



TOWN OF MOUNTAIN VILLAGE
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE OCTOBER 20, 2016
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Dan Jansen at 8:35 a.m. on Thursday, October 20, 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 via conference call
Dan Caton
Michelle Sherry
Bruce MacIntire

The following Town Council members were absent:

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
Jim Mahoney, Assistant Town Attorney
Sarah Abbott, Associate Attorney for the Town Attorney's Office
Kevin Swain, Finance Director
Julie Vergari, Chief Accountant
Nichole Zangara Riley, Director of Marketing & Business Development
Chris Broady, Police Chief
Dawn Katz, Mountain Munchkins Director
Glen Van Nimwegen, Dir. of Planning & Development Services
Deanna Drew, Director of Plazas & Environmental Services
Finn Kjome, Director of Public Works
Jim Loebe, Director of Transit and Recreation
Sam Starr, Planner
Kip Albanese, Mountain Village Police Officer
Rachelle Redmond, MVPD Lieutenant

Tim Johnson
Anton Benitez
Deanna Tamborelli
Heather Curtis
Katie Karow
Peter Kenworthy
Robert Stenhammer
Carly Shaw
Jolana Vanek
Richard Thorpe
Chris Hawkins
Mike Lynch
Kristin Meucci
Herb McHarg
April Montgomery
Angela Pashayan
Doug Tueller
Julie Kolar

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 Dan Caton and seconded by Laila Benitez, 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 8:35 a.m.

Council returned to regular session at 9:52 a.m.

Public Comment for Non-Agenda Items (3)

Public comment was received by Anton Benitez, Katie Karow and Peter Kenworthy.

Consideration of a Proclamation Declaring October 2016 Domestic Violence Awareness Month (4)

Dan Caton read the Proclamation and thanked San Miguel Resource Center Client Services Manager Deanna Tamborelli for the organization's service to the community. On a **MOTION** by Laila Benitez and seconded by Dan Caton, Council voted unanimously to declare October 2016 *Domestic Violence Awareness Month*.

Dan Caton left the meeting at 10:06 a.m.

Consideration of Approval of Meeting Minutes of the September 22, 2016 Regular Meeting (5)

On a **MOTION** by Bruce MacIntire and seconded by Laila Benitez, Council voted unanimously to approve the September 22, 2016 Town Council minutes with the following changes:

- Agenda Item # 13 – Add that the subcommittee is intended to pursue many of the benefits of a sale, not just the additional 38 units.
- Agenda Item # 16 – Add that Council also asked TSG to ensure that future requests or edits be discussed with Town staff in advance of any commitments made.
- Agenda Item # 20 – Add that the Mayor asked that this new study be incremental to the already existing forest management plan and the many forest health initiatives already underway in Mountain Village.

Liquor Licensing Authority: (6)

- Consideration of an Application by Telluride Ski & Golf for a Temporary Modification of Premises on the Hotel and Restaurant with Optional Premises Liquor License to Extend Tomboy Tavern Liquor Service Toward Heritage Plaza on December 13, 2016 from 3:00 p.m. to 6:00 p.m. for a Private Party**

Deputy Town Clerk Susan Johnston presented the above item stating that the application was complete, appropriate fees have been paid, and it has been reviewed by Assistant Town Attorney Jim Mahoney and Police Chief Chris Broady. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Michelle Sherry, Council voted unanimously to approve the application by Telski Food & Beverage Services, LLC DBA Tomboy Tavern for a Temporary Modification of Premises on the H & R Liquor License on December 13, 2016 for a private event as presented.

Wayfinding Schematic Design (7)

Director of Marketing and Business Development Nichole Zangara and Julie Kolar met with the DRB (Design Review Board) on Tuesday, October 18th. After going through a process that included site walks and bringing stakeholders together to help determine what is needed and where, the presentation showed options and recommendations for new signage. If Council decides to move forward with the project, design decisions will need to be made. Ms. Zangara presented two palette options:

Palette One: Steel Patina

Palette Two: Gunmetal Grey

The signage will highlight three main plazas (Heritage, Sunset and Gondola) with art inspired elements utilizing a language of symbols as opposed to words. Council consensus was in favor of the patina color palette and completing the project in one year if affordable. \$100,000 has been allocated in the capital budget for the project and \$60,000 from the 2017 Gondola, Parking and Recreation budgets. Ms. Zangara stated that if the number comes in too high then a phased project over several years will be explored. Staff will present three scenarios for Council to choose from. Discussion ensued regarding the use of the pickaxe logo on the new signage and TSG Executive Vice President Robert Stenhammer stated that TSG would be willing to offer licensing for the pickaxe logo for the sake of consistency. Council consensus was to use the pickaxe on signage relating to guest interaction but not to include it on all town signage. The next step in the process will involve a final presentation to Council with design guidelines.

Consideration of a Resolution Conditionally Appointing Directors to the Board of the San Miguel Authority for Regional Transportation (SMART) (8)

Associate Attorney Sarah Abbott presented the above item stating that the Resolution proposes to conditionally appoint two Directors and an Alternate Director to the San Miguel Authority for Regional Transportation Board of Directors. The appointment is specifically conditioned on the favorable results of the November 8, 2016 election. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Marty McKinley, Council voted unanimously to appoint Laila Benitez and Dan Caton as Directors to the SMART Board, and to appoint Bruce MacIntire as the Alternate Director with the understanding that these appointments are conditioned on voter approval of the establishment and funding of SMART at the November 8, 2016 election.

2016 Legislative Update (9)

Sarah Abbott provided an update on recent legislation and case law changes affecting Colorado Municipalities. The following House Bills and case law changes were most applicable to the Town:

- HB 16-1426 Assistance Animals

ELECTIONS

- HB 16-1012 Filing Results
- HB 16-1070 Mail Ballot Signature Verification
- SB 16-186 Issue Committees
- Clear Title Requirement

EMPLOYMENT ISSUES

- Changes to Salary Level Test
- HB 16-1438 Reasonable Accommodations for pregnancy
- HB 16-1114 Current Immigration Laws Removed for Redundancy
- HB 16-1432 Inspection Right

ETHICS

- HB 16- 1335 Unlawful Sale of Government Service/Appointment
- Independent ethics commission

BEER & LIQUOR

- HB 16-1439 Lodging & Entertainment Facility License

LAND USE

- HB 16-1272 Disconnecting Property from a Municipality
- Comprehensive Plans

MUNICIPAL COURTS

- HB 16-1309 Right to Counsel
- HB 16-1311 Fines
- HB 16-1378 DUI Tests
- Right to Jury Trial

OPEN MEETINGS

PUBLIC SAFETY

- HB 16-1117 Interrogations
- HB 16 1263 Racial Profiling
- HB 16 1390 Overdoses
- HB 16-1122 Vehicle Idling
- HB 16-1046 Hazardous Waste

TAX

- Fees vs. Taxes

TRANSPORTATION

- HB 16-1030 Off-Highway Vehicles
- SB 16-173 Golf Carts

Consideration of a Vacation of the Madeline Community Entrance, Driveways and Landscaping Easement and Adoption of an Amendment to the Community and Public Use Access Easement (10)

Assistant Town Attorney Jim Mahoney presented the above item stating that in 2015 Council approved a major PUD amendment and replat related to Madeline for the addition of a covered porte cochere and pool deck. An easement was previously granted to Madeline which allowed them to use the plot of land owned by the Town for the entrance driveway and old landscaping island (the "Community Entrance Easement") which also addressed the costs sharing for the maintenance of the landscaping and snowmelt system for Madeline's use of the property. However, now that this piece of land is incorporated into the HOA community, this easement is no longer necessary. Council discussion ensued. Public comment was received by Richard Thorpe. On a **MOTION** by Marty McKinley and seconded by Laila Benitez, Council voted unanimously to approve the Vacation of the Community Entrance Easement and to authorize the Mayor to approve and execute an amendment to the Community and Public Access Easement in a form substantially similar to what was presented to Town Council.

Dan Jansen left the meeting at 12:06 p.m. and Mayor Pro Tem Marty McKinley led the meeting.

Consideration of the CC4CA (Colorado Communities for Climate Action) Policy Statement Draft Presentation/ Approval (11)

Council person Cath Jett introduced the above item stating that on May 25, 2016, the Colorado Communities for Climate Action was launched. CC4CA is a coalition of local governments working to keep Colorado and its communities a special place to live, to work, and to enjoy, by reducing heat-trapping emissions that pose new, unprecedented risks to our localities and residents. Ms. Jett outlined in the packet memo CC4CA's Statement of 2016-17 Policy Priorities including:

- General statements of principle
- Local climate programs
- State and Federal climate programs in general
- Electricity generation
- Energy efficiency
- Transportation and land use
- Waste management

Director of Plazas and Environmental Services Deanna Drew stated that San Miguel County and the Town of Telluride are also members of this group and that San Miguel County approved the policy statement. On a **MOTION** by Laila Benitez and seconded by Bruce MacIntire, Council voted 5-0 to approve the CC4CA draft Policy statement

Mayor Pro Tem Marty McKinley welcomed new Mountain Village Police Officer Kip Albanese and performed a swearing in ceremony.

The Mayor returned to the meeting at 12:30 p.m.

Council took lunch from 12:15 p.m. to 12:42 p.m.

Finance: (12)

a. Presentation of the September 2016 Business & Government Activity Report (BAGAR)

Finance Director Kevin Swain presented the BAGAR. Council discussion ensued regarding collecting legal fees incurred by the Town as a result of a third party. Approvals or permits are withheld until the fees have been paid. With regards to the 640A work force housing project, staff determined that the outstanding fees would be collected at closing. Direction from Council was to pursue payment prior to the expiration of the statute of limitations and that Council will receive legal advice on this matter in the next executive session.

b. Consideration of the August 31, 2016 Financials

Council discussion ensued. On a **MOTION** by Marty McKinley and seconded by Laila Benitez, Council voted unanimously to approve the August 31, 2016 Financials as presented.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance for the Proposed Rezoning of Lots 319, 320 and 321 to Transfer One Density Unit (Four Person Equivalent Density) from lot 320 to the Density Bank to Incorporate Lot 320 Into Adjacent Lots 319 and 321. The Address of the Properties is 407, 409 and 411 Benchmark Drive (13)

Director of Planning and Development Services Glen Van Nimwegen presented the above item stating that the request is to split Lot 320, which is owned in common between the owners of lots 319 and 321, and abandon the shared property lines between Lots 319, 320 and 321. As a result, Lot 319 will become Lot 319R, and will increase in size from .64 acres to .95 acres. Lot 321 will become Lot 321R and increases in size from .52 to .83 acres. The unused density on Lot 320 (four person equivalent) will be moved to the Density Bank under the joint owners' names. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Marty McKinley, Council voted 6-0 to approve on first reading an Ordinance approving the rezoning and density transfer for Lots 319, 320 and 321 to transfer one unit of single family density to the density bank, and to set the second reading, public hearing and Council vote for November 17, 2016.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding (1) A Major Amendment to the See Forever Planned Unit Development to Convert the Proposed Restaurant and Related Space to Residential Condominium; (2) Rezoning of Approximately 500 Square Feet of Town Owned Open Space, Parcel OS-3J that is Located Directly Below the Deck of Unit A101 of the See Forever Condominium Plat from Full Use Active Open Space to Village Center; and (3) Rezone and Transfer of a Condominium Unit of Density (3 Person Equivalent) to the See Forever PUD. The address of the property is 117 Sunny Ridge Place (14)

Glen Van Nimwegen presented the above Ordinance. The applicant is requesting to convert the vacant garden level space in the See Forever Village Condominium building to a three bedroom condominium. In addition the applicant is requesting the addition of approximately 500 square feet of Town open space to the residential condominium and to gain exclusive use of the former restaurant patio. Council discussion ensued. The Design Review Board has reviewed the application and recommended approval with conditions as noted in the staff memo. The original restaurant site is not viable due to the lack of traffic in that area. Community benefits discussed:

- Cash contribution of \$60,000 for maintenance or additional improvements, wayfinding
- Unit Management Agreement
- 1% rental fee or \$3,500 per year, whichever is greater
- Reduce Town snowmelt area equal to restaurant patio and Lot 114 walkway

Council discussion ensued on a number of topics including the allocation of parking spaces, the use of the Com-1 and lobby space and the use of a private patio. Public comment was received by Chris Hawkins with Alpine Planning on behalf of the applicant (Dan & Melissa Reedy), Attorney Doug Tueller on behalf of the See Forever HOA and Mike Lynch, Attorney for the applicant. Mayor Jansen noted that there are issues that have not been resolved between the applicant and the HOA board. Council consensus was to allow time for the applicant and the HOA to work out the details prior to Council voting on the Ordinance. On a

MOTION by Laila Benitez and seconded by Michelle Sherry, Council voted 6-0 (Dan Caton was absent) to continue this agenda item to the November 17th Town Council meeting to allow the applicant and the HOA to resolve several issues including the use of the Com-1 and lobby space, use of the private patio, and parking.

Consideration of Approval of a MOU (Memorandum of Understanding) Between the Town of Mountain Village, the Town of Telluride and San Miguel County to Collaborate on Workforce Housing Projects by Hiring an Owner's Representative (15)

Glen Van Nimwegen and Telluride Foundation Program Director April Montgomery presented the above item stating that staff has been participating in an effort spearheaded by Paul Major of the Telluride Foundation to investigate opportunities for the development of additional workforce housing in the region's three jurisdictions; Mountain Village, San Miguel County and Telluride. The MOU outlines the framework of a cooperative effort between the three governments to form an Oversight Committee and hire and fund an owner's representative to represent the three governments. The MOU must be approved by the Town of Telluride and San Miguel County. Council discussion ensued regarding Telluride Foundation supporting the effort in the same amount as the three governments. On a **MOTION** by Laila Benitez and seconded by Michelle Sherry, Council voted 6-0 to approve an MOU for equal funding between the Town of Mountain Village, the Town of Telluride, San Miguel County and Telluride Foundation to collaborate on workforce housing projects by hiring an owner's representative. The Town's support is contingent upon the agreement of all parties. The Motion includes authorizing Marty McKinley and Glen Van Nimwegen to finalize the agreement.

Consideration of a Resolution Approving an Easement to Allow Underground Conduit and Wiring on OS-3X for a Backup Generator for Telluride Ski and Golf (16)

Forester/Planner Dave Bangert presented the above Resolution stating that Telluride Ski and Golf has submitted a Design Review Process development application in accordance with the Community Development Code (CDC) for a new backup generator and enclosure. The applicant is proposing to run wiring in an existing underground conduit through Town of Mountain Village open space parcel OS-3X. This use requires approval from Town Council and the applicant will be required to enter in to an Easement Agreement with the Town. TSG has selected a natural gas generator and has made finding a quiet model a priority. Council discussion ensued. On a **MOTION** by Laila Benitez and seconded by Marty McKinley, Council voted 6-0 to adopt a Resolution approving an easement to allow underground conduit and wiring on OS-3X for a backup generator for Telluride Ski and Golf.

Consideration of a Resolution to Submit a 2017 Planning Grant Application to GOCO (Great Outdoors Colorado) for the New Meadows Park (17)

Planner Sam Starr presented the above item stating that The Great Outdoors Colorado Planning Grant would provide the Town with sufficient funds to create a Meadows Park Recreation Plan, host community input sessions, and create accompanying construction documents for Meadows Park. They would provide up to \$75,000 with a \$25,000 match from the applicant. Mr. Starr is also looking into construction GOCO grants. The maximum construction grant is \$350,000. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Laila Benitez, Council voted 6 -0 to approve a Resolution to submit a 2017 planning grant application to GOCO for the new Meadows Park.

Consideration of Designation of the Town Manager and/or Town Staff to Review Bids and Select Contractor for Residential Trash and Recycling Services (18)

Plazas and Environmental Services Director Deanna Drew presented. The Town currently holds a contract with Bruin Waste Management for residential trash and recycling services. The three-year contract terminates November 22, 2017. Legal counsel suggested that Town Council designate the Town Manager and/or Town Staff to review bids and select the contractor for the next three years. Council discussion ensued. On a **MOTION** by Marty McKinley and seconded by Laila Benitez, Council voted unanimously to designate the Town Manager and/or Town Staff to review bids and select the contractor for residential trash and recycling services.

Cath Jett left the meeting at 3:06 p.m.

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

TSG (Telluride Ski & Golf) Five Year Master Plan (19)
(This Presentation Will be Given at the November Meeting)

Council Boards and Commissions Updates: (20)

- a. **Eco Action Partners(EAP) –Sherry**
- b. **Telluride Historical Museum-Sherry**
- c. **San Miguel Watershed Coalition (SMWC)– Jett**
- d. **Colorado Flights Alliance (CFA) – Jansen**
- e. **Transportation & Parking- Benitez/MacIntire**
- f. **Budget & Finance Committee – McKinley/Caton**
- g. **Gondola Committee – McKinley/Caton**
- h. **Colorado Communities for Climate Action (CC4CA)- Jett**
- i. **Mayor’s Update-Jansen**

Council chose to postpone Council Boards and Commissions Updates in order to get the meeting back on time.

Staff Reports: (21)

a. **Police**

Chief of Police Chris Broady presented his report stating that all officers have completed in-service training in Grand Junction. The department received a \$2,000 Post grant which was used to purchase training ammunition. All officers have received bullet proof vests through the Department of Justice.

b. **Planning & Development Services**

Glen Van Nimwegen presented the new Mountain Village development site yellow sign, mentioning that the sign displays the web site as well as a scannable QR (Quick Response) code that can be used on a smart phone. When the user scans the code it takes them to the Town website and the applicable planning documents for the site. He highlighted the Defensible Space Incentive Program that awards up to \$5000 to a property owner for development of a fire block. As a result of the program, staff has had the opportunity to speak with forty-six property owners on the defensible space incentives. The Town Hall Subarea Task Force has a meeting scheduled for October 21, 2016. Council consensus was to be clear that work force housing is a priority topic.

c. **Town Manager**

The Great Services Award winner for the month of September was Virginia Drew (Plazas and Environmental Services) for consistent, outstanding guest service and excellence in plant care on plazas. Virginia is and has been solely responsible for the planning, ordering and implementation of all the flower beds for the Town for which we consistently receive rave reviews on their quality and beauty. Virginia has worked for the town for 17 years and is one of the hardest working, most dedicated and passionate employees that the town has ever had. Virginia will be retiring in January 2017.

Other Business (22)

a. **2017 Proposed Town Council Meeting Dates**

Council discussion ensued. Staff will get additional input from Council members who left early and send out a final calendar.

Mayor Jansen stated that the Town is continuing to receive funding/grant requests and that Council has three choices at this point in the budgeting process:

- Designate a contingent amount in the budget

- Say no to funding requests
- Consider the requests

Council discussion ensued regarding the challenge of considering requests this late in the budget process. Council consensus was to roll out the new funding/grant request program in 2017 laying out request deadlines for 2018 funding. Any additional 2017 requests that Council wants to consider would need to come from the contingency fund.

Dan Jansen left the meeting at 3:37p.m.

There being no further business, on a **MOTION** by Laila Benitez and seconded by Michelle Sherry, Council unanimously agreed to adjourn the meeting at 3:40 p.m.

Respectfully prepared,



Susan Johnston
Deputy Town Clerk

Respectfully submitted,



Jackie Kennefick
Town Clerk