

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, OCTOBER 15, 2015, 8:30 AM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED****

	Time	Min	Presenter	Type	
1.	8:30				Call to Order
2.	8:30	5			Public Comment on Non-Agenda Items
3.	8:35	5	Miller	Action	Consideration of a Proclamation Declaring October 2015 Domestic Violence Awareness Month
4.	8:40	5	Kennefick	Action	Consideration of Approval of the September 16, 2015 Town Council Regular Meeting Minutes
5.	8:45	20	Council Members	Informational	Council Boards and Commissions Updates: a. Eco Action Partners -Sherry b. Telluride Historical Museum-Sherry c. San Miguel Watershed Coalition – Jett d. Colorado Flights Alliance – Jansen e. Transportation & Parking – MacIntire/Benitez f. Budget & Finance Committee – McKinley/Caton g. Gondola Committee – McKinley/Caton h. Mayor’s Update – Jansen
6.	9:05	20	Martelon	Informational	Gay Ski Week Update
7.	9:25	5	Broady	Action	Consideration of Re-Appointment of Judge Dennis Friedrich to the Position of Municipal Judge
8.	9:30	15	Drew Mahoney	Action	Second Reading, Public Hearing and Council Vote on an Ordinance Revising Chapter 17.5.15(E) of the Community Development Code Regarding Vending Regulations
9.	9:45	10	Drew Mahoney	Action	Consideration of a Resolution Amending the Community Development Department Fee Schedule Regarding the Fees for Vending Cart Applications and Rents as Well as Applications Fees for Temporary Cell on Wheels (COW)
10.	9:55	20	Van Nimwegen	Action	First Reading , Setting of a Public Hearing, and Council Vote on an Ordinance Amending the Community Development Code to Provide for Temporary Cell Towers on Wheels (COWS)
11.	10:15	10	Van Nimwegen	Action Quasi-Judicial	Second Reading, Public Hearing and Council Vote on an Ordinance to Rezone Lot 617
12.	10:25	30	Broady Van Nimwegen Montgomery	Informational	Staff Reports: a. Police b. Planning & Development Services c. Town Manager
13.	10:55	90	Reed	Legal	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
14.	12:25	30			Lunch Break
15.	12:55	10	Swain	Presentation	Finance: a. Presentation of the September 2015 Business &

			Vergari		Government Activity Report (BAGAR)
16.	1:05	30	Van Nimwegen	Work Session	Discussion on Conceptual Plans for Lot 27A; 112 Lost Creek Lane
17.	1:35	15	Child	Informational	Municipal Legislation Update
18.	1:50	15	Colter	Work Session	TMV Safety Committee Recommendation to Limit Availability of Blankets to Gondola Passengers
19.	2:05	30	Colter	Work Session	Doppelmayr Engineering Study for the Gondola
20.	2:35	10	Kennefick		Other Business a. Notification to Council of Opening of One Regular and One Alternate Seat on the Telluride Regional Airport Authority (TRAA) Board b. Proposed 2016 Town Council Meeting Schedule
21.	2:45				Adjourn

Please note that times are approximate and subject to change.

10/07/15

jk

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at 970-369-6406 or email: mvclerk@mtnvillage.org.
2 A minimum of 48 hours advance notice is required so arrangements can be made to locate requested auxiliary aid(s).

**Town of Mountain Village
Proclamation**

A Proclamation Declaring October 2015 as **Domestic Violence Awareness Month**

- WHEREAS: Domestic violence is a public health issue of epidemic proportions that impacts our community, consumes vast resources, and serves as a form of oppression; and
- WHEREAS: Domestic violence is not simply a “woman’s issue,” but a “human” issue affecting men, women, children, families, and communities of all ages, races, religions, and income levels; and
- WHEREAS: Acts of domestic violence cause enormous psychological, emotional, and physical suffering, severely disrupting the quality of personal and community life; and
- WHEREAS: Almost half of all murders in Colorado are committed by an intimate partner; and
- WHEREAS: Home should be a place of warmth, unconditional love, tranquility, and security, and for most of us, home and family can indeed be counted among our greatest blessings. Tragically, for many Americans, these blessings are tarnished by violence and fear; and
- WHEREAS: Advocates and other professionals save the lives of thousands of Colorado victim/survivors every year and work tirelessly to reform systems, improve services, and change societal beliefs and attitudes about domestic violence; and
- WHEREAS: Locally, community service providers work collectively to confront this epidemic. Law enforcement officials, victim advocates and crisis hotline workers, health care practitioners, social services, and other concerned citizens are helping to empower victim/survivors to stop the cycle of violence. We must recognize the dedication of these volunteers and professionals, continue to support the challenging work they do, and participate in community efforts to eradicate all forms of domestic violence.

NOW THEREFORE, I, Dan Jansen, the Mayor of the Town of Mountain Village, do hereby proclaim the month of October 2015 as

Domestic Violence Awareness Month

and urge all citizens to observe this month by becoming aware of the prevalence of domestic violence, showing support for victim/survivors, their families and friends, and honoring the dedicated individuals and organizations providing the Town of Mountain Village residents with life-altering victim services.

By: _____ Attest: _____
Dan Jansen, Mayor Jackie Kennefick, Town Clerk



TOWN OF MOUNTAIN VILLAGE
455 Mountain Village Blvd. Suite A
Mountain Village, Co 81435
970-728-8000
970-728-4342 Fax
mvclerk@mtnvillage.org

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE SEPTEMBER 16, 2015
REGULAR TOWN COUNCIL MEETING**

AGENDA ITEM #4

The meeting of the Town Council was called to order by Mayor Dan Jansen at 8:30 a.m. on Thursday, September 16, 2015 in the Mountain Village Town Hall, 455 Mountain Village Town Hall Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Dan Jansen, Mayor
Marty McKinley, Mayor Pro-Tem
Michelle Sherry
Dan Caton
Laila Benitez
Bruce MacIntire
Cath Jett (via conference call for parts of the meeting)

Also in attendance were:

Kim Montgomery, Town Manager	Michael Martelon
Jackie Kennefick, Director of Administration/Town Clerk	Chris Geiger
Susan Johnston, Deputy Town Clerk	Heather Knox
Christina Meilander, Administrative Services Coordinator	Chris Hamm
Nichole Zangara, Director of Marketing & Business Development	Stefanie Solomon
David Reed, Town Attorney, via conference call	Tony Kalyk
Kevin Swain, Finance Director	Dennis Lankes
Julie Vergari, Chief Accountant	Dan Garner
Chris Broady, Police Chief	Dan Zemke
Glen Van Nimwegen, Dir. of Planning & Development Services	Dale Zulauf
Savannah Jameson, Planner II	Brian Kanaga
Deanna Drew, Director of Plazas & Environmental Services	Jolana Vanek
JD Wise, Plaza Services Manager	Tom Kennedy
Finn Kjome, Public Works Director	Richard Child
Steve Lehane, Director of Cable & Broadband	Susanne Connolly
Chris Colter, Director of Transit & Recreation	Pete Mitchell
Dave Bangert, Forester/Planner	Diego Veitia
Sue Kunz, Human Resources Director	Rahn Zaccari
Dawn Katz, Director of Mountain Munchkins	Cody Davis
Randy Kee, Building Official	Nate Smith
Robert Haining, Water Department Manager	Kim Hewson
Jim Royer	

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 (2)

On a **MOTION** by Marty McKinley and seconded by Michelle Sherry, Council agreed 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 9:26 a.m.

Public Comment for Non-Agenda Items (3)

Public comment was received by Chris Hamm regarding traffic and safety in the Hotel Madeline/Peaks Hotel area. The Mayor asked Mr. Hamm to submit written comments regarding safety issues created by the porte cochere construction at the Madeline Hotel. Council directed staff to consider placing flashing lights, signage and additional patrol cars on site until the construction is completed.

Consideration of Approval of the August 20, 2015 Town Council Minutes (4)

On a **MOTION** by Dan Caton and seconded by Laila Benitez, Council voted unanimously to approve the August 20, 2015 Town Council meeting minutes subject to a minor modification to the following section: Discussion and Review of the Vending Cart Policies and Regulations in the Village Center.

Council Boards and Commissions Updates: (5)

a. Eco Action Partners(EAP) –Sherry

Ms. Sherry attended the most recent Sneffels Energy Board meeting. EAP is working on an implementation study for a regional composting program and has applied for a planning grant for the project with a potential grant award of \$40-50,000. The Town issued a letter of support for the grant application. San Miguel Power Association is looking for an alternative to the Solar Array Program.

b. Telluride Historical Museum-Sherry

Ms. Sherry stated that the museum held their 12th annual *Festival for Feasting* fundraiser. The museum received a leadership award in history for the *Voices of Wartime, Telluride during World War Two* exhibit.

c. San Miguel Watershed Coalition – Jett

Cath Jett reported that the Coalition is preparing for budget season.

d. Colorado Flights Alliance – Jansen

Mayor Jansen reported that CFA is reporting a twenty percent increase in the number of seats sold. CFA is adding new flight routes from La Guardia and Las Vegas.

e. Transportation & Parking- Benitez/MacIntire

Ms. Benitez reported that the committee met on Monday to discuss changes to the rate structure in the Gondola and Heritage Parking Garages. Any changes are pending until Telluride Ski & Golf (TSG) is in agreement.

f. Budget & Finance Committee – McKinley/Caton

Mr. McKinley stated that the committee performed a line item review of the budget and will be discussing areas in the budget where reductions may be made.

g. Gondola Committee – McKinley/Caton

Dan Caton stated that the committee performed a very thorough budget review which included the Doppelmayer engineering study. The purpose of the study was to evaluate the feasibility of long term operation of the gondola. The study showed that the gondola could run indefinitely as long as proactive and comprehensive maintenance and capital replacement plans are adhered to. Council discussion ensued regarding including an emergency electrical back-up system for the Gondola in the 2016 budget. Council directed staff to agendize a work session to discuss in detail the results of the Doppelmayer engineering study.

Mr. Caton encouraged Council members to attend the Colorado Association of Ski Towns (CAST) meetings as they are a great source of relevant information. He added that at the August meeting he attended, there was a presentation by Diana Madson, Executive Director of Mountain Pact. Their goal is to bring together ski and mountain towns with the goal of being a lobbying resource highlighting the effects of climate change on mountain communities. The group's contention is that mountain towns feel the effects of climate change faster than other areas. Council consensus was in favor of allowing the Mayor to show support for the group's efforts.

h. Mayor's Update – Jansen

The Mayor's Minute monthly email is part of a broader plan to enhance community outreach. He stated that a group of concerned residents had approached him about the Frisbee disc golf course regarding some noise issues on the course. TSG and the Town have committed to finding a solution without eliminating a very popular activity.

Liquor Licensing Authority: (6)

a. Consideration of an Application by Telluride Conference Center LLC for a Temporary Modification of Premises on the Hotel & Restaurant Liquor License to Extend to Heritage Plaza for an Oktoberfest Event on October 3, 2015

Director of Administration/Town Clerk Jackie Kennefick presented the above application. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Laila Benitez, Council voted unanimously to approve an application by Telluride Conference Center LLC, for a Temporary Modification of Premises on a Hotel and Restaurant liquor license to extend to Heritage Plaza for an Oktoberfest event on October 3, 2015 as presented.

Consideration of a Request from Eco Action Partners for 2016 Funding (7)

EAP Director Heather Knox presented the request stating that EAP was formed in 2007 to support the Towns of Telluride and Mountain Village, as well as San Miguel County in conservation efforts. The San Miguel County Green Projects Grant funding resulted in:

- Town of Mountain Village LED program
- Telluride School District LED program
- San Miguel Power Association LED program
- Telluride Historical Museum- installed insulating interior windows
- Town of Ophir- window and door replacement
- Ah Haa School for the Arts LED program
- Two residential projects- replacement of a coal burning furnace/LED upgrade

2016 proposed projects include:

- KOTO Radio energy efficiency upgrade
- Lighting upgrade for the Norwood School District
- Telluride Ski & Snowboard Club energy efficiency upgrade
- Residential project

Energy Outreach Colorado is a 2016 pilot program designed to reach middle to low income residents and to provide an energy audit along with low cost solutions to conserve energy. Council directed staff to explore the possibility of participating and making the Green Light/Re-light Mountain Village a regional program. The 2015 EAP funding budget level was \$36,500 and they requested \$40,000 for 2016. Council consensus was in support of continuing the funding at the same level, however; further discussion will take place during the budgeting process.

Marketing Telluride Inc. (MTI) Quarterly Report (8)

President and CEO of MTI Michael Martelon presented his report. The Tourism Board and Colorado Flights Alliance work closely to grow visit numbers by marketing the destination and securing air service. 2015 will be the fifth consecutive record breaking summer season in lodging. Council thanked Mr. Martelon for a great presentation as well as an aggressive and successful marketing strategy.

Consideration of Appointments:

a. Board of Appeals

On a **MOTION** by Dan Caton and seconded by Laila Benitez, Council voted unanimously to appoint Eric Robinson to the Board of Appeals.

b. Region 10 Board

On a **MOTION** by Michelle Sherry and seconded by Bruce MacIntire, Council voted unanimously to appoint Nichole Zangara to the Region 10 Board.

Cath Jett ended her conference call at 10:59 a.m.

Consideration of Approval of the Amended and Restated Telluride Conference Center (TCC) Management Agreement (10)

Marty McKinley presented the above item stating that the intent was to streamline the agreement and encourage TCC to succeed. TSG Executive Vice President Robert Stenhammer answered questions and stated that the goal is to utilize the TCC as a multi-use venue. On a **MOTION** by Dan Caton and seconded by Marty McKinley, Council voted unanimously to approve the amended and restated Telluride Conference Center Management Agreement with direction to staff to correct Articles 6 and 7 regarding reimbursement to reflect depreciation of capital improvements.

Consideration of a Resolution Approving a Minor Subdivision Application to Replat Lot 617 Land Condo Units A, B and C into Separately Platted Lots 617A, 617B and 617C (11)

Director of Planning and Development Services Glen Van Nimwegen presented the above item. Bruce MacIntire recused himself due to a conflict of interest as owner in a neighboring subdivision, Knolls Estates. Public comment was received by Dan Garner. On a **MOTION** by Marty McKinley and seconded by Dan Caton, Council voted 5-0 (with Cath Jett absent and Bruce MacIntire recusing himself), to adopt a Resolution approving a minor Subdivision Application to replat Lot 617 Land Condo Units A, B, and C into separately platted Lots 617A, 617B, and 617C as presented.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Rezone Lot 617 (12)

Glen Van Nimwegen presented the above item. On a **MOTION** by Michelle Sherry and seconded by Laila Benitez, Council voted 5-0 (Cath Jett was absent and Bruce MacIntire was recused) to pass on first reading an Ordinance to rezone Lot 617 and to set second reading, public hearing, and final Council vote for October 15, 2015.

Lone Fir Lane (Tract A-1GC): Consideration of a Resolution Accepting Dedication of Private Access Tract Lone Fir Lane Subject to an Improvement Agreement (13)

Glen Van Nimwegen presented the above item. The applicant has agreed to improve the tract and TSG has agreed to the dedication. The applicants will be required to build the road to specifications and warranty the road. Once completed, the Town will maintain the road. Public Works Director Finn Kjome stated that it is a regional development access tract and that the grade is acceptable but there is no turn around at the end of the road. Other existing access tracts will be discussed at a future meeting. Attorney Daniel Zemke, representing Jonette Bronson and Dale Zulauf, provided public comment. On a **MOTION** by Marty McKinley and seconded by Laila Benitez, Council voted unanimously to adopt a Resolution accepting dedication of private access tract Lone Fir Lane as presented subject to an executed Improvement Agreement.

Consideration of Approval of Vacation of Daniel's Ditch (14)

Assistant Town Attorney Jim Mahoney presented the above item stating that the Town received a request from a lot owner in Elk Run asking that the Town vacate the ditch. In the 1990's TSG signed an agreement vacating the ditch, however; the Town did not. Nate Smith who represents several of the applicants stated that this is a cleanup action. Council discussion ensued. On a **MOTION** by Marty McKinley and seconded by Bruce MacIntire, Council voted unanimously to approve the vacation of Daniel's Ditch as presented and authorize the Mayor to execute the vacation.

Staff Reports: (15)

a. Cable & Broadband Services

Director of Broadband Services Steven Lehane present his report stating that all video and internet

upgrades have been completed for 2015. He added that approximately sixty-five cable boxes were given out free of charge to residents with older cable systems.

b. Plazas & Environmental Services

Director of Plazas and Environmental Services Deanna Drew presented her report. Ms. Drew stated that the program Relight Mountain Village was very successful and that she plans to run the program again in June 2016. A fifty bulb/year limit will be implemented as well as an energy incentive program. Council discussion ensued. Council directed staff to include the energy incentive program and the light bulb program in the 2016 budget.

c. Town Manager

Town Manager Kim Montgomery presented her report stating that the Town, in conjunction with TSG, is looking into Cell on Wheels (COW) as a temporary solution for the additional cell tower needed in Mountain Village. Council discussion ensued. Per the Community Development Code (CDC), a conditional use permit is required to allow for this. Council directed staff to present an Emergency Ordinance at the October Town Council meeting approving the use of COWs. Ms. Montgomery congratulated Bob Slavin and Susan Ray as the recipients of the Great Services Award for July and August.

Council took a lunch break from 12:29 p.m. to 12:43 p.m. (16)

Finance: (17)

Finance Director Kevin Swain presented the following:

a. Presentation of the August 2015 Business & Government Activity Report (BAGAR)

Council discussion ensued.

b. Consideration of the July 2015 Financials

Council discussion ensued. On a **MOTION** by Laila Benitez and seconded by Dan Caton, Council voted unanimously to accept the July 2015 Financials as presented.

c. Budget Work Session

Mr. McKinley stated that the Budget & Finance Committee reviewed the budget and circled about 200 items asking for additional information when the budget presentations are made on October 29. The Mayor stated that Council members will have a chance to examine each department's budget and ask questions at the meeting on October 29. Public comment was received by Brian Kanaga. Council directed staff to distribute the department budget narratives to Council members.

First reading, Setting of Public Hearing and Council Vote on an Ordinance Revising Chapter 17.5.15(E) of Town of Mountain Village Community Development Code regarding Vending Regulations (18)

Deanna Drew presented the above item stating that vending application deadlines have been determined as follows: March 1st for the summer season and September 1st for the winter season. A vending selection committee has been formed to review applications. Public comment was received by Cody Davis and Jolana Vanek. Council directed staff to create a better dining/seating experience in Heritage Plaza. Ms. Drew will identify areas where additional seating can be added. On a **MOTION** by Dan Caton and seconded by Marty McKinley, Council voted 6-0 (Cath Jett was absent) to approve on first reading an Ordinance revising Chapter 17.5.15 (E) of Town of Mountain Village Community Development Code regarding vending regulations with the modification of:

1. Allowing up to four vendors in Heritage Plaza
2. Add hours of operation as a consideration
3. Waive fees for non-Heritage Plaza locations (this will be addressed at a later date through a fee Resolution)
4. Reduce the application fee from \$250 to \$50
5. Add application deadlines

And set the second reading, public hearing and final Council vote for October 15, 2015.

Consideration of a Second Amendment to the Land Acquisition and Conveyance Agreement between Belem Properties, CO, LLC (The Lofts) and the Town of Mountain Village (19)

Assistant Town Attorney Jim Mahoney presented the above Amendment stating that a request was received from Belem Properties to extend the deadlines in the contract for the Lofts Apartment Home Project to December 31st, 2016 with a completion of construction deadline extended to November 15, 2017. Tom Kennedy, Attorney for Belem Properties, explained that the first amendment to the original contract was requested due to circumstances beyond reasonable control of the parties which delayed the achievement of certain deadlines. This included the preparation of the Land Condominium documents and the securing of offsite easements. The second amendment would address an issue being discussed by some members of the community that the process was moving too fast and that it did not take into account the impact on the surrounding area. When the project was initially approved by the prior Council, the time frame for completion of the project was a motivating factor for approving the sale. Public comment was received by Jim Royer, Jolana Vanek, Pete Mitchell (TMVOA), Stefanie Solomon (TSG), Diego Veitia, Brian Kanaga, and Richard Child. Tom Kennedy, who represents Belem Properties, stated that the extended study period would allow for parking and traffic studies to be done. Extensive Council discussion ensued regarding whether or not to grant the extension based on the original proposal. Council consensus was that the project would still be a positive move to address housing needs, but the additional year was a big concern. If Belem chooses not to move forward with the closing, then other options may be brought to the table. Additional consensus was to prioritize master planning of the town hall subarea, which would require landowners to commit to stating their intentions for the land they own. On a **MOTION** by Dan Caton and seconded by Bruce MacIntire, Council voted 6-0 (Cath Jett was absent) to deny the second Amendment to the Land Acquisition and Conveyance Agreement between Belem Properties, CO, LLC (The Lofts) and the Town of Mountain Village.

On a **MOTION** by Laila Benitez and seconded by Michelle Sherry, Council voted unanimously to extend the meeting past 6 hours.

Update on Recent Water System Issue (20)

Public Works Director Finn Kjome and Water Department Manager Robert Haining provided the above update stating that the water department acted quickly in addressing the potential problem as soon as it was identified. The Mesa County water checks occur once a month. Council complimented staff for addressing the issue expeditiously. Public comment was received by Kim Hewson who congratulated staff on the communication effort on this matter.

Cath Jett rejoined the meeting at 3:20 p.m.

Other Business: (21)

There was no other business.

There being no further business, on a **MOTION** by Marty McKinley and seconded by Laila Benitez, Council unanimously agreed to adjourn the meeting at 3:29 p.m.

Respectfully prepared,

Respectfully submitted,

Susan Johnston
Deputy Town Clerk

Jackie Kennefick
Town Clerk



TOWN OF MOUNTAIN VILLAGE
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
970-369-6406
970-728-4342 Fax
mvclerk@mntnvillage.org

October 5, 2015

AGENDA ITEM #5.c.

Southwest Basin Roundtable
ATTN: Mike Preston, Chair
841 Second Avenue, West Building
P.O. Box 475
Durango, CO. 81302

Dear Southwest Basin Roundtable Members:

The Town of Mountain Village wishes to express support for the San Miguel Watershed Coalition (Coalition)/Trout Unlimited (TU) proposed project: "San Miguel Stream Management Plan Pilot Project."

We understand the Colorado Water Conservation Board's (CWCB) Colorado Water Plan seeks to understand the state's water needs, identify gaps and promote projects and processes to meet those needs through the development of a Basin Implementation Plan (BIP) for each sub-basin of the Colorado River.

Further, we understand that during the development of its BIP, the Southwest Basin Roundtable (SWBRT) has identified a significant gap in information necessary to understand environmental and recreational needs in the southwest basin, and has requested that the applicants develop the proposed Stream Management Plan for the San Miguel River to serve as a pilot project for other basins in the SWBRT area of interest.

Our Mountain Village economy is tourism-based and we rely heavily on the environmental and recreational qualities of the San Miguel River watershed to sustain our community's livelihood and quality of life. Therefore, we are pleased that the Coalition and TU have responded to the request from the SWBRT to gather this data for the San Miguel River and as such set an example for other Colorado River sub-basin groups.

This document will characterize environmental and recreational water use needs on the San Miguel and provide the CWCB, SWBRT and other local and state policy-makers with a tool to understand the complex relationships between patterns of land and water use, measures of ecological health and corresponding constraints on important ecosystem functions in our region.

Mountain Village supports awarding the funds requested for this important work on the San Miguel. This project will help to provide data for local water use planning efforts and support communication of the Southwest Basin's needs and expectations to the CWCB during future State-sponsored water planning efforts.

Sincerely,

Dan Jansen, Mayor

Hon. Dennis Friedrich (*Retired*)
Box 691
Montrose CO, 81402
970-209-4704

- 1980-1983 Detroit College of Law
- 1984-1985 Law clerk in Midland MI for several Circuit Court (equal to District Court in CO) Judges
- 1985-1987 Deputy/Chief Deputy District Attorney, 7th Judicial District, Colorado
- 1987-2002 District Court Magistrate, 7th Judicial District, Colorado
- 1992-2002 Served as Presiding Municipal Court Judge for the towns of Montrose, Olathe and Mountain Village
- 2002-2007 District Court Judge, 7th Judicial District, Colorado
- 1985-2007 Appointed to serve on various State and Local Committees by the Chief Justice and Chief Judge including the committee that drafted current CRCP 16.2
- 2007-2008 Served as a Senior Judge for the State of Colorado
- 2008-present Presiding Municipal Court Judge for the town of Mountain Village
- 1989-present Conducted hundreds of private mediations involving most areas of the law
- 2008-present Member of Dispute Resolution Services, L.L.C. along with Hon. Richard Brown (Retired) and Gene Dackonish, Esq.

TO: MAYOR JANSEN AND TOWN COUNCIL
FROM: DEANNA DREW, PLAZA SERVICES DIRECTOR
SUBJECT: SECOND READING VENDING CART REGULATION AMENDMENTS
DATE: OCTOBER 15, 2015
CC: JIM MAHONEY

Town Council voted unanimously on First Reading to approve the following changes to Vending Regulations:

- Allow up to four vending carts in Heritage Plaza and remove one vending cart location in Conference Center Plaza;
- Establish a Vending Committee of Town staff to review and approve/deny vending applications;
- Develop certain selection criteria for Vending Committee decisions;
- Remove the no-competition requirement for potential vendors but incorporate diversity of goods and operating hours into decision criteria;
- Create seasonal deadlines for vending applications.

These amendments are now before you for Second Reading and vote. Staff supports your approval of these changes and believes they will improve both the administration of vending cart regulations and the diversity of services in our Village Center.

If approved, the following vendors will be present in the public plazas this winter:

1. Place de Crepes (Heritage Plaza)
2. Wax Guru (Heritage Plaza)
3. Friends with Bennies (Heritage Plaza)
4. Grilled Cheese Cart of Telluride (Heritage Plaza)
5. Rusty Rhino Dumplings (Sunset Plaza)

ORDINANCE NO. 2015-__

**AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTION 17.5.15(E) TO AMEND THE VENDING REGULATIONS AND MISCELLANEOUS AMENDMENTS TO THE CDC TO ACCOMPLISH THE FOREGOING
RECITALS**

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town’s land use regulations; or to address issues or policy matters.

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

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- D. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on _____, 2015.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 15th day of October, 2015 in the Town Council

Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 15th day of September, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15th day of October, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments 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 _____, 2015, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor				
Cath Jett				
Laila Benitez				
Dan Caton				
Michelle Sherry				
Martin McKinley, Mayor Pro-Temp				
Bruce MacIntire				

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 _____, 2015 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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 _____, 2015. 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
Dan Jansen, Mayor				
Cath Jett				
Laila Benitez				
Dan Caton				
Michelle Sherry				
Martin McKinley, Mayor Pro-Temp				
Bruce MacIntire				

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 _____, 2015.

Jackie Kennefick, Town Clerk

(SEAL)

Exhibit A: CDC Amendments

E. Vending Regulations

1. Purpose and Intent

The Vending Regulations are intended to regulate vending and the location, design and use of vending carts and to ensure such activities contribute to the vibrancy of our Village Center plazas.

2. Applicability

The Vending Regulations are applicable to any person or entity desiring to conduct food and/or retail vending on a plaza area in the town.

3. Review Process and Criteria for Decision

Vending locations will be approved and assigned by the “Vending Committee”. The Vending Committee shall consist of the Town Planning Director, Business Development Director, and Plaza Services Director. Complete applications shall be delivered to the Vending Committee and must be received by the seasonal deadline to be considered for approval.

The seasonal deadlines for applications to be considered shall be March 1st for the upcoming summer season and September 1st for the winter season. All applications filed after such deadlines shall not be accepted.

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The Vending Committee shall consider the following criteria when deciding which applicant shall be issued a permit.

- a. Diversity (in town and between vendors) of offered food, goods, wares, merchandise, ~~or~~ services and hours of operation.
- b. The number of summer and/or winter seasons the applicant has vended on public property in the town;
- c. Appearance, quality, safety and attractiveness of the vending operation and display apparatus;
- d. Compliance and performance with vending cart regulations;
 - i. It shall be the burden of the applicant to demonstrate that submittal material and the proposed vending business substantially comply with the Vending Regulations.
 - ii. The 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. General Standards

- a. **Location and Number.** The number of vending carts and associated vending permits in plaza areas shall be limited as follows:
 - i. Up to Threefour (34) on Heritage Plaza;
 - ii. One (1) on Sunset Plaza.

- b. **Additional Vending Carts.** The Town Council may permit additional vending carts on plaza areas, in its sole discretion.
- c. **Vending Cart Season.** Vending carts are allowed throughout the year with no limitation on season, but with required operations vending carts as follows:
 - i. **Summer Season:** Vending carts shall operate a minimum of four (4) days per week, four (4) hours per day from Memorial Day through Labor Day unless otherwise approved by the Vending Committee.
 - ii. **Winter Season:** Vending carts shall operate a minimum of five (5) days per week, four (4) hours per day from the ski area opening until ski area closing unless otherwise approved by the Vending Committee.
- d. **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 c above.
 - ii. Applicants shall submit a plan for the hours and days of operations to be approved by the 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 Vending Committee.
- e. **Vending Cart Required.** Vending is only allowed from an approved vending cart. Vending cart must meet all applicable design standards per the Plaza Design Regulations.
- f. **Vending Permit Required.** No person shall stage, operate or have present a vending cart within the town without a valid vending permit issued in accordance with this section.
- 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 regulation 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.
 - 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 vending cart 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.
5. **Non-transferable.** The vending permit shall not be transferable or assignable.
 6. **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.
 7. **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 Municipal Code.
 8. **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 cart in a neat, clean and hazard free condition and to the town's satisfaction.
 9. **Cleaning.** Vending permittee shall clean the areas of the designated vending cart location that are covered by the 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.
 10. **Repair of Damage.** Vending permittee shall, to the satisfaction of the Town, repair and/or replace any damage to any portion of the permitted vending cart 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 is in need of 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.
 11. **Snow Removal.** The vending permittee shall move the vending cart per request of the Town for snow removal and/or plaza maintenance when necessary.
 12. **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.
 13. **Public Seating Areas.** The vending permittee must make every reasonable effort to ensure their customers utilize the public seating area and do not take food items into the seating areas of neighboring restaurants.
 14. **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.

15. **Plaza Location.** The Town has the right to relocate the site of the carts of vending permit holders within all of the designated plaza areas. The vending permit administrator shall notify the vending permittee three (3) days prior to any vending cart relocation.
16. **No Encroachment.** Vending permittee shall have the obligation to prevent encroachment of the vending cart or any related vending equipment or permittee property onto areas of the plaza outside the designated vending cart location except for any approved storage location shown in the required license agreement.
17. **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.
18. **Utility Fees.** The Town may require a vending cart operator to pay utility fees if the vending cart operation uses electric utilities. The use of generators is prohibited.
19. **Revocation and Suspension.**
 - a. Any vending permit issued hereunder may be revoked or suspended by the Town Manager for a violation or breach of a term or condition of the permit, including, but not limited to:
 - i. Operation of a vending cart in a location other than that approved or outside the permitted area;
 - ii. Failure to pay monthly vending cart fee;
 - iii. Failure to clean areas of the designated vending cart 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 cart or vending cart 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 cart area caused by or in connection with permittee's use thereof;
 - vii. Changing the use of the vending cart that does not comply with the approved application;
 - viii. Failure to remove vending cart from designated location as required by the vending permit;
 - ix. Permittee violates any provision of this CDC or other ordinance of the Town governing the activities permitted by the vending permit;
 - 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.
 - b. No permittee whose vending permit has been revoked may receive a refund of any part of the permit fee paid.
 - c. 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.

- d. 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.

TO: MAYOR JANSEN AND TOWN COUNCIL
FROM: DEANNA DREW, PLAZA SERVICES DIRECTOR
SUBJECT: SECOND READING VENDING CART REGULATION AMENDMENTS
DATE: OCTOBER 15, 2015
CC: JIM MAHONEY

In September, Town Council discussed and directed Staff to draft the following changes to the CDC Fee Schedule regarding vending fees:

- Reduce vending cart application fees from \$250 to \$50. (This fee is the same as our Minor Special Event application fee and similar to Telluride's vending cart application fee.)
- Eliminate application fee and monthly rental fees in Sunset Plaza to incentivize vendors to apply.

These Community Development Code fee schedule amendments are now before you for consideration of a resolution and vote.

Staff supports these amendments and believes they will encourage more vending cart operators to consider bringing their business to Mountain Village, thus enhancing the guest experience in our public plazas.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
MOUNTAIN VILLAGE, COLORADO,
AMENDING THE COMMUNITY
DEVELOPMENT FEE SCHEDULE

NO. 2015-

RECITALS:

- A. The Town finds it in its best interest to amend the Community Development Department Fee Schedule to update such fee schedule as shown on the attached Exhibit A and rename the fee schedule the Department of Planning and Development Services Fee Schedule.

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

1. The Town Council approves the Community Development Fee Schedule as shown on the attached Exhibit A.

ADOPTED AND APPROVED by the Town Council, at a regular meeting held on the 15th day of September, 2015.

Town of Mountain Village, Town Council

By: _____
Dan Jansen, Mayor

Attest:

By: _____
Jackie Kennefick, Town Clerk

Approved as to form:

By: _____
James Mahoney, Assistant Town Attorney

EXHIBIT A: COMMUNITY PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT FEE SCHEDULE

Development Application Type	Application Class	Fees
Minor revision Process	Class 1	\$250 for 2 hours; hourly rate thereafter
Renewals	Class 1	\$250 for 2 hours; hourly rate thereafter
Conceptual Worksession Process	NA	\$1,000 (Credit for any future applications)
Rezoning Process	Class 4	\$1,000 for 8 hours; hourly rate thereafter
Density Transfer Process		
From lot, or density bank, to a lot	Class 4	Part of rezoning process fee
Within the density bank	Class 1	\$50 for 1 hour; hourly rate thereafter
Design Review Process		
	Class 1	\$250 for 2 hours; hourly rate thereafter
	Class 2	\$500 for 4 hours; hourly rate thereafter
	Class 3	\$3,500 plus per unit fee
Renewable Energy System Only Application	Class 3	No fee as incentive
Design Variation Process	Class 3	\$250 per specific variation requested
Plaza Use Development Application	Class 1	\$250 for 2 hours; hourly rate thereafter
Master Development Plan	Class 3	\$1,000 for 8 hours; hourly rate thereafter
Site Specific PUD (SPUD)		
Conceptual PUD	Class 4	\$2,000 for 32 hours; hourly rate thereafter
Sketch PUD	Class 3	\$3,000 plus per unit fee
Final PUD	Class 4	\$1,000 for 8 hours; hourly rate thereafter
Master PUD (MPUD)		
Outline PUD	Class 5	\$2,000 for 32 hours; hourly rate thereafter
Final PUD	Class 4	\$3,000 plus per unit fee
PUD Amendments		
Major Amendment	Class 4	\$1,000 for 8 hours; hourly rate thereafter plus per unit fee for any new added units.
Minor Amendment	Class 1	\$250 for 2 hours; hourly rate thereafter
Per Unit Fee		
Single-family		No per unit fee for 1 dwelling unit
Multi-family		\$50 per unit
Commercial		\$50 per 1,000 sq. ft.
Subdivision		
Major Subdivisions	Class 4	\$2,000 for 16 hours; hourly rate thereafter
Minor Subdivisions	Class 5	\$500 for 4 hours; hourly rate thereafter
Staff Subdivisions	Class 1	\$250 for 2 hours; hourly rate thereafter
Conditional Use Permits	Class 3	\$1,000 for 8 hours; hourly rate thereafter
Variance Process	Class 3	\$2,000 for 16 hours; hourly rate thereafter
Vested Property Right	Class 4	\$500 for 4 hours; hourly rate thereafter
Vested Property Rights Extension	Class 4	\$250 for 2 hours; hourly rate thereafter
Special Events		
Minor Events	Class 1	\$50

Development Application Type	Application Class	Fees
Major Events	Class 1	\$250 for 2 hours; hourly rate thereafter
Vending Permits	Class 1	\$250 for 2 hours; hourly rate thereafter
<u>Vending Permits monthly rent</u>	<u>N/A</u>	<u>Heritage Plaza: \$250. Sunset Plaza: Free</u>
Home Occupations	Class 1	\$75 for 1 hour; hourly rate thereafter
Telecommunication Regulation		
New Freestanding Antenna	Class 4	\$1,000 for 8 hours; hourly rate thereafter
Attached to structure	Class 1	\$250 for 2 hours; hourly rate thereafter
<u>Cell on Wheels (COW)</u>	<u>Class 1</u>	<u>\$250 for 2 hours; hourly rate thereafter</u>
Busking Permits	Class 1	No fee as incentive
Forestry Management & Fire Mitigation		
Tree Removal Permit	Class 1	\$75 for 1 hour; hourly rate thereafter
Tree Removal Permit for Hazard Trees	Class 1	No fee as incentive
Voluntary Fire Mitigation	Class 1	No fee as incentive
Appeals	NA	\$2,000
Alternative Review Process		
General Fund Departments	NA	No fee for Town projects
Town Enterprise Fund Department	NA	Same fee as private development
Town Development Applications		No fee for Town projects
General Fund Departments		No fee for Town projects
Town Enterprise Fund Department		Same fee as private development
Annexation	NA	\$3,500 plus per unit fee up to 28 hours; hourly rate thereafter. Rezoning, subdivision and other applicable fees will apply.
Parking Payment-in-lieu Fee	Class 5	Set forth by the Council on a case-by-case basis
Administrative Development Agreement Amendment (No PUD amendment)	NA	\$500 for 4 hours, hourly rate thereafter
Professional Fees (Attorney, consultants, etc.).		Amount charged to the Town pursuant to CDC Section 17.1.13
San Miguel County Recording Fees		Amount charged to the Town by San Miguel County for recording documents.
Hourly rate		\$125 per hour
Miscellaneous development applications not covered by this fee schedule	NA	\$125 per hour
Copies of Comprehensive Plan, CDC or other documents not covered by other fee schedule	NA	Copy cost plus 20% Large copies: As required by CAD operator fees
Fee reductions and fee waivers	NA	The Town Council has adopted a policy on fee waivers. The Director of Community Development may also reduce certain fees based on the scale of the application and estimated time involved for the development

Development Application Type	Application Class	Fees
		review procedures.

Building Permit Fee Schedule

Building Permit Fee Schedule Table 1-A – As Amended

Total Valuation	Fee
\$1.00 to \$ 1500.00	\$50.00 Plan review fee is not applicable.
\$ 1501.00 to \$25,000.00	\$90.00 for the first \$2000.00 plus \$15.75 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$453.20 for the first \$25,000.00 plus \$11.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$750.00 for the first \$50,000.00 plus \$7.95 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,0001.00 to \$500,000.00	\$1,150.00 for the first \$100,000.00 plus \$6.50 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,760.00 for the first \$500,000.00 plus \$5.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$6,700.00 for the first \$1,000,000.00 plus \$5.25 for each additional \$1,000.00, or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours	\$250 Per Hour (Paid in advance)
2. Re-inspection and investigation fees	\$100.00 Per Hour
3. Inspections for which no fee is specifically indicated	\$250.00 Per Hour (Min. ½)
4. Additional plan review required by changes, additions or revisions to plans	\$250.00 Per Hour (Min. ½)
5. For use of outside consultants for plan checking and inspections, or both	\$250.00 Per Hour
6. Violation Inspections	\$250.00 Per Hour (Min. ½)
7. Demolition Permit Fee	\$250.00
8. Addendum Permit Fee	\$125.00 + additional valuation and plan review fees
9. Renewable Energy System Project	Valuation of such system shall be subtracted out of the construction valuation of a project only for the purposes of calculating building permit and plan check fees. Other fees and taxes may apply for such renewable energy systems.

¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include legal fees, fees of outside consultants retained on behalf of the jurisdiction, and supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved. Inspections outside of normal business hours include driving time from and to employee's residence.

The fee for each permit shall be as set forth in Table 1-A with the following exception:

Exception: Deed Restricted employee units, built as detached condominiums under 2,500 sq. ft., shall have a permit fee calculated at 75% of the fee required by Table 1-A, based at \$250.00 sq. ft.

Formula for calculating permit fees based on construction valuation of a project.

Permit Fee: Based on construction valuation of project calculated from Table 1-A above

Plan Review Fee: 65% of Permit fee. Plan review fees are non-refundable and are due at the time of permit submittal.

Mountain Village Use Tax: 4 ½% of 40% of valuation of project. (Tax rate established by Ordinance; not the fee resolution)

San Miguel County Use Tax: 1% of 40% of valuation of the project. (Tax rate established by the County and not the fee resolution).

Road Impact Fee: (Fee rate established by Ordinance and not the fee resolution)

All new construction, residential and commercial, including additions shall pay \$1.00 per gross square foot of construction.

All remodels shall pay \$1.00 per \$400.00 of total project valuation.

All exterior alterations not impacting square footage, not including repairs shall pay a minimum fee of \$500.00

All Deed restricted housing as defined by Town of Mountain Village Housing Guidelines Road Impact Fee is waived.

Total of above 5 items equals total permit fee due upon issuance of a building permit

Building Permit Extension Fee: \$150.00 per extension with a maximum of two extensions allowed.

Violation Fees: (Working without a permit)

1st offense: Double permit fees or minimum of \$500.00.

2nd offense: Quadruple permit fees or a minimum of \$1000.

3rd offense: License is subject to suspension or revocation and an addition fee of eight times the permit fees.

Contractor Licensing Renewal Fee: \$75 annually (To be used to offset Town paid training sessions)

Telluride Fire Protection District (“TFPD”) Fee Schedule in Administering the IFC

Plan Review Fee. A TFPD plan review fee based of Table 1- A (below) will be charged.

EXCEPTION: Plans for automatic fire extinguishing systems for commercial cooking hoods shall be exempt from this plan review fee.

Table 1-A Plan Review Fee Schedule

Commercial/Mixed Use Occupancy		Single-Family Occupancy	
Gross Floor Area	Fee	Gross Floor Area	Fee
<5,000	\$500	<3,600	\$250
5,001 - 10,000	\$1,000	3601 – 7,200	\$500
10,001 - 20,000	\$1,500	7201 – 11,000	\$1,000
20,000 – 50,000	\$2,000	\$11,001 – 20,000	\$1,500
50,001 – 100,000	\$2,500	>20,001	\$2,000
100,001 – 200,000	\$3,000		
200,001 – 300,000	\$3,500		
>300,000	\$4,000		
		Driveway Only	\$250
		Address Monument only	\$250

Operational permit fees. Operational permit fees shall be \$100.00 for each permit required.

Construction permit fees: A construction permit fee shall be charged for all new or remodels of fire protection/safety equipment required by this code. These fees shall be based on the following formula;

Gross square footage of the contract area or structure times a multiplier of \$4.80 to establish a total valuation dollar amount. This total valuation is then used with Table 2-A to establish the construction permit fee.

EXCEPTION: construction permit fees for the installation of commercial cooking hood automatic fire extinguishing systems as follows:

Commercial cooking hood automatic fire extinguishing system permit fee. The permit fee for the installation of an automatic fire extinguishing system for a commercial cooking hood shall be \$50.00.

All permit construction permit fees shall be computed using the following formula:

Gross floor area of the contract area or structure times a multiplier of \$4.80 to establish a total dollar valuation amount. This total valuation is then used with Table 1-A to figure the permit fee.

Table 2-A, Construction Permit Fee Schedule

Category	Valuation	Fee
a	\$300 or less	\$50.00
b	\$301 to \$2,000	\$60.00
c	\$2,001 to \$50,000	\$21.00 per every \$1,000 of valuation or fraction thereof
d	\$50,001 to \$500,000	\$20.00 per every \$1,000 of valuation or fraction thereof plus base fee of \$50.00
e	Greater than \$500,000	\$29.00 per every \$1,000 of valuation or fraction thereof plus base fee of \$550.00

Sample: The project is 1,100 sq.ft. multiplied by the \$4.80 factor= \$5,280.00 valuation. Valuation is rounded up to the next full thousand \$6,000.00. Per the schedule, category c. the fee is calculated as follows: 6X \$21.00= \$126.00 TOTAL FEE

Sample: The project is 10,474 sq.ft. multiplied by \$4.80 factor + \$50,275.00 . Valuation is rounded up to the next full thousand \$51,000.00. Per the schedule, category d, the fee is calculated as follows: 51 X \$20.00 = \$1,020.00 **Plus** base fee \$50.00 = \$1,070.00 TOTAL FEE

Other Inspection Fees

1. Inspections outside of normal business hours: 250.00 per hour¹
2. Re-inspection fees: \$250.00 per hour¹
3. Inspections for which no fee is specifically indicated: \$250.00 per hour¹
4. Additional plan review required by changes, additions or revisions to plans: \$250.00 per hour¹
5. For use of outside consultants for plan checking and inspections or both: \$250.00 per hour¹
6. Fire code violation inspection fees: \$250.00 per hour¹

¹ Or the total hourly cost to the Telluride Fire Protections District, whichever is greatest. This cost shall include legal fees, fees of outside consultants retained on behalf of the fire district, and supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved. Minimum charge of one-half hour.



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

Agenda Item #10

TO: Town Council
FROM: Glen Van Nimwegen, Director
FOR: Town Council Public Meeting on October 10, 2015
DATE: October 6, 2015

REQUEST

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code (CDC) at 17.6.5 Telecommunications Antenna Regulations to Section (C) to provide for temporary, mobile cellular facilities, commonly known as Cells on Wheels (COW) and require their approval through a Class 1 application and add a new Section (D.3) to set the term of a temporary COW to 180 days with the provision the time may be extended by the Director of Planning and Development Services but not beyond one year; require COW's to be located outside of any General Easements and be setback from property lines a distance equal to the height of the structure, unless there is approval from an adjoining property owner for less setback; and limiting the COW facility height including antenna to 60 feet. Also minor changes are proposed to the titles of (D.1) to read "Freestanding Antenna Standards"; (D.2) to read "Attached Antenna Standards" and Table 4-1, Development Application Classes to add Cell on Wheels as an application type and Class 1 as an Application Class.

DISCUSSION

Staff has brought this forward because the Community Development Code does not provide for temporary telecommunication facilities that are often needed in times of disaster or special events where demand on current facilities exceeds their capacity. The pending amendments to the Community Development Code (CDC) are shown in Exhibit A. The proposed amendments include:

- 1. Section 17.6.5(C). to provide for temporary, mobile facilities, commonly known as Cell on Wheels (COW) for 180 days, with the allowance for an extension up to one year as approved by a Class 1 application.** The Class 1 application is approved at the staff level. We are recommending this process because the impact of the facilities are temporary, and their deployment means there is not time for an extended public process.
- 2. Section 17.6.5(D)(1) and (2) to amend the titles of these to clarify that these are standards, not design criteria, for permanent telecommunication facilities.**
- 3. Section 17.6.5(D)(3) to add standards for Cell on Wheels (COW) that allow them in all zoning districts and:** (a) sets the term for 180 days with the ability for the Director of Planning and Development Services to extend the period to up to one year; (b) COW'S may not be located in any General Easements and must be setback from a property line a distance no less than the total height of the facility. The setback may be reduced with

the adjacent property owner's approval; and (c) The height of a facility, including the base and antenna, shall not exceed 60 feet.

4. **17.4.2 (F), Table 4-1, Development Application Classes** to add that a Cell on Wheels shall follow a Class 1 process which means it will be reviewed and approved by staff.
5. **Section 17.3.3(A), Table 3-1: Town of Mountain Village Land Use Schedule** to add Cell on Wheels as a Permitted use (P) in all of the zoning districts.

The Design Review Board recommended the Council approve the proposed amendments at its October 1, 2015 meeting, with recommendations that a section be added (17.6.5.D.3.d) stating staff shall evaluate the following issues as a part of the approval process:

- The appropriateness of the proposed site in regards to the overall impact on the community; and
- If a generator is proposed, how to mitigate the impacts of noise generation and fumes on adjacent property; and

RECOMMENDATION

Staff recommends the Town Council approve the first reading of an ordinance amending the CDC with the following motion:

"I move to approve the first reading of an ordinance amending the Community Development Code, with direction to the Town Clerk to set the public hearing on October 29, 2015."

ORDINANCE NO. 2015-__

AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE (CDC) AT SECTION 17.6.5(C) TO PROVIDE FOR CELL ON WHEELS (COW) TO BE APPROVED THROUGH A CLASS 1 APPLICATION; SECTION 17.6.5 (D)1 AND 2. TO CHANGE THE TITLE OF THESE PARAGRAPHS TO FREESTANDING ANTENNA STANDARDS AND ATTACHED ANTENNA STANDARDS RESPECTIVELY; ADD NEW SECTION 17.6.5 (D)3. TO ALLOW COW'S IN ALL ZONING DISTRICTS, LIMIT THE TIMEFRAME FOR A COW WITH THE ABILITY FOR EXTENSIONS FOR A TOTAL OF ONE YEAR, REQUIRE A SETBACK EQUAL TO THE HEIGHT OF THE FACILITY AND LIMITING THE HEIGHT TO 60 FEET; SECTION 17.4.2 TO ADD CELL ON WHEELS AS A CLASS 1 PROCESS TO THE OVERVIEW OF DEVELOPMENT REVIEW PROCESSES; AND SECTION 17.3.3 TO ADD CELL ON WHEELS (COW) TO TABLE 3-1: TOWN OF MOUNTAIN VILLAGE LAND USE SCHEDULE AS A PERMITTED USE IN ALL DISTRICTS.

RECITALS

- A. The Town of Mountain Village (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the "Constitution") and the Home Rule Charter of the Town (the "Charter").
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town's land use regulations; or to address issues or policy matters.

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

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- D. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion

of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the ____th day of _____, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 15^h day of October, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____th day of _____, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments 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 _____, 2015, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor				
Martin McKinley, Mayor Pro-Tem				
Laila Benitez				
Dan Caton				
Cath Jett				
Bruce MacIntire				
Michelle Sherry				

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 _____, 2015 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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 _____, 2015. 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
Dan Jansen, Mayor				
Martin McKinley, Mayor Pro-Tem				
Laila Benitez				
Dan Caton				
Cath Jett				
Bruce MacIntire				
Michelle Sherry				

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 _____, 2015.

Jackie Kennefick, Town Clerk

(SEAL)

Exhibit A: CDC Amendments

17.6.5 TELECOMMUNICATIONS ANTENNA REGULATIONS

C. Review Process

New or substantially modified freestanding telecommunication antennas not attached to a building or a structure is a conditional use and shall be processed pursuant to the Conditional Use Permit Process as a class 4 application. **TEMPORARY, MOBILE FACILITIES SUCH AS A CELL ON WHEELS (COW) THAT WILL BE UTILIZED FOR UP TO 180 DAYS SHALL BE PROCESSED PURSUANT TO A CLASS 1 APPLICATION.** Minor modifications to a freestanding telecommunication antenna or new or modified telecommunications antennas mounted to existing buildings or structures shall be processed as Design Review Process class 1 applications.

D. General Standards for Review

1. **Freestanding Antenna Design Standards.** Freestanding antennas not mounted to a building or structure shall meet the following requirements.
 - a. Visual impacts shall be mitigated to the extent practical;
 - i. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable.
 - ii. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, major public thoroughfares, public recreational areas, residential neighborhoods and other sensitive visual areas.
 - iii. Implementation of a visual mitigation plan shall be included as a condition of any conditional use permit approval.
 - b. Antenna height shall be minimized to the extent practical with the acceptable height permitted determined by the review authority as a part of the required conditional use permit process.
 - c. The antenna shall be made available for the collocation of other telecommunication providers as a condition of approval with the goal to reduce the number of antennas in the town to the extent practical; and
 - d. There are no other alternative antenna sites currently in existence in the Telluride/town region that provide for collocation and the desired telecommunication service, service area and telecommunication service provider's technical needs.
2. **ATTACHED Antenna Design Criteria STANDARDS.** Antennas mounted to a building or a structure shall meet the following requirements:
 - a. The design of antennas and associated telecommunication support facilities shall use materials, colors textures and screening that create compatibility with the surrounding built and natural environment;
 - b. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable;
 - c. Signs shall be limited to those signs required for cautionary or advisory purposes only and not for advertising;
 - d. The antenna shall not exceed a surface area of ten (10) square feet;

- e. Antennas mounted to a structure or building shall not be more than ten percent (10%) higher than the actual, as-built building or structure height to which such antenna is mounted. For example, a building that is of forty feet (40') high can have an antenna that extends no more than four feet (4') above the roof;
- f. Antennas may not be located within any setbacks or the general easements without approval of a conditional use permit;
- g. An applicant that desires to install an antenna that does not meet the requirements of this section may submit for a conditional use permit; and
- h. Satellite dishes larger than thirty-six inches (36") are prohibited.

3. CELL ON WHEELS STANDARDS. TEMPORARY CELL ON WHEELS MAY BE ALLOWED IN ANY DISTRICT SUBJECT TO THE FOLLOWING REQUIREMENTS:

- a. THE TERM OF THE TEMPORARY PERMIT SHALL NOT EXCEED 180 DAYS UNLESS OTHERWISE AUTHORIZED BY THE PLANNING AND DEVELOPMENT SERVICES DIRECTOR, OR RESTRICTED BY ANOTHER PROVISION OF THE COMMUNITY DEVELOPMENT CODE. THE PERMIT MAY BE RENEWED ON AN AS-NEED BASIS WITH APPROVAL FROM THE PLANNING AND DEVELOPMENT SERVICES DIRECTOR. THE INITIAL APPROVAL AND RENEWAL PERIODS MAY NOT EXCEED ONE YEAR.
- b. COW'S MAY NOT BE LOCATED WITHIN ANY GENERAL EASEMENT AND BE SETBACK FROM ANY PROPERTY LINE A MINIMUM DISTANCE EQUAL TO THE MAXIMUM HEIGHT OF THE COW INCLUDING ANTENNAS, UNLESS THERE IS APPROVAL FROM THE ADJOINING PROPERTY OWNER. FOR THE PURPOSES OF THIS SECTION, CONDOMINIUM BOUNDARIES SHALL NOT BE CONSIDERED A PROPERTY LINE.
- c. COW FACILITY HEIGHT INCLUDING ANTENNAS SHALL NOT EXCEED 60 FEET.

17.4.2 OVERVIEW OF DEVELOPMENT REVIEW PROCESSES

- E. There are five (5) development review processes that are used for evaluating land use development applications governed by the CDC:
 - 1. **Class 1 application:** Staff development application review process;
 - 2. **Class 2 application:** Staff-DRB chair development application review process;
 - 3. **Class 3 application:** DRB development application review process;
 - 4. **Class 4 application:** DRB-Town Council development application review process; and
 - 5. **Class 5 application:** Town Council development application review process.
- F. Table 4-1 summarizes the types of development applications that fall under each class of application and associated review authority:

Table 4-1, Development Application Classes

Development Application Type	Application Class	Review Authority
Telecommunication Regulation		
New Freestanding Antenna	Class 4	DRB Recommendation & Town Council Action
Attached to structure	Class 1	Planning Division Staff
CELL ON WHEELS (COW)	CLASS 1	PLANNING DIVISION STAFF

17.3.3 USE SCHEDULE

A. The Town of Mountain Village Land Use Schedule ("Use Schedule"), Table 3-1, establishes specific permitted, accessory, conditional and not permitted land uses for each zone district.

1. The Use Schedule lists the following notations:

- P = permitted use;
- A = accessory use;
- C = conditional use;
- PM = permitted with Planning and Building division staff approval of construction mitigation plan (Staff may classify to conditional use based on impacts and extent of construction staging);
- PT = permitted use in Town Hall Plaza only;
- SE = special event development application required; and
- PVC = permitted Village Center only

- 2.** Blank cells in the Use Schedule under each of the respective zone districts indicate that the use appearing next to that blank cell is expressly prohibited in that zone district.
- 3.** The Director of Community Development shall render the final administrative decision concerning the scope, application and meaning of terms in this Use Schedule.
- 4.** Any conforming land use in the Use Schedule, or any use approved pursuant to section B below can be proposed as a permitted, accessory or conditional land use in the PUD Zone District as a part of a PUD development application as set forth in the PUD Regulations.

Table 3-1: Town of Mountain Village Land Use Schedule

Use/Zone	C L A S S 1 A O S	C L A S S 2 A O S	C L A S S 3 A O S	C L A S S 4 A O S	C L A S S 5 A O S	P O S	SF, SFCI	MF	MPW	CV	VC
Telecommunication antenna	C	C	C	C				C/P	C/P	C/P	C/P
CELL ON WHEELS (COW)	P	P	P	P	P	P	P	P	P	P	P



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item No. 11

TO: Town Council
FROM: Glen Van Nimwegen, Director
FOR: Meeting of October 15, 2015
DATE: October 6, 2015
RE: **Second Reading, Public Hearing and Council Vote on an Ordinance to rezone Lot 617.**

PROJECT GEOGRAPHY

Application Overview: Consideration of a recommendation to Town Council for the rezoning of Lot 617 from a Multi-family Zone District to a Single-family Common Interest Community Zone District.

Address:	Lot 617, Filing 21
Applicant/Agent:	The Law Offices of Thomas G. Kennedy and Dave Bulson
Owner:	The Owners Association of Ponderosa Ridge
Existing Zoning:	Multi-family
Proposed Zoning:	Single-family Common Interest Community Zone District
Site Area:	Unit A (0.399 ac), Unit B (0.206 ac), Unit C (0.248 ac)
Adjacent Land Uses:	
North:	Open Space
South:	Multi-Family
East:	Single Family
West:	Open Space

ATTACHMENTS

1. Applicant Narrative (Exhibit A)
2. Proposed Replat (Exhibit B)

RECORD DOCUMENTS

- Town of Mountain Village Community Development Code (as amended)
- Town of Mountain Village Home Rule Charter (as amended)
- Design Review Application as maintained by the Community Development Department.

BACKGROUND

Lot 617, The Ponderosa Ridge, is an existing limited interest planned community. The property is currently zoned Multi-Family and developed as three detached condominium units. The purpose of this application is to rezone the property from the existing Multi-family Zone District to the Single-family Common Interest Community Zone District. In conjunction with this

application a minor subdivision was approved by Town Council to replat the project in order to convert the land condo units into separately platted lots on September 16, 2015. The plat was conditioned on approval of this rezoning.

The purpose of the rezoning is to allow for Ponderosa Ridge, which was developed as a land condominium community, to convert to a more conventional planned community. This change in zoning will facilitate easier financing, conveyancing and insuring of the properties. It also provides certainty in the Town of Mountain Village's design review and permitting process.

No density transfer is required or being applied for in connection with this application.

Community Development Code Zoning Definitions

The Zoning designations are defined as follows in the Community Development Code:

Multi-family Zone District: The Multi-family Zone District ("MF") is intended to provide higher density multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing and similar uses.

Single-Family Common Interest Community Zone District: The Single-family Common Interest Community Zone District ("SFCI") is intended to provide lower density, single-family residential areas limited to single-family dwellings that are platted as single-family lots subject to limitations set forth in the Subdivision Regulations, and similar uses.

Single-Family Common Interest Community Zone District

1. **Permitted Uses.** Detached single-family dwellings are permitted in the Single-family Common Interest Community Zone District provided:
 - a. The official land use and density allocation list shows the lot to currently have condominium density, and such area has already been platted as a condominium community with owners now desiring to convert to a common interest community;
 - b. Three (3) or more single-family units are located in the same common interest community;
 - c. The detached single-family condominium dwellings are located in a common interest community;
 - d. The common interest community contains common elements such as parking areas, roads, tennis courts, driveways or amenity areas;
 - e. The Town has reviewed and approved concurrent rezoning and subdivision plat development applications to create the single-family common interest community, with 100% of all owners participating in the subdivision and rezoning processes;
 - f. The detached single-family dwellings meet the Design Regulations for single-family dwellings; and
 - g. A plat note and development agreement related to the concurrent subdivision approval prohibiting lot line vacations and lot line adjustments that would allow for a larger home than the original condominium subdivision would have allowed based on the application of the requirements of the CDC.
2. **Accessory Buildings.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, outdoor kitchens, play equipment, fire pits, tennis courts and typical court fencing, ski tramways approved pursuant to the Conditional Use Permit Process, fenced dog areas and other similar uses. Storage buildings are

expressly prohibited.

- a. All accessory buildings or structures shall be located in the rear yard to the extent practical.
- b. Accessory buildings or structures shall not exceed 500 sq. ft. in size or floor area, as applicable.
- c. Buffering is provided for high activity level buildings or structures, such as hot tubs, swimming pools and tennis courts to mitigate the adverse visual and noise impacts.

- 3. Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, firewood storage in the rear yard when a valid fireplace permit is held, surface parking to meet the Parking Regulations, private outdoor projection system onto the wall of a building to show movies or other media that is not visible from a public way or adjoining lot (buffering required), and other similar uses. Accessory dwelling units are expressly prohibited.

CRITERIA FOR DECISION

Rezoning Criteria

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
3. The proposed rezoning meets the Comprehensive Plan project standards;
4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
5. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
6. Adequate public facilities and services are available to serve the intended land uses;
7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
8. The proposed rezoning meets all applicable Town regulations and standards.

CONDITIONS

1. Concurrent to the minor subdivision a plat note and development agreement will be completed prohibiting lot line vacations and lot line adjustments that would allow for a larger home than the original condominium subdivision would have allowed based on the application of the requirements of the CDC.
2. The Applicant shall submit appropriate fees and the completed Replat to Staff for recordation with the Assessor's office.

ANALYSIS

The proposed rezoning application meets the criteria for decision as outlined in the findings set forth in the ordinance.

RECOMMENDATION

Staff recommends the Town Council approve the rezoning application with the following motion:

"I move to approve the rezoning of Lot 617 from Multi-family Zone District to Single-family Common Interest Community Zone District."

ORDINANCE NO. 2015-___

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A REZONING OF LOT 617.**

RECITALS

- A. The applicant and owner’s representative, The Law Offices of Thomas G. Kennedy, have submitted an application for rezoning Lot 617. (“Application”) pursuant to the requirements of the Community Development Code (“CDC”)
- B. Daniel R. and Greer T. Garner are the owners ("Owners") of record of real property described as Lot 617 Unit A.
- C. Dennis D. Shaw Revocable Trust is the owner (“Owners”) of record of real property described as Lot 617 Unit B.
- D. Gina L. Flores and William H. Flores are the owners (“Owners”) of record of real property described as Lot 617 Unit C.
- E. The Owners have authorized the Law Offices of Thomas G. Kennedy to pursue the approval of a rezoning application to replat Lot 617 land condo units A, B and C into separately platted Lots 617A, 617B and 617C (“Application”).
- F. The Property has a Multi-family Zoning Designation pursuant to the Official Land Use and Density Allocation List as recorded at Reception Number 301133 and zoning as set forth on the Town Official Zoning Map.
- G. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on October 15, 2015.
- H. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- I. This Ordinance rezones the Property to a Single-family Common Interest Community Zone District.
- J. The Town Council hereby finds and determines that the Application meets the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

- 1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan.
- 2. The proposed rezoning is consistent with the Zoning and Land Use Regulations.
- 3. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.

4. The proposed rezoning is justified because of the specific policies in the Comprehensive Plan that contemplate the rezoning as applied for.
5. Adequate public facilities and services are available to serve the intended land uses.
6. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
7. The proposed rezoning meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves the Application.

Section 1. Effect on Zoning Designation

Table 1 – ZONING FOR THE PROPERTY:

Lot	General Description	Zone District
617	Land Condo Units	Multi-Family

TABLE 2 - PROPOSED ZONING FOR THE PROPERTY:

Lot	General Description	Zone District
617	Land Condo Units	Single-family Common Interest Community

Section 2. Ordinance Effect

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on November 15, 2015 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 15th day of October, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to a public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of September, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,
Colorado this 15th day of October, 2015.**

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved As To Form:

James Mahoney, Town Attorney

I, Jackie Kennefick, 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. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments 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 October 15, 2015, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor				
Cath Jett, Mayor Pro-Tem				
Laila Benitez				
Dan Caton				
Michelle Sherry				
Martin McKinley				
Bruce MacIntire				

3. 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 August 20, 2015. 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
Dan Jansen, Mayor				
Cath Jett, Mayor Pro-Tem				
Laila Benitez				
Dan Caton				
Michelle Sherry				
Martin McKinley				
Bruce MacIntire				

4. 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 _____, 2015.

Jackie Kennefick, Town Clerk

(SEAL)



REZONING/DENSITY TRANSFER APPLICATION

Community Development Department
 Planning Division
 455 Mountain Village Blvd.
 Mountain Village, CO 81435
 (970) 728-1392

REZONING/DENSITY TRANSFER APPLICATION
APPLICANT INFORMATION

Name: Law Offices of Thomas G. Kennedy		E-mail Address: tom@tklaw.net	
Mailing Address: Box 3081		Phone: 970-728-2424	
City: Telluride	State: CO	Zip Code: 81435	
Mountain Village Business License Number: 000191			

PROPERTY INFORMATION

Physical Address: Ponderosa Ridge		Acreage: Unit A (0.399 ac), Unit B (0.206 ac), Unit C (0.248 ac)	
Zone District: Multi-family	Zoning Designations: Detached Condominium	Density Assigned to the Lot or Site: 3 condo units 9 total density points	
Legal Description: Ponderosa Ridge, a Colorado common ownership interest community created on Lot 617, Mountain Village			
Existing Land Uses: three detached condo units			
Proposed Land Uses: Three existing single-family residences (no changes in land use are proposed).			

OWNER INFORMATION

Property Owner: The Owners Association for Ponderosa Ridge, an unincorporated association		E-mail Address: garnerdr64@gmail.com	
Mailing Address: 253 Adams Ranch Road		Phone: 728-1447	
City: Telluride	State: CO	Zip Code: 81435	

DESCRIPTION OF REQUEST

The purpose of this application is to: (a) rezone the property from its existing condominium zoning to the newly created Single-family Common Interest Community Zone District ("SFCI"), which were included in the CDC to accommodate the conversion of land condominium projects like Ponderosa Ridge; and (b) replat the project to convert the land condo units into separately platted lots. See attached Narrative for further background and discussion about the Application.



REZONING/DENSITY TRANSFER APPLICATION

Community Development Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

**OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES**

I, Dan Garner, as President of the Association, the owner of Lot n/a (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by member of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

Dan Garner 7/21/15 X
Signature of Owner Date

[Signature] 7/21/15
Signature of Applicant/Agent Date

OFFICE USE ONLY		
Fee Paid:	By:	
	Planner:	



REZONING/DENSITY TRANSFER APPLICATION

Community Development Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

HOA APPROVAL LETTER

I, (print name) Dan Garner, the HOA president of property located at the Owners Association for Ponderosa Ridge, an unincorporated associatio

provide this letter as written approval of the plans dated n/a which have been submitted to the

Town of Mountain Village Community Development Department for the proposed improvements to be

completed at the address noted above. I understand that the proposed improvements include (indicate below):

The purpose of this application is to: (a) rezone the property from its existing condominium zoning to the newly created Single-family Common Interest Community Zone District ("SFCI"), which were included in the CDC to accommodate the conversion of land condominium projects like Ponderosa Ridge; and (b) replat the project to convert the land condo units into separately platted lots. The rationale in support of this application is further stated in the attached Narrative.

X [Handwritten Signature]
(Signature)

[Handwritten Date: 7/21/15]
(Date)

[Handwritten Title: DAN R. GARNER]
(Title)

PONDEROSA RIDGE
ADDENDUM TO REZONE/REPLAT NARRATIVE

July 21, 2015

Applicant/Owner: The Owners Association for Ponderosa Ridge, an unincorporated association (“**Association**”) is pursuing this application for and on behalf of the following “**Owners**”:

Unit	Owner
Unit A	Greer T. Garner and Daniel R. Garner
Unit B	Dennis D. Shaw Revocable Trust
Unit C	Gina L. Flores and William H. Flores

A copy of a Property Report from Land Title Guarantee Company confirms this current ownership (see attached **Exhibit “A”**).

The Ponderosa Ridge (“**Community**”) is an existing small, limited expense planned community created on Lot 617, Filing 21, Telluride Mountain Village, San Miguel County, Colorado (“**Lot 617**”). The Community was formed by Lot 617 Limited Liability Company (“**Developer**”) pursuant to the following described documents, as the same may be further amended and/or supplemented from time to time (“**Governing Documents**”): (a) Declaration of Covenants for Ponderosa Ridge recorded on April 17, 1995 in Reception No. 298365, as may be amended and/or supplemented from time to time (collectively the “**Declaration**”); and (b) Plat of Ponderosa Ridge, a Small Limited Expense Planned Community, Lot 617, Telluride Mountain Village, Filing 21, recorded on April 17, 1995 in Reception No. 298366, Plat Book 1 at page 1825, as may be amended and/or supplemented from time to time (collectively, the “**Plat**”). A copy of the Plat and Declaration has been provided to the Community Development Department/Planning Division.

The property is currently zoned Multi-Unit and developed as three detached condominium units. The property has been improved with three residences, which are not proposed for any change by this application.

The Owners have authorized the Association to pursue this application on their behalf, as evidenced by the Owners Authorizations and Consents, appended as **Exhibit “B”**. The Owners Authorizations and Consents also authorize Dan Garner to execute documents on behalf of the Association and the Owners.

The Association has authorized The Law Offices of Thomas G. Kennedy and Dave Bulson to pursue this application with the Town.

The purpose of this application is to: (a) rezone the property from its existing condominium zoning to the newly created Single-family Common Interest Community Zone District (“**SFCP**”), which were included in the Community Development Code to accommodate the conversion of land condominium projects like Ponderosa Ridge; and (b) replat the project to convert the land condo units into separately platted lots.

In connection with the processing of this application, the Association is amending the Plat and Declaration to show the conversion of the Ponderosa Ridge project from a land condominium community (consisting of three existing detached condominium units) to a more conventional planned common interest ownership community as recognized under the Colorado Common Interest Ownership Act. A copy of the draft Plat Amendment and Declaration Amendment has been provided to the Community Development Department/Planning Division.

In connection with the town's review and approval of this application, it is important to note that the overall density of the project and the underlying land uses are not changing as a result of this application. The Zoning Designation Density for a Condominium Unit is 3.0 persons/unit, which is the same Zoning Designation Density for a Unit in a Single-family common interest community, namely 3.0 persons/unit, thus no density transfer is required in connection with this application.

When creating the Single-family Common Interest Community Zone, the Town indicated that the purpose is to allow projects which have developed as a land condominium community to convert to a more conventional planned community as recognized under the Colorado Common Interest Ownership Act. The status of the Community as a land condominium makes financing, conveyancing and insurance challenging. As noted in the CDC, the stated purpose of the Common Interest Community Zone District is "to provide lower density, single-family residential areas limited to single-family dwellings that are platted as single-family lots subject to limitations set forth in the Subdivision Regulations, and similar uses."

The development standards under the CDC for property included in the Common Interest Community Zone District are as follows:

Permitted Uses. Detached single-family dwellings are permitted in the Single-family Common Interest Community Zone District provided:

a. The official land use and density allocation list shows the lot to currently have condominium density, and such area has already been platted as a condominium community with owners now desiring to convert to a common interest community;

Discussion: The Ponderosa Ridge project was platted for condominium and has been assigned condominium density on the Office Town Lot List. As indicated in the description of the governing documents, Ponderosa Ridge was formed as a condominium community consisting of three units. All three owners have consented, authorized and directed this application to be processed with the Town.

b. Three (3) or more single-family units are located in the same common interest community;

Discussion: The Ponderosa Ridge project consists of three units and has been sold to and is currently owned by three different owners.

c. The detached single-family condominium dwellings are located in a common interest community;

Discussion: As indicated in the description of the governing documents, Ponderosa Ridge was formed as a condominium community consisting of three units.

d. The common interest community contains common elements such as parking areas, roads, tennis courts, driveways or amenity areas;

Discussion: The Ponderosa Ridge project has a series of shared facilities (shared access road, utilities, pedestrian areas, etc.) which are reflected in reciprocal easements, which benefit and burden the project.

e. The Town has reviewed and approved concurrent rezoning and subdivision plat development applications to create the single-family common interest community, with 100% of all owners participating in the subdivision and rezoning processes;

Discussion: The within application seeks the requisite approvals from the Town to facilitate the conversion of the Ponderosa Ridge project from a detached condominium project to a more conventional planned unit common ownership interest community.

f. The detached single-family dwellings meet the Design Regulations for single-family dwellings.

Discussion: The existing residences have each been constructed in accordance with the applicable design guidelines and in compliance with pertinent design review processes in effect at the time of their construction.

Conclusion

The Association believes that the application complies with the requirements of the CDC relative to the requested rezoning/replatting and respectfully requests that the Town approve the application.

Exhibit "A"
(Property Reports)



Land Title Guarantee Company

Property Report

Order Number: 86004687

This Report is based on a limited search of the county real property records and provides the name(s) of the vested owner(s), the legal description, tax information (taken from information provided by the county treasurer on its website) and encumbrances, which, for the purposes of this report, means deed of trust and mortgages, and liens recorded against the property and the owner(s) in the records of the clerk and recorder for the county in which the subject is located. This Report does not constitute any form of warranty or guarantee of title or title insurance. The liability of Land Title Guarantee Company is strictly limited to (1) the recipient of the Report, and no other person, and (2) the amount paid for the report.

Prepared For:

THE LAW OFFICES OF THOMAS G KENNEDY, ITS SUCCESSORS AND/OR ASSIGNS

This Report is dated:

04-01-2015 at 05:00PM

Address:

253 ADAMS RANCH ROAD #A, MOUNTAIN VILLAGE, CO 81435

Legal Description:

UNIT A, PONDEROSA RIDGE, A SMALL, LIMITED EXPENSE PLANNED COMMUNITY, LOT 617, TELLURIDE MOUNTAIN VILLAGE, FILING 21, ACCORDING TO THE PLAT RECORDED IN THE OFFICE OF THE CLERK AND RECORDER APRIL 17, 1995 IN PLAT BOOK 1 AT PAGE 1825; AND ACCORDING TO THE DECLARATION FOR PONDEROSA RIDGE, A SMALL, LIMITED EXPENSE PLANNED COMMUNITY RECORDED APRIL 17, 1995 IN BOOK 544 AT PAGE 567; SUBJECT TO THE TERMS CONDITIONS, PROVISIONS AND OBLIGATIONS CONTAINED THEREIN, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Record Owner:

DANIEL R. GARNER AND GREER T. GARNER

We find the following documents of record affecting subject property:

1. WARRANTY DEED RECORDED APRIL 24, 1995 IN BOOK 544 AT PAGE 971.
2. SPECIAL WARRANTY DEED RECORDED MAY 21, 2001 UNDER RECEPTION NO. 341512.

***** PROPERTY TAX INFORMATION *****

PARCEL NO. R1080195617

2014 LAND ASSESSED VALUE \$0.00
2014 IMPROVEMENTS ASSESSED VALUE \$72,220.00
2014 REAL PROPERTY TAXES IN THE AMOUNT OF \$4,183.13.



Land Title Guarantee Company

Property Report

Order Number: 86004688

This Report is based on a limited search of the county real property records and provides the name(s) of the vested owner(s), the legal description, tax information (taken from information provided by the county treasurer on its website) and encumbrances, which, for the purposes of this report, means deed of trust and mortgages, and liens recorded against the property and the owner(s) in the records of the clerk and recorder for the county in which the subject is located. This Report does not constitute any form of warranty or guarantee of title or title insurance. The liability of Land Title Guarantee Company is strictly limited to (1) the recipient of the Report, and no other person, and (2) the amount paid for the report.

Prepared For:

THE LAW OFFICES OF THOMAS G KENNEDY, ITS SUCCESSORS AND/OR ASSIGNS

This Report is dated:

04-01-2015 at 05:00PM

Address:

255 ADAMS RANCH ROAD #B, MOUNTAIN VILLAGE, CO 81435

Legal Description:

UNIT B, PONDEROSA RIDGE, A SMALL LIMITED EXPENSE PLANNED COMMUNITY, IN ACCORDANCE WITH THE RECORDED MAP AND DECLARATION, A PART OF LOT 617, MOUNTAIN VILLAGE, RECORDED APRIL 17, 1995 IN PLAT BOOK 1 AT PAGE 1825 AND APRIL 17, 1995 IN BOOK 544 AT PAGE 567, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Record Owner:

DENNIS D. SHAW REVOCABLE TRUST DATED 6/17/96

We find the following documents of record affecting subject property:

1. WARRANTY DEED RECORDED AUGUST 30, 1996 IN BOOK 566 AT PAGE 1383.

***** PROPERTY TAX INFORMATION *****

PARCEL NO. R1080295617

2014 LAND ASSESSED VALUE \$0.00
2014 IMPROVEMENTS ASSESSED VALUE \$80,310.00
2014 REAL PROPERTY TAXES IN THE AMOUNT OF \$4,651.72.



Land Title Guarantee Company

Property Report

Order Number: 86004690

This Report is based on a limited search of the county real property records and provides the name(s) of the vested owner(s), the legal description, tax information (taken from information provided by the county treasurer on its website) and encumbrances, which, for the purposes of this report, means deed of trust and mortgages, and liens recorded against the property and the owner(s) in the records of the clerk and recorder for the county in which the subject is located. This Report does not constitute any form of warranty or guarantee of title or title insurance. The liability of Land Title Guarantee Company is strictly limited to (1) the recipient of the Report, and no other person, and (2) the amount paid for the report.

Prepared For:

THE LAW OFFICES OF THOMAS G KENNEDY, ITS SUCCESSORS AND/OR ASSIGNS

This Report is dated:

04-01-2015 at 05:00PM

Address:

257 ADAMS RANCH ROAD #C, MOUNTAIN VILLAGE, CO 81435

Legal Description:

UNIT C, PONDEROSA RIDGE, A SMALL LIMITED EXPENSE PLANNED COMMUNITY, IN ACCORDANCE WITH THE RECORDED MAP AND DECLARATION, A PART OF LOT 617, MOUNTAIN VILLAGE, RECORDED APRIL 17, 1995 IN PLAT BOOK 1 AT PAGE 1825 AND APRIL 17, 1995 IN BOOK 544 AT PAGE 567, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Record Owner:

WILLIAM H. FLORES AND GINA L. FLORES

We find the following documents of record affecting subject property:

1. WARRANTY DEED RECORDED OCTOBER 6, 1997 IN BOOK 587 AT PAGE 839 AND RERECORDED NOVEMBER 17, 1997 IN BOOK 590 AT PAGE 444.

2. QUIT CLAIM DEED RECORDED NOVEMBER 10, 1999 UNDER RECEPTION NO. 330535.

3. DEED OF TRUST DATED OCTOBER 18, 2012 FROM WILLIAM H. FLORES AND GINA L. FLORES TO THE PUBLIC TRUSTEE OF SAN MIGUEL COUNTY FOR THE USE OF ASCENT FINANCIAL SERVICES, LLC TO SECURE THE SUM OF \$650,438.00, AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS THEREOF, RECORDED OCTOBER 22, 2012, UNDER RECEPTION NO. 425270.

SAID DEED OF TRUST WAS ASSIGNED TO WELLS FARGO BANK, N.A. IN ASSIGNMENT RECORDED OCTOBER 22, 2012, UNDER RECEPTION NO. 425271.

***** PROPERTY TAX INFORMATION *****

PARCEL NO. R1080395617

2014 LAND ASSESSED VALUE \$0.00

2014 IMPROVEMENTS ASSESSED VALUE \$100,810.00

2014 REAL PROPERTY TAXES IN THE AMOUNT OF \$5,839.12.

Exhibit "B"
(Owners Authorizations and Consents)

**OWNERS AUTHORIZATION AND CONSENT
COUPLED WITH POWER OF ATTORNEY**

The undersigned, being first duly sworn, does under oath hereby state and affirm as follows:

1. I/We are the current fee simple owner of Unit B, Ponderosa Ridge ("Unit"), established pursuant to (a) Declaration of Covenants for Ponderosa Ridge ("Community") recorded on April 17, 1995 in Reception No. 298365, as may be amended and/or supplemented from time to time (collectively the "Declaration"); and (b) Plat of Ponderosa Ridge, a Small Limited Expense Planned Community, Lot 617, Telluride Mountain Village, Filing 21, recorded on April 17, 1995 in Reception No. 298366, Plat Book 1 at page 1825, as may be amended and/or supplemented from time to time (collectively, the "Plat").
2. I/We have reviewed and do hereby consent to and approve the attached amendment to the Plat ("Plat Amendment") and the Amendment to the Declaration ("Declaration Amendment").
3. I/We hereby authorize, empower and instruct The Owners Association for Ponderosa Ridge, an unincorporated nonprofit association ("Association") to: (a) submit appropriate applications with the Town of Telluride to secure approval of the Plat Amendment and Declaration Amendment on our behalf, (b) execute the Map Amendment and Declaration Amendment on my behalf as owner of the Unit, in compliance with the provisions of the Declaration concerning amendments to the Declaration and/or the Map, (c) prepare and file a Statement Appointing An Agent for the Association with the Colorado Secretary of State, (d) execute and record such easements and agreements perfecting rights for the Association and owners of units to use, maintain and repair improvements located outside of the Community which benefit or serve the Community; (e) submit and secure approval of any such other applications or matters as may be necessary and appropriate to further implement the matters contemplated in the Map Amendment and Declaration Amendment, and (f) undertake such other related matters, which are necessary and appropriate to implement the foregoing matters.
4. I/We do hereby appoint Dan Garner and authorize and direct him to execute any and all such documents and materials and take all such actions necessary and appropriate to accomplish the undertakings described in this Consent for and on behalf of the Association and the undersigned, as the owner of the Unit. The intent of this appointment is to designate said Dan Garner to be our true and lawful attorney-in-fact for the above stated purposes, with full authorization, right and power to make, execute and deliver any documents and materials relating to the within described undertakings.

Reviewed, Approved and Executed By the Undersigned.

By: Dennis D. Shaw, TTEE
Name: Dennis D. Shaw, Trustee
Dennis D. Shaw Revocable Trust

Date: June 23, 2015
Title: Trustee

By: _____
Name: _____

Date: _____
Title: _____

STATE OF Arkansas)

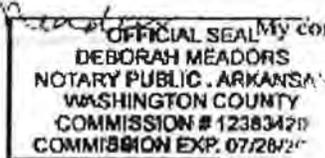
ss.

COUNTY OF Washington)

The foregoing instrument was acknowledged before me this 23rd day of June, 2015, by Dennis D. Shaw

WITNESS my hand and official seal.

Deborah Meadors
Notary Public



My commission expires: 7-26-2021

PAID: \$100.00

298365

298365 04/17/1995 : 43A B: 544 P: 567
Gay Cappis, County Clerk, San Miguel County, CO

**DECLARATION
OF
COVENANTS FOR
PONDEROSA RIDGE**

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**DECLARATION
OF
COVENANTS FOR
PONDEROSA RIDGE**

THIS DECLARATION is made on the date hereinafter set forth, by Lot 617 Limited Liability Company, a Colorado limited liability company, whose address is P.O. Box 1374, Telluride, Colorado 81435 ("Declarant").

RECITALS:

(a) Declarant is the owner of certain property in the Telluride Mountain Village, County of San Miguel, State of Colorado, which is described as Lot 617, Telluride Mountain Village, Filing No. 21, San Miguel County, Colorado (the "Real Estate").

(b) Declarant desires to create a small limited expense Planned Community on the Real Estate (as "Real Estate" is defined herein) under the name of Ponderosa Ridge, in which portions of the Real Estate will be designated for separate ownership and uses of a residential nature.

ARTICLE 1 - SUBMISSION/DEFINED TERMS

Section 1.01--Submission of Real Estate. Declarant hereby submits the Real Estate to the terms and conditions of this Declaration and to the provisions of the Colorado Common Interest Ownership Act that apply to small limited expense Planned Communities, as set forth in C.R.S. § 38-33.3-116, (the "Act"), as the Act may be amended from time to time. Declarant hereby declares that all of the Real Estate shall be held or sold, and conveyed subject to the following easements, restrictions, covenants, and conditions. Declarant further declares that this Declaration is made for the purpose of protecting the value and desirability of the Real Estate, that this Declaration shall run with the Real Estate and shall be binding on all parties having any right, title or interest in the Real Estate or any part thereof, their heirs, legal representatives, successors, and assigns and shall inure to the benefit of each Unit Owner.

Section 1.02--Defined Terms. Each capitalized term in this Declaration or in the map shall have the meaning specified or used in the Act, unless otherwise defined in this Declaration.

- (a) Association means "The Owners Association for Ponderosa Ridge," an unincorporated nonprofit association.

- (b) Common Elements means the property within this Common Interest Community, if any, owned or maintained by the Association, other than a Unit; which property is designated in a recorded map and in this Declaration.
- (c) Common Expense Assessment(s) means expenditures made or liabilities incurred by or on behalf of the Association, together with any allocations to reserves, late charges, attorneys' fees, fines and interest charged by the Association.
- (d) Improvement(s) means structures installed within or upon a Unit.
- (e) Limited Common Elements means those portions of the Common Elements, if any, designated by Declarant or the Association for the exclusive use of one or more but fewer than all of the Units and those portions of the Real Estate, as connect the Units.
- (f) Real Estate means the property described as Lot 617, Telluride Mountain Village, Filing No. 21, County of San Miguel, Colorado, together with all easements, rights, and appurtenances thereto and the buildings and improvements erected or to be erected thereon. Certain easements and licenses which the Common Interest Community is subject to as of the date of this Declaration are recited in this Declaration. Additional easements are established in the Act.
- (g) Unit means a physical portion of the Common Interest Community, designated for separate ownership, shown as a Unit or Unit on the recorded map for the Common Interest Community, the boundaries of which are defined in the map and in Article 3 of this Declaration.
- (h) Unit Owner or Owner means the Declarant, or any other person or entity that owns a Unit.

ARTICLE 2 - NAMES/DESCRIPTION OF REAL ESTATE

Section 2.01--Name and Type. The type of Common Interest Community is a small limited expense Planned Community. The Common Interest Community is located in the Telluride Mountain Village, County of San Miguel, State of Colorado. The name of the Common Interest Community is "Ponderosa Ridge." The name of the Association is "The Owners Association for the Ponderosa Ridge," an unincorporated nonprofit association.

Section 2.02--Exemption from CCIOA. The Planned Community created by this Declaration shall not exceed three (3) Units. The Real Estate is intended to be and is exempt from the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-116, et seq., as a small

and limited expense Planned Community. Accordingly, the Real Estate shall only be subject to Sections 105, 106 and 107 of the Colorado Common Interest Ownership Act and such other sections of the Act as specifically made applicable by the terms of this Declaration. Further, definitions used in the Colorado Common Interest Ownership Act shall apply herein, as set forth above.

Section 2.03--Utility, Map, Plat and Existing Easements. Easements for access, utilities, signage and other purposes over and across the Units and Common Elements may be as shown upon recorded plats or maps and on the recorded map of the Common Interest Community, and as may be established pursuant to the provisions of this Declaration, or granted by authority reserved in any recorded document. Existing easements on the Real Estate are set forth in the records of the Clerk and Recorder.

Section 2.04--Easements for the Executive Board and Unit Owners. Each Unit shall be subject to an easement in favor of the Executive Board of the Association (including its agents, employees and contractors) and to each Unit Owner to allow for their performance of obligations in this Declaration.

Section 2.05--Emergency Easements. A nonexclusive easement for ingress and egress is hereby granted to all police, sheriff, fire protection, ambulance, and other similar emergency agencies or persons, now or hereafter servicing the Common Interest Community, to enter upon any part of the Common Interest Community in the performance of their duties.

Section 2.06--Unit Owners' Easements of Enjoyment. Every Unit Owner shall have a right and easement access to their Unit and a right and easement of enjoyment in and to any Common Elements, and such easements shall be appurtenant to and shall pass with the title to every Unit, subject to the following provisions: (a) the right of the Association to promulgate and publish rules and regulations which each Unit Owner and their guests shall strictly comply with; (b) the right of the Association to suspend the voting rights of a Unit Owner for any period during which any assessment against their Unit remains unpaid; and for a period not to exceed sixty days for any infraction of its published rules and regulations; (c) the right, power and authority of the Association to grant any easement, right-of-way, license, lease, dedication, transfer or conveyance or grant of any similar interest affecting the Common Elements, to the extent determined by the Executive Board of the Association to be in the best interests of the Community; and (d) the right of the Association to close or limit the use of the Common Elements while maintaining, repairing and making replacements in the Common Elements.

Section 2.07--Delegation of Use. Any Unit Owner may delegate their easement rights and rights of enjoyment to the Common Elements and facilities to the members of their family, their tenants, guests, or contract purchasers who reside at their Unit.

ARTICLE 3 - UNITS, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS

Section 3.01--Number of Units. The number of Units in the Common Interest Community is three (3).

Section 3.02--Identification of Units/Unit Descriptions. The identification number of each Unit is shown on the map. Every contract for sale, deed, lease, Security Interest, will or other legal instrument shall legally describe a Unit by its identifying Unit number followed by the name of the community, with reference to the map, and the Declaration. An illustrative description is as follows:

Unit _____, Ponderosa Ridge, a Planned Community, in accordance with the recorded map and Declaration, a part of Lot 617, Telluride Mountain Village, San Miguel County, Colorado.

Reference to the Declaration and map in any instrument shall be deemed to include any supplement(s) or amendment(s) to the Declaration and map, without specific references thereto.

Section 3.03--Unit Maintenance/Unit Boundaries. Unit Owners are responsible for the maintenance, repair and replacement of the Improvements, landscaping and properties located within their Unit boundaries. Specifically, Unit Owners shall provide for all interior and exterior maintenance of all Improvements constructed on or as a part of a Unit. Walls shared, if any, between two Units shall be Limited Common Elements, and shall be maintained as Limited Common Elements. Additionally, the improvement, upkeep and maintenance, repair and reconstruction of landscaped areas in access, ingress and egress easements serving the Common Interest Community shall be maintained by each Unit Owner, to those points, if any, within side Unit Boundaries. The planes defined by the Unit boundary lines on the map for the Real Estate are designated as boundaries of each Unit, as depicted on the map. Each Unit includes the spaces and improvements lying within the boundaries described above, and also includes the utilities and utility meters and communications, television, telephone and electrical receptacles and boxes serving that Unit exclusively, whether or not in the boundaries or contiguous to the Unit, unless the same are maintained by a governmental agency or entity. Any utilities or other facilities running through or within any Unit for the purpose of furnishing utility and other service to other Units and/or the Common Elements are also excluded from each Unit.

Section 3.04--Association Maintenance. The Executive Board of the Association shall determine the specifications, scope, extent, nature and parameters of the Association's maintenance responsibilities, if any. The Association may be responsible for the improvement, maintenance, repair and replacement of the access easement, including snow removal, landscaping, and any Common Elements. The Common Elements may be designated in the

recorded map, in the Declaration, in a supplement to this Declaration, or in an exhibit to or amendment of this Declaration.

Section 3.05--Common Elements, Association Maintenance and Limited Common Elements. Portions of the Common Elements may be designated by the Declarant or by the Association as a Limited Common Element to a Unit. Walls shared, if any, between two Units shall be Limited Common Elements, and shall be maintained as Limited Common Elements. The Declarant or the Association may allocate or assign Common Elements or Limited Common Element areas (i) by making such an allocation in a recorded instrument, or (ii) in the deed to the Unit to which such Limited Common Element shall be appurtenant, or (iii) by recording an appropriate amendment or supplement to this Declaration or (iv) by recording a supplement to the map. Such allocations may be made as a matter of reserved right. In the event a Common Expense is associated with the maintenance, repair or replacement of a Limited Common Element, those Common Expenses may be assessed equally against the Units to which the Limited Common Element is assigned.

ARTICLE 4 - RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY

All Real Estate within the Common Interest Community shall be held, used and enjoyed subject to the following limitations and restrictions. The strict application of the following limitations and restrictions in any specific case may be modified or waived, in whole or in part, by the Executive Board if such strict application would be unreasonable or unduly harsh under the circumstances. Any such modification or waiver must be in writing or be contained in written guidelines or rules.

Section 4.01--Use/Occupancy. All Units within the Common Interest Community shall be used only for residential uses and/or uses or purposes as allowed by local zoning, control and regulation. The use of each Unit is restricted to that of a single family residence and accessory uses as permitted herein. The term "single family residence" means a single housekeeping unit. Except for those activities conducted as a part of the marketing and development program of the Declarant and its assignees, no industry, business, trade or commercial activities, shall be conducted, maintained or permitted in any part of a Unit. Home professional pursuits are permitted, provided however, such activity must be conducted without employees, public visits or nonresidential storage or other similar uses.

Section 4.02--Architectural Approval and Design Review/Required Approvals. Improvements to Units must first be approved by the Design Review Committee or other similar committee for the Telluride Mountain Village. Specifically, no structure or any attachment to the exterior of the Improvements on a Unit or landscaping shall be constructed, erected, placed or installed, including, but not limited to, a change in painting and/or staining of exterior siding, unless first submitted to and approved in writing by the Design Review Committee (or other committee) for the Telluride Mountain Village.

Section 4.03--Leasing and Occupancy. Any Unit Owner shall have the right to lease or allow short or long term occupancy of the Improvements in the Unit upon such terms and conditions as the Unit Owner may deem advisable, subject to restrictions of this Declaration, subject to restrictions of record and subject to Rules and Regulations as may be adopted by the Association. Except as restricted in this Declaration, and such Rules and Regulations as the Association may promulgate, the right to lease or allow occupancy of a Unit shall not be restricted.

Section 4.04--No Unsightliness. All unsightly conditions, structures, facilities, equipment, objects and conditions shall be enclosed within the Improvements constructed on a Unit.

Section 4.05--Declarant's Use. Notwithstanding anything to the contrary contained in this Declaration, it shall be expressly permissible for Declarant, its assigns, employees and agents, to perform such reasonable activities, and to maintain upon portions of the Common Interest Community such facilities as deemed reasonably necessary or incidental to the construction and sale of Units in the development of the Common Interest Community, specifically including, without limiting the generality of the foregoing, the maintenance of temporary business offices, storage areas, trash bins, construction yards and equipment, signs, model units, temporary sales offices, parking areas and lighting facilities.

Section 4.06--Restrictions on Animals and Pets. Pets, including cats, dogs, other animals, birds, reptiles, shall be subject to regulation or restriction, if at all, by Metro Services or local government.

Section 4.07--Restriction on Garbage Collection. If garbage collection is ever a service of the Association to the Units in the Community, no Owner shall have the right to engage or contract for garbage removal from their Unit, on a weekly basis, other than through the service then provided by the Association.

Section 4.08--Nuisances. No Nuisance shall be permitted within the Common Interest Community, nor any use, activity or practice which is the source of unreasonable annoyance or embarrassment to, or which unreasonably offends or disturbs, any Unit Owner or which may unreasonably interfere with the peaceful enjoyment or possession of the proper use of a Unit or Common Element, or any portion of the Common Interest Community by Unit Owners. No immoral, improper, offensive or unlawful use shall be permitted within the Common Interest Community or any portion thereof. All valid laws, ordinances and regulations of all governmental bodies having jurisdiction over the Common Interest Community or a portion thereof shall be observed. As used herein, the term nuisance shall not include any activities of Declarant or its assignees which are reasonably necessary to the development and construction of Improvements within this Common Interest Community; provided, however, that such activities shall not reasonably interfere with any Unit Owner's

use and enjoyment of their Unit, or any Unit Owner's ingress and egress to or from their Unit and a public way.

Section 4.09--Vehicular Parking, Storage, and Repairs. No oversized vehicles, trailers, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, truck, self contained motorized recreational vehicle, or other oversized type of vehicle or equipment, may be parked or stored within the Common Interest Community unless such parking or storage is within a garage; except, that any such oversized vehicle may be otherwise parked as a temporary expedience for loading, delivery of goods or services, or emergency. This restriction shall not apply to trucks or other commercial vehicles temporarily located within the Common Interest Community which are necessary for construction or for the maintenance of the Common Elements, Units, or any Improvement located thereon.

Garages, carports, Limited Common Elements assigned or designated parking are restricted to occupancy by the Owner of the Unit to which such garage or carport is part of the Unit or a Limited Common Element, to be used solely as storage and as a parking space for vehicles. These areas shall not be used for trucks, commercial vehicles and campers.

Vehicular parking upon the access easement or any Common Elements shall be regulated by the Executive Board. Each of the parking areas in those areas, if any, may be subject to designation of individual spaces as Limited Common Elements appurtenant to certain designated Units. Subject to the provisions of this Section, all other parking spaces shall be used by the Owners for self-service parking purposes on a "first come, first served" basis; provided, however, that no Owner shall park more than one (1) vehicle (owned or leased by such Owner, a member of his or her family or Occupant of his or her Unit) on the access easement or any Common Element parking spaces without the prior written consent of the Board.

The conversion or alteration of garages into living areas, storage areas, work shop areas, or any other modification or alteration of the garages, which would hinder, preclude or prevent the parking of the number of vehicles for which the garage was originally designed is prohibited.

Section 4.10--No Annoying Lights, Sounds or Odors. No light shall be emitted from any portion of the Common Interest Community which is unreasonably bright or causes unreasonable glare, and no sound or odor shall be emitted from any portion of the Common Interest Community which would reasonably be found by others to be noxious or offensive. Without limiting the generality of the foregoing, no exterior spot lights, searchlights, speakers, horns, whistles, bells or other light or sound devices shall be located or used on any portion of the Common Interest Community except with the prior written approval of the Association.

Section 4.11--No Hazardous Activities. No activity shall be conducted on any portion of the Common Interest Community which is or might be unsafe or hazardous to any person

or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any portion of the Common Interest Community.

Section 4.12--Restriction on Signs and Advertising Devices. No sign, poster, billboard, advertising device or display of any kind shall be erected or maintained anywhere within the Common Interest Community, except approved "for sale" or "for rent" signs or real estate sales signs, as may be approved in writing by the Association and as may be approved by Metro Services or local government. Approval will not be withheld unreasonably.

Section 4.13--No Restrictions on Sale of a Unit. The right of a Unit Owner to sell, transfer or otherwise convey their Unit shall not be subject to any right of first refusal or similar restriction and such Unit may be sold free of any such restrictions.

Section 4.14--Rules and Regulations. In furtherance of the provisions of this Declaration, and the general plan, rules and regulations concerning and governing the Common Interest Community or any portion thereof may be adopted, amended, or repealed, from time to time, by the Executive Board, or its successors and assigns. The Executive Board may establish and enforce penalties for the infraction thereof.

ARTICLE 5 - THE ASSOCIATION

Section 5.01--Membership. Every person who is a record Unit Owner of a fee interest in any Unit which is subject to this Declaration shall be a member of the Association, including contract sellers. Membership shall be appurtenant to and may not be separated from ownership of any Unit. Ownership of a Unit shall be the sole qualification for such membership. Where more than one person holds an interest in any Unit, all such persons shall be members. Ownership of a Unit shall entitle the Owner to one vote.

Section 5.02--General Purposes and Powers of the Association. The Association, through its Executive Board, shall only perform functions and manage the Common Interest Community as provided in this Declaration if each Owner fails to maintain their portion of the access easement or any common utilities. In exercising any management of the Community, the Association must further the interests of the Owners, residents, occupants, tenants and guests of the Common Interest Community and members of the Association. All Unit Owners shall be deemed to have assented to, ratified and approved such designation and management. The Association shall have all power necessary or desirable to effectuate such purposes.

Section 5.03--Authority of the Association. The business affairs of the Common Interest Community shall be managed by the Association. The Association shall be managed by the Unit Owners, who shall serve as the Executive Board of the Association. A majority of the Unit Owners may act for the Executive Board and the Association. The Association

shall be governed by this Declaration, as amended from time to time, by any rules and regulations adopted by the Executive Board, and by applicable portions of the Colorado Common Interest Ownership Act as apply to small limited expense Planned Communities. The Executive Board may, by written resolution, delegate authority to a manager or managing agent for the Association, provided no such delegation shall relieve the Board of final responsibility.

Section 5.04--Allocated Interests. The Common Expense liability and votes in the Association shall be equally allocated to each Unit.

Section 5.05--Indemnification. To the full extent permitted by law, and to the full extent as the law may allow for more favorable indemnification from time to time, each Officer and Director of the Association shall be and is hereby indemnified by the Members and the Association. This indemnification shall be of, from and against all expenses and liabilities including attorneys' fees, reasonably incurred by or imposed upon any Officer or Director in any proceeding to which they may be a party, or in which they may become involved, by reason of being or having been an Officer or Director of the Association. This indemnification shall also extend to any settlements, whether or not the party is an Officer or Director of the Association at the time such expenses are incurred. This indemnification shall not apply in cases where such Officer or Director is adjudged guilty of willful misfeasance or malfeasance in the performance of their duties.

ARTICLE 6 - COVENANT FOR COMMON EXPENSE ASSESSMENTS

Section 6.01--Creation of Association Lien and Personal Obligation to Pay Common Expense Assessments. Each Owner shall be deemed to covenant and agree, by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, to covenant and agree to pay to the Association annual Common Expense Assessments and such other assessments as imposed by the Association. Such assessments, including fees, charges, late charges, attorney fees, fines and interest charged by the Association shall be limited to not more than the amount allowed by C.R.S. § 38-33.3-116, unless the Owners consent. All assessments shall be the personal obligation of the Unit Owner of such Unit at the time when the assessment or other charges became or fell due. The Association annual Common Expense Assessments and such other assessments as imposed by the Association, including fees, charges, late charges, attorney fees, fines and interest charged by the Association, shall be a charge on each Unit and shall be a continuing lien upon the Unit against which each such assessment or charge is made. If any Assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment becomes due. The personal obligation to pay any past due sums due the Association shall not pass to a successor in title unless expressly assumed by them. No Unit Owner may become exempt from liability for payment of the Common Expense Assessments by waiver of the use or enjoyment of the Common Elements or by abandonment of the Unit against which the

Common Expense Assessments are made. All Assessments shall be payable in the amounts specified in the levy thereof, and no offsets or reduction thereof shall be permitted by any reason including, without limitation, any claim that the Association or the Executive Board is not properly exercising its duties and powers under this Declaration.

Section 6.02--Apportionment of Common Expenses. Except as provided in this Declaration, all Common Expense Assessments shall be assessed against all Units in accordance with formula for liability for the Common Expenses as set forth in this Declaration.

Section 6.03--Purpose of Assessments. The assessments levied by the Association through its Executive Board shall be used exclusively for the purposes of promoting the health, safety, and welfare of the residents and guests of the Common Interest Community and the members of the Association.

Section 6.04--Annual Assessment/Commencement of Common Expense Assessments. The Common Expense Assessment may be made on an annual basis against all Units and shall be based upon the Association's advance budget of the cash requirements needed by it to provide for the administration and performance of its duties during such assessment year. Common Expense Assessments shall be due and payable in monthly, quarterly, or annual installments, or in any other manner, as determined by the Executive Board. The omission or failure of the Executive Board to levy the Assessment for any period shall not be deemed a waiver, modification or a release of the Unit Owners from their obligation to pay.

Section 6.05--Effect of Non-Payment of Assessments. Any assessment, charge or fee provided for in this Declaration, or any monthly or other installment thereof, which is not fully paid within ten (10) days after the due date thereof, as established by the Executive Board, shall bear interest at the rate as determined by the Executive Board, or lacking such determination, at the rate of twelve percent per year, and the Association may assess a reasonable late charge thereon as determined by the Executive Board. Failure to make payment within sixty days of the due date thereof shall cause the total amount of such Unit Owner's Common Expense Assessment for the remainder of that fiscal year to become immediately due and payable at the option of the Board. Further, the Association may bring an action at law or in equity, or both, against any Unit Owner personally obligated to pay such overdue assessments, charges or fees, or monthly or other installments thereof, and may also proceed to foreclose its lien against such Unit Owner's Unit. An action at law or in equity by the Association against a Unit Owner to recover a money judgment for unpaid assessments, charges or fees, or monthly or other installments thereof, may be commenced and pursued by the Association without foreclosing, or in any way waiving, the Association's lien therefor. Foreclosure or attempted foreclosure by the Association of its lien shall not be deemed to estop or otherwise preclude the Association from thereafter again foreclosing or attempting to foreclose its lien for any subsequent assessment, charges or fees, or monthly or other installments thereof, which are not fully paid when due. The Association shall have the power and right to bid on or purchase any Unit at foreclosure or other legal sale, and to

acquire and hold, lease, mortgage, vote the Association votes appurtenant to ownership thereof, convey or otherwise deal with the same. If a foreclosure action is filed to foreclose any Assessment lien, and a Unit Owner abandons or leaves vacant his or her Unit, the Board may take possession and rent said Unit or apply for the appointment of a receiver for the Unit without prior notice to the Unit Owner. The rights of the Association shall be expressly subordinate to the rights of any holder of a first lien Security Interest as set forth in its deed of trust or mortgage (including any assignment of rents), to the extent permitted under the Act.

Section 6.06--Lien Priority. The lien of the Association under this Section is prior to all other liens and encumbrances on a Unit except: (1) liens and encumbrances recorded before the recordation of the Declaration; (2) a first lien Security Interest on the Unit (except as allowed by the Act with regard to the limited lien priority allowed to the Association); and (3) liens for real estate taxes and other governmental assessments or charges against the Unit. This Section does not affect the priority of mechanics' or materialmen's liens. The lien of the Association under this Article is not subject to the provision of any homestead exemption as allowed under State or Federal law. Sale or transfer of any Unit shall not affect the lien for said assessments or charges except that sale or transfer of any Unit pursuant to foreclosure of any first lien Security Interest, or any proceeding in lieu thereof, including deed in lieu of foreclosure, or cancellation or forfeiture shall only extinguish the lien of assessment charges as provided by applicable State law. No such sale, transfer, foreclosure, or any proceeding in lieu thereof, including deed in lieu of foreclosure, nor cancellation or forfeiture shall relieve any Unit from continuing liability for any assessment charges thereafter becoming due, nor from the lien thereof.

ARTICLE 7 - DEVELOPMENT RIGHTS AND SPECIAL DECLARANT RIGHTS

Section 7.01--Development Rights and Special Declarant Rights. The Declarant reserves, for itself and its successors in title, whether specifically recited in a deed or grant of a Unit from Declarant to its successor in title, for fifteen (15) years after the recording of this Declaration, the following Development Rights and Special Declarant Rights: (a) the right to exercise any development rights reserved or allowed in the Act; (b) the right to use, and to permit others to use, easements through the Common Elements as may be reasonably necessary; (c) the right to amend the Declaration in connection with the exercise of any development right; and, (d) the right to amend the maps or plat in connection with the exercise of any development right.

Section 7.02--Additional Reserved Rights. In addition to the rights set forth above, Declarant, for itself and its successors in title, whether specifically recited in a deed or grant of a Unit from Declarant to its successor in title, also reserves the following additional rights: (a) the right to maintain sales offices, management offices and models in Units; (b) the right

to maintain signs and advertising on the Common Interest Community to advertise the Common Interest Community; (c) the right to establish, from time to time, by dedication or otherwise, public streets, utility and other easements for purposes including but not limited to public access, access, paths, walkways, drainage, recreation areas, parking areas, ducts, shafts, flues, conduit installation areas, and to create other reservations, exceptions and exclusions; (d) the right to enter into, establish, execute, amend, and otherwise deal with contracts and agreements for the use, lease, repair, maintenance or regulations of parking and of the Common Elements; (e) Declarant and its assignees expressly reserve the right to perform warranty work, and repairs and construction work and to store materials in secure areas, in Units and in Common Elements, and the future right to control such work and repairs, and the right of access thereto, until completion. All work may be performed without the consent or approval of any Unit Owner or holder of a Security Interest. Declarant and its assignees have such an easement through the Common Elements as may be reasonably necessary for exercising reserved rights in this Declaration. Such easement includes the right to construct underground utility lines, pipes, wires, ducts, conduits, and other facilities across the Real Estate.

Section 7.03--Rights Transferable/Rights Transferred. Any rights created or reserved under this Article or this Declaration for the benefit of Declarant may be transferred to any person by an instrument describing the rights transferred recorded in the real property records of the County. Such instrument shall be executed by the transferor Declarant and the transferee.

Section 7.04--No Further Authorizations Needed. The consent of Unit Owners or holders of Security Interests shall not be required for exercise of any reserved rights, and Declarant or its assignees may proceed without limitation at their sole option. Declarant or its assignees may exercise any reserved rights on all or any portion of the property in whatever order determined. Declarant or its assignees shall not be obligated to exercise any reserved rights or to expand the Common Interest Community beyond the number of Units initially submitted.

Section 7.05--Amendment of the Declaration or Map. If Declarant or its assignee elects to exercise any reserved rights, that party shall amend the Declaration and/or map.

ARTICLE 8 - INSURANCE/CONDEMNATION

Section 8.01--Owner Insurance. Unit Owners are advised to carry casualty and other insurance on their Unit for their benefit and at their expense.

Section 8.02--Association Insurance. The Association may obtain, to the extent reasonably available, the insurance coverage set forth herein. The Association may obtain

hazard insurance covering loss, damage or destruction by fire or other casualty to the Common Elements and the other property of the Association. Casualty insurance on the Improvements constructed, or to be constructed, on the Units is to be obtained by Unit Owners. The Association may obtain comprehensive public liability and property damage liability insurance covering the Common Elements in such limits as the Board may, from time to time, determine. The Association may obtain fidelity coverage or fidelity bonds to protect against dishonest acts on the parts of its officers, directors, trustees and employees and on the part of all others who handle or are responsible for handling the funds of the Association, including persons who serve the Association with or without compensation. The Association may obtain worker's compensation and employer's liability insurance and other similar insurance with respect to employees. The Association may obtain officers' and directors' personal liability insurance to protect the officers and directors from personal liability in relation to their duties and responsibilities in acting as officers and directors on behalf of the Association. The Association may obtain insurance against such other risks, of similar or dissimilar nature, including flood insurance, as it shall deem appropriate with respect to the Association responsibilities and duties.

Section 8.03--General Association Insurance Provisions. All policies of insurance obtained by the Association should contain waivers of subrogation and waivers of any defense based on invalidity arising from any acts of a Unit Owner and shall provide that such policies may not be canceled or modified without at least thirty (30) days prior written notice to all of the Unit Owners and the Association. As to all policies of insurance maintained by or for the benefit of the Association and Unit Owners, the Association and the Unit Owners hereby waive and release all claims against one another, the Board and Declarant, to the extent of the insurance proceeds available, whether or not the insurance damage or injury is caused by the negligence of or breach of any agreement by and of said persons. All liability insurance carried by the Association should be in blanket form naming the Association, the Board, the manager or managing agent, if any, the officers of the Association, their successors and assigns and Unit Owners as insureds. All policies of insurance carried by the Association should provide that the insurance thereunder shall be invalidated or suspended only in respect to the interest of any particular Unit Owner guilty of a breach of warranty, act, omission, negligence or non-compliance of any provision of such policy, including payment of the insurance premium applicable to the Unit Owner's interest, or who permits or fails to prevent the happening of any event, whether occurring before or after a loss, which under the provisions of such policy would otherwise invalidate or suspend the entire policy, but the insurance under any such policy, as to the interests of all other insured Unit Owners not guilty of any such act or omission, shall not be invalidated or suspended and shall remain in full force and effect.

ARTICLE 9 - GENERAL PROVISIONS

Section 9.01--Enforcement. A Unit Owner or Unit Owners of any of the Units, or the Association, or Metro Services (its successors and assigns) or local government, may enforce the restrictions, conditions, covenants and reservations imposed by the provisions of this Declaration by proceedings at law or in equity against any person or persons, either to recover damages for such violation, including reasonable attorneys fees incurred in enforcing these covenants, or to restrain such violation or attempted violation. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 9.02--Severability. Each of the provisions of this Declaration shall be deemed independent and severable. If any provision of this Declaration or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Declaration which can be given effect without the invalid provisions or applications.

Section 9.03--Term of Declaration. The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity.

Section 9.04--Amendment of Declaration, Map or Plat by Declarant. Until the first Unit has been conveyed by Declarant by deed recorded in the office of the County Clerk and Recorder of the County, any of the provisions, covenants, conditions, restrictions and equitable servitudes contained in this Declaration or the map or the plat may be amended by Declarant by the recordation of a written instrument, executed by Declarant, setting forth such amendment. Thereafter if Declarant shall determine that any amendments shall be necessary in order to make non-material changes, such as for the correction of a technical, clerical or typographical error or clarification of a statement or for any changes to property not yet part of the Community, then, subject to the following sentence of this Section, Declarant shall have the right and power to make and execute any such amendments without obtaining the approval of any Unit Owners. Each such amendment of this Declaration shall be made, if at all, by Declarant prior to the expiration of fifteen (15) years from the date this Declaration is recorded.

Section 9.05--Amendment of Declaration by Unit Owners. Except as otherwise provided in this Declaration, and subject to provisions elsewhere contained in this Declaration requiring the consent of Declarant or others, any provision, covenant, condition, restriction or equitable servitude contained in this Declaration may be amended or repealed at any time and from time to time upon approval of at least sixty-seven percent (67%) of the votes in the Association and with the written consent of the Association. The amendment or repeal shall be effective upon the recordation in the office of the Clerk and Recorder of the County, of a certificate, setting forth the amendment in full and certifying that the amendment has been

approved as set forth above, and containing the written consent and approval of the Association.

Section 9.06--Amendment Required by Mortgage Agencies. Any provision, covenant, condition, restriction or equitable servitude contained in this Declaration which a holder of a first lien Security Interest, or FHA, VA, FHLMC, GNMA, FNMA or any similar entity authorized to insure, guarantee, make or purchase mortgage loans requires to be amended or repealed may be amended or repealed by Declarant or the Association. Any such amendment or repeal shall be effective upon the recordation in the office of the Clerk and Recorder of the County, State of Colorado, of a certificate, setting forth the amendment or repeal in full.

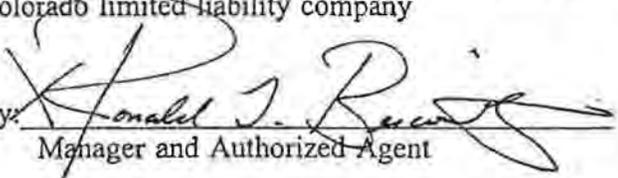
Section 9.07--Interpretation. The provisions of this Declaration shall be liberally construed to effectuate their purposes of creating a uniform plan for the development of the Units and of promoting and effectuating the fundamental concepts as set forth in the recitals of this Declaration. This Declaration shall be construed and governed under the laws of the State of Colorado.

Section 9.08--Singular Includes the Plural. Unless the context otherwise requires, the singular shall include the plural, and the plural shall include the singular, and each gender referral shall be deemed to include the masculine, feminine and neuter.

Section 9.09--Captions. All captions and titles used in this Declaration are intended solely for convenience of reference and shall not enlarge, limit or otherwise affect that which is set forth in any paragraph, section or article hereof.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed by its duly authorized agents this 14th day of April, 1995.

LOT 617 LIMITED LIABILITY COMPANY, a
Colorado limited liability company

By: 
Manager and Authorized Agent

STATE OF COLORADO)
COUNTY OF San Miguel) ss.

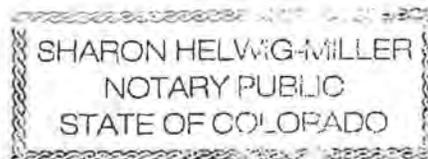
The foregoing Declaration was acknowledged before me on this 14th day of April, 1995, by Ronald J. Bercoff, as Manager and Authorized Agent of Lot 617 Limited Liability Company, a Colorado limited liability company.

My commission expires:

5/30/98



Notary Public



LENDER CONSENT

Consent is hereby given to the above Declaration. Lender agrees and acknowledges that any foreclosure or enforcement of any other remedy available to Lender under the Deed of Trust will not render void or otherwise impair the validity of the Declaration covenants running with the land described in the Declaration.

Dated in Telluride, Colorado, this 14th day of April, 1995.

By: [Signature]
Authorized Agent

~~ATTEST:~~

By: _____
Authorized Agent

STATE OF _____)
COUNTY OF San Miguel) ss.

The foregoing was acknowledged before me by Timothy J. Cannon
as Vice-President and by _____
as _____ of Pitkin County Bank & Trust Co.
this 14th day of April, 1995.

Witness my hand and official seal.

My commission expires:
5/30/98

[Signature]

Notary Public
SHARON HELWIG-MILLER
NOTARY PUBLIC
STATE OF COLORADO

017-04

DATE:

11-11-11

PONDEROSA RIDGE
LOT 617 TMV

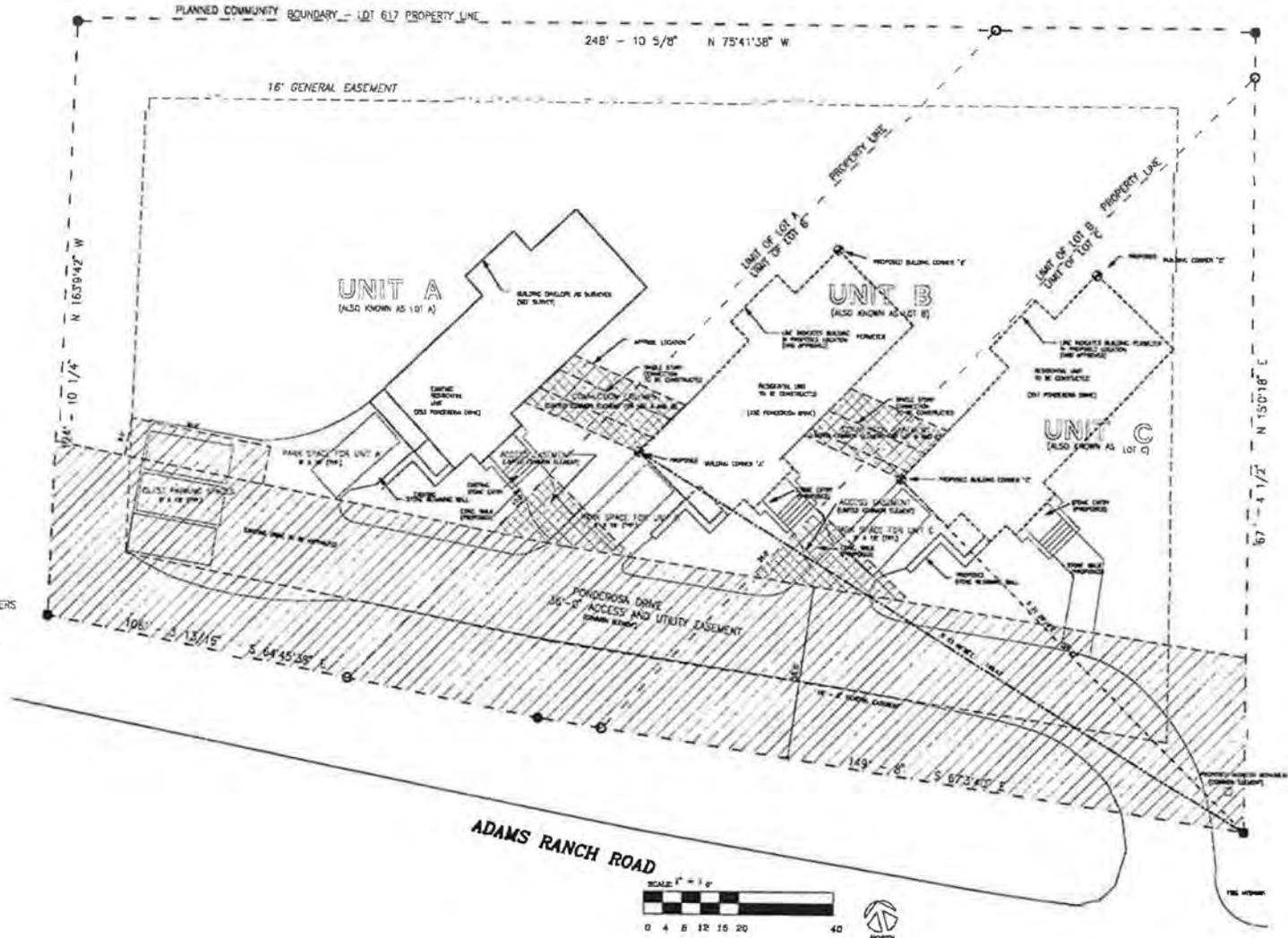
Berowitz Design
Ronald J. Berowitz, AIA
1001 10th Street, Suite 100
P.O. Box 1001
1001 10th Street

SITE PLAN

1

LEGEND

- LOT 617 LOT CORNERS
- PLANNED COMMUNITY LOT CORNERS
- ⊙ PROPOSED BUILDING CORNERS



PONDEROSA RIDGE
ADDENDUM TO REZONE/REPLAT NARRATIVE

July 21, 2015

Applicant/Owner: The Owners Association for Ponderosa Ridge, an unincorporated association (“**Association**”) is pursuing this application for and on behalf of the following “**Owners**”:

Unit	Owner
Unit A	Greer T. Garner and Daniel R. Garner
Unit B	Dennis D. Shaw Revocable Trust
Unit C	Gina L. Flores and William H. Flores

A copy of a Property Report from Land Title Guarantee Company confirms this current ownership (see attached **Exhibit “A”**).

The Ponderosa Ridge (“**Community**”) is an existing small, limited expense planned community created on Lot 617, Filing 21, Telluride Mountain Village, San Miguel County, Colorado (“**Lot 617**”). The Community was formed by Lot 617 Limited Liability Company (“**Developer**”) pursuant to the following described documents, as the same may be further amended and/or supplemented from time to time (“**Governing Documents**”): (a) Declaration of Covenants for Ponderosa Ridge recorded on April 17, 1995 in Reception No. 298365, as may be amended and/or supplemented from time to time (collectively the “**Declaration**”); and (b) Plat of Ponderosa Ridge, a Small Limited Expense Planned Community, Lot 617, Telluride Mountain Village, Filing 21, recorded on April 17, 1995 in Reception No. 298366, Plat Book 1 at page 1825, as may be amended and/or supplemented from time to time (collectively, the “**Plat**”). A copy of the Plat and Declaration has been provided to the Community Development Department/Planning Division.

The property is currently zoned Multi-Unit and developed as three detached condominium units. The property has been improved with three residences, which are not proposed for any change by this application.

The Owners have authorized the Association to pursue this application on their behalf, as evidenced by the Owners Authorizations and Consents, appended as **Exhibit “B”**. The Owners Authorizations and Consents also authorize Dan Garner to execute documents on behalf of the Association and the Owners.

The Association has authorized The Law Offices of Thomas G. Kennedy and Dave Bulson to pursue this application with the Town.

The purpose of this application is to: (a) rezone the property from its existing condominium zoning to the newly created Single-family Common Interest Community Zone District (“**SFCI**”), which were included in the Community Development Code to accommodate the conversion of land condominium projects like Ponderosa Ridge; and (b) replat the project to convert the land condo units into separately platted lots.

In connection with the processing of this application, the Association is amending the Plat and Declaration to show the conversion of the Ponderosa Ridge project from a land condominium community (consisting of three existing detached condominium units) to a more conventional planned common interest ownership community as recognized under the Colorado Common Interest Ownership Act. A copy of the draft Plat Amendment and Declaration Amendment has been provided to the Community Development Department/Planning Division.

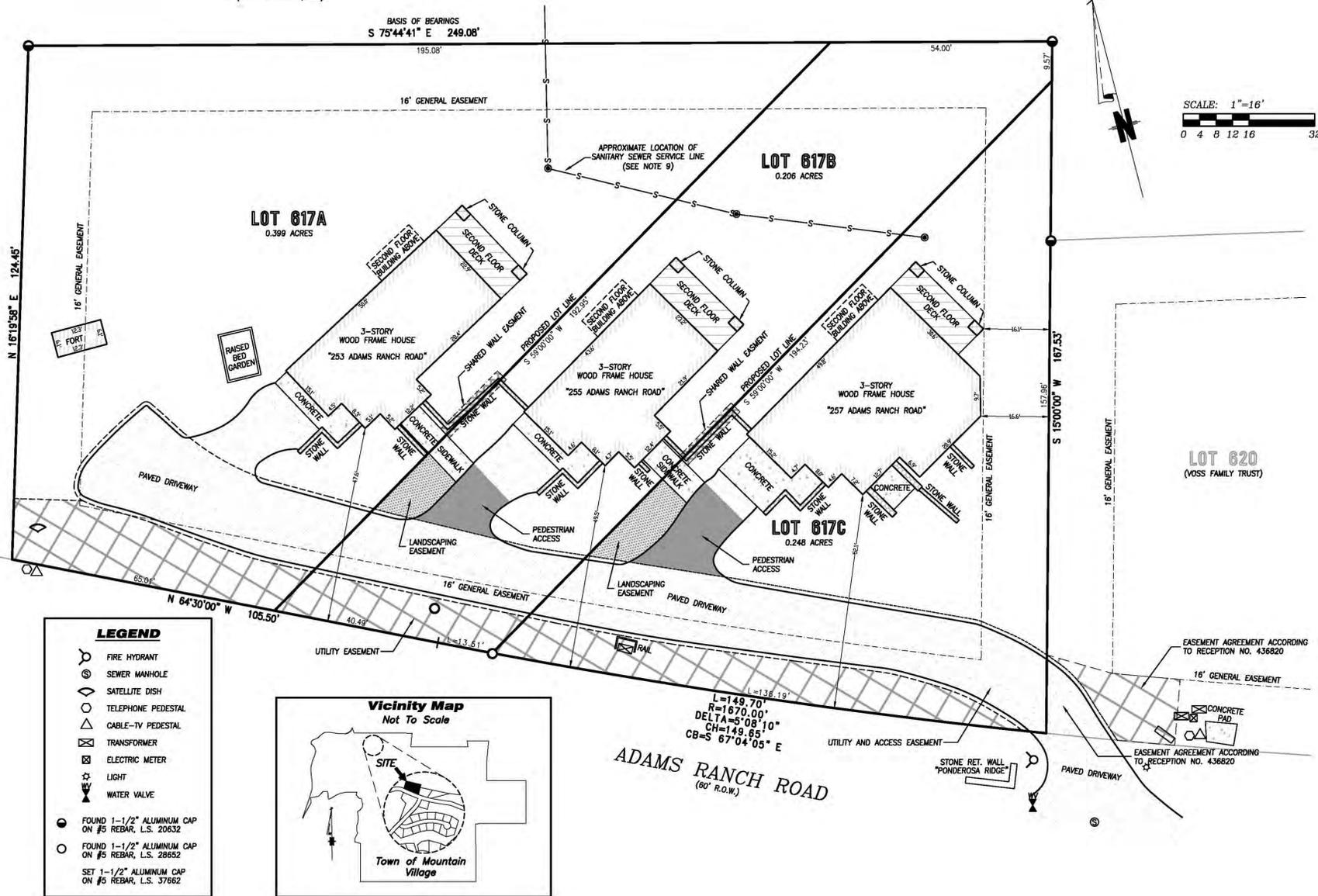
f. The detached single-family dwellings meet the Design Regulations for single-family dwellings.

Discussion: The existing residences have each been constructed in accordance with the applicable design guidelines and in compliance with pertinent design review processes in effect at the time of their construction.

Conclusion

The Association believes that the application complies with the requirements of the CDC relative to the requested rezoning/replatting and respectfully requests that the Town approve the application.

TRACT OSP-21
(TSG SKI & GOLF, LLC)



12. The Owner of each Lot has obtained any required lender consent either by a separate instrument or through the procedures provided for in C.R.S. 38-33.3-217.

IN WITNESS WHEREOF, the Association has executed this Plat Amendment effective as of _____, 2015.

ASSOCIATION:

The Owners Association for Ponderosa Ridge, an unincorporated association

By: _____
Printed Name: _____
Title: _____

STATE OF _____)
COUNTY OF _____) ss.

The foregoing Declaration was acknowledged before me on _____, 2015 by _____ as the _____ of The Owners Association for Ponderosa Ridge, an unincorporated association.

WITNESS my hand and official seal.

By: _____
My commission expires: _____
Notary Public

TOWN OF MOUNTAIN VILLAGE APPROVAL CERTIFICATES

MAYOR'S CERTIFICATE

I, _____ as Mayor of the Town of Mountain Village, Colorado, do hereby certify that this Plat has been approved by the Town Council in the same resolution that has authorized and directed me to execute this document. I also certify that the undersigned, being the beneficiaries of record of those portions of land labeled as "16' General Easement" as established on the property as shown hereon by the plat of record filed in the Office of the Clerk and Recorder of San Miguel County, do hereby vacate and relinquish that portion of said easements as shown vacated on this plat.

as Mayor. _____ Date _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss.

The foregoing signature was acknowledged before me this _____ day of _____, 20____ A.D. by _____ as Mayor of the Town of Mountain Village.

Witness my hand and seal.
My commission expires _____

Notary Public

COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE

I, _____ as the Community Development Director of Mountain Village, Colorado, do hereby certify that this plat has been approved by the Town in accordance with the Community Development Code as a staff subdivision.

_____ as Community Development Director, Date _____

NOTES

- Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.
- Easement research from Land Title Guarantee Company under the following order numbers dated 04-01-2015 at 05:00PM: 86004687, 86004688, and TLRP86004690.
- BASIS OF BEARINGS.** The bearing on the Northern boundary of Lots 617A and 617B assumed as the record bearing of S 75°44'41" E according to the plat of Lot 617, Telluride Mountain Village recorded in Plat Book 1 at page 1825.
- Notice is hereby given that the area included in the plat described herein is subject to the regulations of the Community Development Code, March 2012 as amended.
- NOTES OF CLARIFICATION**
 - The Configuration of the following lots, tracts, and right-of-way have been modified by this plat: Lot 617
 - The following lots have been created by this plat: Lots 617A, 617B, and 617C.
 - The following lots have been deleted by this plat: Lot 617
- Zoning and land use designations are as set forth on the Town's Official Zoning Map, Official Land Use and Density Allocation List and any duly adopted resolutions or ordinances governing the property which is the subject of this plat.

7. The approval of this plat vacates all prior plats for the area described in the legal description as shown hereon in the certificate of ownership.

8. NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

9. There exists for the benefit of the Town of Mountain Village a perpetual easement, 16 feet in width over, across and under all areas designated as 16' General Easement on this plat for any and all uses, improvements and activities deemed necessary by the Town of Mountain Village, for the safe and efficient operation of the Telluride Ski Area, Telluride Golf Course, and the Town, which include but are not limited to the following: utilities, drainage, electrical service, communication service, ski slope maintenance, bicycle access, skier access, roadway access, equestrian access, pedestrian access, golf cart access, snow making, waterways, slope maintenance, snow storage, retaining walls, snowmobile access, snow removal, snowcat access, water, sanitary sewer and storm sewer.

10. There are no known wetlands that have been delineated on The Property.

SURVEYOR'S CERTIFICATE

I, David R. Bulson of Foley Associates, Inc., a Professional Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that the REPLAT OF LOT 617 shown hereon has been prepared under my direct responsibility and checking and accurately represents a survey conducted under my direct supervision. This survey complies with applicable provisions of Title 38, Article 51, C.R.S. to the best of my knowledge and belief. I further certify that all monuments and markers were set as required by the Town of Mountain Village Community Development Code Articles 50 and 51 of Title 38, C.R.S.

IN WITNESS WHEREOF, I here unto affix my hand and official seal this _____ day of _____, A.D. 20____.

P.L.S. No. 37662 _____ Date _____

TITLE INSURANCE COMPANY CERTIFICATE

Land Title Guarantee Company does hereby certify that we have examined the title to the lands herein shown on this Replat and that the title to this land is in the name of WILLIAM H. FLORES AND GINA L. FLORES, DENNIS D. SHAW REVOCABLE TRUST DATED 6/17/96, and DANIEL R. GARNER AND GREER T. GARNER and is free and clear of all liens and taxes, except as follows:

Title Insurance Company Representative _____

COUNTY TREASURER'S CERTIFICATE

I certify that according to the records in the San Miguel County Treasurer's office, there are no liens against the property included in the subdivision, or any part thereof, for unpaid State, county or municipal ad valorem taxes or special assessments certified to the County Treasurer for collection that are due and payable.

County Treasurer _____ Date _____

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the San Miguel County Clerk and Recorder on this _____ day of _____, 20____, at _____ Plat Book _____, Page _____, Reception No. _____, Time _____.

San Miguel County Clerk _____ Date _____

ASSOCIATION PLAT CERTIFICATION

- The Ponderosa Ridge ("Community") is an existing small, limited expense planned community created on Lot 617, Filing 21, Telluride Mountain Village, San Miguel County, Colorado ("Lot 617").
- The Community was formed by Lot 617 Limited Liability Company ("Developer") pursuant to the following described documents, as the same may be further amended and/or supplemented from time to time ("Governing Documents"): (a) Declaration of Covenants for Ponderosa Ridge recorded on April 17, 1995 in Reception No. 298365, as may be amended and/or supplemented from time to time (collectively the "Declaration"); and (b) Plat of Ponderosa Ridge, a Small Limited Expense Planned Community, Lot 617, Telluride Mountain Village, Filing 21, recorded on April 17, 1995 in Reception No. 298366, Plat Book 1 at page 1825, as may be amended and/or supplemented from time to time (collectively, the "Plat"). All capitalized terms used in this Plat Amendment shall have the same meaning subscribed to those terms in the Declaration, including the Companion Declaration Amendment.
- In connection with the formation of the Community, the Developer organized The Owners Association for Ponderosa Ridge, an unincorporated nonprofit association ("Association") to administer affairs of the Community. A statement appointing an agent was filed with the Colorado Secretary of State, reflected in a filing made on _____, 2015 and assigned file number _____.
- The Community, as originally formed, was created as a Colorado Condominium common ownership interest community, which consists of certain "Condominium Units" as well as certain "Common Elements", all of which were established pursuant to the Governing Documents. The boundaries of each of the Units and the Common Elements are as depicted and described on the Plat. The respective Units are each separately owned and titled in the names of various "Owners" as the same appear of record. The Condominium Units have each been improved with certain residential improvements (each a "Residence"), which are deemed to be part of the Units.

- The Association for itself and for the Owners have submitted their application (collectively, the "Town Land Use Applications") with the Town of Mountain Village, San Miguel County Colorado ("Town"), seeking to rezone Lot 617 from Condominium zoning to the Single-Family Common Interest Community Zone District ("SF-CI Zone") and to resubdivide Lot 617 into three lots, corresponding with the designated boundaries of the Units in the Community, with the resulting lots being designated as Lot 617-A (with respect to Unit A), Lot 617-B (with respect to Unit B), and Lot 617-C (with respect to Unit C) collectively, the "Lots". Each of the Lots would respectively accommodate the Residence upon which the Unit it is currently located. The Town has approved the Town Land Use Applications ("Town Approvals"). The Town Approvals are being pursued and have been obtained consistent with the Town of Mountain Village Community Development Code ("CDC").
- The purpose of this Plat Amendment and the corresponding Amendment to the Declaration recorded simultaneously with this Plat Amendment in the Official Records on _____, 2015 in Reception No. _____ ("Companion Declaration Amendment") is to reflect the election of the Owners and the Association to convert the Community from a condominium common ownership interest community to a Colorado common ownership interest community formed as a subdivision/planned community (and not a condominium form of ownership), to further implement the Town Approvals and to modify, amend and otherwise clarify certain other terms, conditions and provisions of the Governing Documents as provided for herein and/or in the Companion Declaration Amendment.
- Development on Lots is restricted to the uses and activities stated in the Governing Documents, the CDC and the Town Approvals.
- The Association for itself and for each of the Owner's and as further provided for in the Declaration, hereby submits the property in the Community to separate and common ownership and use as a Planned Community in accordance with (i) Applicable Colorado Law and (ii) the CDC and the Town Approvals, for the purpose of exercising the functions of the planned

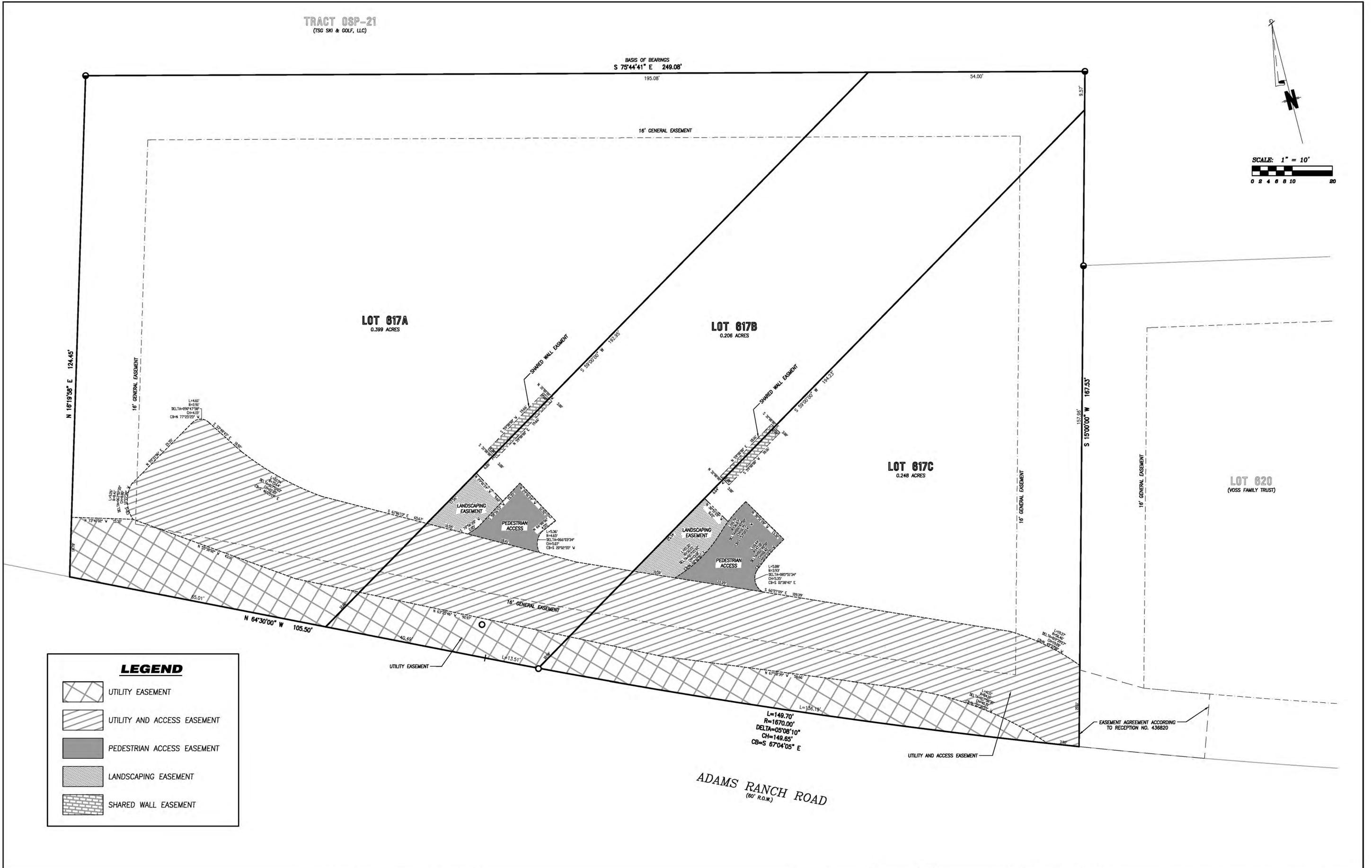
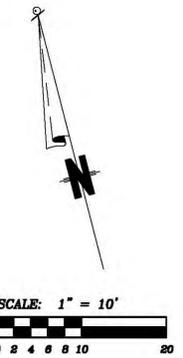
- community owners' association and creating a planned community on the property the name of which is "The Ponderosa Ridge Subdivision" consisting of the Lots and easement parcels designated as Common Areas, as depicted on this Plat Amendment and as may be further defined by the Declaration, including the Companion Declaration Amendment.
- The Companion Declaration Amendment refers to certain easements ("Declaration/Plat Established Easements") that were specifically reserved, granted and/or conveyed pursuant to the Declaration and/or the Companion Declaration Amendment and are depicted and described on this Plat Amendment. Unless an easement noted on the Plat is established by other instrument as indicated on the Plat, all other easements depicted on the Plat are also deemed to be Declaration/Plat Established Easements and shall be subject to the applicable terms and conditions of the Declaration and/or the additional provisions of this Plat. The locations and dimensions of certain of the Declaration/Plat Established Easements are as the same are labeled, depicted and cross-referenced on this Plat Amendment. The Declaration/Plat Established Easements shall be used in accordance with the Declaration and/or the Companion Declaration Amendment. In the event that a particular Declaration Established Easement is proposed for termination, modification or amendment, including a modification to the area, location and/or dimensions of the Declaration Established Easement, a termination, modification or amendment to the Declaration and not the Plat or Plat Amendment will be sufficient to effect the intended change and no termination, modification or amendment to the Plat or Plat Amendment shall also be required.
- The Association has obtained the written consents of the individual owners, who have each authorized and directed the Association to execute this Plat Amendment and the Companion Declaration Amendment on their behalf. The written owner consents are appended to the Companion Declaration Amendment.
- Except as amended by the terms of this Plat Amendment and/or in the Companion Declaration Amendment, the Declaration and Plat shall otherwise remain in full force and effect, without further amendment or modification.

Lots 617A, 617B, and 617C,
A replat of Lot 617, Town of Mountain Village, San Miguel County, Colorado,
located within the S1/2 of Section 33, T.43N., R.9W., N.M.P.M.

Project Mgr:	DB	Rev.	description	date	by
Technician:	MC / FD				
Checked by:					
Start date:	02/2015				



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435
Drawing path: dwg\94058 REPLAT 06-15.dwg Sheet 1 of 2 Project #: 94058



LEGEND

- UTILITY EASEMENT
- UTILITY AND ACCESS EASEMENT
- PEDESTRIAN ACCESS EASEMENT
- LANDSCAPING EASEMENT
- SHARED WALL EASEMENT

Lots 617A, 617B, and 617C,
A replat of Lot 617, Town of Mountain Village, San Miguel County, Colorado,
located within the S1/2 of Section 33, T.43N., R.9W., N.M.P.M.

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970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435



DASHBOARD

**Mountain Village Police Department
Semi Annual Report to Town Council
SUMMER: April 2015 through September 2015**

SUMMARY

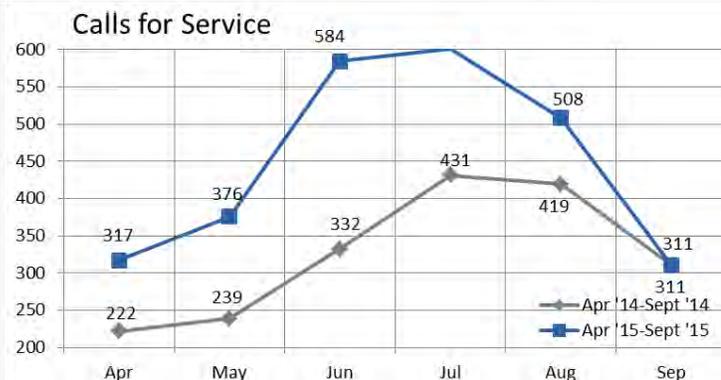
- Overall service calls up 38% vs prior summer season, with case load (formal reports), investigations, and arrests also increasing
- Complex investigations (absent of a devoted investigator) default to the initial patrol officer impacting patrol duties and expeditious resolutions. These cases include violent assaults, significant property crime, controlled substance reports, and juvenile crimes.
- Fourth Annual National Night Out in August attended by families estimated to be about 300 strong.
- Completed training - Mandatory POST annual requirements of 24 hours inservice training with 12 hours devoted to perishable skills.
- Hosted the fall Western Colorado Peace Officers Association Conference that provided 2 days of training to 38 regional police officers.
- Continuing to host and promote quarterly regional law enforcement luncheons that included District Attorney's Office, San Miguel Resource Center, Juvenile Diversion and San Miguel County Department of Social Services.
- Staffing
 - 10 outside shifts - contracting for Pretty Lights two day event

Semi Annual Report: SUMMER

KEY METRICS & COMPARISONS

	CHANGE	APR '15 - SEP '15	APR '14 - SEP '14	KEY TAKE-AWAYS
Calls for Service	↑ 781	2,826	2,045	▪ 38% increase in overall calls
Mix	<ul style="list-style-type: none"> ■ In-Person: 60 (2%) ■ Dispatch: 702 (25%) ■ Officer Initiated: 2,063 (73%) 	<ul style="list-style-type: none"> ■ In-Person: 101 (5%) ■ Dispatch: 628 (31%) ■ Officer Initiated: 1,324 (63%) 		▪ Overall increase primarily driven by officer proactive patrols and presence.
Avg Response Time (mins)	↓ 00:50	6:13	7:03	▪ Some impact due to full staffing of patrol officers in field
Investigations	↑ 24	126	102	<ul style="list-style-type: none"> ▪ Patrol performing case investigations. ▪ Petitioning arrest and search warrants.
Arrests	↑ 5	17	12	▪ 6 Domestic Violence
Traffic Contacts	↑ 62	147	85	<ul style="list-style-type: none"> ▪ Speeding key driver (120 warnings) ▪ 27 total citations issued (16 for speeding)

MONTHLY TRENDS



- Seasonal trends illustrate the relatively consistent monthly directionality of calls for service
- Officer initiated calls (pro-active stewardship) increased 38% vs prior summer
- Significant wedding activity in all venues this summer vs last summer

Mountain Village Police Department
Semi Annual Report to Town Council
SUMMER: April 2015 through September 2015

POLICE DEPARTMENT PROGRAM NARRATIVE

The delivery of quality service, both timely and courteous, shall be the mandate that guides the members of the Mountain Village Police Department, always with the intent of solving problems for those who ask for assistance. The Mountain Village Police pledge is to embrace all the citizens in solving problems, both routine to law enforcement and those unique to the community. Mountain Village Police will solicit citizen input, ideas and guidance, for it is only through this relationship that we truly meet or exceed their needs.

DEPARTMENT GOALS

- A. Maintain a high level of public trust and confidence with the community
- B. Maintain a high level of visibility while on pro-active police patrols
- C. Maintain a high level of community policing by conducting quality foot patrols
- D. Respond to calls for service in a courteous, professional, and timely manner

PERFORMANCE MEASURES

- A. Through regularly scheduled community surveys, score an average satisfactory approval rating of 75% with no individual category rated below 60%
- B. Officers are to patrol by vehicle no less than 30 miles per shift with all roads patrolled as least once per 10 hour shift
- C. Officers should patrol the business areas on foot an average of 2 hours per shift
- D. Calls for service are to be handled within 15 minutes of origination and with generation of little or no complaints

PERFORMANCE REPORT

A. Regularly scheduled community surveys

- We have initiated a specific survey for citizens that have interacted with the police department to complete. Currently we have had limited response, but we are continuing to ask citizens for their feedback.
 - <https://www.surveymonkey.com/s/MVPDsurvey>

Mountain Village Police Department
Semi Annual Report to Town Council
SUMMER: April 2015 through September 2015

B. Patrol no less than 30 miles per shift

- This goal was achieved, as indicated in Chart 1.

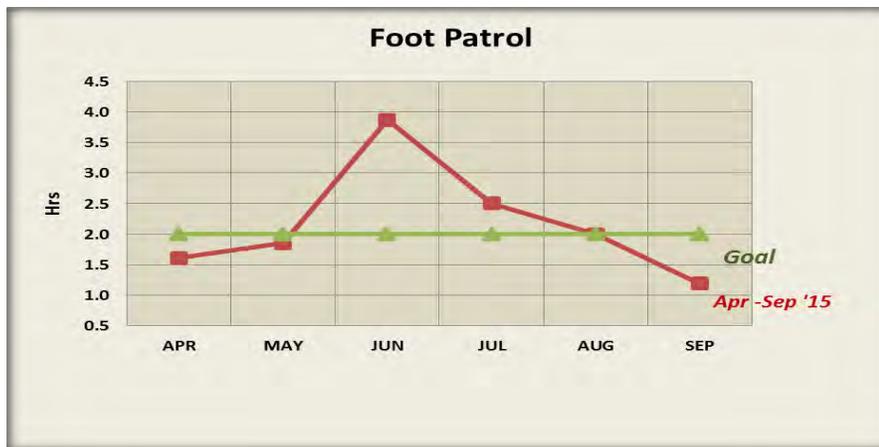
▪ Chart 1



C. Patrol on foot as average of 2 hours per shift

- Foot patrols in the core areas were lower than our goal in the shoulder season then steadily increased throughout the summer; increases can be attributed to concerts in the village core.

▪ Chart 2



D. Calls for service, within 15 minutes, little or no complaints

- The average response time is **6 minutes 13 seconds** from the time an officer receives the call from dispatch until the officer arrives on scene. Last summer season this was **7 minutes 03 seconds**. This reported response time is for criminal activity / priority response calls. Other calls for service response may be to 20 minutes depending on officer availability and type of call.
- The police department did not receive any significant complaints over this reporting period.

**Mountain Village Police Department
Semi Annual Report to Town Council
SUMMER: April 2015 through September 2015**

- Chart 3 below shows call volumes by year, detailing steady increases.

- Chart 3

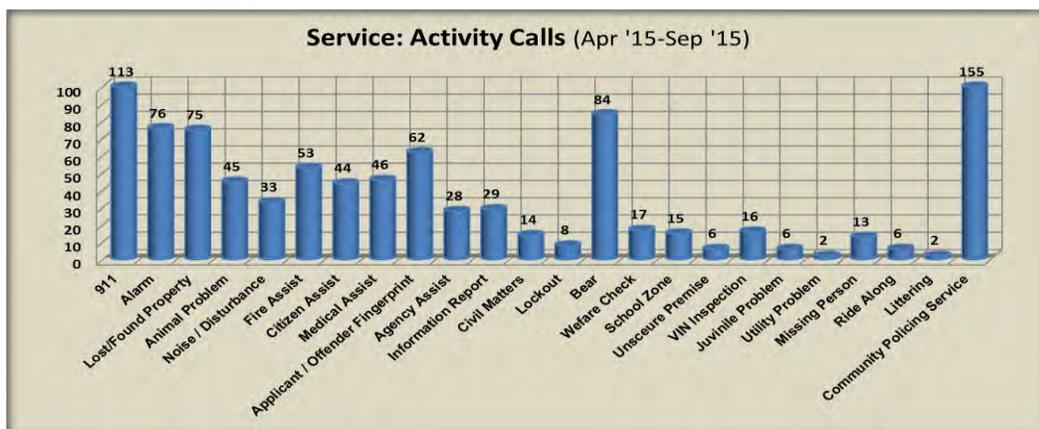


- Charts 4 and 5 below shows break outs for the call types separated into category classes of Protect and Service.

- Chart 4



- Chart 5

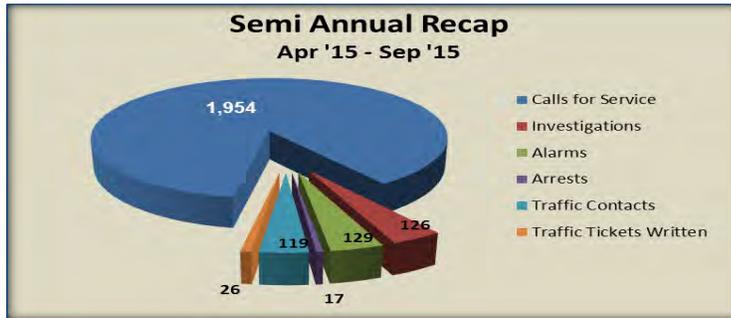


**Mountain Village Police Department
Semi Annual Report to Town Council
SUMMER: April 2015 through September 2015**

LAW ENFORCEMENT ACTIVITY

- The activity that is reported monthly (BAGAR report) to Town Council is compiled in Chart 6, for this six month reporting period.

▪ Chart 6



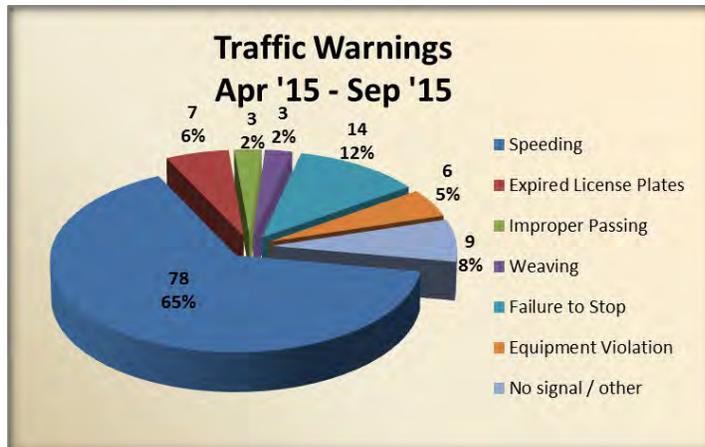
- Chart 7 is a detail of “self-initiated” calls meaning what the officers are finding and addressing on their own vs all other initiated calls.

• Chart 7



- Chart 8 shows the reason for the traffic contacts previously reported in chart 6. Officers spend approximately 10% of their shift doing directed traffic patrols.

▪ Chart 8



Respectfully submitted,

Chris G. Broady
Mountain Village Chief of Police

Mountain Village Police Department
Semi Annual Report to Town Council
SUMMER: April 2015 through September 2015

Special note –

Missing since July 8th 2012 – Robin's remains were located outside of Wells NV. Investigation is ongoing by those agencies

From Face Book Page - Robin Putnam, find Home Artist · 4,911 Likes ·



August 28 · It is with a broken heart that I need to let you all know that the authorities have informed us that Robin's remains have been found in a remote area of eastern Nevada. I would appreciate that no one speculates about what happened, as there is no known cause or manner of death at this time. I will post more details when we know more. Thank you all for your love and support!

Other MVPD events this period...

May 13th – Community engagement event - All Officers provided a presentation for the public.

June 27 – Touch a truck

Aug 8 – Dolores days - Mounted Patrol, assisted Montezuma County Sheriff Dept.



June 6th - RiverFest in Dolores
assist Montezuma County Sheriff





**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

Agenda Item No. 12

TO: Town Council
FROM: Glen Van Nimwegen, Director
FOR: Meeting of October 15, 2015
DATE: October 7, 2015
RE: Planning and Development Services Staff Report

Projects

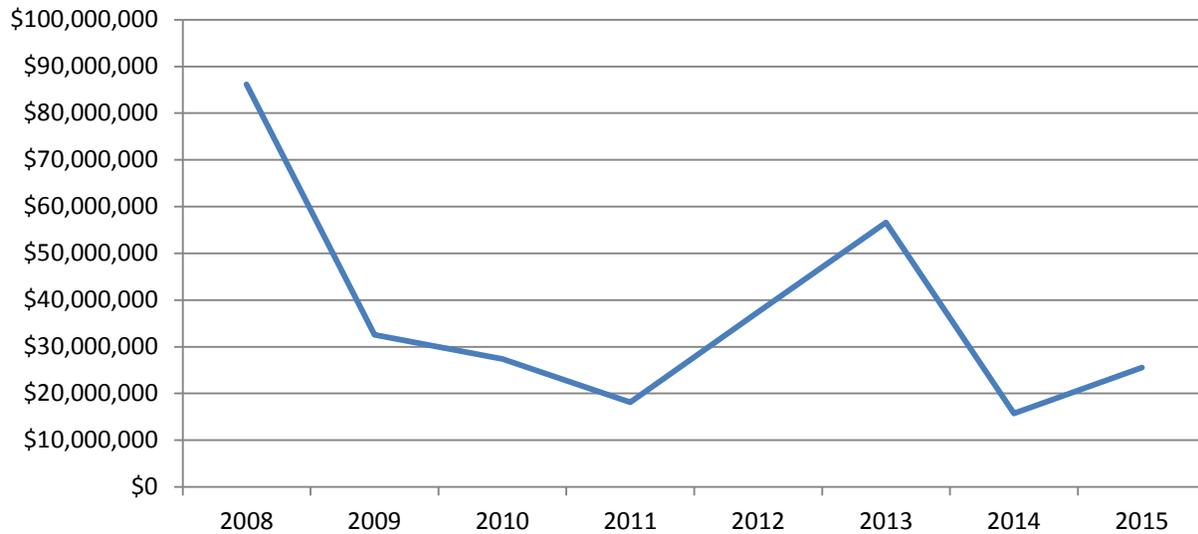
The past six months has been a period of change as the new Director started last August and is trying to acclimate himself to the altitude and development processes of Mountain Village. In the interim Savannah Jamison, Dave Bangert and Jane Marinoff have done a masterful job in keeping us open for business. Unfortunately Savannah has taken a job with a private consultant in Durango and her last day was Friday, October 2. We are again in the recruitment mode for Planner II, but Savannah has agreed to remain in a part time role to complete some projects until a replacement has been found. Some projects that have progressed include:

- 1. Forest Management and Fire Mitigation.** Staff is close to wrapping up a forest thinning project for open space parcel OSP-2S which is adjacent to Mountain Village Boulevard between Touchdown Drive and Victoria Drive. We had to expand the project by 29 trees after a careful inspection identified additional trees that needed to be removed.
- 2. VCA Natural Gas Conversion Project.** The new staff has reviewed the re-analysis of the energy audit developed by iCast, through a contract administered by Deanna Drew, Director of Plazas and Environmental Services. The re-analysis was completed by Resource Engineering Group to determine the return on investment to convert the apartments to gas. The consultant will make a presentation to Council at the November meeting.
- 3. Telecommunication Ordinance Changes.** The Council was made aware of possible delays in erecting the permanent tower on Coonskin Ridge caused by the FAA. One way to provide additional capacity until the new tower is completed is by deploying a temporary facility, called a Cell on Wheels or COW. Staff will be presenting an amendment to the CDC to allow COW's.
- 4. Building Permit Software.** Staff received three bids from vendors to install new software that will greatly improve our customer's experience in requesting and receiving permits; and getting inspections for their project. We are now close to approving a contract with Meritage Systems of Fort Collins. Over 140 communities across the country rely on Meritage, including Firestone, Windsor, Idaho Springs and Fort Collins in Colorado. We expect to go live after hosting training sessions with local contractors before the end of the year.

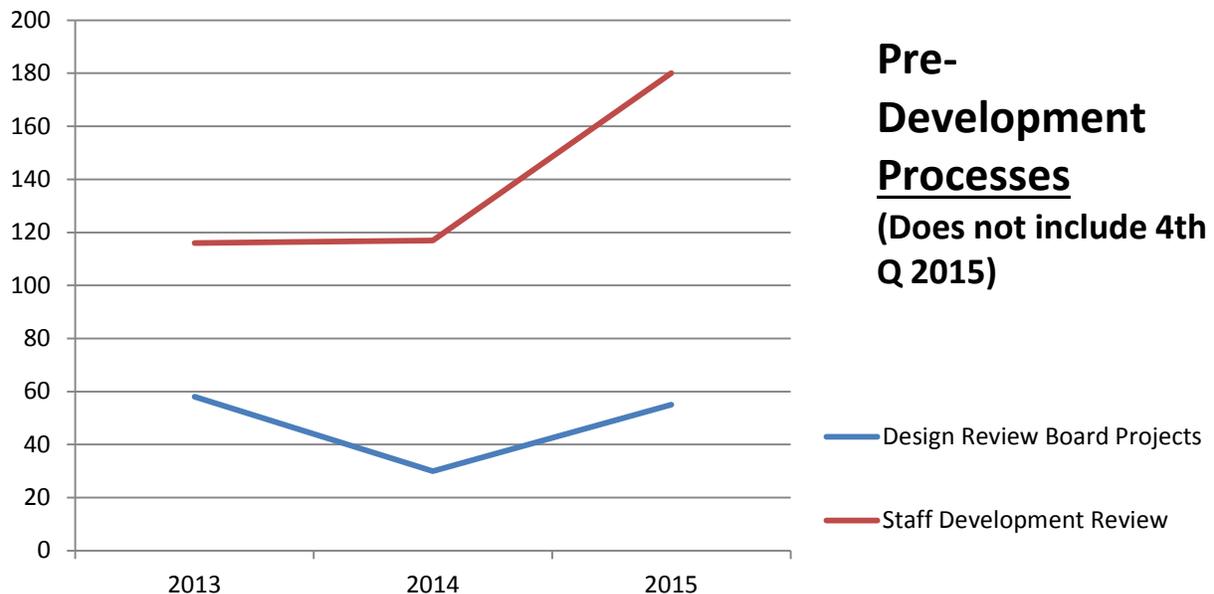
Development Services Activity

Since coming out of the recession in 2011, the town's building activity has bumped along with a peak in new construction valuation for 2013, only to drop again in 2014. This year we are cycling back up and staff expects to see another peak. Even though we are only through three quarters of 2015, we are exceeding 2014 valuation by 38%.

Building Permit Valuation (Does not include 4th Q 2015)



An indicator of future permit growth is the number of projects that are in the works, such as those that have appeared before the Design Review Board or have been approved at the staff level. Again, even though we have only completed three quarters of 2015, we have exceeded 2014 by 37%.



Village Court Apartments

Steven Spencer, Manager of VCA for over seven years, retired to Florida on October 1, 2015. Human Resources staff started early on the recruitment and we were able to hire Patrick Meucci to fill the role, after spending a week with Steve. Patrick has a good history in managing apartment projects in the private sector, most recently with a project in Steamboat Springs. Patrick has already instituted a new phone system for work orders, received bids for the parking lot resurfacing and is analyzing other methods of snow removal. As usual, demand for units in VCA out paces our supply. We currently have no vacancy and a two year wait list.



**TOWN OF MOUNTAIN VILLAGE
TOWN MANAGER
CURRENT ISSUES AND STATUS REPORT
OCTOBER 2015**

1. Great Services Award Program

- **September Great Services Award:**
 - **Nichole Zangara-Riley and Robert Haining** – Marketing & Business Development and Public Works, excellent customer service in the wake of what turned out to be a “false positive” test for e coli contamination in the Town’s water system. Both Robert and Nichole went above and beyond on a Friday and spent many hours over the weekend answering calls and questions. MV resident Dr. Kim Hewson complimented the Town’s handling of the event at the September Town Council Meeting – **SEPTEMBER CO-WINNERS &**
 - **Brooke Ruggles** - Mountain Munchkins, Stepped up in a transition time, coming in on weekends and days off to ensure the facility is organized and safe for the children. Great role model and leader to all her staff members. Implemented new schedules, routines, ideas and takes great pride what she does – **CO-WINNER**
 - Chris Metzger – Gondola Operator, outstanding customer service enforcing no alcohol consumption on gondola station 6 during festival

2. Medical Center

- Met with the Army Corps of Engineers on October 5th in Grand Junction to clarify the Corps’ letter regarding public comment and the expectations of our response. The deadline for our response back to the Corps is October 21st and a short extension may be requested of the Corps to ensure our response is fully vetted and compelling
- Attended the October 6th public forum in the Mountain Village held by the Telluride Medical Center (“TMC”) with TMC Chair Larry Mallard and Mayor Jansen presenting information about the new home for regional healthcare and discussing TMC’s funding strategy and path to a new facility in the Mountain Village

3. TSG Items

- Continue to work with TSG to improve cell service either via a new permanent macro cell tower or a temporary Cell on Wheels prior to the 2015/16 ski season

4. Budget Preparation

- As requested at the September Council meeting, staff prepared an analysis showing the areas of increase in proposed 2016 versus revised 2015 budgets. Council will now be able to easily identify the items that created the increase in the 2016 budget, determine which items are a high priority to include in the proposed budget, associated costs for the priority items and direct staff accordingly at the October 29th special budget meeting

5. Doppelmayr Report on Gondola Upgrade/Rebuild

- The report was finalized and will be presented at the October Council meeting for discussion.

6. Miscellaneous

- Met with the representative of Lot 27A regarding some conceptual ideas for the development of that property. A work session is agendaized at the October meeting to determine if Council is conceptually supportive of their plan
- Met with Town of Telluride on October 8th to discuss the long term capital needs for the wastewater treatment plant in order to be compliant with new federal regulations and the associated costs. Mountain Village owns a 10% interest in the facility and contributes its pro-rata share of operations, maintenance and capital based on usage (approximately 30% of volume is derived in the Mountain Village). Further updates will be provided as more information is available



**Business and Government Activity Report
For the month ending: September 30th**

Activity	2015		2014		Variance	
	MONTH	YTD	MONTH	YTD	Variance	Variance %
Cable/Internet						
# Residential & Bulk Basic Cable	917		890		27	3.0%
# Premium Channel Residential & Bulk Subscribers	477		474		3	0.6%
# Digital Subscribers	285		284		1	0.4%
# Internet Subscribers	1,653		1,539		114	7.4%
Average # Phone Subscribers	90		93		(3)	-3.2%
Village Court Apartments						
Occupancy Rate %	99.55%	99.25%	95.95%	94.44%	4.81%	5.1%
# Vacated Units	2	23	9	115	(92)	-80.0%
# Work Orders Completed	41	329	44	341	(12)	-3.5%
# on Waiting List	170		88		82	93.2%
Public Works						
Service Calls	574	3,454	440	3,705	(251)	-6.8%
Snow Fall Inches	0	104	0	191	(87)	-45.5%
Snow Removal - Streets & Prkg Lots Hours	0	1,691	8	2,239	(548)	-24.5%
Roadway Maintenance Hours	227	2,390	410	2,824	(435)	-15.4%
Water Billed Consumption Gal.	16,776,000	120,900,000	15,347,000	117,728,000	3,172,000	2.7%
Sewage Treatment Gal.	5,954,000	72,727,000	6,337,000	69,588,000	3,139,000	4.5%
Child Development Fund						
# Infants & Toddlers Actual Occupancy	17.67	173.16	19.58	165.23	7.93	4.8%
# Preschoolers Actual Occupancy	12.64	132.18	12.92	124.21	7.97	6.4%
Transportation and Parking						
GPG (noon snapshot)	2,888	21,707	2,026	19,440	2,267	11.7%
GPG Parking Utilization (% of total # of spaces occupied)	20.9%	20.9%	14.7%	15.7%	5.2%	33.1%
HPG (noon snapshot)	662	10,691	718	11,102	(411)	-3.7%
HPG Parking Utilization (% of total # of spaces occupied)	20.8%	37.4%	22.6%	38.8%	-1.4%	-3.6%
Total Parking (noon snapshot)	5,522	63,570	4,954	61,304	2,266	3.7%
Parking Utilization (% of total # of spaces occupied)	22.8%	29.1%	20.4%	28.1%	1.0%	3.6%
Paid Parking Revenues	\$37,559	\$295,798	\$21,497	\$287,393	\$8,405	2.9%
Bus Routes # of Passengers	5,506	34,202	4,633	30,994	3,208	10.4%
Employee Shuttle # of Passengers	1,573	14,207	1,321	12,493	1,714	13.7%
Employee Shuttle Utilization Rate %	53.0%	53.2%	57.1%	58.7%	-5.50%	-9.4%
Inbound (Vehicle) Traffic (Entrance) # of Cars	68,780	576,309	61,743	545,372	30,937	5.7%
Human Resources						
FT Year Round Head Count	82		76		6	7.9%
Seasonal Head Count (FT & PT)	6		7		(1)	-14.3%
PT Year Round Head Count	19		11		8	72.7%
Gondola FT YR, Seasonal, PT YR Head Count	56		59		(3)	-5.1%
Total Employees	163		153		10	6.5%
Gondola Overtime Paid Hours	494	1866	359	1846	20	1.1%
Other Employee Overtime Paid	100	893	30	541	352	64.9%
# New Hires Total New Hires	10	66	6	71	(5)	-7.0%
# Terminations	3	52	5	63	(11)	-17.5%
# Workmen Comp Claims	0	7	0	9	(2)	-22.2%
Workmen Comp Claims Costs	\$0	\$34,553	\$0	\$21,898	\$12,655	57.8%
Marketing & Business Development						
Total Users/Total Sessions	10,403/14,621	9,521/13,268	964/1,168	4,142/5,893	5,379/7,375	129%/125%
Town Hosted Meetings	5	40	5	47	(7)	-14.9%
Email Correspondence Sent	8	93	11	65	28	43.1%
E-mail List #	2135		990		1,145	115.7%
Wireless List	7752		NA		#VALUE!	#VALUE!
Press Releases Sent	2	23	2	22	1	4.5%
Gondola and RETA						
<i>Current RETA revenues are unaudited</i>						
Gondola # of Passengers	231,004	2,179,306	202,676	1,996,404	182,902	9.2%
Chondola # of Passengers	0	87,074	0	83,048	4,026	4.8%
RETA fees collected by TMVOA	\$626,931	\$3,721,641	\$703,205	\$4,748,727	(\$1,027,086)	-21.6%

Activity	2015		2014		Variance		
	MONTH	YTD	MONTH	YTD	Variance	Variance %	
Calls for Service	#	436	4,343	311	2,989	1,354	45.3%
Investigations	#	20	185	13	152	33	21.7%
Alarms	#	17	191	6	107	84	78.5%
Arrests	#	4	21	1	10	11	110.0%
Traffic Contacts	#	8	177	4	66	111	168.2%
Traffic Tickets Written	#	7	35	2	23	12	52.2%
Parking Tickets Written	#	293	2,778	198	1,567	1,211	77.3%
Administrative Dismissals	#	9	93	11	147	(54)	-36.7%
Building/Planning							
Community Development Revenues		\$49,874	\$807,422	\$31,102	\$521,463	\$285,959	54.8%
# Permits Issued		8	65	6	59	6	10.2%
Valuation of Building Permits Issued		\$3,327,638	\$25,535,402	\$190,000	\$8,320,433	\$17,214,969	206.9%
# Inspections Completed		217	1,818	180	1,105	713	64.5%
# Design Review/Zoning Agenda Items		9	55	2	25	30	120.0%
# Staff Review Approvals		37	180	18	92	88	95.7%
Recreation							
Mile of Trails Maintained		10.7	47.8	11.0	51.7	(4)	-7.5%
Adventure Rock Registrations		300	1646	139	805	841	104.5%
Bike Park Waivers		535	4104	279	2678	1,426	53.2%
Bike Park Trips		1821	10032	1596	9397	635	6.8%
Disc Golf Registrations		372	2298	187	2057	241	11.7%
Platform Tennis Registrations		252	498	105	374	124	33.2%
Plaza Services Due to the timing of the packet, trash diversion rates are for the previous month.							
Snow Removal Plaza	Hours	0	820	0	1063	(244)	-22.9%
Plaza Maintenance	Hours	274	2,413	235.25	1950	512	26.3%
Lawn Care	Hours	231	1,356	170.75	1273	67	5.2%
Plant Care	Hours	369	2,465	362.25	2334	89	3.8%
Irrigation	Hours	81	489	82.5	649	(56)	-8.6%
TMV Trash Collection	Hours	114	953	105.25	865	85	9.8%
Christmas Decorations	Hours	0	539	15.5	459	96	20.9%
Residential Trash	Pound	27,750	146,025	16,050	123,900	675	0.5%
Residential Recycle	Pound	18,576	177,853	7,200	83,360	34,875	41.8%
Diversion Rate	%	40.10%	54.91%	30.97%	40.22%	14.69%	36.5%
Vehicle Maintenance							
# Preventive Maintenance Performed		10	167	5	159	8	5.0%
# Repairs Completed		32	249	8	242	7	2.9%
Special Projects		2	35	9	60	(25)	-41.7%
# Roadside Assists		2	5	0	11	(6)	-54.5%
Finance							
# Employee Based Business Licenses Issued		16	652	10	613	39	6.4%
# Privately Licensed Rentals		3	62	1	60	2	3.3%
# Property Management Licensed Rentals		3	338	0	322	16	5.0%
# VRBO Listings for MV		355		292		63	21.6%
# Paperless Billing Accts (YTD is total paperless customers)		11	508	13	362	146	40.3%
# of TMV AR Bills Processed		2,049	18,100	1,921	17,742	358	2.0%
Accounts Receivable - Total Bad Debt Reserve/Allowance: \$19,856							
Current 30+ Days 60+ Days 90+ Days over 120 days Total	TMV Operating Receivables (includes Gondola funding)		Utilities - Cable and Water/Sewer		VCA - Village Court Apartments		General Fund Investment Activity Change in Value (\$735,918) Ending Balance \$6,258,158 Investment Income \$10,081 Portfolio Yield 1.03%
	\$ 387,903	93.0%	\$ 206,752	83.2%	\$ (18,910)	152.3%	
	3,023	0.7%	30,489	12.3%	(3,998)	32.2%	
	340	0.1%	2,203	0.9%	10	-0.1%	
	1,468	0.4%	9,102	3.7%	10,479	-84.4%	
	24,466	5.9%	5	0.0%	-	0.0%	
	\$ 417,201	100.0%	\$ 248,552	100.0%	\$ (12,419)	100.0%	
Current 30+ Days 60+ Days 90+ Days over 120 days Total	Other Billings - CDF, Construction Parking, Commercial Trash		Total All AR		Change Since Last Month - Increase (Decrease) in AR		Other Statistics Population (estimated) 1,340 Registered Voters 1,016 Property Valuation 266,407,970
	\$ 13,611	61.5%	\$ 589,355	87.3%	\$ (64,194)	143.6%	
	5,695	25.7%	35,209	5.2%	14,943	-33.4%	
	2,089	9.4%	4,642	0.7%	(2,463)	5.5%	
	722	3.3%	21,772	3.2%	(12,251)	27.4%	
	-	0.0%	24,471	3.6%	19,262	-43.1%	
	\$ 22,116	100.0%	\$ 675,449	100.0%	\$ (44,702)	100.0%	



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

Agenda Item No. 16

TO: Town Council
FROM: Glen Van Nimwegen, Director
FOR: Meeting of October 15, 2015
DATE: October 6, 2015
RE: Conceptual Worksession to Discuss a Proposed Rezoning, Density Transfer and Re-plat for Lot 27A

PROJECT GEOGRAPHY

Legal Description: Lot 27A
Address: 112 and 118 Lost Creek Lane
Applicant/Agent: TD Smith, President, Telluride Real Estate Corp.
Owner: TCH Belvedere Phase Three, LLC.
Zoning: Village Core
Existing Use: Vacant and two buildings consisting of 10 condominiums
Lot Area: 1.58 Acres

ATTACHMENTS

Exhibit A: Applicant Narrative
Exhibit B: Conceptual Plan Set

BACKGROUND

The owner of the property is proposing to build out the remaining parcel with 10 townhomes; seven flats; a loft unit and five efficiency units. The project will be served by a new central driveway with turnaround and a first level parking garage. A plaza area will be on the second level. The conceptual site development plan proposes units terracing up the site to the south, staying within the 60 foot height limit. The existing density approved for the property per Reception No. 385006 is as follows:

Zoning Designation	Units	Person Equivalent Density	Person Equivalent Units	Built Person Units	Available Person Units
Condominium	27	3.0	81	30	51
Lodge Unit	10	.75	7.5		7.5
Efficiency Lodge Unit	2	.5	1		1

TOTAL 39 59.5

The Comprehensive Plan identifies this as Parcel N and has no site specific principles, policies or actions recommended for the parcel. However, Table 7 of the comp plan shows a target mix of units on the site that includes 64 hotbed units, nine condos and two employee dorms.

Staff does not have specific floor plans for the 23 units that are proposed for the site, so at this time we do not know the Person Equivalent density that is proposed. However, the proposal will reduce the density on the site and return units to the density bank. The applicant is working on an agreement with The Lumiere Hotel to lease some of the units through the hotel, thereby maintaining an opportunity for hotbed units on the site.

RECOMMENDATION

As outlined in CDC Section 17.4.6.E, any comments or general direction by the Council shall not be considered binding or represent any promises, warranties, guarantees and/or approvals in any manner or form. A conceptual worksession shall not be construed as a comprehensive review of the proposal under discussion, and as such, additional issues and/or concerns will most likely arise as part of the formal development review process.

27A Narrative:

Lot 27A is located in the Village Center Zone District and its location is commonly referred to “Core Periphery.” It does not possess direct ski access, nor a plaza location with pedestrian flow. It is accessed via an easement from Lost Creek Lane between Phases I and II of the Belvedere Condominiums consisting of 3 and 7 condominium units respectively.

Lot 27A was proposed to be Phase III of Belvedere with zoning of 27 Condominiums, 10 Lodge and 2 Efficiency Lodge Units. The Town Design Review Board granted a six month extension to the project’s preliminary plan on May 10th 2007, but having expired, its owner must submit a new plan for the Design Review Process.

The site’s topography presents problematic design constraints. Almost 50% of the site is situate on level ground (lowest elevation), bordered by two complexes to the immediate north and west with a rising hillside surrounding the level terrain to the east and south. The net effect is its focal point for design and development literally appears to be in a “hole” with no apparent view corridors. The prior schematic design required extensive and costly infrastructure in the form of a subterranean garage and a “box” rising 60 feet wherein little views were gained until the 4th level, rendering the lower three levels less desirable for accomodations, sales and therefore, little likelihood for success.

The proposed plan submitted for your input, moves the structure uphill that surrounds the lower terrain with a courtyard vehicular and pedestrian entry. Ten townhomes rest on this rim ranging between 2773 SF and 3051 SF. Ten Efficiency Units of 500 SF lie on the mezzanine level above the entry with a narrow view corridor over the courtyard and seven 1200 SF two bedroom condominiums are situate one level above the mezzanine adjoining a plaza and beneath Units 1-7.

There are 22 units in total, 12 of which are one and two bedrooms. The adjoining Lumiere project, arguably one of the most successful condominium hotels in the Mountain Village, has expressed strong interest in managing the proposed development. This prospect for on-site management could likely insure that this project will provide “hot bed base.”



Unit Summary:
 10 Townhomes
 7 Flats
 1 Loft Unit
 5 Efficiency units

Lot 27A Floor Area Summary

Lobby/ Parking Level	17,236 s.f.		
Mezzanine Level (non-res)	7,307 s.f.		
Total Non-Residential=	24,543 s.f.		24,543 s.f.
Mezzanine Level Units			
efficiency units overlooking entry court	500 s.f. each	x5	2,500 s.f.
flats under TH 1-7	1,200 s.f. each	x7	8,400 s.f.
Townhomes 1 through 7			
level 1	1,200 s.f.		
level 2	1,008 s.f.		
level 3	843 s.f.		
	3,051 s.f. each		21,357 s.f.
Townhomes 8-9-10			
level 1	1,056 s.f.		
level 2	948 s.f.		
level 3	769 s.f.		
	2,773 s.f. each		8,319 s.f.
Loft Unit under TH-6&7			2,400 s.f.
Total Residential=			42,976 s.f.
Total Project Floor Area=			67,519 s.f.
Not Included Above:			
plaza surface	6,910 s.f.		
TH decks	3,200 s.f.		
exterior circular entry porch	2,390 s.f.		
exterior circular entry walk	1,122 s.f.		

Site Plan

Lot 27A
 Mountain Village, CO

June 11, 2015



View From North

Lot 27A
Mountain Village, CO

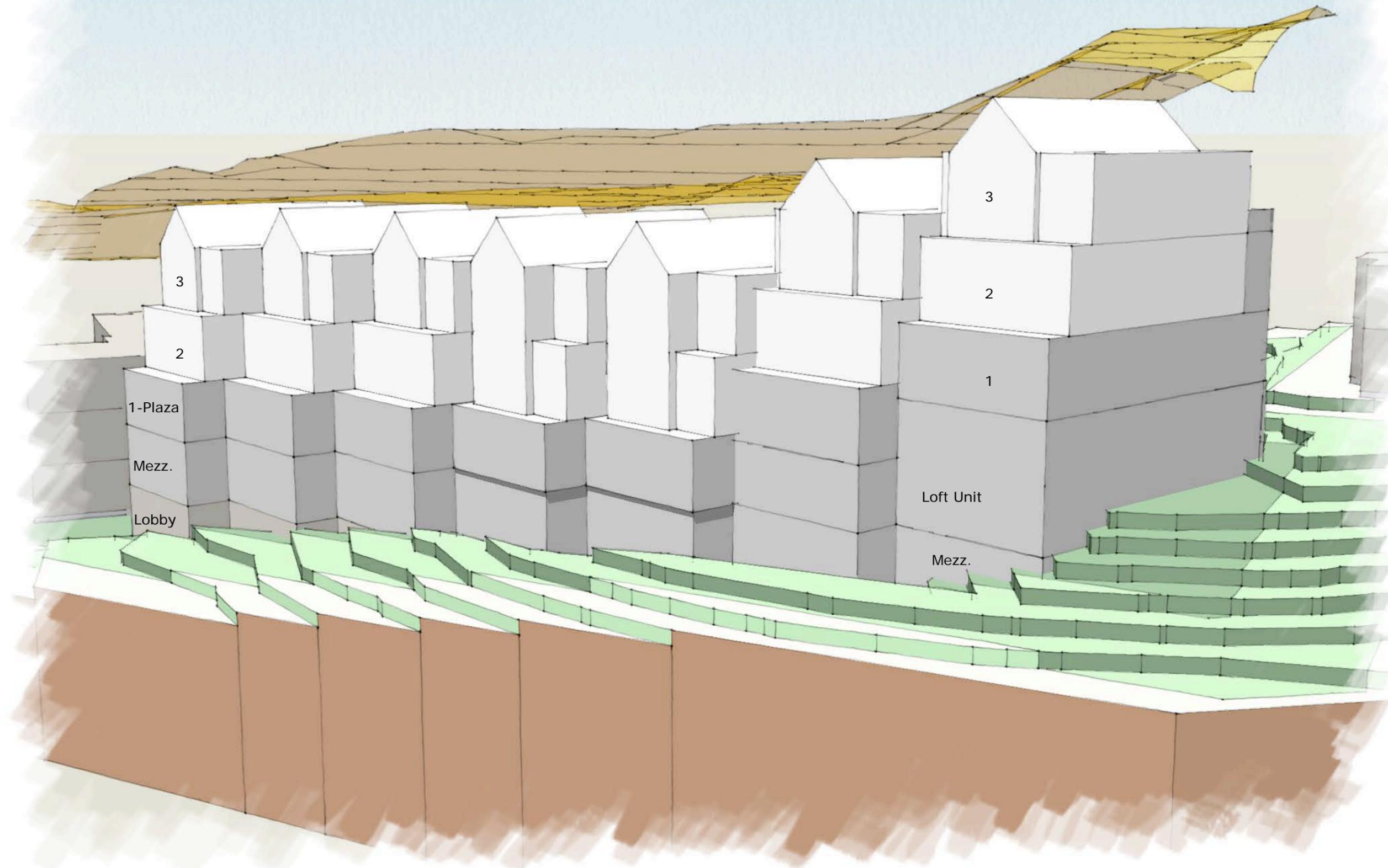
June 11, 2015



View From
North West

Lot 27A
Mountain Village, CO

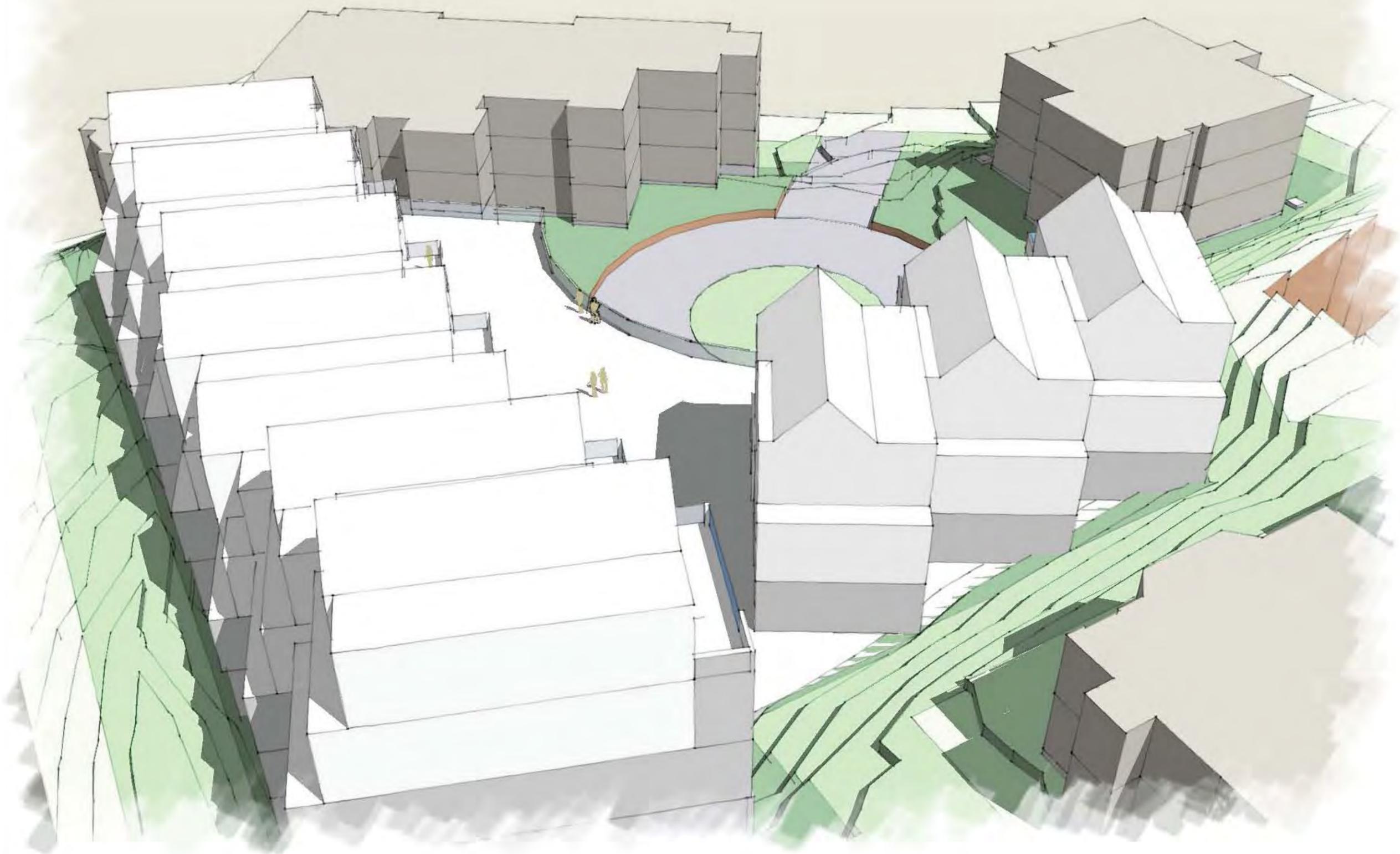
June 11, 2015



View From
South West-
Yellow Brick Road

Lot 27A
Mountain Village, CO

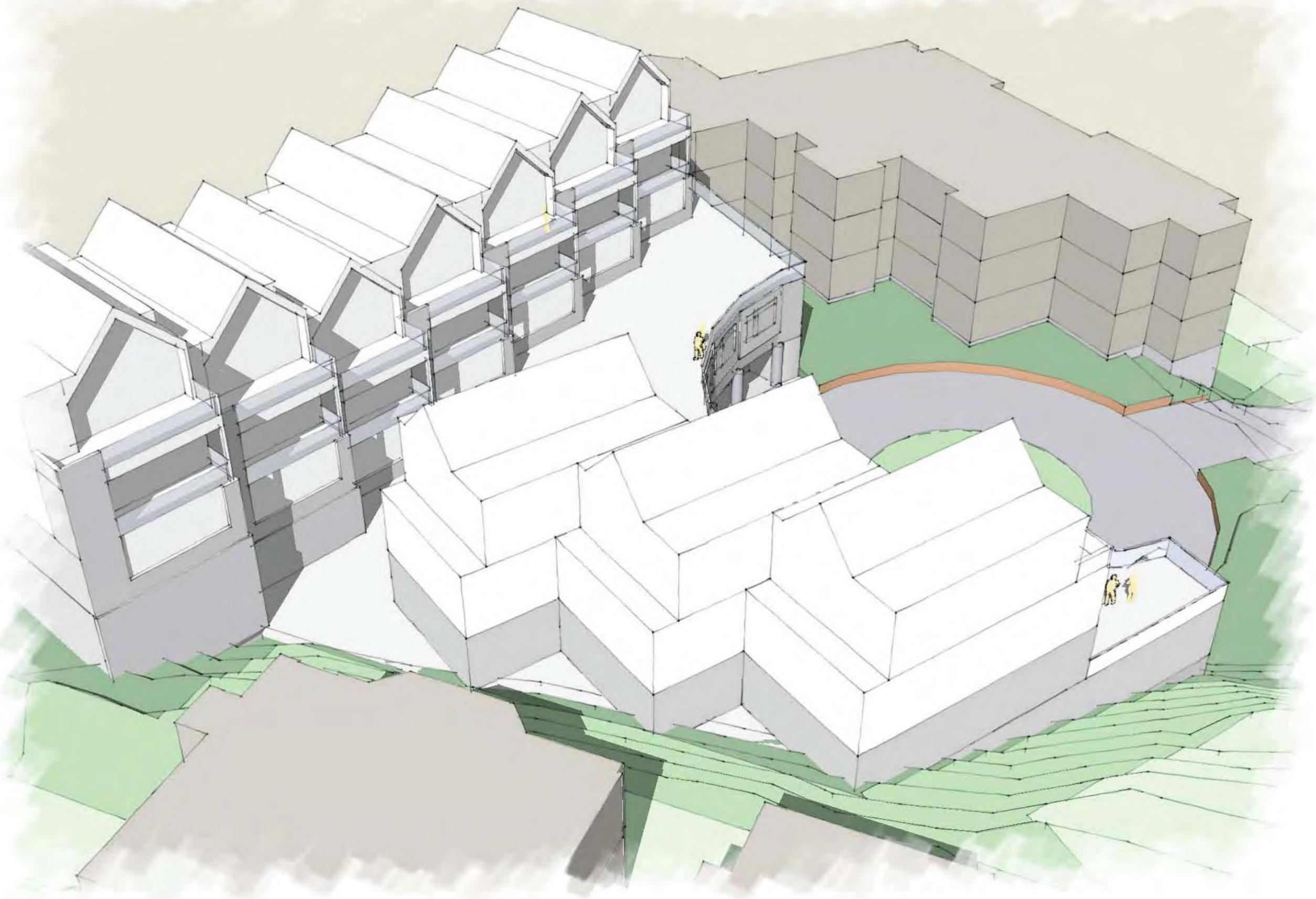
June 11, 2015



View From South

Lot 27A
Mountain Village, CO

June 11, 2015



View From
South East

Lot 27A
Mountain Village, CO

June 11, 2015



Main Entry View From
Lost Creek Lane With
Maximum Blg Height

Lot 27A
Mountain Village, CO

June 11, 2015



Entry Detail View
From North East

Lot 27A
Mountain Village, CO

June 11, 2015



Entry Detail

Lot 27A
Mountain Village, CO

June 11, 2015



3d Building Section
Showing Maximum
Height

Lot 27A
Mountain Village, CO

June 11, 2015

October 7, 2015

TO: Dan Boeckman, Manager
TCH Belvedere Phase III, LLC

FROM: Lumiere Hotel Group Management

RE: Potential Management of Belvedere Phase III

Dear Mr. Boeckman,

We have been following the proposed development plans for your remaining parcel, Lot 27A, Belvedere III.

The purpose of this letter is to confirm our interest in managing the completed project from both a short-term hotel rental perspective and an HOA perspective. We believe there are several synergies with Lumiere and this project that could be amazing for both of us.

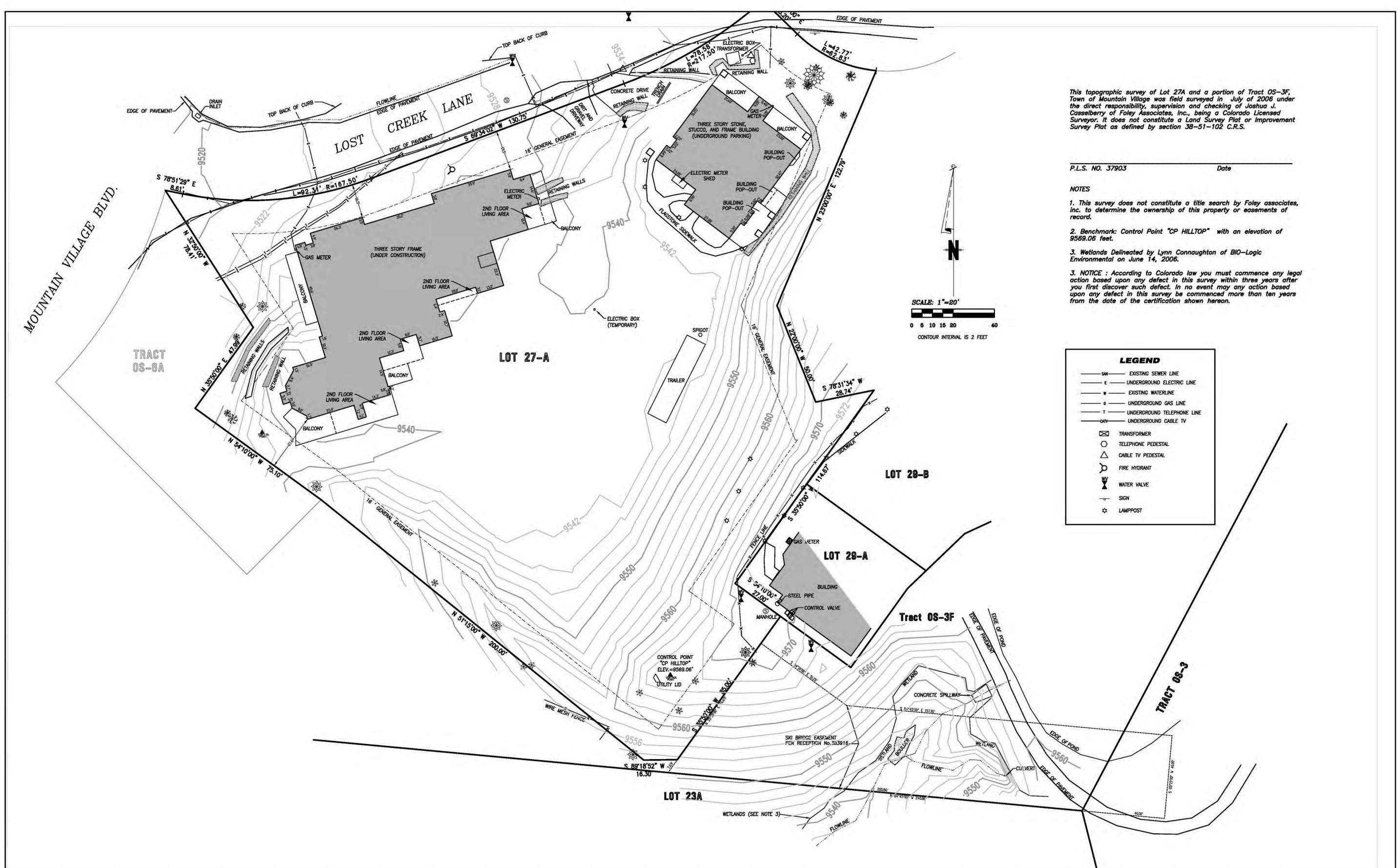
We wish you the best of luck with your approvals and please let us know if we can take this relationship a step further.

Sincerely,



Susie Schaefer
Managing Partner
Lumiere Hotel Group Management, LLC



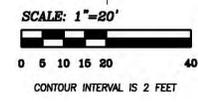


This topographic survey of Lot 27A and a portion of Tract OS-3F, Town of Mountain Village was field surveyed in July of 2006 under the direct responsibility, supervision and checking of Joshua J. Casselberry of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

P.L.S. NO. 37903 Date

NOTES

1. This survey does not constitute a title search by Foley associates, inc. to determine the ownership of this property or easements of record.
2. Benchmark: Control Point "CP HILLTOP" with an elevation of 9569.06 feet.
3. Wetlands Delineated by Lynn Connaughton of BIO-Logic Environmental on June 14, 2006.
3. NOTICE : According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



LEGEND	
—SW—	EXISTING SEWER LINE
—E—	UNDERGROUND ELECTRIC LINE
—W—	EXISTING WATERLINE
—G—	UNDERGROUND GAS LINE
—T—	UNDERGROUND TELEPHONE LINE
—C—	UNDERGROUND CABLE TV
⊠	TRANSFORMER
○	TELEPHONE PEDESTAL
△	CABLE TV PEDESTAL
⊕	FIRE HYDRANT
⊕	WATER VALVE
—	SIGN
☆	LAMPOST

TOPOGRAPHIC SURVEY LOT 27-A, TOWN OF MOUNTAIN VILLAGE

Project Mgr:	Rev.	description	date	by
JC				
LM				
JC				
07-06				



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: Z:\Jobs2005\05061\dwg\TOPO 07-06.dwg Sheet 1 of 1 Project #: 05149



CONCEPTUAL WORKSESSION SUBMITTAL FORM

Community Development Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

WORKSESSION SUBMISSION PROCESS			
APPLICANT INFORMATION			
Name: TD Smith (Agent for 27A)		E-mail Address: td@tdsmith.com	
Mailing Address: Box 266		Phone: 970-728-1606	
City: Telluride	State: CO	Zip Code: 81435	
Mountain Village Business License Number: 0387			
PROPERTY INFORMATION			
Physical Address: TBD Lost Creek Lane, Mountain Village		Acreage: .9187 Acres	
Zone District: Village Core	Zoning Designations: Condo, Lodge, Eff. Lodge	Density Assigned to the Lot or Site: 27 Condos, 10 Lodge, 2 Efficiency Lodge	
Legal Description: Parcel 3R, Belvedere Park Condominiums, Acc to 2nd Amend, Plat Bk 1, Pages 3674-3675			
Existing Land Uses: Vacant an 10 Condominiums Units within Two Existing Buildings			
Proposed Land Uses: 10 Condominiums, 5 Efficiency Lodge, 7 Flats (condos) 1 Loft Unit, 10 existing Condos			
OWNER INFORMATION			
Property Owner: TCH Belvedere Phase Three, LLC		E-mail Address: dboekman@turtlecreekholdings.com	
Mailing Address: 2911 Turtle Creek Blvd., Suite 1240		Phone: 214-522-8292	
City: Dallas	State: TX	Zip Code: 75219	
DESCRIPTION OF REQUEST			
Requesting Council to provide input related to the proposed plan.			



CONCEPTUAL WORKSESSION
SUBMITTAL FORM

Community Development Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES

I, TCH Belvedere Phase Three, LLC the owner of Lot 27A (the "Property") hereby certify that the statements made by myself and my agents on this submittal are true and correct. I acknowledge that any misrepresentation of any information on the submittal may be grounds for denial of the development worksession or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development submission request. We agree to allow access to the proposed development site at all times by member of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

[Signature] 10/5/2015
Signature of Owner Manager Date
TCH Belvedere Phase Three, LLC

Signature of /Agent Date

OFFICE USE ONLY	
Fee Paid:	By:
	Planner:



CONCEPTUAL WORKSESSION
SUBMITTAL FORM

Community Development Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

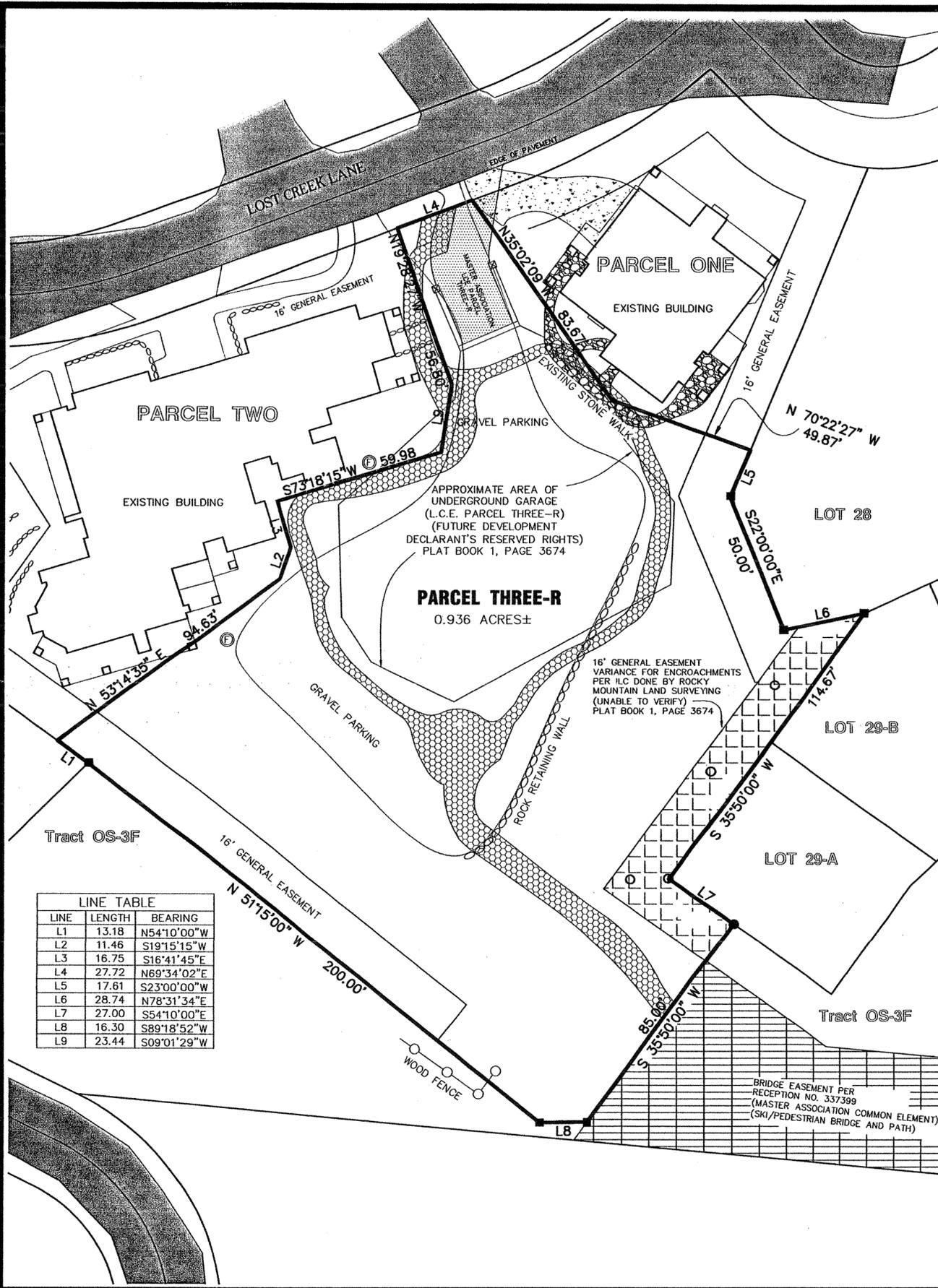
OWNER AGENT AUTHORIZATION FORM

I have reviewed the development submission request and hereby authorize TD Smith
of Telluride Real Estate Corp. to be and to act as my designated representative and represent
the development request through all aspects of the development review process with the Town of Mountain
Village.

[Signature]
(Signature) Manager
TCH Belvedere Phase Three, LLC

10/5/2015
(Date)

Daniel D Beckman
(Printed name)



LINE TABLE		
LINE	LENGTH	BEARING
L1	13.18	N54°10'00"W
L2	11.46	S19°15'15"W
L3	16.75	S16°41'45"E
L4	27.72	N69°34'02"E
L5	17.61	S23°00'00"W
L6	28.74	N78°31'34"E
L7	27.00	S54°10'00"E
L8	16.30	S89°18'52"W
L9	23.44	S09°01'29"W

LEGEND

- FOUND REBAR & ALUMINUM CAP, LS 20632
- FOUND REBAR & ALUMINUM CAP, LS 24954
- FOUND REBAR & ALUMINUM CAP, LS 31155
- FOUND ALUMINUM CAP IN CONCRETE, CAP ILLEGIBLE
- ⊙ FIRE PROTECTION SPRINKLER
- ASPHALT PAVEMENT
- ▨ INDICATES MASTER ASSOCIATION COMMON ELEMENT PLAT BOOK 1, PAGE 3674
- ▩ INDICATES MASTER ASSOCIATION LIMITED COMMON ELEMENT FOR PARCEL THREE-R PLAT BOOK 1, PAGE 3674
- ▧ INDICATES MASTER ASSOCIATION COMMON ELEMENT FOR BRIDGE EASEMENT PLAT BOOK 1, PAGE 3674

NOTICE:

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

According to Flood plain Insurance Map 08113C0000 dated September 30, 1992, this parcel is not within the 100-year flood plain.

LEGAL DESCRIPTION:

Parcel Three-R, Belvedere Park Condominiums, in accordance with the Condominium Declaration recorded June 29, 2004 at Reception no. 367399 and the First Amendment thereto recorded June 15, 2006 at Reception no. 384819 and the Condominium Map recorded June 29, 2004 in Plat Book 1 at page 3318, Reception no. 367340, the First Amendment thereto recorded January 26, 2005 in Plat Book 1 at page 3438, Reception no. 371991, and the Second Amendment thereto recorded June 15, 2006 in Plat Book 1 at page 3674, Reception no. 384818, Town of Mountain Village,

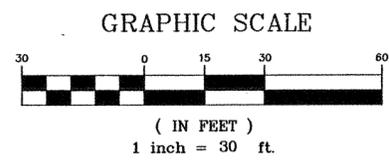
County of San Miguel,
State of Colorado

Easement research from Security Title Guaranty Company Order No. S0213622, Dated April 5, 2007 at 8:00 A.M.

IMPROVEMENT LOCATION CERTIFICATE:

I hereby certify that this Improvement Location Certificate was prepared for Security Title Guaranty Company, Capital Commercial Investments, Inc. and TCH Belvedere Phase Three, LLC, a Delaware limited liability company, and that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

I further certify that the improvements on the above described parcel on this date; April 19, 2007, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.



Christopher R. Kennedy
 Christopher R. Kennedy, P.L.S. 36577
 04/20/07

IMPROVEMENT LOCATION CERTIFICATE
PARCEL THREE-R, BELVEDERE PARK CONDOMINIUMS, TOWN OF MOUNTAIN VILLAGE

SAN JUAN SURVEYING
 SURVEYING * PLANNING
 160 D SOCIETY DRIVE TELLURIDE, CO. 81435
 (970) 728-1128 (970) 728-9201 fax
 SJS@TELLURIDECOLORADO.NET

DATE:	04/20/07
JOB:	03110
DRAWN BY:	TRW
CHECKED BY:	CRK
REVISION DATES:	
SHEET:	1 OF 1

Memo

To: Mayor & Town Council
From: Alexa Child
Date: October 15, 2015
Re: New Colorado Legislation

MEMORANDUM NEW LEGISLATION

The following is a brief summary of the laws that were recently enacted by the Colorado State Legislature and affect municipalities—the Town of Mountain Village in particular.

BEER AND LIQUOR:

- **HB 15-1192, Allowed Licensed Premises in Entertainment Districts:**
 - Expands the types of licensed premises that may be included in an entertainment district, allowing beer and wine licensees, manufacturers, or beer wholesalers that operate sales rooms and limited wineries.
 - Allows, with local approval, licensed premises to attach to a common consumption area within an entertainment district.
- **HB 15-1204, Distillery Pub License:**
 - Creates a new license allowing spirituous liquor producers to operate a pub that serves alcoholic beverages for consumption on licensed premises.
 - Requires licensee to serve meals and gross at least 15% of on-premises food and drink income from the sale of food.
- **HB 15-1202, Reissuance of Expired License:**
 - Allows an alcohol beverage licensee whose license has been expired for more than 90 days but less than 180 days to apply for a reissued license.
 - State and local licensing has sole discretion to allow a licensee to apply for a reissued license.
 - Licensee must submit the late application fee and fine.
- **HB 15-1244, Removal of Partially Consumed Wine From a Club:**
 - Authorizes a member of a liquor-licensed club to recork and remove from the club a bottle of wine purchased and partially consumed at the club

ECONOMIC DEVELOPMENT:

- **HB 15-1219, Enterprise Zone Renewable Energy Credits:**
 - Gives a taxpayer who places a renewable energy project in an enterprise zone an option to receive a refund of the credit equal to 80 cents for every one dollar of credit capped at \$750,000 per tax year and taxpayer.

- Limits a taxpayer to one refund from one renewable investment at a time.

ELECTIONS:

- **HB 15-1130, Overseas and Military Voters:**

- Requires the municipal clerk to send a mail ballot to voters on the list of overseas military voters maintained by the county clerk in any election conducted by the municipal clerk. This must be done no later than 45 days from the election.

ENVIRONMENT:

- **SB 15-119, Regulation of Pesticide Applicators:**

- Implements various recommendations regarding sunset review and report on regulation of pesticide applicators by the Department of Agriculture.
- Requires training for public applicators and limited commercial applicators in use of general-use pesticides specified by the Commissioner of Agriculture.

HEALTH CARE:

- **HB 15-1029, Telehealth:**

- Removes the population restrictions and precludes a health benefit plan from requiring in-person care delivery when telemedicine is appropriate, regardless of the geographic location of the health care provider and the recipient of care.
- Implements three important requirements for carriers:
 - Must reimburse providers who deliver care through telemedicine on the same basis that the carrier is responsible for coverage of services delivered in person.
 - Cannot charge deductible, copayment, or coinsurance amounts that are not equally imposed on all terms and services covered under the health benefit plan.
 - Cannot impose an annual or lifetime dollar maximum that applies separately to telemedicine services.
- Health plans have until January 1, 2017 to make all necessary changes prescribed by the law.

INITIATIVE PROCESS:

- **HB 15-1057, Fiscal Impact Statements:**

- Requires legislative council staff to prepare a fiscal impact statement for each citizen ballot initiative submitted to the Title Board, making fiscal impact information available before petitions are circulated.

MUNICIPAL FINANCE:

- **HB 15-1197, Indemnity in Public Construction Contracts:**

- Limits public entities from requiring certain contractors the duty to defend obligations in construction contracts. Applies to architectural, engineering, surveying or other design services.

- Allows the public entity to recover any costs of defense attributable to the contractor after the liability or fault has been determined by adjudication, alternative dispute resolution or mutual agreement.
- **HB 15-1262, Joint Government Entity Bonding Authority:**
 - Grants authority to entities created by two or more governments through an intergovernmental agreement to issue tax-exempt debt.
 - Permits the IGA creating the separate legal entity to grant that entity any power of a special district except condemnation.
 - An entity created by the IGA is defined as a political subdivision of the state.
- **SB 15-024, Local Government Audit Law Updates:**
 - Changes the maximum fiscal year revenue or expenditure amount for an exemption from the statutory requirement that local governments have their financial statements audited.
 - Increases the maximum fiscal year revenue or expenditure threshold to \$750,000.

PUBLIC SAFETY:

- **HB 15-1017, Private Volunteer Fire Departments:**
 - Creates the “Volunteer Fire Department Organization Act” which sets standards for volunteer fire departments recognized by the state to assist areas that lack full-time protection services.
 - Allows grants for technical and funding assistance from Firefighter Safety Grant Program.
 - Allows a private entity to provide fire protection services.
- **HB 15-1022, Juvenile Petty Offense Contracts:**
 - Creates a new type of pre-diversion program for juveniles committing minor offenses. Allows law enforcement officers to issue petty offense tickets to juveniles age 10 and older who commit delinquent acts that would be considered a petty offense if committed by an adult or by municipal ordinance.
 - The juvenile is required to go through an assessment process with a screening entity.
 - Contract must be in writing and must contain certain provisions relating to restitution, community service.
- **HB 15-1031, Regulation of Powdered Alcohol:**
 - Adds powdered alcohol under the state definition of spirituous liquors.
 - Regulates powdered alcohol like other liquor within the Division of Liquor Enforcement.
 - Clarifies how excise tax would be levied on powdered alcohol.
- **HB 15-1043, Felony DUI:**
 - Increases the penalty to a class 4 felony after three or more prior convictions of a DUI, DUI per se, or DWAI.
- **HB 15-1290, Incident Recordings:**
 - Specifies that a person has the right to lawfully record any incident involving a peace officer.
 - Creates remedies for situations when a peace officer unlawfully destroys or seizes a recording or recording device.

- **HB 15-1303, Sentencing for Certain Second-Degree Assaults:**
 - Specifies that assault against a peace officer, firefighter or EMS provider is still a crime of violence.
- **SB 15-013, Extend Deadline for Dog Protection Act:**
 - Changes the existing deadline to the Dog Protection Act to require officers to complete training no later than June 30, 2015.
 - Specifies that officers hired on or after this date must complete training within their first year of employment.
- **SB 15-022, Wildfire Risk Reduction Grant Program:**
 - Transfers \$1 million from the Severance Tax Operational Fund to the Wildfire Risk Reduction Cash Fund during Fiscal Year 2015-16.
 - Requires the Department of Natural Resources to encourage a grant applicant to use veterans participating in an accredited Colorado Corps Program in wildfire mitigation activities.
- **SB 15-058, Eyewitness Identification Policies and Procedures:**
 - Requires all Colorado agencies that enforce criminal laws to adopt written policies and procedures regarding eyewitness identifications that meet specific criteria by July 1, 2016.
 - Requires a law enforcement agency that has not adopted its own policy to adopt and use model policies developed by the Attorney General’s Office and the Colorado District Attorney’s Council.
- **SB 15-185, Police Data Collection and Community Policing:**
 - Creates the Community Law Enforcement Action Report (CLEAR) Act.
 - Requires law enforcement agencies, the Judicial Department, and the Department of Corrections to provide the prior calendar year’s information to the Division of Criminal Justice (DCJ) in the Department of Public Safety by March 31 of each year.

SEVERANCE TAX:

- **SB 15-255, Backfill State Budget for TABOR Refund:**
 - Transfers \$20 million of the severance tax receipts received from May 1, 2015 until the end of the current fiscal year to be deposited in the general fund for the purposes of state refund required by the Taxpayers Bill of Rights (TABOR), instead of being split equally between state severance tax trust fund and local government severance tax fund.

TAXATION:

- **HB 15-1012, Sales and Use—Dyed Diesel:**
 - Creates a state and local sales and use tax exemption for dyed diesel.

URBAN RENEWAL:

- **HB 15-1348, Modification of Statutory Provisions Governing Urban Renewal Authorities:**

- Modifies the number of commissioners of an urban renewal authority.
- Allows an urban renewal authority to have up to 13 commissioners.
- Creates a separate provision for governance when the governing body of a municipality is designated as authority or transfers existing authority to governing body.
- Requires that all funds remaining in the special fund be repaid to each taxing body based on specific requirements.

UTILITIES:

- **SB 15-254, Municipal Utilities—Solar Credits:**
 - Extends the period within which qualifying municipal utilities may apply for renewable energy credits for certain solar equipment installations.

WASTE & WASTEWATER:

- **HB 15-1008, Invasive Phreatophyte Grant Program:**
 - Creates grant program administered by Colorado Water Conservation Board for management of invasive phreatophytes (deep-rooted plants that consume water from water table or layer of soil just above water table).
- **HB 15-1249, Recodify Wastewater Permit Fees:**
 - Repeals and reenacts with changes the statutory fee schedule used for Water Quality Control Division charges for the discharge of pollutants into state waters.
 - Creates three new fees for regulated activities associated with the application of pesticides and costs associated with reviewing requests for certifications under Clean Water Act Section 401.
 - Creates an application fee for new permits, which will be credited toward annual permit fee.
- **SB 15-008, Water Efficiency Plans and Trashing:**
 - Requires mandated water efficiency plans to evaluate best management practices for water demand management, water efficiency and water conservation that may be implemented through land use planning efforts.

To: Mayor Jansen and Town Council
From: Chris Colter, Transit Director
Date: Oct 6, 2015
Re: TMV Safety Committee Gondola Blanket Letter

Agenda item #18

- The Role of the Safety Committee (see attached):
 - The Safety Committee is responsible for developing and maintaining the safety program. The Company is committed to providing a secure working environment by supporting the Safety Committee and facilitating an atmosphere of trust by acting upon the Committee's decisions and recommendations.
 - The Safety Committee's (sic) allows the responsibility and authority for safety control to be placed into the hands of the employees who are the authorities on the safety challenges facing their working environment.
 - The Safety Committee functions with autonomy and the full support of the Company.
- Safety Committee Findings:
 - The handling of passenger blankets takes gondola operators away from their primary task of attending to the loading and unloading of cabins.
 - The handling of blankets poses a health risk for the operators.
- Safety Committee Suggested Solutions:
 - Limit number of blankets to 75 total.
 - Limit the availability of blankets to occasions when the temperature drops below a defined threshold.
 - Get other regional entities to become responsible for the blankets.
- Gondola Operations BMPs:
 - Total blanket inventory is maintained at approximately 400. Typically 175-200 blankets are in service at any given time at the eight gondola and chondola stations; the balance are either at or recently returned from the cleaners.
 - Blankets are laundered every two to three weeks for a total of approximately seven to ten cleanings per season.
 - Operators are instructed to discard any blanket with visible signs of bio-contaminants.
 - Operators have been instructed to fold and put blankets back into service during lulls in ridership. During the busy holiday season, extra staff (overtime) is scheduled to assist with all gondola operations activities including the folding of blankets.
- Management Perspectives:
 - Blankets have been made available to gondola passengers for at least the past fifteen years; since the late 1990s.
 - Passengers consistently request blankets at all stations; rider comments indicate that more blankets should be made available, not less.
 - Blankets are an either / or proposition: either we provide them in large numbers so that all passengers who want them can have them, or not at all.
 - Providing blankets does pose an additional work task for operators during the winter season but managing the blankets is a secondary priority and good operators find time to fold the blankets and safely operate the machines.

- The potential for contracting illnesses from blankets has no proven supporting evidence. An operator is just as likely to contract an illness from cleaning out the trash passengers leave behind in the cabins, or handing their ski equipment and baby carriages, touching the cabin doors and door frames, or just being in close proximity with 5,000 – 10,000 daily passengers during their 9.5 hour shift.
 - Getting other regional entities to become responsible for the blankets is a great idea, but who will bell the cat? And even if lodges and stores did sell or make blankets available, guess who gets to deal with blankets left behind in the cabins. When approached with the concept of selling blankets at various regional shops, Boot Doctors was non-committal, the TSG Resort Store said no thanks, and Christy Sports didn't want to incur the upfront capital cost and questioned that the time when riders would most likely want the blankets was during the non-business hours (early morning or late night).
- The Problem with Safety Committee Declarations:
- Now that the safety committee has put into writing that operators' handling of blankets presumably distracts them from their operational duties and could lead to a loading or unloading incident that otherwise might have been prevented, if a loading or unloading incident occurs and the operator claims that s/he was folding blankets and therefore unable to attend to a cabin, it then becomes a liability of management for not complying with the Safety Committee request to remove the alleged distraction from the operation.
 - The Safety Committee suggested solutions are not practical. Either scenario will lead to customer dissatisfaction in that blankets will not be available upon demand. Limiting the number of blankets makes it even more imperative for operators to get the blankets immediately back into circulation or risk not having any available for a passenger who wants one thereby increasing the potential for not attending to a cabin when they should have. Trying to manage the availability of blankets to a threshold temperature will be perceived as poor customer service; "sorry ma'am, it is only 18 degrees and we are not allowed to make them available unless it is colder than 15 degrees". And it leaves the blanket distribution decision up to the individual operator which will lead to inconsistent application of the policy, further adding to customer dissatisfaction.
- Lose – Lose Proposition:
- Passengers will be unhappy if we do not provide blankets. In the short term this may become an intense public relations problem that will need to be addressed on multiple levels.
 - Gondola operators will be unhappy having to continue to deal with blankets – does not help recruitment/retention objectives.
 - If we do not follow the intent if not the letter of the Safety Committee recommendation/demand, the validity of the Safety Committee becomes compromised.
- Recommended Action Plan:
- Take blankets out of service at the start of the 2015/16 winter season.
 - Continue to appeal to resort stores (TSG, T-Sports, Boot Dr, Hotel Madeline, Franz Klammer, etc) to provide branded blankets for sale.
 - Task Nichole on spinning public education as to why we are moving this direction – the health and safety concern.
 - Reach out to Town Council, TMVOA, and TSG to inform them of this action plan.
 - Over time, the bad publicity will diminish as locals and guests become accustomed to not having free public blankets.

SAFETY COMMITTEE

It is the Company's policy to endeavor to minimize, and where possible prevent, all risks to the safety and well-being of employees. The Company, its employees, property and environment are best safeguarded by maintaining a comprehensive and effective behavior-based safety program. This behavior-based safety program provides both a guiding vision and flexible procedures by which we prevent at-risk behaviors and promote safe work habits. It is recognized that employee behavior alone cannot guarantee a safe environment. Both the Company and its employees must be collectively committed to the protection of the workplace and maintenance of an environment free from recognized hazards, both physical and behavioral.

The Safety Committee is responsible for developing and maintaining the safety program. The Company is committed to providing a secure working environment by supporting the **Safety Committee and facilitating an atmosphere of trust by acting upon the Committee's decisions and recommendations.**

The Safety Committee's allows the responsibility and authority for safety control to be placed into the hands of the employees who are the authorities on the safety challenges facing their working environment.

The Safety Committee possesses the following attributes:

- The Committee is solely comprised of front line employees
- The Committee meets on a regular basis
- The Committee chooses a chairperson and an alternate to run meetings, ensure follow-up on projects, report progress to the Company and act as key contacts for the Committee
- The Committee chooses a secretary to provide minutes of Committee meetings for presentation to co-workers and the Company
- The Committee will when necessary form subcommittees dedicated to the achievement of identified goals
- Subcommittees will provide progress reports of ongoing projects at each meeting
- The Committee will identify and prioritize physical and behavioral safety issues
- The Committee will determine solutions to safety issues and hazards
- The Committee will set quarterly and annual goals
- The Committee will maintain a standing agenda that addresses recurring as well as new items
- The Committee will provide the Company with recommendations for ever new and evolving safety awareness programs
- The Committee will assure that information pertaining to safety awareness, safety standards, performance, and identified safety hazards reach our employees via development of a safety news letter, presentations at departmental meetings, word of mouth and other avenues of communication
- Encourage coworkers to present ideas and observations designed to improve safety to the Committee

The Safety Committee functions with autonomy and the full support of the Company.



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ENGINEERING STUDY

FOR

MOUNTAIN VILLAGE GONDOLA 1, 2 & 3

Order Number SAP0000008

AT

MOUNTAIN VILLAGE, CO

Type of Lift: DETACHABLE GRIP 8 PASSENGER GONDOLA

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Overview

Scope of Study:

Review the feasibility of increasing the gondola system capacity in addition to the feasibility of accommodating level walk-in cabins.

Original Design Function and Capacities:

The original design of the existing gondola Sections 1-2 & 3 utilized 'CWA Omega' 8 passenger 'step up' cabins.

All Sections were designed to an Ultimate capacity of 1200 PPH (People Per Hour) at an operating speed of 1000 FPM (Feet Per Minute). The initial ~1996 installed capacity for all sections was 350 PPH.

Capacity was increased in subsequent years and the system currently has three different models of CWA cabins. Cabin models currently on line are as follows.

- CWA Omega
- CWA Omega III
- CWA Omega III-XL

As of today the system operates in the following configuration,

Section 1-2, 48 Cabins, 920 PPH, @1000 FPM

Section 3, 11 Cabins, 660 PPH, @1000 FPM

Current and Future Condition of System:

The past and continued maintenance, along with the capital replacements and upgrades of the Mountain Village Gondola system could allow the system to run indefinitely. Note that the routine and preventative maintenance on the Gondola has been at a level of excellent. Continuing this level of maintenance to prevent emergency repairs results in less capital expenditure over time.

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Included in Appendix B is a power point Doppelmayr began presenting 5 years ago in response to customers asking how long a lift can run. This is a very subjective issue and there is not a singular correct response that can be applied to all installations. This document is supplied to give further information about what affects the life cycle of a gondola. Please note that the descriptions, pictures and example issues are of other systems and NOT the Mountain Village Gondola.

1. Capacity Increase of Existing System

Additional 'step up' cabins may be added to the system to increase the current capacity. Due to upgrades, modifications and changing design codes over its life the original intended Ultimate Capacity of 1200 PPH cannot be reached on all sections. Sections 1-2 capacity has been reduced to an Ultimate Capacity of 1070 PPH. Section 3 Ultimate Capacity remains at the original design of 1200 PPH.

Utilizing original line, terminal equipment and adding additional 'step up' cabins:

Section 1-2, add 9 additional 'Step Up' cabins -> 1070 PPH

Section 3, add 9 additional 'Step Up' cabins -> 1200 PPH

2. Level Walk-In Cabin Implementation Retrofitting Existing System

Carriers:

Converting the existing gondola sections to LWI (Level Walk-In) loading style requires cabin replacement. The existing cabins were not engineered for the required cabin guides. The cabin door opening height is well below average passenger height. Modifying the cabins to adapt both of these is not practical or economically viable.

The current generation CWA Omega IV-LWI cabin with a special shortened hanger could be implemented with modification to the existing systems. Due to the increased weight, height and wind area of these cabins modification of the line equipment and existing gondola terminals is required to accommodate them. The existing grips in most cases may be reused with the exception on section 1-2. On Section 1-2 a grip for a larger rope is required to obtain a capacity of 2400 PPH.

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Line (Tower Foundations, Masts, Sheave Trains & Rope):

The increased weight and wind area of these carriers will introduce larger wind loads, dead loads and tension loads on the gondola system even if current capacity is maintained. The load changes and adaptation of new LWI cabins would be classified as a Major Modification by the Colorado Passenger Tramway Safety Board (CPTSB). This classification requires using current code and best practices to perform a structural review of the line. The current foundations, tower masts and increased sheave loadings would not pass the current design requirements with the increased loads from LWI cabins. It is important to note that just because the system today possibly will not pass current code requirements it does not invalidate it as a safe system when operated within its original design parameters.

To accommodate the increased loading and meet current design requirements a full replacement of the tower equipment is required. Replacement of the tower equipment includes new foundations, towers, crossarms and sheave trains. The haul rope on each section depending on the chosen capacity may need to be replaced. For all sections multiple capacities were analyzed and the required equipment replacement tabulated and included in the cost in the pricing Matrix.

Terminals:

The existing terminal structures, grip coupling components and machinery that propel the cabins are compatible with the LWI cabins and may be reused. Portions of the machinery that touch the rope and drive each section will need to be reconfigured and upgraded with new components to handle the higher loads. The major items that would be replaced include all components of the drivetrain, bullwheels and their mounting platforms, rope deflection sheaves and their mounts, braking components, tensioning components and lift controls.

Floor cabin guides would be provided to accommodate the LWI cabins. Minor changes to the building would be required to integrate the new level loading surface at the provided guide elevation. This could be a combination of egress ramps and or steps to meet current building code requirements. This portion of building infrastructure is outside of this engineering review.

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System Performance:

All of these component replacements and upgrades will result in a system that in addition to accommodating LWI cabins is functionally more reliable and in line with current 'best practices' of essential transportation systems. Most notably is replacing the current evacuation system with a ring and pinion system and bullwheels with emergency bearings. This type of evac system eliminates several single point failure modes on the existing system that could result in a not timely or impossible lift evacuation in the event of a critical component failure. Critical components that would now have an emergency backup include the drive shaft, gearbox, planetary and bullwheel bearings.

Replacement of the drivetrain, controls, bullwheels and deflection sheaves will put these items at the same reliability and performance level of these items in a new lift. The performance will remain unchanged for the reused existing terminal structure, grip coupling components and the machinery that propels the cabins through the terminal. Reliability of these items is dependent on their condition prior to the system upgrade.

3. LWI Implementation with Terminal Replacement

To accommodate CWA Omega IV-LWI cabins with the current standard stem complete terminal replacements would be required. In addition to all components listed in the retrofit option new terminal concrete, steel structure, grip coupling components and machinery that propels the cabins would be provided. Available grips would still be reused in this scenario. Terminal placement, lengths and optimization of space is possible with complete replacement.

Pricing in the cost matrix represents only the equipment required for the gondola systems. Removal of existing buildings and reinstallation or providing new enclosures is not represented.

System Performance:

Reliability and performance of all components will be that of a new lift. Optimum utilization and efficient use of standard machinery components is possible with a new standard terminal structure. A standard structure also does not compromise access to components requiring routine inspection and maintenance compared to a retrofitted structure. New terminal structures are galvanized to resist corrosion for longevity and will not require maintaining painted structural steel.

4. Options

Cabins:

Provisions to accommodate additional cabin features should be taken into account during the initial engineering of a system upgrade or replacement. As long as the weights of these items are taken into account they can more easily be added at a latter date if needed. A cost of requested features is included in the price matrix for consideration.

- Seat Heating
- Public Address System, One Way Communication
- Public Address System, Two Way Communication
- Bike Rack
- Cabin Lighting
- WIFI, this is a third party supplied item. Desired functionality of the system needs to be specified to allow for accurate pricing.

Additional System Redundancies:

The following additional items are not required but are typically are specified on transport gondola systems like The Mountain Village Gondola.

- Dual Loop Derail Circuit – The derail circuit consists of break forks (brittle metal bars) that brake if the haul rope derails from the sheave train. This opens an electrical circuit and the control system stops the lift. In the event the primary derail circuit has malfunctioned the lift can continue normal operation when switched over to the secondary derail circuit.
- Redundant Rope Position Detection (RPD) system – The RPD system constantly monitors the position of the rope in the sheave train. If it is detected that the rope has begun to migrate out of position then the control system stops the lift. A correctly functioning RPD system is required to operate the lift at speeds over 600 FPM. In the event one RPD system malfunctions the lift can be switched to the redundant system.
- Multi Drive and Motor Arrangements – This drive solution provides a high level of redundancy. Quantity and size of electric motors and drives are chosen so that in the event of the malfunction of one drive and or motor the remaining drive(s) and motor(s) are sufficient to operate the lift normally.

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Scenario 1, Add Additional Step up Cabins to System

General		Line													Drive Terminal					Return Terminal					Electrical					Construction			Pricing													
Gondola Section	PPH	HP	Cabins - New	Cabins - Reused	Seat Heating - Option	Cabin Com - 1 Way - Option	Cabin Com - Add 2 Way - Option	Cabin Lighting - Option	Bike Rack - Option	Grips - Reused	Grips - New	Haul Rope	Tower Foundations	Tower Masts	Tower Heads	Sheave Trains	Com Line	Structure	Conveyors	Gear Box - New	Drive Machinery	Bullwheel	Brakes & Brake Hydraulics	Redundant BW Bearings	Ring and Pinion Evac	Evac Motor	Structure	Conveyors	Rope Deflection	Return Carriage & Tension Hyd.	Bullwheel	Redundant BW Bearings	Low Voltage Controls	AC Motor & Drive	Multi Motor & Drive Arrangement	Tower Derail System	Redundant Tower Derail System	RPD System	Redundant RPD System	Line Demo	Terminal LIT Equipment Demo A/B	Line Installation	Terminal Equipment Installation	Base Price	Price with All Options	
1	1070	406	5	28	N/A	N/A	N/A	N/A	\$ 4,155	28	5	R	R	R	R	R	R	R	R	Existing	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	N/A	R	N/A	R	N/A	N/A	N/A	I	N/A	\$ 177,180	\$ 181,335
2	1070	278	4	20	N/A	N/A	N/A	N/A	\$ 3,324	20	4	R	R	R	R	R	R	R	R	Existing	R	R	R	R	R	R	R	R	R	R	R	R	R	R	N/A	R	N/A	R	N/A	N/A	N/A	I	N/A	\$ 141,744	\$ 145,068	
3	1200	140	9	11	N/A	N/A	N/A	N/A	\$ 7,479	11	9	R	R	R	R	R	R	R	R	Existing	R	R	R	R	R	R	R	R	R	R	R	R	R	R	N/A	R	N/A	R	N/A	N/A	N/A	I	N/A	\$ 318,924	\$ 326,403	

Scenario 2, Level Walk in with Capacity Increase Option (Custom -220mm Shortened Stem)

General		Line													Drive Terminal					Return Terminal					Electrical					Construction			Pricing													
Gondola Section	PPH	HP	Cabins - New	Cabins - Reused	Seat Heating - Option	Cabin Com - 1 Way - Option	Cabin Com - Add 2 Way - Option	Cabin Lighting - Option	Bike Rack - Option	Grips - Reused	Grips - New	Haul Rope	Tower Foundations	Tower Masts	Tower Heads	Sheave Trains	Com Line	Structure	Conveyors	Gear Box - New	Drive Machinery	Bullwheel	Brakes & Brake Hydraulics	Redundant BW Bearings	Ring and Pinion Evac	Evac Motor	Structure	Conveyors	Rope Deflection	Return Carriage & Tension Hyd.	Bullwheel	Redundant BW Bearings	Low Voltage Controls	AC Motor & Drive	Multi Motor & Drive Arrangement	Tower Derail System	Redundant Tower Derail System	RPD System	Redundant RPD System	Line Demo	Terminal LIT Equipment Demo A/B	Line Installation	Terminal Equipment Installation	Base Price	Price with All Options	
1	1200	434	37	0	\$ 117,220	\$ 176,675	\$ 112,887	\$ 76,590	\$ 30,747	28	9	R	N	N	N	N	N	N	N	GPW 245	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 185,569	N	\$ 38,152	N	\$ 43,928	I	I	I	I	\$ 5,504,178	\$ 6,285,947
	1800	561	56	0	\$ 173,878	\$ 267,400	\$ 170,856	\$ 115,920	\$ 46,536	28	28	N	N	N	N	N	N	N	N	GPW 245	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 228,863	N	\$ 38,152	N	\$ 43,928	I	I	I	I	\$ 6,513,692	\$ 7,599,225
	2400	698	75	0	\$ 230,536	\$ 358,125	\$ 228,825	\$ 155,250	\$ 62,325	0	75	N	N	N	N	N	N	N	N	GPW 270	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 265,177	N	\$ 38,152	N	\$ 43,928	I	I	I	I	\$ 7,571,798	\$ 8,954,116
2	1200	295	27	0	\$ 87,400	\$ 128,925	\$ 82,377	\$ 55,890	\$ 23,437	20	7	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 152,154	N	\$ 22,088	N	\$ 25,432	I	I	I	I	\$ 4,687,756	\$ 5,264,459
	1800	368	41	0	\$ 129,148	\$ 195,775	\$ 125,091	\$ 84,870	\$ 34,071	20	21	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 168,254	N	\$ 22,088	N	\$ 25,432	I	I	I	I	\$ 5,121,649	\$ 5,906,378
	2400	446	55	0	\$ 170,896	\$ 262,625	\$ 167,805	\$ 113,850	\$ 45,705	0	55	N	N	N	N	N	N	N	N	GPW 245	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 185,568	N	\$ 22,088	N	\$ 25,432	I	I	I	I	\$ 6,035,527	\$ 7,029,497
3	1200	140	20	0	\$ 66,526	\$ 95,500	\$ 61,020	\$ 41,400	\$ 16,620	11	9	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 81,652	N	\$ 16,064	N	\$ 18,496	I	I	I	I	\$ 3,788,101	\$ 4,185,380
	1800	150	30	0	\$ 96,346	\$ 143,250	\$ 91,530	\$ 62,100	\$ 24,930	11	19	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 101,871	N	\$ 16,064	N	\$ 18,496	I	I	I	I	\$ 4,168,603	\$ 4,723,191
	2400	160	40	0	\$ 126,166	\$ 191,000	\$ 122,040	\$ 82,800	\$ 33,240	40	0	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 101,871	N	\$ 16,064	N	\$ 18,496	I	I	I	I	\$ 4,383,360	\$ 5,075,037

Scenario 3, Level Walk in with Capacity Increase Option (Complete Teardown and New Install)

General		Line													Drive Terminal					Return Terminal					Electrical					Construction			Pricing													
Gondola Section	PPH	HP	Cabins - New	Cabins - Reused	Seat Heating - Option	Cabin Com - 1 Way - Option	Cabin Com - Add 2 Way - Option	Cabin Lighting - Option	Bike Rack - Option	Grips - Reused	Grips - New	Haul Rope	Tower Foundations	Tower Masts	Tower Heads	Sheave Trains	Com Line	Structure	Conveyors	Gear Box - New	Drive Machinery	Bullwheel	Brakes & Brake Hydraulics	Redundant BW Bearings	Ring and Pinion Evac	Evac Motor	Structure	Conveyors	Rope Deflection	Return Carriage & Tension Hyd.	Bullwheel	Redundant BW Bearings	Low Voltage Controls	AC Motor & Drive	Multi Motor & Drive Arrangement	Tower Derail System	Redundant Tower Derail System	RPD System	Redundant RPD System	Line Demo	Terminal LIT Equipment Demo A/B	Line Installation	Terminal Equipment Installation	Base Price	Price with All Options	
1	1200	434	37	0	\$ 110,334	\$ 176,675	\$ 112,887	\$ 76,590	\$ 30,747	28	9	R	N	N	N	N	N	N	N	GPW 245	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 185,569	N	\$ 38,152	N	\$ 43,928	I	I	I	I	\$ 6,876,909	\$ 7,651,791
	1800	561	56	0	\$ 166,992	\$ 267,400	\$ 170,856	\$ 115,920	\$ 46,536	28	28	N	N	N	N	N	N	N	N	GPW 245	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 228,863	N	\$ 38,152	N	\$ 43,928	I	I	I	I	\$ 7,821,691	\$ 8,900,338
	2400	698	75	0	\$ 223,650	\$ 358,125	\$ 228,825	\$ 155,250	\$ 62,325	0	75	N	N	N	N	N	N	N	N	GPW 270	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 265,177	N	\$ 38,152	N	\$ 43,928	I	I	I	I	\$ 8,808,180	\$ 10,183,612
2	1200	295	27	0	\$ 80,514	\$ 128,925	\$ 82,377	\$ 55,890	\$ 23,437	20	7	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 152,154	N	\$ 22,088	N	\$ 25,432	I	I	I	I	\$ 6,112,830	\$ 6,682,647
	1800	368	41	0	\$ 122,262	\$ 195,775	\$ 125,091	\$ 84,870	\$ 34,071	20	21	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 168,254	N	\$ 22,088	N	\$ 25,432	I	I	I	I	\$ 6,477,499	\$ 7,255,342
	2400	446	55	0	\$ 164,010	\$ 262,625	\$ 167,805	\$ 113,850	\$ 45,705	0	55	N	N	N	N	N	N	N	N	GPW 245	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 185,568	N	\$ 22,088	N	\$ 25,432	I	I	I	I	\$ 7,318,491	\$ 8,305,574
3	1200	140	20	0	\$ 59,640	\$ 95,500	\$ 61,020	\$ 41,400	\$ 16,620	11	9	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 81,652	N	\$ 16,064	N	\$ 18,496	I	I	I	I	\$ 5,018,522	\$ 5,408,914
	1800	150	30	0	\$ 89,460	\$ 143,250	\$ 91,530	\$ 62,100	\$ 24,930	11	19	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 101,871	N	\$ 16,064	N	\$ 18,496	I	I	I	I	\$ 5,372,887	\$ 5,920,588
	2400	160	40	0	\$ 119,280	\$ 191,000	\$ 122,040	\$ 82,800	\$ 33,240	40	0	R	N	N	N	N	N	N	N	GPW 215	N	N	N	N	N	N	N	R	R	N	N	N	N	N	N	\$ 101,871	N	\$ 16,064	N	\$ 18,496	I	I	I	I	\$ 5,575,194	\$ 6,259,985

Legend	
N	New Provided
R	Reuse Existing
I	Included
N/A	Not Applicable

All pricing is based on 2016 Installation

Pricing Matrix Summary

DRAFT

Scenario 1

Provides pricing to bring the existing system up to design capacity – 1070PPH on sections 1 and 2 and 1200PPH on section 3 – 9 additional cabins on the mainline and 9 additional cabins on section 3

Scenario 2

Provides pricing for the following at 3 different design capacities (1200PPH, 1800PPH, and 2400PPH):

- Replacing existing cabins and suspensions with all new LWI cabins and modified suspensions
- Replacing grips when needed due to haul rope upsizing
- Replacing entire line
 - Foundations
 - Towers - complete
 - Commlines
 - Safety Sensors
 - Haul Ropes where required
 - Full line demolition and new equipment installation
- Replacing terminal components
 - Main gearboxes
 - Electric motors and drives
 - Bullwheels with redundant evac measures
 - Rope deflection components
 - Braking devices and controls
 - Low voltage controls
 - Hydraulic tensioning and controls
 - Demo of components to be replaced and installation of new equipment
- Assumes the following will be reused:
 - Station enclosures
 - Main terminal foundations and steel
 - Conveyors
- Optional items have their costs listed – these are not included in the BASE PRICE

Scenario 3

Provides pricing for the following at 3 different design capacities (1200PPH, 1800PPH, and 2400PPH):

- Complete demolition of the existing system
 - Terminals
 - Lines
- Installation of a new system
- Optional items are the same as listed for scenario 2

Not included in scenario 3 pricing matrix:

- Demolition of existing enclosures
- Design and construction of new enclosures

Memorandum

Agenda Item # 20b

To: Town Council
From: Director of Administration/Town Clerk Jackie Kennefick
Date: 10/09/2015
Re: 2016 Town Council Proposed Meeting Schedule

2016 Town Council Meeting Schedule – Third Thursday of the month unless otherwise noted)

January 21st

February 18th

March 17th

April 21st

May 19th

June 9, 16 or 23 or 30 (CML June 21-24 & Bluegrass June 16-19)

July 21st

August 18th

September 15th or 22nd (Blues & Brews Sept 16-18)

October 20th

November 17th

December 8th (2nd Thursday due to budget approval requirements)