



TOWN OF MOUNTAIN VILLAGE
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TOWN OF MOUNTAIN VILLAGE MINUTES OF THE SEPTEMBER 19, 2019 REGULAR TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:31 a.m. on Thursday, September 19, 2019 in the Mountain Village Town Hall, 455 Mountain Village Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Jack Gilbride
Patrick Berry
Natalie Binder
Pete Duprey
Marti Prohaska

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Town Clerk
Susan Johnston, Deputy Clerk
Christina Lambert, Deputy Clerk
David Reed, Town Attorney
Jim Mahoney, Assistant Town Attorney
Sue Kunz, Director of Human Resources
Chris Broady, Chief of Police
Kevin Swain, Finance Director
Julie Vergari, Chief Accountant
Bill Kight, Director of Communications & Business Development
Zoe Dohnal, Business Development and Sustainability Manager
Kathrine Warren, Marketing & Communications Coordinator
Michelle Haynes, Director of Planning and Development Services
John Miller, Senior Planner
Sam Starr, Planner
Drew Harrington, Chief Building Official
Finn Kjome, Director of Public Works
Jim Loebe, Director of Transit and Recreation
Rob Johnson, Transit Manager
Hector Delgado, Cable Technician
Jim Soukup, Chief Technology Officer
Steven Lehane, Director of Cable & Broadband Services
Cecilia Curry, VCA Manager
Dawn Katz, Director of Mountain Munchkins
Cheryl Kimleigh
Richard Scott
Corie Chandler
David Bulson
Robyn Pale
Brad Burns
Len Rybicki
Richard Mahoney

Mark Dahm
Cath Jett
Tim Johnson
Mike Bordogna
Robert Stenhammer
Richard Child
Anton Benitez
Marcin Ostromecki
Mike Follen
Meghan Pittenger
Pam Pettee
Carly Shaw
Brian Eaton
Suzanne Cheavens
Leslie Browning
Trevor Browning
Doug Ford
Derek Baxter
Yusuf Griffin
Robert Jenfich
Julia Caulfield
Steve Hilbert
Mary Campell
Amy Allison
Mary Sama-Brown
Steve Togni
Keith Brown
Pam Guillory
Mary Wodehouse
Tom Kennedy
Mike Theile
Ann Reissnet
Peggy Raible

Tracy Boyce
Pat Pelisson
John Burchmore
Stewart Seeligson
Peter Hayes
Lavi Bray
Allison Moore
Alex Martin

George Harvey
Herb McHarg
Jill Masters
David MacKown
Karen Guglielmon
Iva Hild
Joyce Huang
Chris Sommers

Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(4)(b), for the Purpose of Discussion Regarding Details of Security Arrangements, and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2)

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to enter into Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(4)(b), for the Purpose of Discussion Regarding Details of Security Arrangements, 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 9:04 a.m.

Council took a break from 9:05 a.m. 9:10 to a.m.

Public Comment on Non-Agenda Items (4)

Consideration of Approval of the August 15, 2019 Regular Town Council Meeting Minutes (5)

Deputy Clerk Susan Johnston presented. On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted unanimously to approve the August 15, 2019 Regular Town Council meeting minutes as presented.

Discussion on Amending Section 5.04.060(C) of the Municipal Code Vesting Authority in the Town Clerk to Administratively Review and Approve Applications for Liquor License Modification of Premises, Addition of an Optional Premise and Special Event Permits (6)

Town Attorney David Reed presented. Council discussion ensued. Council direction was for Legal Counsel to draft an Ordinance expanding the Clerk's administrative review and approval authority to include applications for:

- Modification of Premises
- Addition of an Optional Premise
- Special Event Liquor Permits

Moved to agenda item 8.

Consideration of Appointments: (7)

a. Mountain Village Business Development Advisory Committee

- **One Business Representative for a One-Year Term**

Director of Communications & Business Development Bill Kight presented stating that there were four applicants; Mike Doherty, Stanya Gorraiz, Nathan Frerichs and Penelope Gleason. Applicant Mike Doherty made a statement and expressed his interest in the position. On a **MOTION** by Natalie Binder and seconded by Marti Prohaska, Council voted to appoint Mike Doherty as the Business Representative for a one-year term expiring September 2020.

b. Green Team Committee

- **One Resident Seat for a Two-Year Term**
- **One At Large Seat for a Two-Year Term**

Business Development and Sustainability Manager Zoe Dohnal presented stating that there were six applicants; Cath Jett, Michael Follen, Meghan Pittenger, John Howe, Inga Johansson and Richard Child. Cath Jett, Richard Child, Meghan Pittenger and Mike Follen made statements and expressed their interest in the position. On a **MOTION** by Patrick Berry and seconded by Marti Prohaska, Council voted unanimously to appoint Cath Jett to the Green Team resident seat for a two-year term and Mike Follen to the Green Team at large seat for a two-year term with both expiring in September 2021.

Staff Reports: (8)

a. Mountain Munchkins

Director Dawn Katz presented her report. Council directed finance to report infant and toddler enrollment as separate line items on the BAGAR.

Council moved to agenda item 7.

b. Town Manager

Town Manager Kim Montgomery presented her report. Chief Technology Officer Jim Soukup reported on the fiber to the premise project and stated that the public is being kept informed of the progress with interactive maps, eblasts, and press releases. Council directed staff to send out a text notification similar to the Gondola emergency procedure to Council members and the public for service interruption.

Finance: (9)

Director of Finance Kevin Swain presented. Council discussion ensued.

a. Presentation of the August 31, 2019 Business & Government Activity Report (BAGAR)

Council discussion ensued. Council directed staff to include monthly and year to date variances and to remove the number of miles of trails maintained on the BAGAR.

b. Consideration of the July 31, 2019 Financials

Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the July 31, 2019 Financials as presented.

c. 2020 Budget Work Session

Kevin Swain presented the first draft of the 2020 budget including feedback from Council's retreat. The budget is down approximately one million dollars from the previous draft. Council directed staff to add a discussion on capital expenditures at the beginning of the October 9th Budget Meeting. Discussion ensued regarding limiting the shop expansion and the Mayor asked for more information regarding the proposed plan. Public comment was received by Pam Pettee and Brian Eaton.

VCA (Village Court Apartments) Expansion Project Update and Direction from Town Council (10)

Assistant Town Attorney Jim Mahoney and Director of Planning and Development Services Michelle Haynes presented. Council discussion ensued. Public comment was received by Doug Ford, Pam Pettee, Leslie Browning, Derek Baxter, Douglas Tooley, Cheryl Kimleigh and Yusef Griffin. Council directed staff to present a maintenance improvement plan for existing VCA units at the October 9, 2019 Special Budget Town Council meeting and to move forward with a market study to determine the appropriate balance of rental only units, for sale units or a combination of both.

**The Town Council Acting as the Town of Mountain Village Housing Authority Board:
Consideration of Authorization of Including Lot 1001 and Lot 1005 in a Replat, Rezone/Density
Transfer and Conditional Use Application to Rezone a Portion of the Density to Employee
Condominium and to Create a New Lot for Such Density (11)**

Council tabled this item.

Council took a break for lunch from 12:13 p.m. to 12:25 p.m.

**Consideration of a Resolution Approving a Proposed Major Subdivision Application for Lot 388R,
130 Snowfield Drive, to Formally Plat the Property as Currently Configured Quasi-Judicial(12)**

Michelle Haynes presented. Tom Kennedy, attorney for the applicant, introduced the proposal. Council discussion ensued. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted unanimously to adopt a Resolution approving a Major Subdivision for Lot 388, 130 Snowfield Drive, to allow for the lot to be legally platted in its current configuration pursuant to CDC Sections 17.4.13 with the findings as outlined in the staff report and subject to the following conditions:

1. The applicant shall maintain access for public use of existing trail easements in their current location on Lot 388, as shown in provided exhibits.
2. The Applicant will submit appropriate fees to staff for recordation with the San

- Miguel County Assessor's office within six months of approval.
3. Staff will review the final proposed plat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards, and CDC Section 3. Plat Notes and Certifications and provide redline comments to the applicant prior to the execution of the final mylar.
 4. Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding Community Development Code (CDC) Amendments to Clarify Zoning Designation Definitions Including but not Limited to Efficiency Lodge, Lodge, Hotel Efficiency and Hotel Zoning Designation Definitions; to Include the Definition of Short Term Accommodations at CDC Chapter 17.8; and to Amend the Density Transfer and Rezone Section of the CDC to Add Criteria to Rezone and Density Transfer Applications when Rezoning from Efficiency Lodge, Hotel or Hotel Efficiency to Lodge Zoning Designations at CDC Section 17.4.9 Rezoning Process (13)

Michelle Haynes and Jim Mahoney presented and reviewed the red lined Ordinance with changes directed at the August Council meeting. Council discussion ensued. Public comment was received from Mary Sama-Brown, Daniel Zemke, Richard Mahoney, Keith Brown, Douglas Ford, George Harvey, Stewart Seeligson, Mike Theile, Steve Togni and Richard Scott. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted 7-0 to approve on first reading, an Ordinance regarding an amendment to the CDC at Section 17.4.9 Rezoning Process and Section 17.8 Definitions as set forth in exhibit A, and to set the second reading, public hearing and final vote for October 17, 2019 with the findings as set forth in the staff memo dated September 12, 2019 the following amendments:

- Strike the word “primary” from the efficiency lodge definition
- Strike the last sentence under Short Term Accommodations definition and add “and not as a primary residence”
- Strike “bar and restaurant” from factors in rezoning from efficiency lodge and hotel and hotel efficiency to lodge unit

Council took a break from 1:53 pm to 2:05 p.m.

Consideration of Adding a Phosphate Blend to Town’s Drinking Water System to Reduce Copper Levels at the Telluride Regional Wastewater Treatment Plant (14)

Plummer Engineering Director Mark Dahm and Telluride Town Engineer Joyce Huang presented. A one-year pilot program is proposed and the additive amount will be reevaluated at that time. On a **MOTION** by Jack Gilbride, and seconded by Pete Duprey, Council voted unanimously to approve adding a phosphate blend to the Mountain Village drinking water system to reduce copper levels at the Telluride Regional Wastewater Treatment Plant for an initial term of one year with a six-month progress report back to Council.

On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted unanimously to extend the meeting past 6 hours.

Consideration of a Resolution Approving a Class 5 Development Application to Develop Skier Access to Ski Area by the General Easement Through an Intervening Lot, Lot 374R, 539 Benchmark Drive, Continued from August 15th Town Council Meeting (15)

Michelle Haynes presented. Legal representative for the owners, Attorney Herb McHarg presented the application. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve a Class 5 Ski Area Access through the General Easement and intervening Lots at Lot 374R based on the evidence provided within the Staff Report of record dated September 3, 2019 and with the following conditions:

1. Lot 374R Owners shall work with the ski area operator and Town Staff to determine appropriate signage and signage locations to prevent ski area visitors from accessing the property inadvertently.
2. Lot 374R Owners shall revegetate all disturbed areas with a native seed mix as per the CDC. At the conclusion of September 2019, Staff will inspect the site and ensure that revegetation of the site has occurred and is being maintained per CDC requirements.

3. Lot 374R and 386DR Owners use of the General Easement are secondary and subordinate to the Town's allowed uses of the General Easement. Should the Town require the General Easement for any purpose deemed necessary in its/their sole and absolute discretion, including but not limited to, those uses set forth in Community Development Code, the Town reserves the right to interrupt Owner's use on the General Easement. Any costs associated with reestablishing Owner's use of the General Easement shall be the sole responsibility of the Owners.
4. Lot 374R Owners shall be required to pay a double fee for the application prior to this approval becoming effective.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Located at Lot 30, 98 Aspen Ridge, Building 100; to Convert a Portion of a Commercial Unit to an Employee Apartment Continued from the August 15th Town Council Meeting (16)

Jim Mahoney presented stating that the owner of Lot 30 has requested that this item be continued to the October 17, 2019 Town Council meeting. On a **MOTION** by Natalie Binder and seconded by Marti Prohaska, Council voted unanimously to continue the first reading, setting of a public hearing and Council vote on an Ordinance regarding a density transfer and rezone located at Lot 30, 98 Aspen Ridge, Building 100; to convert a portion of a commercial unit to an employee apartment to the October 17, 2019 Town Council meeting noting that if requested to be continued again, then it must be re-noticed.

Consideration of Approval of Plaza Vending Committee Rules and Regulations (17)

Zoe Dohnal and Planner Sam Starr presented. Council discussion ensued regarding omitting the word "diversity" as it pertains to food choices. On a **MOTION** by Dan Caton and seconded by Natalie Binder, Council voted unanimously to approve the Plaza Vending Committee Rules and Regulations as presented but omitting the word *diversity* in section 3a.

First Reading, Setting of a Public Hearing and Council Vote of an Ordinance Amending the Community Development Code (CDC) Sections 17.1.1 Community Development Department, 17.3.3 Use Schedule, 17.4.2 Overview of Development Processes, 15.5.15 Vending Regulations, and 17.8 Definitions to Remove Vending Regulations from the CDC (18)

Sam Starr presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted 7-0 to approve on first reading an Ordinance amending the CDC sections 17.1.1 Community Development Department, 17.3.3 Use Schedule, 17.4.2 Overview of Development Processes, 15.5.15 Vending Regulations, and 17.8 Definitions to Remove Vending Regulations from the CDC attached as exhibit A and to set the second reading, public hearing and final Council vote for October 17, 2019.

Council Boards and Commissions Updates: (19)

- a. **San Miguel Watershed Coalition-Starr**
- b. **Colorado Flights Alliance-Gilbride**
- c. **Transportation & Parking-Duprey/Benitez**
- d. **Budget & Finance Committee- Gilbride/Duprey**
- e. **Gondola Committee-Caton/Berry**
- f. **Colorado Communities for Climate Action-Berry**
- g. **San Miguel Authority for Regional Transportation -Caton/Prohaska/Benitez**
- h. **Eco Action Partners-Berry/Prohaska**
- i. **Telluride Historical Museum-Prohaska**
- j. **Telluride Conference Center-Binder/Gilbride**
- k. **Alliance for Inclusion-Binder**
- l. **Green Team Committee- Berry/Prohaska**
- m. **Community Grant Committee-Benitez/Binder**
- n. **Mayor's Update- Benitez**

Other Business: (20)

Patrick Berry stated that Council was forwarded an email from Joan May prior to the meeting asking Council to submit comments to the PUC (Public Utilities Commission) requesting that the Colorado Public Utilities

Commission ensure that Tri-State save coop members money and reduce the carbon impact of their energy source as Tri-State owns billions of assets of coal energy, while renewable solar, wind, and hydro are much cheaper and just as reliable options now for Colorado. Dan Caton volunteered to write a letter of support and forward to the Clerk's office. The deadline for comments to be submitted is October 15th.

There being no further business, on a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 3:26 p.m.

Respectfully prepared,



Susan Johnston
Deputy Town Clerk

Respectfully submitted,



Jackie Kennefick
Town Clerk