



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

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 walk the area with Mr. Hamm and 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 12<sup>th</sup> 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.

**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 1<sup>st</sup> for the summer season and September 1<sup>st</sup> 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 following modifications:

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
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 31<sup>st</sup>, 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