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TOWN OF MOUNTAIN VILLAGE MINUTES OF THE JANUARY 15, 2015 REGULAR TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Pro-Tem Cath Jett at 8:31 a.m. on Thursday, January 15, 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
Cath Jett, Mayor Pro-Tem
Dave Schillaci
John Howe
Michelle Sherry
Marty McKinley
Jonette Bronson

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
Nichole Zangara, Community Relations Manager
Laila Benitez, Community Relations Assistant
David Reed, Town Attorney
Jim Mahoney, Assistant Town Attorney
Chris Hawkins, Director of Community Development
Kevin Swain, Finance Director
Chris Broady, Police Chief
Sue Kunz, Human Resources Director
Corrie McMills, Human Resources Coordinator
Steven Lehane, Director of Cable & Broadband Services
Randy Kee, Building Official
Dawn Katz, Director of Mountain Munchkins
Deanna Drew, Director of Plaza & Environmental Services
Finn Kjome, Public Works Director
Dave Bangert, Forester
Jodi Miller, Office Manager/Court Clerk
Ted Holland, MVPD Police Officer
Rachelle Redmond, MVPD Lieutenant
Michael Hartig, MVPD Police Officer
Krysten Gottman, MVPD Police Officer
Mark Martin, MVPD Police Officer
Ken Haynes
Susanne Connolly
Stephen Roth

Aurelie Cannella
Rich Nuttall
Robert Stenhammer
Anton Benitez
Eric Wells
Steve Togni
Sara Larsen
Lyn Gruss
Jeffrey Fasolo
Jonathan Greenspan
Kim Wheels
Dan Garner
Michael Martelon
Douglas Tooley
Sean Stogner
Lisa Eidsmo
Kiera Skinner
Dylan Henderson
Brian Kanaga
Nick Pasquariello
Lisa Eisdmo
Judi Snelling
R. Gayle
Tom Kennedy
Stephanie Fanos
Dewitt Gayle

Public Comment for Non-Agenda Items

Public comment was received by Jeffrey Fasolo and Jonathan Greenspan. Cath Jett directed staff to agendize the Boulder's violations at the February meeting.

Approval of the Minutes of the December 11, 2014 Regular Town Council Meeting

On a **MOTION** by John Howe and seconded by Jonette Bronson, Council voted unanimously to approve the December 11, 2014 Town Council meeting minutes as presented.

Consideration of a Resolution Designating Posting Locations for the Town's Ordinances and Public Notices

Director of Administration/Town Clerk Jackie Kennefick presented the above item. Council discussion ensued. On a **MOTION** by Jonette Bronson and seconded by John Howe Council voted unanimously to approve a Resolution designating posting locations for the Town's Ordinances and public notices.

Michelle Sherry arrived at 8:36 a.m.

Dave Schillaci arrived at 8:40 a.m.

Dan Jansen arrived at 8:43 a.m.

Telluride Regional Airport Authority (TRAA) Bi-annual Report

Telluride Airport Manager Rich Nuttall presented the bi-annual report. TRAA completed a wildlife hazard assessment and drainage improvements in 2014 and a new de-ice pad will be added in 2015. Council requested a written report be included in the Town Council packet in the future.

Ken Haynes of the San Miguel Power Association presented a rebate check in the amount of \$12,408 to the Town for the LED lights retrofit project for the street lights, plaza lights, and path lights. The check was accepted by Public Works Director Finn Kjome.

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

On a **MOTION** by Dave Schillaci and seconded by Jonette Bronson, Council agreed to enter into Executive Session for the purpose of a personnel matter pursuant to C.R.S. Section 24-6-402((4)(f)(I)), and for receiving legal advice pursuant to C.R.S. 24-6-402(b), and for the purpose of negotiations pursuant to C.R.S. 24-6-402(4)e at 8:45 a.m.

Council returned to regular session at 10:05 a.m.

Consideration of an Agreement to Convey a Portion of Lot 1003R-1, the Medical Center Site, to the Telluride Hospital District

Mayor Jansen framed the discussion stating that the Town Hall Subarea Task Force will operate as outlined by the adopted by-laws approved in the November 2014 Town Council meeting. Tom Kennedy, Counsel for the Hospital District, thanked Council members for the opportunity to build the Medical Center stating that the agreement has been approved by the Hospital Board. Council discussion ensued. Public comment was received by DeWitt Gayle. On a **MOTION** by Cath Jett and seconded by Dave Schillaci, Council voted unanimously to approve an agreement to convey a portion of Lot 1003R-1, the Medical Center site to the Telluride Hospital District as presented.

Consideration of an Agreement to Sell a Portion of Lot 1003R-1, the Lofts at Mountain Village Site, to Telluride Investments, LLC, a Colorado Limited Liability Company for Purposes of Developing Work Force Housing

Mayor Jansen discussed the regional state of affordable housing. Mountain Village challenged the developer community to come up with some creative and fast solutions. This project has come from that challenge.

The developer has agreed to R-1 restrictions. Town Attorney David Reed and the Mayor discussed that Council will defer the parking payment in lieu until such point where the town needs to expand the parking structure and the developer has accepted that deferral. When the town determines the need to expand the structure, the developer will be notified and will pay the full amount or set up a payment schedule. If the property is sold or transferred, that obligation will carry with the property. This is not part of today's approval but rather will be implemented when the parking payment in lieu application is filed. The caveat is that it would not be a personal obligation but the obligation will run with the land for the 15 year sunset clause. Public comment was received by Human Resources Director Sue Kunz, Sean Stogner, Douglas Tooley, Lyn Gruss, and Steve Togni. On a **MOTION** by Cath Jett and seconded by John Howe, Council voted unanimously to approve an agreement to sell a portion of Lot 1003R-1, the Lofts at Mountain Village site to Belem Properties Co., LLC, for the purposes of developing work force housing and authorize the Mayor to execute the Agreement on behalf of the Town.

Liquor Licensing Authority:

a. Consideration of Recertification of the Mountain Village Promotional Association and Common Consumption Area

Jackie Kennefick presented the above application. Council discussion ensued. Police Chief Chris Broady stated that the use of the Common Consumption Area was successful last summer. He noted that some operational issues need to be addressed including:

- The use of communication radios by security
- Vendors ensuring an adequate number of cups are on hand
- Location for the storage of the fencing

Chief Broady has no concerns about approving the renewal application. President of the Promotional Association (PA) Board Stephen Roth stated that the Entertainment District was a benefit to local businesses and that he is hoping to build on its success this year. On a **MOTION** by Dave Schillaci and seconded by Cath Jett, Council voted unanimously to approve recertification of the Mountain Village Promotional Association and Common Consumption Area for one year and directed staff to extend the License Agreement for the same.

Council Boards and Commissions Updates:

a. Eco Action Partners (EAP)– Howe/Sherry

Michelle Sherry stated that EAP is proceeding with an LED light program called Green Lights and has received a \$5000 grant from the Telluride Foundation for promotion of the program.

b. Telluride Historical Museum – Bronson

The Museum is continuing with programs featuring ski history and Telluride adventures. Ms. Bronson stated that two candidates for the director's position will be interviewed in the next two days.

c. San Miguel Watershed Coalition – Jett

Deanna Drew is now the Board President. State of the Watershed Report is almost complete and should be out in the next quarter.

d. Colorado Flights Alliance (CFA) – Jansen

Mayor Jansen stated that flights are loading favorably compared to prior years. Alegiant Air launched a repeat of their two for one program out of Montrose to Phoenix and Los Angeles. TMVOA has filled their open Board seats with some good people and some nice cooperation with air is in the works.

e. Plaza Use Committee – Jett

There was no update.

f. Transportation & Parking – Howe/Schillaci

Mr. Howe suggested the Town consider putting a public restroom in the Meadows Parking area and Council was in favor.

g. Budget & Finance Committee – Jansen/McKinley

Mr. McKinley reinforced a conservative reserve philosophy in order to deal with any unforeseen events.

Staff Reports:

a. Mountain Munchkins Preschool & Daycare

Mountain Munchkins Director Dawn Katz presented her report. Ms. Katz stated that the Commission for Community Assistance, Arts and Special Events (CCAASE) grant was approved in the amount of \$5000 which brings the total grant money awarded for 2015 to \$40,000. Council thanked Ms. Katz for her efforts and a very thorough report.

b. Cable & Broadband Services

Director of Cable and Broadband Services Steven Lehane presented his report highlighting three specific areas.

1. Council discussion ensued regarding the issues that occurred over the holidays with broadband and cell phone (especially ATT) services. Mr. Lehane explained that data consumption is growing at a staggering rate as well as the number of devices being used. Mountain Village shares a one gigabyte pipe with the Town of Telluride. He proposed that the Town of Mountain Village purchase a dedicated pipe at a cost of \$85,000. This would ensure much better broadband capacity. The pipe may be expanded periodically to accommodate growing data consumption and is expandable up to 50 gigabytes. Council discussed building the cost of the upgrades into the Broadband department budget annually so that when upgrades are needed, the funds are available. Council directed staff to provide expansion information to the Budget/Finance committee to review and authorized the committee to make a decision.
2. Discussion ensued on whether or not the Town should expand broadband services to include basic in home installation services(networking/printers set-up, troubleshooting, etc.). This would entail hiring additional staff that would specialize in customer service. Council consensus was to direct staff to investigate an end to end service expansion for the Cable and Broadband Services Department, develop a business plan, identify the costs, and present to Council in a publically noticed meeting. This service would not compete with local high level providers.
3. Cell phone coverage (primarily AT&T) was degraded over the holiday season due to an increase of users. AT&T has indicated that the company is exploring installing another tower which would allow for more capacity. Council discussion ensued and Mayor Jansen agreed to contact AT&T directly to discuss moving forward with the process as well as options for a tower location.

c. Town Manager

Town Manager Kim Montgomery presented her report and announced that there was a four-way tie for the December Great Services Award. Jordan Houde and Patrick O'Flynn were recognized for taking on the responsibility of running the train on Saturday and Sunday of Holiday Prelude when the driver became sick and assisting the Recreation Department with shoveling the ice rink. Corrie McMills and Michael Ruterbories were also recognized for helping shovel the ice rink for the figure skating performance during the snow storm while off duty. The Holiday Prelude and Holiday Magic were both very successful programs and had great turn out. Council discussion ensued.

Council took a lunch break from 12:24 p.m. to 12:35 p.m.

Finance:

Finance Director Kevin Swain presented:

a. December 31, 2014 Business & Government Activity Report (BAGAR)

Council discussion ensued.

Dave Schillaci returned to the meeting at 12:42 p.m.

b. Consideration of the November 2014 Financials

Council discussion ensued. Council directed staff to begin retaining all surpluses generated in the Cable Fund and make the appropriate revision in the 2015 budget. On a **MOTION** by Cath Jett and seconded by John Howe, Council voted unanimously to approve the November 2014 Financials as presented.

Presentation of the 2015 Telluride Conference Center Sales (TCC) and Marketing Plan

TSG's Vice President of Hospitality Robert Stenhammer presented the TCC Sales and Marketing Plan. He stated that 2014 was a rebuilding year for TCC. The Conference Center hosted over sixty-five events in 2014 and hired salesperson Allison Grasseti. The focus for 2015 sales efforts include incentive business, association business, and continuing education. The Conference Center will continue to be utilized as multi-use community asset to provide economic stimulus.

Consideration of Appointments to the Town Hall Subarea Task Force

Director of Community Development Chris Hawkins presented the above item. Council discussion ensued. Public comment was received by Susanne Connolly. Council voted by paper ballot. On a **MOTION** by Cath Jett and seconded by Michelle Sherry, Council voted unanimously to appoint the following members to the Town Hall Subarea Task Force:

Task Force Representation per Bylaws

Owner of Parcel C (Primarily Town)

Members

Bob Delves

Owner of Parcel D (Primarily TMVOA)

Pete Mitchell

One at large member from Comp. Plan Task Force

Martinique Prohaska

Two at large members from either the broader community or adjacent property owners impacted by development.

Penelope Gleason
Lyn Gruss

Four Members Representing Adjacent Property Owner Communities

Mountain Lodge

Steve Togni

Lorian

Marcy Pickering

Trails Edge

Bruce MacIntire

Elkstone 21

Elizabeth Barth

Second Reading, Public Hearing and Council Vote on an Ordinance to Approve:

- a. **A Major PUD Amendment to: 1) Allow for the Construction of a Pool and Porte Cochere Addition on the West Side of Hotel Madeline on Lot OS-1A-MVB and Lot 38-50-51R; 2) Bring a Portion of OS-1A-MVB and Lot 38-50-51R into the PUD; and 3) Amend and Restate the PUD Development Agreement**
- b. **Rezoning a Portion of OS-1A-MVB and Lot 38-50-51R from the Full Use Active Open Space Zone District to the Village Center Zone District.**

Chris Hawkins presented the above matter. Assistant Town Attorney Jim Mahoney distributed a revised conveyance agreement noting that the Town benefits package will include only the cooling unit for the Ice Rink and the shade structure over the Ice Rink. The conditions of approval are:

1. The Mayor will have the authority to review and approve the final PUD Development Agreement, the associated conveyance agreement and other legal instruments which may be required to be amended concurrently with the PUD.
2. The zoning map shall include the following elements in the Village Center Zone District: structural columns, the exterior material facing, the porte cochere and pool addition air space. The plaza area below the porte cochere at ground level, surrounding plaza areas and the access drive shall remain a part of the Full Use Active Open Space Zone District. The final zoning map shall be created by the Town working with the applicant based on the future condominium map, with such final map amended into the Official Zoning Map and signed by the Mayor

3. The PUD development agreement or a separate legal instrument shall include the pool hours.
4. The Hotel Madeline Owner shall work with the Town to amend the applicable easements and/or license agreements to ensure the operation and maintenance of the sidewalks and plaza areas, including the proposed snowmelt system
5. The Hotel Madeline Owner shall enter into a construction license and mitigation agreement prior to the construction of the porte cochere and pool addition
6. The applicant will provide the cost estimates for replacing the panels and associated hardware to town staff for review and approval.

The applicant's architect Dylan Henderson provided details on the construction plans. Council discussion ensued on various topics including the public benefit of the Ice Rink sunshade. On a **MOTION** by Marty McKinley and seconded by Michelle Sherry, Council voted unanimously to adopt an Ordinance approving (1) Major PUD Amendment to (a) allow for the construction of a pool and porte cochere addition on the West Side of Hotel Madeline on lot OS-1-MVB and Lot 38-50-51R; (b) bring a portion of OS-1-MVB and Lot 38-50-51R into the PUD; and (c) Amend and restate the PUD Development Agreement; and (2) Rezoning a portion of OS-1-MVB and lot 38-50-51R from the Full Use Active Open Space Zone District to the Village Center Zone District with the above conditions.

Council also requested that staff fully evaluate the quality of the shades, their lifespan and the costs of replacing the sun shade panels including the associated hardware. Additionally Council requested a comparison of the cost savings and other public benefits such as reducing energy use, and greenhouse gas reductions as a result of the shade.

Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code at Section 17.5, Design Regulations, Concerning Snowmelt Design; Section 17.7, Building Regulations, Concerning Snowmelt Limitations and Establishing a Smart Building Program with Energy Incentives and Energy Mitigation Requirements; and at Section 17.7.20 to Establish the Maximum Time to Complete a Construction Project

Building Official Randy Kee presented the above item stating that staff has made changes to the Ordinance based on previous Council input. Council discussion ensued regarding the proper motivation for homeowners to consider the HERS rating when building. Kim Wheels of Eco Action Partners provided a formula for determining program values and Mr. Hawkins computed the incentives to homeowners if an owner has a HERS rating of 50. Public comment was received by Jonathan Greenspan. Council agreed to proceed with the program and observe what the percentage of participation is among homeowners once it is established. On a **MOTION** by Cath Jett and seconded by Marty McKinley, Council voted 5-1, with Dan Jansen dissenting, to adopt an Ordinance Amending the Community Development Code at Section 17.5, Design Regulations, Concerning Snowmelt Design; Section 17.7, Building Regulations, Concerning Snowmelt Limitations and Establishing a Smart Building Program with Energy Incentives and Energy Mitigation Requirements; and at Section 17.7.20 to Establish the Maximum Time to Complete a Construction Project as presented.

Police Department:

Mayor Dan Jansen performed the following:

- a. **Swearing in of New Police Officer Krysten Gottman**
- b. **Re-affirm Oath of Office for Police Officers**

On a **MOTION** by Marty McKinley and seconded by John Howe, Council voted unanimously to extend the meeting beyond 6 hours.

Dave Schillaci left the meeting at 3:02 p.m.

Other Business:

- a. **Consideration of Support for Submitting a Letter of Intent for the 2017 American Planning Association State Conference**

Kim Montgomery presented the above. Council discussion ensued. On **MOTION** by John Howe and seconded by Dave Schillaci, Council voted unanimously to authorize the Mayor to sign the above letter.

b. **Consideration of Moving a Previously Approved Vending Cart (Backyard BBQ) from Sunset Plaza to Heritage Plaza**

Director of Plaza & Environmental Services Deanna Drew presented the above item explaining that Nick Pasquariello, who owns the Backyard BBQ vending cart, has asked Council to consider allowing the cart to relocate to Heritage Plaza for the remainder of the 2014-15 ski season due to several issues:

- Lack of pedestrian traffic at his current location in Sunset Plaza
- The BBQ Cart is not advertised on the directories
- Sunset Plaza is not a winter lunch destination Plaza
- Sunset Plaza is not heated and requires snow shoveling
- Cart is required to be removed each night.

Council discussion ensued. On a **MOTION** by John Howe and seconded by Michelle Sherry, Council voted 3-3 (with Marty McKinley, Jonette Bronson & Cath Jett dissenting) to allow Backyard BBQ to move to Heritage Plaza with the location to be determined by staff and for the remainder of the 2015 season. David Reed explained that in the case of a tie vote, the item will be continued to the February 19th Town Council meeting. Council directed staff in the meantime to move the vendor to a more visible location on Sunset Plaza and allow for a sandwich board to be utilized with a three month exception for extenuating circumstances. Additional signage for Sunset Plaza vendors was also discussed.

c. **Other**

There was no other business.

There being no further business, on a **MOTION** by John Howe and seconded by Cath Jett, Council unanimously agreed to adjourn the meeting at 3:57 p.m.

Respectfully prepared,



Susan Johnston
Deputy Town Clerk

Respectfully submitted,



Jackie Kennefick
Town Clerk