



TOWN OF MOUNTAIN VILLAGE
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TOWN OF MOUNTAIN VILLAGE MINUTES OF THE APRIL 21, 2016 REGULAR TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Dan Jansen at 8:34 a.m. on Thursday, April 21, 2016 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
Laila Benitez
Cath Jett
Dan Caton
Michelle Sherry

The following Town Council members were absent:

Bruce MacIntire

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
Christina Meilander, Administrative Services Coordinator
David Reed, Town Attorney (via conference call for Executive Session)
Jim Mahoney, Assistant Town Attorney
Sarah Abbot, Associate Attorney with Town Attorney's Office
Nichole Zangara, Director of Marketing & Business Development
Kevin Swain, Finance Director
Julie Vergari, Chief Accountant
Chris Broady, Police Chief
Glen Van Nimwegen, Dir. of Planning & Development Services
Dave Bangert, Forester/Planner
Colleen Henderson, Planner II
Deanna Drew, Director of Plazas & Environmental Services
Jim Loebe, Director of Transit & Recreation
Steven Lehane, Director of Cable & Broadband Services
Mark Chmura
Jason Sears
Banks Brown

Shirley Diaz
Paul Major
Shah Hakim
Heather Knox
Dennis Lankes
Kim Wheels
Josh Freed
Bill Frownfelter
Tom Kennedy
Travis Scheidegger
David Heaney
Jack Gilbride
Trevor La Borde
Tristan Rubadeau
Robert Stenhammer
Danielle Rodriguez
Anton Benitez
Tanya Friese
Paul Hora

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 Cath Jett and seconded by Dan Caton, 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 8:35a.m.

Council returned to regular session at 9:46 a.m.

Public Comment for Non-Agenda Items (3)

There was no public comment.

Consideration of Approval of Meeting Minutes of the March 16, 2016 Regular Meeting (4)

On a **MOTION** by Dan Caton and seconded by Michelle Sherry, Council voted unanimously to approve the March 16, 2016 Town Council meeting minutes with a modification to agenda item # 15 regarding the Gondola discussion stating that "The economic impact study will engage the Town of Mountain Village, TMVOA, Town of Telluride, San Miguel County, and TSG as full partners."

Liquor Licensing Authority (5)

Consideration of an Application by NVHG Hotel Madeline Operator, LLC dba Madeline Hotel and Residences Telluride for a Temporary Modification of Premises on a H&R Resort Complex Liquor License for the Addition of the Ice Rink from May 1- November 15, 2016

Deputy Town Clerk Susan Johnston presented the application. On a **MOTION** by Laila Benitez and seconded by Michelle Sherry, Council voted unanimously to approve an application by NVHG Hotel Madeline Operator, LLC DBA Madeline Hotel and Residences Telluride for a Temporary Modification of Premises on a H&R Resort Complex liquor license for the addition of the ice rink from May 1-November 15, 2016 as presented.

On a **MOTION** by Laila Benitez and seconded by Dan Caton, Council voted unanimously to convene as the Town of Mountain Village Housing Authority Board.

Town of Mountain Village Housing Authority: (6)

Consideration of a Request From Andrew and Amy Tokarz to Occupy Spring Creek Unit 14 After Purchase by Exception to the Town of Mountain Village Employee Housing Restriction Ordinance No. 1997-05 Section D, Definitions 4. Employee

San Miguel Regional Housing Authority Executive Director Shirley Diaz presented the above item stating that Mrs. Tokarz is a teacher and is looking for local employment, however; she does not yet have a position with the Telluride School District. She added that Mr. Tokarz works out of a home office and his business is their primary source of income. Public comment was received by Trevor Laborde. The request before Council is to qualify Mr. Tokarz's employment status. Council discussion ensued. On a **MOTION** by Cath Jett and seconded by Marty McKinley, Council voted unanimously to approve a request to occupy Spring Creek Unit 14 after purchase by exception to the Town of Mountain Village Employee Housing Restriction Ordinance No 1997-05 Section D, Definitions 4. Employee.

On a **MOTION** by Cath Jett and seconded by Laila Benitez, Council voted unanimously to reconvene as the Mountain Village Town Council.

Discussion on Mountain Village Wayfinding/Enhanced Signage Project Scope of Work (7)

Director of Marketing and Business Development Nichole Zangara presented the above item stating that Esse Design Principal Julie Kolar will not be able to present today due to a family emergency. Ms. Zangara asked to continue the discussion to the May meeting. On a **MOTION** by Cath Jett and seconded by Michelle Sherry, Council voted unanimously to continue the discussion of Mountain Village wayfinding/enhanced signage project to the May 19, 2016 meeting.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Approving a Franchise Agreement Between the Town and New Path Networks, LLC for Installation of a Dispersed Antenna System on Town Property (8)

Assistant Town Attorney Jim Mahoney presented the above Ordinance granting Crown Castle a franchise agreement and allowing them to use the road right of ways and have access to Town owned properties, to install a dispersed antenna system. The installation of a fiber network and antennas would occur once Crown Castle has signed up two wireless carriers. After a waiting period of three years, the Town can impose a franchise fee up to 5% on revenue earned from the system. The Town would also be able to utilize the fiber installed by Crown Castle to supplement the Town's own fiber network. The antenna structures would have to be approved by the Design Review Board and then by Council. Council discussion ensued. Public comment was received by Crown Castle Director of Sales Mark Chmura, Installation expert Jason Sears, Permitting expert Tanya Friese, and Technical expert Shah Hakim. The equipment will be maintained by

Crown Castle and kept up to date with technology upgrades at no charge to the Town. AT&T has had significant coverage issues in this area and Crown Castle stated that they are considering adding them to the system. Crown Castle will contact other wireless carriers to determine which companies will provide service to the area. Council discussion ensued regarding the need for back up battery power. Mr. Chmura stated that each node location has a back-up system in place that will last 2-4 hours and this can be upgraded. TSG will finalize a lease for a macro tower on the Ridge and will work with the Town on placement. On a **MOTION** by Cath Jett and seconded by Dan Caton, Council voted 6-0 to pass on first reading an Ordinance approving a Franchise Agreement between the Town and New Path Networks, LLC for installation of a Dispersed Antenna System on Town property and set a public hearing, second reading and Council vote for May 19, 2016.

Moved to Agenda Item #19

2015 Town of Mountain Village Energy Use and Greenhouse Gas Report (9)

Director of Plazas and Environmental Services Deanna Drew presented the report. She stated that based on the comparison of 2010 energy usage, the Town's energy usage is below 2010 baseline levels by approximately 15%. This reflects the government use of energy (electricity, gas & fuel). Over-all the Town was down 7% from the baseline levels. Departments have been doing a great job on conservation efforts. In 2014 the Town reached 22% of a 20% goal in reductions. Electricity has the greatest impact to the environment in greenhouse gas emissions as well as cost. Public comment was received by Paul Hora from SMPA who explained how the 2015 electricity emissions factor was greater than in 2014. The emissions factor calculation is received annually from SMPA and Tri-State. The Town went from a 22% decrease to a 15% decrease in 2015 which was due to the increased emissions factor. Ms. Drew stated that she looks at actual usage as opposed to using the SMPA calculation which changes annually. Numerous variables including snow fall amounts, affect energy usage from year to year and the Town goal is to set a good example and raise awareness of energy saving options.

Annual Update on Regional Greenhouse Gas Inventory and Mountain Village Community Energy Use (10)

Energy Coordinator for the Sneffels Energy Board Kim Wheels presented the report stating that the regional emission goal is to decrease from 371,800(mt-CO₂e) to 297,440(mt-CO₂e) by 2020. The increase of visitors to the area does have an impact on energy use. Ms. Wheels thanked Council for their continued support.

Eco Action Partners' (EAP) 2016 Energy Programs (11)

Eco Action Partners' Executive Director Heather Knox stated that Mountain Village is part of an ongoing regional collaboration of governments working together toward consistent goals and engaging their communities. EAP has developed:

- SMPA Community Solar Farm
- Telluride's Renewable Energy Projects and REC Purchase
- Mountain Village Building Energy Code update and REMP
- Green Lights success
- San Miguel County Green Grant Program projects
- City of Ouray utility bills are 20% lower than 2009
- Town of Ophir government is 100% solar powered

The Mayor noted that SMPA and EAP have announced a low income weatherization program. The Town endorses it and is considering extending the program to all residents regardless of income.

Consideration of Approval of Summer Parking Rates (12)

Director of Transit and Recreation Jim Loebe presented revenue/expense scenarios in relation to free versus paid day parking at the Gondola Parking Garage (GPG). If parking is free at the GPG in 2016, there is a projected deficit of \$26,369. However, if the Town returns to the 2015 daytime parking rate of \$7, the projected surplus is approximately \$20,000. The goal has been to cover operating costs. Public comment was received from Robert Stenhammer and Anton Benitez. Council discussion ensued regarding creating a comprehensive parking strategy for the Town as a whole. On a **MOTION** by Marty McKinley and seconded

by Cath Jett, Council voted 5-1 with Laila Benitez dissenting, to approve summer parking rates in the GPG of \$7/day (with no 2 hour free parking), and to task the Parking Committee with investigating an alternate standardized parking system to bring to Council for approval by the July 21, 2016 Town Council meeting.

Consideration of an Emergency Ordinance Establishing a Temporary Moratorium Prohibiting the Rezoning of Single Family Lots (13)

The Mayor framed the discussion stating that Council is prohibited from discussing pending quasi-judicial applications noting that the application that led to this Ordinance has been withdrawn. The proposed Ordinance is in response to citizen concerns raised relative to Code Section 17.3.4(F) (4) of the Community Development Code. The Ordinance imposes, "a temporary moratorium on the further subdivision of single-family lots to create additional lots and the transfer of additional density to be transferred onto a single-family lot". Town Attorney David Reed stated that prior to 2013, land use in the Town was governed by the Land Use Ordinance (LUO) which did not specifically deal with the subdivision of single family lots, however; it did not preclude the ability to do so. In 2013, Council adopted the Community Development Code (CDC) and the Code did address the subdivision, however; there were amendments in April 2015 which prohibited rezoning single family lots but had allowances with specifications. The language stated that it was "limited" and not "prohibited". Mr. Reed stated for the record that there was no hidden agenda in the changes to the CDC and that they were made to clarify language. The Town has always had the ability to rezone and subdivide. The Mayor opened the public hearing. Public comment was received by David Heaney, Banks Brown, Tom Kennedy, and Anton Benitez. The Mayor closed the public hearing. Council discussion ensued. Jim Mahoney stated that the timing on this moratorium is good considering the detail that needs to go into this discussion. If the moratorium is approved, no new applications may be submitted while Council works through the details and garners public input. On a **MOTION** by Dan Caton and seconded by Laila Benitez, Council voted 5-1, with Cath Jett dissenting, to approve an emergency Ordinance on the further subdivision of single-family lots to create additional lots and the transfer of additional density to be transferred onto a single-family lot pursuant to Section 17.3.4(F)(4) of the Community Development Code terminating on August 1, 2016.

Council took lunch from 1:19 p.m. to 1:28 p.m.

Finance: (15)

a. Presentation of the February 28, 2016 Business & Government Activity Report (BAGAR)

Finance Director Kevin Swain presented the BAGAR. Council discussion ensued regarding how the reporting of the VCA wait list numbers is handled.

b. Consideration of the February 29, 2016 Financials

Council discussion ensued. On a **MOTION** by Marty McKinley and seconded by Laila Benitez, Council voted unanimously to approve the February 29, 2016 Financials as presented.

c. Goal Setting for 2017 Budget

Mayor Jansen opened the discussion stating that in January 2016 the Town Council held a retreat to discuss 2017 Budget priorities. The following is a recap of the meeting:

- Address parking issues in the Mountain Village core
- More and better recreational activities and trails
- Plan economically for the waste treatment plant upgrade and expansion
- Create a town park
- Add event facilitation capability (not event management)
- Monthly surveys and encourage Town Council member led feedback
- Web site coordination with partners (TMVOA, Telluride, Arts Community and San Miguel County)
- Joint TMVOA meetings to address shared issues: How to avoid grant request double dipping, Gondola and other areas
- Bulk award of grant funds to an entity driving a new grants process
- Contingency funds in budget to enable support of off-cycle requests

Council agreed that the summary is accurate and that not all of the ideas will happen in 2017. Council discussion ensued. Ms. Montgomery stated that the next step in this process is to introduce the list to department heads at the next staff meeting.

Consideration of a Resolution Approving an Application Requesting the Town Accept Access Tract F22-1 (16)

Michelle Sherry and Laila Benitez recused themselves from agenda items 16, 17 and 18 because they own property in the development where the tract is located. Director of Planning and Development Services Glen Van Nimwegen presented the above application stating that staff has reviewed the application and finds that it meets the criteria for an exceptional circumstance provided in Section 17.6(C)(2)(a) of the CDC. The Town has received a quit claim deed from TSG for the access tract. This Resolution is to accept ownership of the tract. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Cath Jett, Council voted 4-0 to adopt a Resolution approving an application requesting the Town accept Access Tract F22-1.

Consideration of Approval of Improvements to Access Tract F22-1 (17)

Bill Frownfelter with Russell Engineering presented a drawing of The Boulders showing the proposed changes. Council discussion ensued. Michelle Sherry and Laila Benitez recused themselves. On a **MOTION** by Marty McKinley and seconded by Dan Caton, Council voted 4-0 to approve the improvements to access tract F22-1 as presented.

Consideration of a Resolution to Accept an Easement from Boulder's HOA and Plaza Building HOA Related to F22-1 (18)

Jim Mahoney presented the above item. Council discussion ensued. Michelle Sherry and Laila Benitez recused themselves. On a **MOTION** by Cath Jett and seconded by Dan Caton, Council voted 4-0 to adopt a Resolution accepting an easement from Boulder's HOA and Plaza Building HOA related to F22-1 as presented.

Council Boards and Commissions Updates: (19)

a. Eco Action Partners(EAP) –Sherry

There was no update.

b. Telluride Historical Museum-Sherry

Michelle Sherry stated that the Museum has been working with Scott Butler on the sluicing project in Heritage Plaza.

c. San Miguel Watershed Coalition – Jett

Ms. Jett stated that the Coalition has hired Rory Cowie as Program Coordinator to start in May.

d. Colorado Flights Alliance (CFA) – Jansen

Mayor Jansen stated that summer flights have been loading very well. The goal is to increase the seat counts which have been up by 50% over the last couple of years. CFA consensus was to continue to push to add more flights and markets. The City of Montrose and Montrose County are contemplating expanding the Montrose Airport by adding a second story. A task force has been formed to determine the next steps.

e. Transportation & Parking- Benitez/MacIntire

There was no update.

f. Budget & Finance Committee – McKinley/Caton

Marty McKinley conducted an exit interview with external auditors and the results were very positive.

g. Gondola Committee – McKinley/Caton

There was no update.

h. Mayor's Update – Jansen

The Regional Transportation Authority (RTA) is pushing ahead with strong support for the polling process. The Mayor stated that the key to public input is to answer the call and take the survey.

Staff Reports: (20)

a. Police

Chief Chris Broady and Lieutenant Rachelle Redmond presented the report noting that officers have attended 24 hours of mandated in-service training in order to meet police certification requirements. The

department will be welcoming a new police officer at the end of May. The switch to the Western Colorado Dispatch Center happened successfully on March 23rd.

b. Planning & Development Services

Glen Van Nimwegen presented his report highlighting several projects:

- The implementation of Meritage building permit software
- Implementation of forest management and fire mitigation programs
- Heat trace timer grant
- The creation of the Town Hall Subarea Planning Committee with TSG, TMVOA & the Town
- Improvements at Village Court Apartments (drainage, re-sealing and re-stripping the parking area)

Mr. Van Nimwegen will meet with Design Review Board (DRB) in May to discuss the alternate DRB member position for a potential appointment at the June 16, 2016 Town Council meeting.

c. Town Manager

Town Manager Kim Montgomery presented her report highlighting that Telluride Ski and Golf (TSG) has agreed to the conveyance of Access Tract F22-1 (Boulders access tract) and executed the Quit Claim Deed. Ms. Montgomery thanked Director of Marketing and Business Development Nichole Zangara for assisting in the development and implementation of an advertising plan to encourage participation in the phone poll for the RTA.

Other Business: (24)

Jackie Kennefick reminded Council about the CML Conference registration deadline of May 13th.

There being no further business, on a **MOTION** by Dan Caton and seconded by Marty McKinley, Council unanimously agreed to adjourn the meeting at 2:29 p.m.

Respectfully prepared,



Susan Johnston
Deputy Town Clerk

Respectfully submitted,



Jackie Kennefick
Town Clerk