our property because of New York State rules and Colorado rules has an LLC. Thank you very much Susan and Richard Blank.
Sent from my iPhone

From: [Ed E](#)
To: [council](#)
Cc: [Elkins Vale](#)
Subject: Voting for property owners holding property in LLCs
Date: Wednesday, March 20, 2024 1:33:47 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

I want to thank you for considering this important issue. I highly support allowing property owners holding property in LLCs or other entities to vote. Please support this change. I understand that on March 21st, the Mountain Village Town Council will consider a first reading of an ordinance that would set a special election on July 9th, 2024, to consider five charter amendments. One of the amendments would allow property owners holding property in LLCs or other entities to vote.

Thank you.

Ed & Vale Elkins
131 AJ Drive

From: [Rick Greubel](#)
To: [council](#)
Subject: ordinance setting a special election for July 9
Date: Wednesday, March 20, 2024 11:51:30 AM

Caution: External Message - Please be cautious when opening links or attachments in email.

Dear MV Town Council,

Writing to express our support for the ordinance setting a special election for July 9. In particular the change that will allowing property owners holding property in LLCs or other entities the ability to vote like other non-resident property owners.

Thank you.

Rick & Ellen Greubel
528 Benchmark

From: [Michelle Haynes](#)
To: [council](#)
Cc: [mvclerk](#)
Subject: Fwd: Town Council to consider first reading of an ordinance setting a special election for July 9
Date: Wednesday, March 20, 2024 2:37:56 PM

See below public comment,
Regards

Begin forwarded message:

 **Michelle Haynes**
Assistant Town Manager, Town of Mountain Village

Office | [970-239-4061](tel:970-239-4061) | Mobile | [970-417-6976](tel:970-417-6976)
mhaynes@mtnvillage.org
455 Mountain Village Blvd., Ste. A, Mountain Village, CO 81435



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From: Joan May <joan@joanmay.org>
Date: March 20, 2024 at 1:38:56 PM MDT
To: Scott Pearson <spearson@mtnvillage.org>
Cc: Paul Wisor <pwisor@mtnvillage.org>, michelle haynes >, Marti Prohaska <mprohaska@mtnvillage.org>
Subject: Re: Town Council to consider first reading of an ordinance setting a special election for July 9

Scott,

Well then, if you are going to send out a notice about this, why do it one day before instead of with adequate notice? And why make the agenda item so vague if you actually want the public to know what's going on?

Joan

On Mar 20, 2024, at 12:08 PM, Scott Pearson <spearson@mtnvillage.org> wrote:

Hi Joan

There will be two separate votes a month apart. And, if approved, there will be a referendum. Everyone will have a chance to have their say!

Scott

From: Joan May <joan@joanmay.org>
Sent: Wednesday, March 20, 2024 12:00 PM
To: Paul Wisor <pwisor@mtnvillage.org>; Michelle Haynes <mbhaynes21@hotmail.com>; Scott Pearson <spearson@mtnvillage.org>; Martinique Prohaska <mprohaska@mtnvillage.org>
Subject: Re: Town Council to consider first reading of an ordinance setting a special election for July 9

Caution: External Message - Please be cautious when opening links or attachments in email.

MV leaders,

Really? One day notice defining the vague agenda item about a charter amendment that turns out to be a massive change to how MV votes?

I guess you don't really want public participation on this!

So much for democracy.

Joan

On Mar 20, 2024, at 11:27 AM, Town of Mountain Village <kwarren@mtnvillage.org> wrote:

[March 21 meeting news](#)

No images? [Click here](#)

From: [Randy Podolsky](#)
To: [council](#)
Cc: [Kathrine Warren](#)
Subject: Re: Town Council to consider first reading of an ordinance setting a special election for July 9
Date: Wednesday, March 20, 2024 8:20:12 PM

Caution: External Message - Please be cautious when opening links or attachments in email.
TMV Council,

I am unable to attend the subject meeting, so please accept this email as my support for all 5 initiatives to be approved by town council for proceeding to the special election.

Vr
Randy

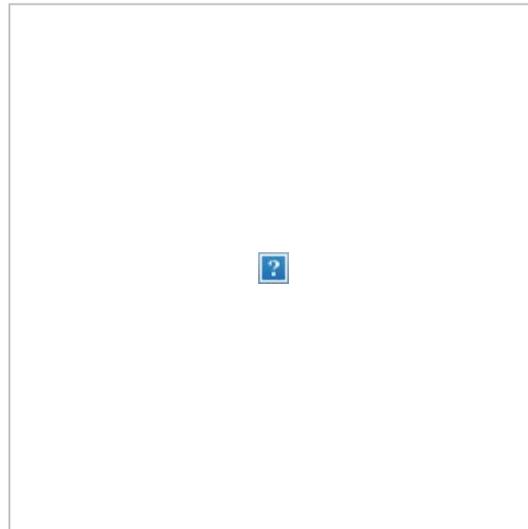
Randy D. Podolsky
112 Lost Creek Lane

iPhone. iTypos. iSorry

On Mar 20, 2024, at 12:28 PM, Town of Mountain Village
<kwarren@mtnvillage.org> wrote:

March 21 meeting news

No images? [Click here](#)



RESIDENTS | BUSINESSES |
GOVERNING | EVENTS

From: [Ellen Yarrell](#)
To: [council](#)
Subject: Proposed Amendments
Date: Wednesday, March 20, 2024 12:33:12 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

As a property Franz Klammer Lodge owner since 2015, I am in favor of the amendment to allow owners who hold property in a trust or LLC to vote. My property is held in a trust for the purpose of making probate of my will after my death simplified. As a Texas resident, I placed the FKL condominium in the Yarrell 2021 Trust so that my heirs can probate my will in Texas and not Colorado. I pay my proportion of Mountain Village taxes annually and spend money in Mountain Village during my 10 week total stays. I also support both film festivals and the Telluride museum.

Ellen Yarrell
ellen@eayatty.com
713-858-9505

Sent from [Mail](#) for Windows

From: [Michael Zarrilli](#)
To: [council](#)
Subject: LLC ownership voting
Date: Wednesday, March 20, 2024 12:31:07 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

My wife and I own our Madeline condo in an LLC.

We are involved and would like to be able to vote.

It seems only fair.

Thank you.

Michael P Zarrilli
Madeline 638
203 253 8126

From: [Leslie Browning](#)
To: [council](#)
Subject: plutocratic corporatocracy vs democracy don't give up your power, we decide today.
Date: Thursday, March 21, 2024 12:31:14 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

Dear Councilpersons,
regarding charter proposal

1. "Allowing property owners holding property in LLCs or other entities the ability to vote like other non-resident property owners"

Mountain Village is in America, America is a Democracy.
In order to keep America and keep democracy we must not even consider allowing LLC's, entities, or foreign powers to vote. The proposal is absolutely absurd, ridiculous and unconscionable. If someone wants control of our local government and wants to have a vote then they need to move here and live here and participate in the democracy with the rest of us. The question you are weighing today goes deeper than you might think it does.

A single person can run numerous corporations. Corporations should not run our town. Corporations should not run people. The human beings who live here in Mountain Village rule and should continue to rule our town.

We as a free people have to maintain freedom by never allowing corporations to vote. Please, do not pass this. Please do not put this in the charter. You are free right now and need to think about who you want to run every aspect of your life... Are you a pawn of no consequence whether you live or die to the whim of whatever evil force runs the corporations who would rule over your home your money and your life without any accountability? or Do you, yourself, as a free, autonomous, living human being with inalienable rights have power over your own life?

Corporations do horrible things to people and then just dissolve with no consequence. We can't allow corporations to do horrible things to our town and residents with no consequence. There must be human accountability.

Think about it. I personally could start unlimited corporations and have unlimited more votes than you. Is that what you want? Do you want me to have unlimited more power over your home, your money, your life than you have over your own life? or Should we remain a democracy and we as living human people figure out how our own power and money is used? Do you want me to have power over you as though I am thousands of voices and your one tiny little voice is silenced? or should we be equal?

I can't believe that I even have to say these things. Maybe you're not an American. Maybe you were not born and educated here. Maybe you were ditching school and skiing a powder day that day in school when we learned about freedom. Maybe you were sick the week we learned about democracy. Maybe your parents couldn't afford glasses for you so you couldn't read and learn about these things. I am sorry If that's the case. I will give you the benefit of the doubt. But you have some catching up to do and I am teaching you now, this is what America is; a democracy run by living free human beings.

My great great great great grand fathers fought for freedom against kings in the American Revolution. My great great great grand fathers fought for freedom and equality in the civil war. My great grand fathers fought against fascism and communism in the first world war. My grand fathers fought against it again in the second world war. My freedom was hard won through much sacrifice. I understand and appreciate that. I am a free person even more than I am a Villager or an American and I want it to stay that way. Do you? If not, you need to consider that you may be succumbing to the control of corporate powers who want to take away all of your power. Consider that you may not be standing strong and brave enough to remain free and equal.

I think you are brave enough to be good, brave enough to be an American and I think you are brave enough and strong enough to remain free and equal. I think you know what you should do. And I think you do know right from wrong. There is a heavy decision between good and evil on your desk and in your mind right now. I think and I hope that you will choose good. There is immeasurable power held by free human beings. Please do not give up your power today. Please do not give up your inalienable rights. Please do not give up the rights of your children, grandkids and towns people. Please use the power of your free human life against corporate rule to vote to remain free today.

Thank you,
Leslie Browning

--

Leslie Ann Oliver Browning
Telluride Colorado Music & Massage
415 Mountain Village Blvd Unit 9103
Mountain Village, CO 81435
970-519-1461

From: [Alexis Hodel](#)
To: [council](#)
Subject: LLC Homeowners Voting
Date: Thursday, March 21, 2024 1:21:15 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

Dear Town Council:

I am writing to voice my objection to the proposed Charter change that would allow LLC owners vote in Mountain Village.

Generally speaking properties owned by an LLC are wealthy second homeowners and businesses. The primary reason title to a property is held by an LLC is for tax purposes and maintaining generational wealth. We are more than an investment opportunity for the wealthy. Our locals should be the ones voting on our issues. We are the ones most impacted by changes in our laws and codes.

Our local community has become increasingly less "local friendly". I believe we as a community have continually conceded to second home owners and the perceived desires of our guests. Allowing wealthy individuals and business to vote in our local election would only accelerate this trend.

Please vote no to the Charter amendment allowing LLC property owners from voting in MV.

Sincerely,
Alexis Hodel
Sent from my iPhone

From: [Cath Jett](#)
To: [council](#)
Subject: Agenda Item 10
Date: Thursday, March 21, 2024 6:41:41 AM

Caution: External Message - Please be cautious when opening links or attachments in email.

Dear Town Council,

I am writing this letter to express my concern regarding the recent proposal to allow Limited Liability Companies (LLCs) to vote in the local elections. As a concerned citizen of Mountain Village, I would like to discourage the town council from implementing this idea.

In my opinion, allowing LLCs to vote in the local elections would not only be unfair but also undemocratic. It would give the businesses an undue advantage over individual voters who do not have the financial resources to compete with them. Furthermore, it would compromise the integrity of the elections and undermine the voice of the people.

I strongly believe that every individual has the right to vote and participate in the democratic process without any discrimination based on their financial status. Therefore, I urge the town council to reconsider this proposal and ensure that the elections remain fair and transparent for all citizens.

In addition, there should not be a special election. I suggest using the County Clerk's office to manage the election and hold it during the general election in November. This will ensure the most participation.

Thank you for considering my views on this important matter.

Sincerely,

--

Cath Jett
319 Adams Ranch Road Unit 1002
Mountain Village, CO 81435
Climate Reality Leadership 2020
m: 970.708.0830
h: 970.728.9899

Pronouns: she/her/hers



From: [Heather Knox](#)
To: [council](#)
Subject: Input on requirements changes to the town charter
Date: Thursday, March 21, 2024 11:22:34 AM

Caution: External Message - Please be cautious when opening links or attachments in email.

MV Council –

I request today that you also discuss the percentage of voting yes/no that is required to change the town charter. Lawson Hill has by-laws. Lawson Hill requires two thirds of the voters to vote in favor of something to change the by-laws. Keep in mind that these are by-laws, and not something as significant as a Town Charter.

To the Special Election list of items considered, please add: Changes to the Town Charter requires two thirds of voters to approve it.

The proposed Special Election agenda item was added at the last minute and/or not properly noticed for residents to make public comments. Adding one more item: the 2/3 requirement to change the Town Charter, should be discussed and considered today too.

Changing a Town Charter should require more than a single vote to pass.

Thank you,

Heather Knox

Hknox9500@gmail.com

(970)729-3362

327 Adams Ranch Road #402

Mountain Village, CO 81435

Work Session regarding possible CDC amendments related to updated Fire Mitigation and Tree Protection Standards (17.6.1)

Town Council, March 21, 2024

Presented by Amy Ward, Community Development Director and Rodney Walters, Town Forester

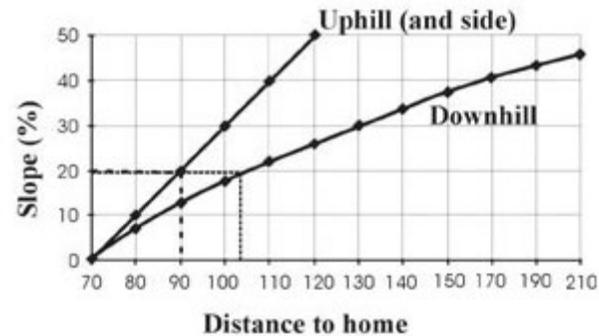


1.Fire Mitigation

Current Fire Mitigation Standards:

- Out of date, based on 2003 Colorado State Forest Service standards, fire mitigation science and practices have evolved
- Complex – Zones are based on slope and not well understood by applicants, hard to enforce unilaterally

Figure 6-1. Fire Mitigation Zones



Updated Fire Mitigation Standards:

- Changes that we plan to propose will be based on current standards
 - ✓ The Colorado State Forest Service - The Home Ignition Zone, A guide to preparing your home for wildfire and creating defensible space
 - ✓ National Wildfire Coordinating Group – NWCG Standards for Mitigation in the Wildland Urban Interface, PMS 052, May, 2023
- Less Complex – Zones are based on distance from home
- Zone 1 is more restrictive but smaller than previous regulations, and will have some visible impacts on Landscape Design

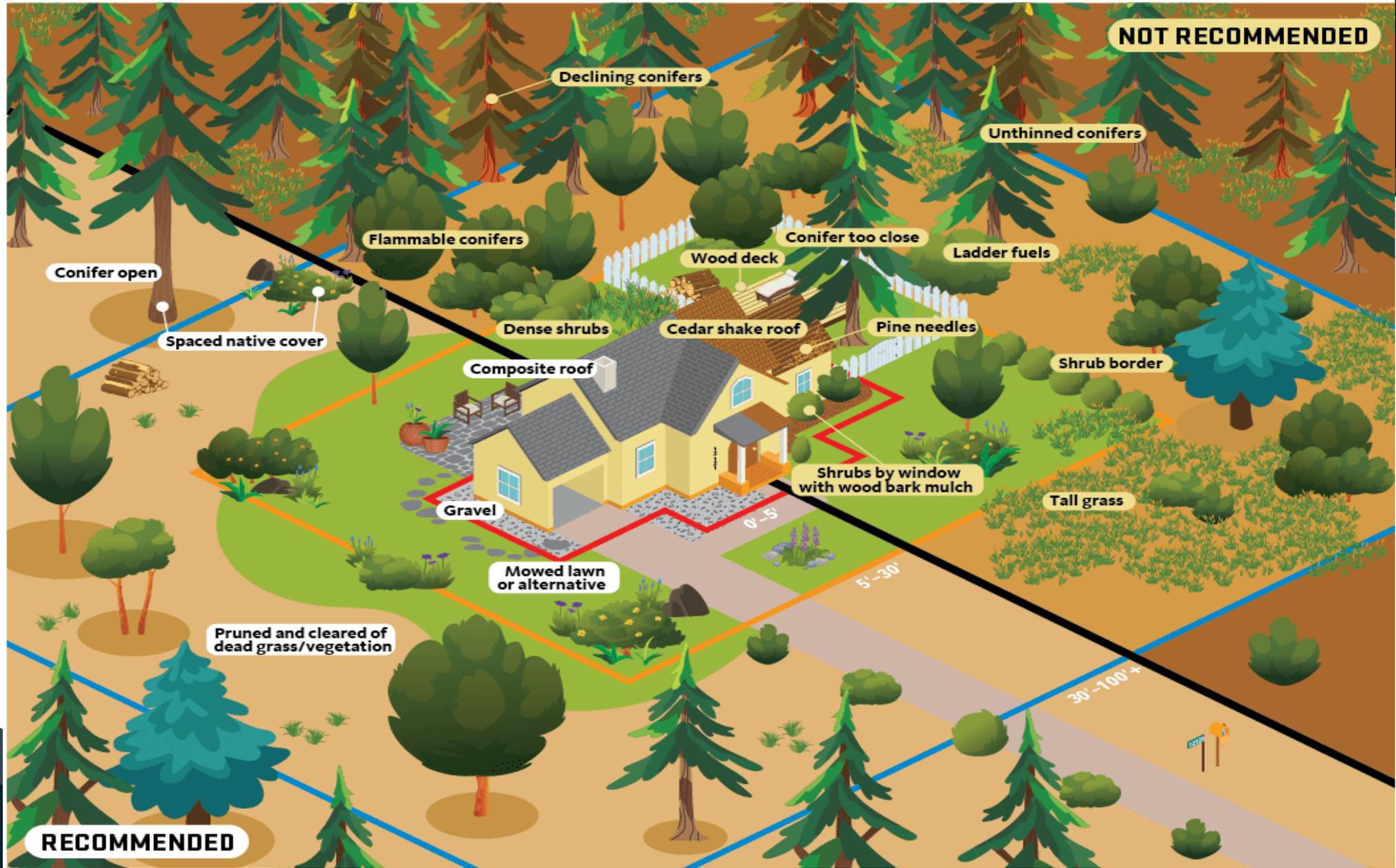


Figure 1. The practices on the left show recommended ways to design and maintain your fire-wise landscape to help protect your home. The practices on the right are not recommended. Zones from 0-5, 5-30, and 30-100 feet from house are based on the National Fire Protection Association's Home Ignition Zone. (Credit: Oregon State University)



The fire that devastated historic Lahaina in western Maui left this house relatively unscathed. Experts credit landscaping and roof material in helping to save this home.

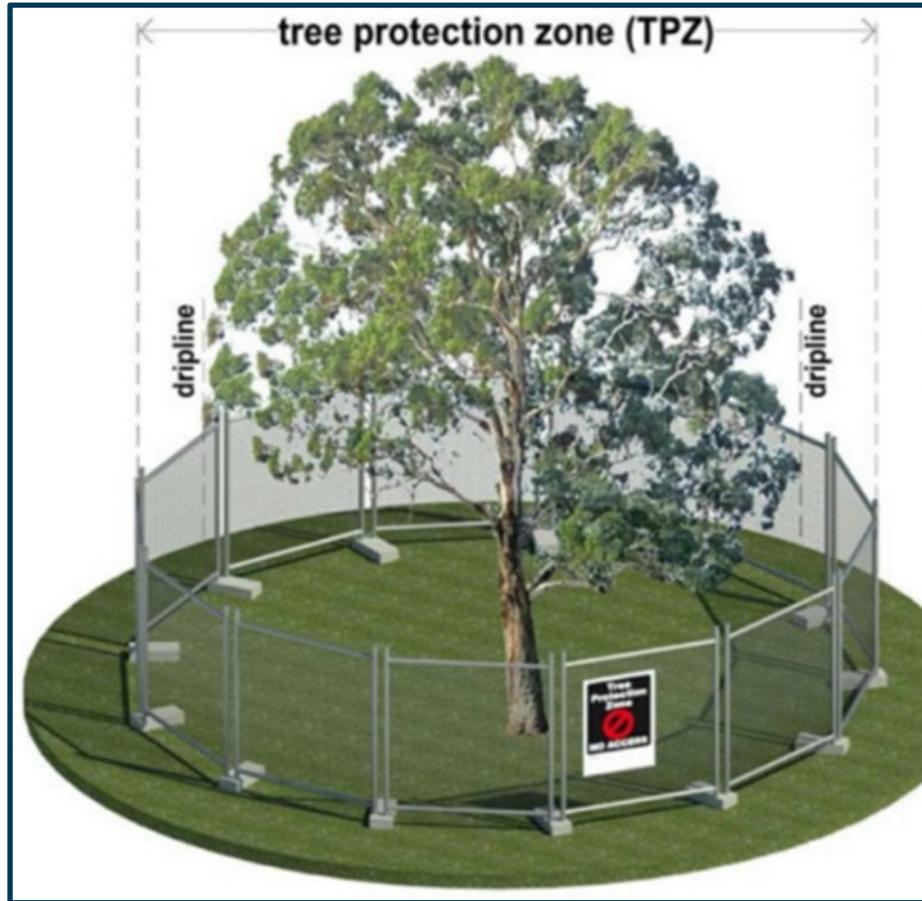
2. Tree Protections

Current required tree protections in the code aren't adequate to ensure long term survival of trees to remain during construction

- **Pliable (orange mesh) fencing around trees is easily removed or crushed.**
- **Dripline of trees is insufficient for most local species. A Tree Protection Zone (TPZ) should be determined based on tree size, age, health and species.**
- **Realistically more trees need to be planned for removal than what landscape plans usually show during planning/design phase.**



What is the Tree Protection Zone (TPZ) and why is it Important?



- TPZ is the defined area in which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees.

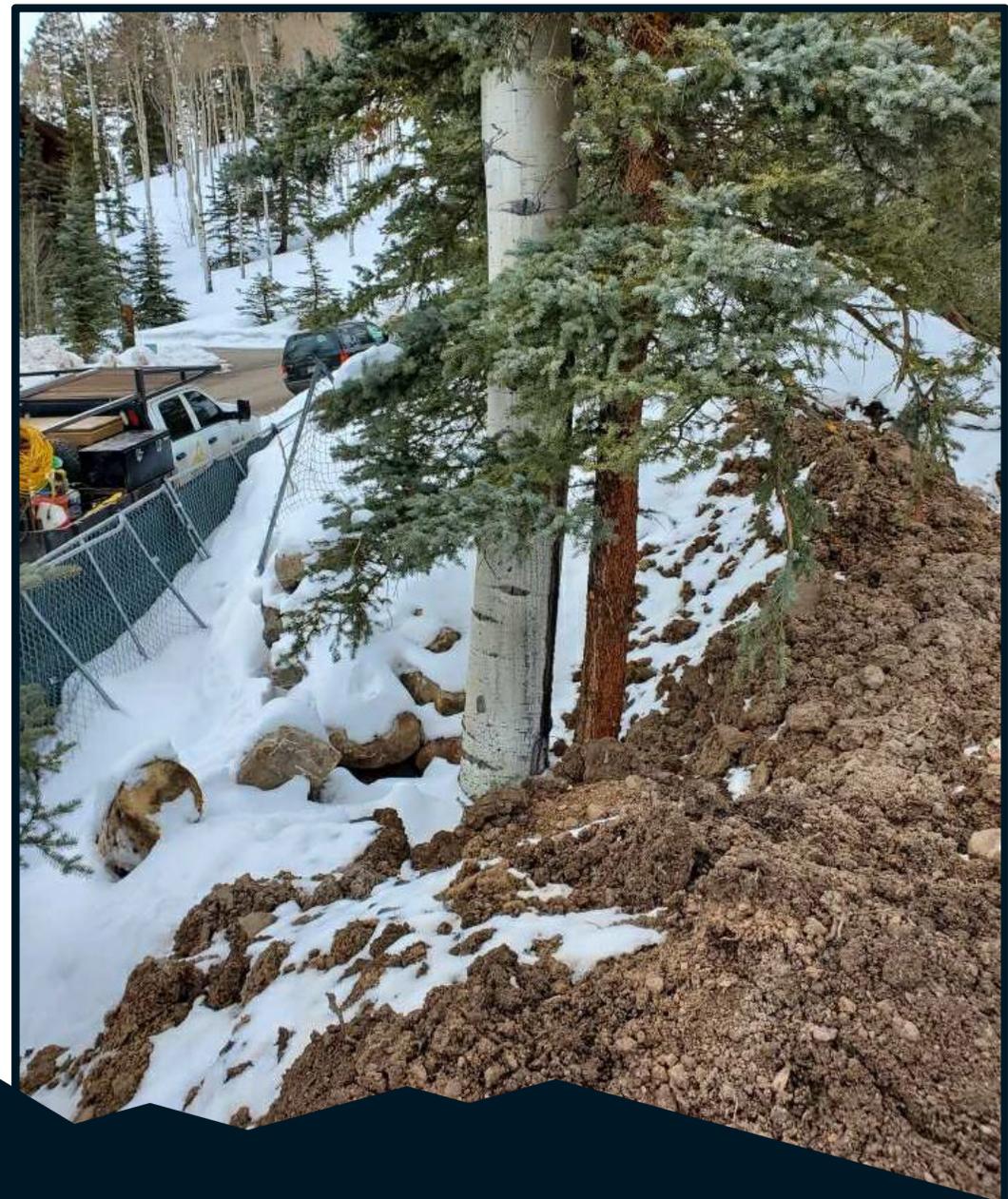
Managing Trees During Site Development and Construction, 3rd Edition, Best Management Practices, ISA, 2023

- The maintenance of a TPZ is the single most effective action that can be taken to ensure the long-term success of tree health and stability/safety during and after development.

Examples of damage in TMV:



Examples of damage in TMV:



Examples of damage in TMV:



Examples of damage in TMV:



Examples of damage in TMV:



Examples of damage in TMV:



Tree Protection example:

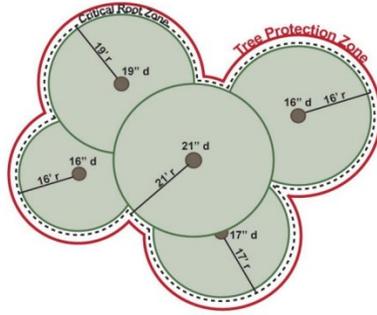
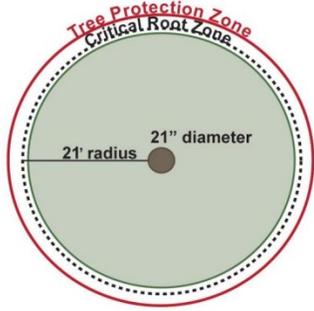
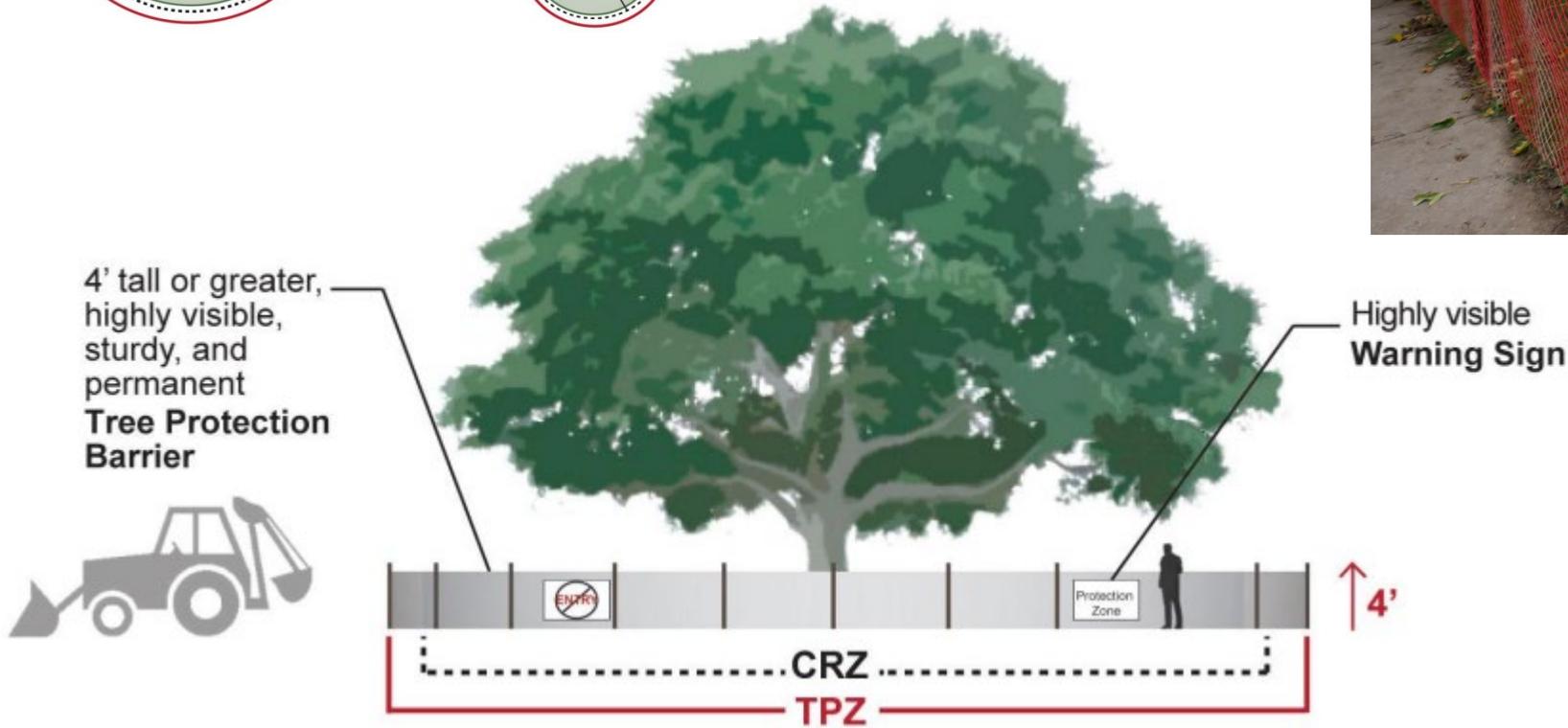


Photo Credit: City of Hamilton, OH



Specifications Credit: Texas A & M

THANK YOU



@TOWNOFMOUNTAINVILLAGE

