



TOWN OF MOUNTAIN VILLAGE
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TOWN OF MOUNTAIN VILLAGE MINUTES OF THE MARCH 21, 2019 REGULAR TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, March 21, 2019 in the Mountain Village Town Hall, 455 Mountain Village Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Dan Jansen
Bruce MacIntire
Patrick Berry
Jack Gilbride
Natalie Binder

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Town Clerk
Susan Johnston, Deputy Town Clerk
Christina Lambert, Deputy Town Clerk
Jim Mahoney, Assistant Town Attorney
Sarah Abbott, Associate Town Attorney
Sue Kunz, Director of Human Resources
Joel "BB" Burke, Deputy Chief of Police
Kevin Swain, Finance Director
Bill Kight, Director of Communications & Business Development
Zoe Dohnal, Community Engagement Coordinator
Michelle Haynes, Director of Planning and Development Services
John Miller, Senior Planner
Sam Starr, Planner
Cecilia Curry, VCA Manager
Rob Johnson, Transit Operations Manager
Finn Kjome, Director of Public Works
Jim Loebe, Director of Transit and Recreation
Jim Soukup, Chief Technology Officer
Dawn Katz, Director of Mountain Munchkins
Penelope Gleason
Shirley Diaz
Margaux Lovely
Ben Marshall
Scott Landefeld
Jolana Vanek
Dennis Wroblewski
Lynne Beck
Anne Reissner
JJ Ossola

Anton Benitez
Tim Johnson
Paul Reich
Ben Marshall
Liz Caton
Lexi Tuddenham
John Drugan
Penelope Gleason
Greer Garner
Liz Caton
Cath Jett
Ellen Kramer
Jean Vatter
Keith Brown
Jeff Proteau
Mike Follen
David Ausencio
Justin Criado
Sharon Cheng
Stuart Sundell-Norlin
Sophia Watkins
Nicole Borland
Rhys Chambers
Eric Cummings
Nancy McNamara
Kristin Meucci
Eliot Brown
Len Rybickl
Marki Knopp

Executive Session for the Purpose of a Personnel Matter Pursuant to C.R.S. Section 24-6-402((4)(f)(I)), and for Receiving Legal Advice Pursuant to C.R.S. 24-6-402(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2)

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to enter into Executive Session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402(b), and for the purpose of negotiations pursuant to C.R.S. 24-6-402(4)e at 8:31 a.m.

Council returned to regular session at 9:14 a.m.

Council took a break from 9:14 a.m. to 9:22 a.m. (3)

Public Comment on Non-Agenda Items (4)

No public comment was received.

Consideration of Appointments of Three Regular and Two Alternate Seats on the Design Review Board (DRB) (5)

Dan Caton recused himself due to his wife's interest in the appointments and her current position of DRB Alternate. Senior Planner John Miller presented stating that Phil Evans did not apply for reappointment. Ms. Vatter thanked Council for the opportunity to serve on the Board. Greer Garner, Liz Caton, Cath Jett and Ellen Cramer introduced themselves and made statements about their interest in serving on DRB. Council discussion ensued. On a **MOTION** by Natalie Binder and seconded by Jack Gilbride, Council voted to appoint Board Members Greer Garner, Dave Eckman, and Liz Caton to two (2) year terms as Regular Members of the DRB; and, to appoint Ellen Kramer and Cath Jett to two (2) year terms as Alternate Members of the DRB.

Consideration of Approval of the February 21, 2019 Regular Town Council Meeting Minutes (6)

Deputy Town Clerk Susan Johnston presented. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to approve the February 21, 2019 Regular Town Council meeting minutes as presented.

Council moved to agenda item 9.

Liquor Licensing Authority:

- a. **Consideration of an Application by Telluride Resort Operator, Inc. dba Madeline Hotel for a Temporary Modification of Premises on the Hotel & Restaurant Liquor License for Seasonal Use of the Ice Rink for Food & Beverage Service From May 1, 2019 to November 15, 2019 (7)**

Susan Johnston presented. Natalie Binder recused herself due to her position on the Madeline Board. Council discussion ensued. Public comment was received by John Drugan and Ellen Kramer. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to approve an application by Telluride Resort Operator, Inc dba Madeline Hotel for a Temporary Modification of Premises on the Hotel & Restaurant liquor license for seasonal use of the Ice Rink for Food & Beverage service from May 1, 2019 to November 15, 2019, as presented.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Municipal Code Chapter 9.18 to Implement Certain Dismount Zones for Bicycles (8)

Assistant Town Attorney Jim Mahoney presented. Bike use has increased over the years and in anticipation of the bike park expanding this year, staff is proposing a dismount zone within the Village Center as defined in the Community Development Code. Council directed staff to include a map with the Ordinance as well as the Trails Master Plan as exhibits. Council directed staff to address designated "pedestrian only" zones and include permitted areas for bike shop demo sites. Council discussion ensued. Public comment was received by Bill Kight, Jeff Proteau, Anton Benitez, Keith Brown, Ellen Kramer, Stuart Sundell-Norlin, Michael Fallen, David Ausencio and Penelope Gleason. On a **MOTION** by Dan Jansen and seconded by Dan Caton, voted unanimously to continue this item to the April 25, 2019 Town Council meeting.

Consideration of a Resolution Authorizing the Town of Mountain Village to Enter into a Contract for the Purchase of Castellina Unit E (9)

Town Manager Kim Montgomery presented stating that the Town is broadening the weighted lottery for this unit to include employees of any business located in Mountain Village. The lottery system would weigh the number of years working in the R-1 school district, first responders assigned to Station II and give priority to those employees who derive 100% of their income from working for a Mountain Village employer. The Town is scheduled to close on the unit May 1, 2019 with the intent to re-sell it to a qualified candidate. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution authorizing the Town of Mountain Village to enter into a contract for the purchase of Castellina Unit E. lottery as described.

On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to authorize the waiver of the lottery sales system in order to allow the Town to purchase the unit.

Council directed staff to agendize a discussion for the May 16, 2019 meeting regarding how to proceed with future purchases; how best to determine the appropriate number of inventory units the Town should control; and to create a policy for the process.

Council moved to agenda item 4.

Finance: (10)

a. Presentation of the February 28, 2019 Business & Government Activity Report (BAGAR)

Director of Finance Kevin Swain presented. Council discussion ensued.

Council moved to agenda item 12.

Consideration of a Resolution Naming the Village Court Apartments Community Garden the Michael Ruterbories Community Garden (11)

Director of Planning and Development Services Michelle Haynes presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution naming the Village Court Apartments Community Garden the *Michael Ruterbories Community Garden*.

Communities that Care Youth Group Presentation Regarding Youth Center (12)

Tri-County Health Network Program Coordinator Ben Marshall presented along with students Rhys Chambers, Nicki Borland, Sophia Watkins and Margaux Lovely. Council discussion ensued. Council expressed support for a Youth Center and would consider potential locations in Mountain Village. The youth group will apply for a Mountain Village Community Grant. The Mayor may approve the grant with Council's support. Council consensus was in favor of offering support.

Council moved to agenda item 11.

Consideration of a Resolution Amending and Restating Resolutions 2018-0719-14 and Resolution 2019-0117-02 Resolutions of the Town Council of Mountain Village Approving Alternative Parking Requirements for Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 (Collectively the Ridge Development) to Extend the Expiration Date to May 1, 2019 (13)

Jim Mahoney presented stating that the purpose for the Resolution is to extend the agreement expiration date from previous Resolutions to May 18, 2019. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Dan Caton Council voted unanimously to adopt a Resolution amending and restating Resolutions 2018-0719-14 and Resolution 2019-0117-02 approving alternative parking requirements for Lots 161A-1R, 161A-2, 161A-3, 161A-4, 161D-2 (collectively the Ridge Development) to extend the expiration date to May 18, 2019.

Consideration of a Settlement Agreement Resolving Civil Action No. 2015CV30031, San Miguel County District Court, concerning the Ridge Project and Lot 161-CR (Continued from the February 21, 2019 Town Council Meeting) (14)

Jim Mahoney presented stating that the Town's current covenants would be replaced by this settlement agreement. On a **MOTION** by Dan Jansen and seconded by Jack Gilbride, Council voted unanimously to approve the Settlement Agreement in the form generally presented with the following conditions:

1. This approval is subject to minor changes by Land Title as the escrow and title company.
2. This approval authorizes Dan Caton and Bruce MacIntire to approve the exhibits to the Settlement Agreement and any minor non-material or substantive changes to the Settlement Agreement such as typos, reference numbers and similar clean up changes
3. This approval authorizes either the Mayor or Mayor Pro Tem to execute the Settlement Agreement and any exhibits requiring execution upon completion of the Exhibits and execution by all other parties to the Settlement Agreement.
4. This approval shall expire if the Settlement Agreement is not approved and executed by all parties as well as being recorded by May 18, 2019.

Council moved to agenda item 21.

Council took a lunch break from 12:00 p.m. to 12:19 p.m.

Consideration of Approval of a Recommendation to Move Forward with a Barter Trade of Services with Resort Internet for the Town's Acquisition of a /20 IPv4 Block of 4,096 IP Addresses (15)

Chief Technology Officer Jim Soukup presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to approve a recommendation to move forward with a barter trade of services with Resort Internet for the Town's acquisition of a /20 IPv4 block of 4,096 IP addresses.

Consideration of a Resolution to Approve a Variance to the Community Development Code Requirements for Lot GH-11 to allow the Maximum Height to increase from 40 feet to 47.25 feet and the Maximum Average Height to increase from 35 feet to 35.15 feet. The Address of the Property is 111 Cabins Lane Quasi-Judicial (16)

Senior Planner John Miller presented stating that the applicant is re-applying for a variance previously granted but not completed in the 18-month time requirement to commence construction. Council discussion ensued. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Dan Caton and seconded by Bruce MacIntire, Council voted unanimously to adopt a Resolution approving a variance to the Community Development Code requirements for Lot GH-11 to allow the maximum height to increase from 40 feet to 47.25 feet and the maximum average height to increase from 35 feet to 35.15 feet. The address of the property is 111 Cabins Lane.

Community Development Code (CDC) Residential Lighting Amendments (17)

John Miller presented stating that the proposed amendments pertain only to new construction projects. Mr. Miller stated that the goal is to develop a lighting plan with enough detail to be clear and allow for approvals on a staff level. Council directed staff to determine a general cost to update existing home lighting systems and discussion ensued regarding offering financial incentives to update those homes. Public comment was received from Jolana Vanek. Staff, in conjunction with DRB, will consider potential residential lighting code amendments as well as potential commercial lighting code amendments and report back to Council at a future date.

Natalie Binder left the meeting at 12:41 p.m.

Efficiency Lodge and Short-Term Accommodations Discussion Regarding Potential Community Development Code Amendment to Clarify Unit Use Restrictions (18)

Bruce MacIntire recused himself due to his position in the lodging community. Michelle Haynes and Associate Town Attorney Sarah Abbott presented stating that the goal is to make sure people know what type of unit they are purchasing by educating realtors and cleaning up the definitions of an efficiency lodge

versus short-term accommodations. Council discussion ensued. Public comment was received from Nancy MacNamara, Eliot Brown, Marki Knopp, Bruce MacIntire, JJ Ossola, Anne Reissner and Len Rybickl. Council directed staff initiate an educational program and clarify the definition of "short-term accommodation". The Town standard is less than 30 consecutive days and no more than 60 days in a calendar year. Council directed staff to agendaize another work session in May to discuss further.

On a **MOTION** by Patrick Berry and seconded by Dan Jansen, Council voted unanimously to extend the meeting beyond six hours.

Incentive Program Check-In, Regarding the Wildfire Mitigation Defensible Space Rebate Program and the Cedar Shake Fire Mitigation Initiative Program for 2019 (19)

Michelle Haynes presented three program recommendations focused on increasing participation:

1. Change the program from a rebate to a fee waiver of the building permit fee
2. Coordinate and enhance incentive program marketing efforts in conjunction with TMVOA (Telluride Mountain Village Owners Association)
3. Separate the defensible space requirement from the Cedar Shake Rebate Program. Waive all town building fees up to \$5000 except for the County use tax.

Council discussion ensued. Council consensus was in favor of all three changes. Jim Mahoney will determine how the previous program was approved and let staff and Council know the next steps to move forward.

Dan Jansen left the meeting at 3:00 p.m.

Consideration of Approval of a Funding Agreement with SMART to Provide Regional Transportation Services (20)

Director of Transit and Recreation Jim Loebe presented. Council discussion ensued.

On a **MOTION** by Bruce MacIntire and seconded by Patrick Berry, Council voted unanimously to approve a funding agreement with SMART to provide regional transportation services.

Council Boards and Commissions Updates: (21)

- a. **San Miguel Watershed Coalition-Starr**
- b. **Colorado Flights Alliance-Jansen**
- c. **Transportation & Parking-MacIntire/Benitez**
- d. **Budget & Finance Committee-Caton/Gilbride**
- e. **Gondola Committee-Caton/Berry**
- f. **Colorado Communities for Climate Action-Berry**

Council requested that Mr. Berry draft a zero emissions vehicles policy letter on behalf of Town Council and to authorize the Mayor to sign.

- g. **San Miguel Authority for Regional Transportation -Benitez/Caton/Binder**
- h. **Eco Action Partners-Berry**
- i. **Telluride Historical Museum-Berry**
- j. **Telluride Conference Center-MacIntire**
- k. **Alliance for Inclusion-Berry/Benitez**
- l. **Green Team Committee- Berry/MacIntire**
- m. **Telluride Tourism Board-Jansen**
- n. **Community Grant Committee-Benitez/Binder**
- o. **Mayor's Update- Benitez**

Staff Reports: (22)

- a. **Mountain Munchkins Pre-School and Day Care**

Director Dawn Katz presented her report.

1. 2019 Budget Discussion

- b. **Town Manager**

Town Manager Kim Montgomery presented her report.

Other Business: (23)

a. Consideration of a Request to Provide a Letter of Support for the Elk's Lodge \$35,000 Grant Application for Exterior Repair on Historic Building

Jack Gilbride presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously (with Dan Jansen and Natalie Binder absent) to approve a letter of support for the Elk's Lodge \$35,000 grant application for exterior repair on an historic building.

b. State Public School Funding

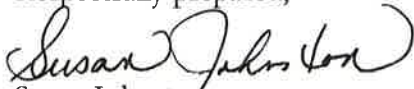
Jim Mahoney presented stating that legislation is being discussed that if passed could cause a considerable drop in school funding as well as an impact on property taxes. The legislation would declassify the Telluride School District as a rural district. Associate Town Attorney Sarah Abbott stated that at this time there is very little information available, but she will continue to monitor the issue.

c. Consideration of a Letter of Support for the Colorado Outdoor Recreation and Economy Act (CORE)

Kim Montgomery presented stating that Sheep Mountain Alliance Executive Director Lexi Tuddenham had asked for a letter of support during public comment at the February Town Council meeting. Council discussion ensued, and it was determined that further review of the Bill was needed. Council direction was to review the Bill distributed by Ms. Tuddenham and to notify Town Clerk Jackie Kennefick by 5 p.m. next Wednesday if Council members were in favor of authorizing the Mayor to sign and send a letter of support for CORE.

There being no further business, on a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 3:39 p.m.

Respectfully prepared,



Susan Johnston
Deputy Town Clerk

Respectfully submitted,



Jackie Kennefick
Town Clerk