



TOWN OF MOUNTAIN VILLAGE
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE DECEMBER 14, 2017
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:33 a.m. on Thursday, December 14, 2017 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
Dan Jansen (by conference call)
Jack Gilbride
Bruce MacIntire
Patrick Berry
Natalie Binder

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
Christina Lambert, Administrative Services Coordinator
David Reed, Town Attorney
Jim Mahoney, Assistant Town Attorney
Chris Broady, Police Chief
Kevin Swain, Finance Director
Michelle Haynes, Director of Planning & Development Services
Sam Starr, Planner
Bill Kight, Marketing & Business Development Director
Sue Kunz, Director of Human Resources
Finn Kjome, Director of Public Works
Steven LeHane, Director of Broadband & Cable
Sue Kunz, Director of Human Resources

Matt Skinner
Bo Nerlin
Robert Stenhammer
Matt Skinner
Anton Benitez
Joe Solomon
Keith Hampton
Tim Johnson
Stephanie Fanos
Alex Martin
Nichole Zangara-Riley
Michael Martelon
Jolana Vanek
Marti Prohaska
Jonathan Greenspan

Public Comment on Non-Agenda Items (2)

There was no public comment.

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 a Personnel Matter Pursuant to C.R.S. Section 24-6-402((4)(f)(I)), and Negotiations Pursuant to C.R.S. 24-6-402(4)e (3)

On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously 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 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 8:34 a.m. Town Attorney David Reed noted for the record that an item concerning Town Council security protocol was added to the executive session discussion.

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

Council took a break from 10:10 a.m. to 10:20 a.m. (4)

Legislative Update (5)

Associate Town Attorney Bo Nerlin presented an update on 2017 legislation and case law changes affecting Colorado Municipalities. The following items were highlighted:

- BEER and LIQUOR SB 17-237
 - Age of Servers- Employees 18-21 may serve at facilities with a tavern or lodging and entertainment facility
- CRIMINAL JUSTICE HB 17-1179
 - Immunity for emergency rescue from a locked vehicle
- CRIMINAL JUSTICE
 - Seizure reporting requirements HB 17-1313
 - Mental health support HB 17-1215
- EMPLOYMENT ISSUES HB 17-1269
 - Repeal prohibition of wage sharing information
- HOMELESSNESS SB 17-021
 - Assistance to released mentally ill offenders
- MARIJUANA HB 17-1220 and HB 17-1221
 - Home grow limitation
- MUNICIPAL COURT
 - Delay of HB 16-1309, HB 17-1316
 - Seal of Marijuana conviction records HB 17-1266
- OPEN RECORDS
 - Mediation of Disputes 17-1177
 - Public access to files 17-040
- PUBLIC SAFETY
 - Reserve Officer Grant Program SB 17-096
- TAXES
 - Sets residential assessment rate, pursuant to Gallagher Amendment, at 7.2 percent for tax years 2017 and 2018 HB 17-1349
- TRANSPORTATION
 - Prohibits engaging in nuisance activity known as “blowing black smoke” through one or more exhaust pipes attached to motor vehicle with gross vehicle weight of 14,000 pounds or less in manner that obstructs or obscures view of another driver, bicyclist, or pedestrian. SB 17-278
- WORKERS’ COMPENSATION
 - Adds definitions “psychologically traumatic event” and “serious bodily injury” to workers’ compensation statutes for purposed of clarifying worker’s right to compensation for any claim of mental impairment. HB 17-1229
- VEHICLE IDLING
 - Exemption from prohibition on idling if driver takes adequate security measures
 - Time limits on idling may continue to be enforced as long as a municipality had an Ordinance in place prior to August 10, 2016

CASE LAW AFFECTING MUNICIPALITIES:

- MARIJUANA
 - No statewide Marijuana Bank
 - Police departments are not required to return seized marijuana
 - Dogs can still be used to establish probable cause for marijuana searches
 - Municipalities may consider the number, type and availability of existing marijuana licenses
 - No constitutional right to extract hash oil
- MISCELLANEOUS
 - Sidewalk Maintenance
 - Lodging Taxes
 - Bag Fees
 - Ex Parte contact through email did not taint process

- o Colorado Sex Offender Registration Law unconstitutional

Council discussion ensued regarding lodging tax collection from Airbnb and public comment was received by Michael Martelon. Council directed staff to agendize a tax collection informational agenda item in the first quarter of 2018.

Consideration of Approval of Minutes: (6)

a. November 16, 2017 Regular Council Minutes

Deputy Town Clerk Susan Johnston presented the above item. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve the November 16, 2017 meeting minutes as presented.

b. December 7, 2017 Special Town Council Minutes

On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve the December 7, 2017 regular Town Council meeting minutes as presented.

Bi-Annual Reports for Marketing Telluride Inc. (MTI) and Colorado Flights Alliance (CFA) (7)

President and CEO of Marketing Telluride Inc. Michael Martelon presented his report stating that summer occupancy was up 3.1 % over 2016. 2017 was the seventh record summer in terms of occupancy for the Telluride region. The gray market was up 22.5% in self-managed reporting properties. Between 2011 and 2017 Mountain Village has seen a 95% increase in sales tax revenue. Council thanks Mr. Martelon for an informative presentation.

Chief Operating Officer of CFA Matt Skinner presented his report stating CFA creates economic vitality for Colorado's western slope through air service development. Winter booking growth has been positive over the last 3-5 years with approximately 51% increase in seats sold. CFA is heavily involved with marketing with MTI and TSG and they gear their campaigns to targeted markets. The lack of snow so far this season will affect the first quarter statistics, but people are continuing to book and alternate activities are being promoted to visitors. MTJ flight sales have seen only a 2% drop from last year's sales numbers as a result of the unusual weather. Mr. Skinner thanked Council for the continued support.

Finance: (8)

a. Presentation of the November 30, 2017 Business & Government Activity Report (BAGAR)

Director of Finance Kevin Swain presented the BAGAR. Council discussion ensued.

b. Second Reading, Public Hearing and Council Vote on an Ordinance of the Town Levying Property Taxes for the Year 2017 to be Collected in 2018

The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. Council directed staff to draft a press release detailing the mill levy decrease. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 7-0 to adopt on second reading an Ordinance of the Town Levying Property Taxes for the Year 2017 to be collected in 2018 as presented.

c. Second Reading, Public Hearing and Council Vote on an Ordinance Adopting the 2018 Budget and Revising the 2017 Budget

Kevin Swain presented stating that the requested changes were made and are included for the second reading. 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 Jack Gilbride, Council voted 7-0 to approve on second reading an Ordinance adopting the 2018 Budget and revising the 2017 Budget as presented.

On a **MOTION** by Patrick Berry and seconded by Bruce MacIntire, Council voted unanimously to convene as the Board of Directors for the Dissolved Mountain Village Metro District.

Town Council Acting as the Board of Directors for the Dissolved Mountain Village Metro District: Public Hearing on the Proposed 2018 and Revised 2017 Budgets (9)

a. Public Hearing on the Proposed 2018 and Revised 2017 Budgets

The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing.

b. Consideration of a Resolution Adopting the 2018 Mountain Village Metropolitan District Budget

On a **MOTION** by Patrick Berry and seconded by Bruce MacIntire, Council voted unanimously to adopt a Resolution adopting the 2018 Mountain Village Metropolitan District Budget as presented.

c. Consideration of a Resolution Appropriating Sums of Money for 2018

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution appropriating sums of money for 2018 as presented.

d. Consideration of a Resolution Revising the 2017 Budget

On a **MOTION** by Jack Gilbride and seconded by Bruce MacIntire, Council voted unanimously to adopt a Resolution revising the 2017 budget as presented.

e. Consideration of a Resolution Re-Appropriating Sums of Money for 2017

On a **MOTION** by Bruce MacIntire and seconded by Natalie Binder, Council voted unanimously to adopt a Resolution re-appropriating sums of money for 2017 as presented.

f. Consideration of a Resolution Setting the Mill Levy for 2017 to be Collected in 2018

On a **MOTION** by Natalie Binder and seconded by Bruce MacIntire, Council voted unanimously to adopt a Resolution setting the mill levy for 2017 to be collected in 2018 as presented.

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to reconvene as Town Council.

Consideration of a Resolution Waiving the Lottery Sales Requirement for Cassidy Ridge C-201 in order to Allow for the Town of Mountain Village to Purchase Unit (10)

Assistant Town Attorney Jim Mahoney presented stating that the Town was recently informed that the owner of Cassidy Ridge Unit C-201 would be selling the unit in the near future. As Town staff has been researching options for securing housing for its work force, staff believes that purchasing a unit such as this could have great benefits for the Town. Whether the Town leases the unit to an employee, sells the unit to an employee or a combination of the two, it is attractive for the Town to own and control a variety of housing unit types to meet workforce demands. Council discussion ensued. Public comment was received by Keith Hampton and Joe Solomon. Mr. Mahoney stated that he will meet with the Cassidy Ridge Home Owner's Association to discuss parking, storage and deck usage. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to adopt a Resolution waiving the lottery sales requirement for Cassidy Ridge C-201 in order to allow for the Town to purchase the unit.

Consideration of a Resolution Authorizing the Mayor and Town Manager to Negotiate and Close on the Purchase of Cassidy Ridge Unit C-201 on Behalf of the Town of Mountain Village (11)

On a **MOTION** by Bruce MacIntire and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution authorizing the Mayor and Town Manager to negotiate and close on the purchase of Cassidy Ridge Unit C-201 on behalf of the Town.

Council took a break for lunch from 12:10 p.m. to 12:36 p.m.

Consideration of Approval of the 2018 Department of Transportation (DOT) Drug & Alcohol Policy (12)

Director of Human Resources Sue Kunz presented stating that since the Town receives FTA (Federal Transportation Authority) grant funding, the Town is required to comply with employee drug testing pursuant to 49 CFR Part 655 and Part 40, as amended and the Drug Free Workplace Act (49 CFR part 29). This includes all gondola staff/supervisors, vehicle mechanics/supervisors and commuter shuttle drivers. Effective January 1, 2018, the Department of Transportation amended its regulations to add four synthetic opioids (hydrocodone, hydromorphone, oxycodone and oxycodone) to the list of drugs for which it regularly tests. The Town's policy has been updated replacing the word "opiates" with "opioids". Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the 2018 Department of Transportation Drug and Alcohol Policy as presented.

Moved to agenda item 18

Consideration of a Resolution Approving a Conditional Use Permit Pursuant to Community Development Code Section 17.4.14, to Allow Surface Unpaved Parking on a Portion of Lot 161CR (13)

Planning and Development Services Director Michelle Haynes presented stating that the owner of Lot 161CR has submitted a request to formalize unimproved surface parking with a CUP (Conditional Use Permit) pursuant to CDC Section 17.4.14. The application proposes 28-39 parking spaces intended to provide permit parking for Village Center businesses and parking for The Ridge Club. The owner would be responsible for maintenance. Council discussion ensued. Public comment was received by Chris Hawkins and Stephanie Fanos, legal counsel for the owner of 161CR. On a **MOTION** by Bruce MacIntire and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution approving a Conditional Use Permit pursuant to Community Development Code Section 17.4.14 to allow unpaved surface parking on a portion of Lot 161CR with the following conditions:

1. The stairs receive required Town and TSG approvals, include step lights for safety and are constructed within twelve months of the CUP approval.
2. Provide a final site and improvements plan indicating parking space configuration, signage and all additional improvements associated with the parking use to be reviewed and approved by the Planning Director prior to placing improvements. The parking plan will confirm the following:
 - a. No improvements are being placed in the general easements unless they are temporary and easily removable
 - b. A sixteen-foot fire and emergency lane is demonstrated on the site plan to scale per fire department comments
 - c. Identify snow storage areas
 - d. Determine the type, style and location of barriers such as boulders or posts and cables that will be installed to help guide parking
 - e. Address mitigation measures regarding headlight glare west towards the Village Center with the final site and improvement plan
 - f. Provide a general narrative regarding hours of operation and parking area management
3. Temporary or permanent improvements placed for the purposes of parking use (not including the stairs) will be removed when the CUP expires.
4. The CUP will remain valid until commencement of construction improvements on the lot subject to issuance of a building permit by the Town.
5. The Town Council may periodically review the terms of the CUP with the owner to address issues or concerns with the intent that parking impacts continue to be mitigated. The Town reserves the right to impose additional conditions to mitigate impacts at the Town Council's sole and absolute discretion and/or the ability to revoke or suspend this CUP upon a violation of any conditions.

Consideration of a Term Sheet Regarding the 161CR and Ridge at Telluride Litigation (Continued from the November 16, 2017 Meeting) (14)

Jim Mahoney stated that there was no term sheet to present and discuss. No action was taken.

Council moved to agenda item 19 g.

Wayfinding Update (15)

Owner of Co+Creative Solutions and Wayfinding Project Manager Nichole Zangara Riley provided an overview and update of the project. Planner Sam Starr presented samples of the signage materials. The following installations occurred in 2017:

1. Mountain Village entrance street sign monument, in process
2. Vehicular signs along Mountain Village Blvd. and other roadways in route to Meadows parking
3. Conference Center Plaza banners marketing winter
4. Gondola Parking Garage exterior building façade signs; in process
5. Meadows Parking exterior monument; in process
6. Heritage Parking Garage exterior monument; in process
7. Plaza monuments located throughout Mountain Village Center and Market Plaza at key decision points. These monuments contain seasonal maps, a business directory, and individual breadcrumb icons highlighting amenities and services; in process

8. Oak Street Plaza four-sided kiosk (a collaboration with the Town of Telluride) adorned with information and directions to amenities and services; in process
9. Oak Street Plaza and Gondola Plaza three-sided mountain kiosk adorned with Mountain Village Center and Market Plaza maps and directories, ski resort trail map, destination marketing, and gondola information; in process

2018 signage includes:

1. Gondola Parking Garage interior signage; Winter
2. Heritage Parking Garage interior signage; Winter
3. Gondola stations interior and exterior signage; Winter/Spring
4. Plaza monuments seasonal maps and business directory; Spring
5. Conference Center Plaza banners marketing summer; Spring
6. Amenities and services signs and monuments; Spring/Summer
7. Municipal Building and Village Court Apartments address monument; Spring/Summer
8. Market Plaza address monument; Spring/Summer
9. Rules and regulations signage; Summer
10. Pedestrian signs along key decision points in route to the Chondola and Lifts 1 and 10; Fall

Council discussion ensued. Staff is proposing the addition of physical addresses on the sides of buildings to aid both the public and emergency services. Ms. Zangara Riley addressed the challenges encountered with the installation process and stated that certain vendors are not responding in a timely manner. Council directed staff to reach out to the original wayfinding committee members and to regularly communicate as the project progresses. Council asked Ms. Zangara Riley to provide a monthly email update to alert Council and other staff of any issues.

Dan Jansen left the meeting at 2:00 p.m.

Consideration of Approval of the Green Team Committee Mission Statement, Focus/Guiding Principles and 2018 Action Plan (16)

Green Team Committee Chair Jonathan Greenspan presented and stated that the other members of the Green Team are Garrett Brafford, Jeff Proteau, Patrick Berry, Bruce MacIntire, Marti Prohaska and Savanna Wagner. The document presented was a compilation of ideas from each member of the committee. Short term, mid-term and long-term goals were defined. Recommendations for environmental projects will be brought to Council for approval. Council discussion ensued and consensus was that the document needs some structural work. Patrick Berry and Dan Caton agreed to review the revised document. Council directed the Green Team to refine the document and re-agendize for approval at the January Town Council meeting.

On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to extend the meeting beyond the 6 hours.

Dan Jansen returned to the meeting at 2:30 p.m.

Cable Television Audit Update (17)

Director of Cable & Broadband Services Steven Lehane stated that the audit determined that there were six residents receiving cable services without being charged. This equates to one third of one percent. Council directed staff to implement an audit of bulk accounts to determine how many units are being reported and to report back on the number of subscribers. An audit should be conducted every two to three years. Mr. Lehane stated that he has contacted Brainstorm Internet to discuss installing a southern redundant route for internet service. The line would go down Highway 145 to Cortez, then to Durango and onto Colorado Springs. Council was supportive of the added redundancy and thanked Mr. Lehane for a thorough report.

Staff Reports: (18)

a. Town Manager

Ms. Montgomery stated that there were no nominations for *Great Services Award* this month. Ms. Montgomery met with TSG Vice President of Operations and Planning Jeff Proteau and Town of Telluride Town Manager Ross Herzog to review water issues and the impact of snow making and to begin drafting a communication plan.

Council Boards and Commissions Updates: (19)

a. San Miguel Watershed Coalition (SMWC) –Starr

Sam Starr stated that SMWC will be acquiring an ESRI(Environmental Systems Research Institute) ArcMap license which will help to better track many things including forest health, water conditions and flows. The SMWC year-end report will be delivered at the January Town Council meeting. A Forest Health Landscape Assessment Outreach took place at the Wilkinson Library on December 11th. The topic of discussion was “*Our Forest in Flux Mapping Project*” and the mapping can be viewed at www.sanmiguelcounty-co.gov/foresthealth.

b. Colorado Flights Alliance –Jansen

Mr. Jansen emphasized that the holiday season is going to be fascinating because of the lack of snow.

c. Transportation & Parking – MacIntire/Benitez

There was no update.

d. Budget & Finance Committee -Gilbride/Caton

There was no update.

e. Gondola Committee – Caton/Berry

There was no update

f. Colorado Communities for Climate Action – Berry

The CC4CA Government Advocacy Training was a success. The CC4CA budget has not yet been completed. Council discussion ensued regarding the overlap between CC4CA and the Town’s Green Team. Council directed the Green Team to produce a schematic showing how local entities and CC4CA may overlap on some issues and complement on others.

Council moved to agenda item 13.

g. San Miguel Authority for Regional Transportation- Benitez/Caton/Binder

Mayor Benitez stated that the IGA’s with Mountain Village, Town of Telluride and San Miguel County have been signed. Increased bus service to Lawson Hill has been well received and service to Rico will start next week.

h. Eco Action Partners (EAP)– Berry/Binder

There was no report, however; the Mayor stated that she discussed what the Town is looking for as far as measureables with the Director of EAP.

i. Telluride Historical Museum- Berry

Mr. Berry stated that the budget has been approved with some wage increases. The goal is to increase employee retention. The Mayor gave kudos to the Museum for stepping in to offer alternate activities for guests in lieu of snow activities.

j. Telluride Conference Center (TCC) –MacIntire

Mr. MacIntire stated that the committee will include TCC Manager Tony Kalyk in future meetings.

k. Alliance for Inclusion – Berry

There was no update.

l. Green Team Committee- Berry/MacIntire

Update provided in agenda item 16.

m. Mayor’s Update – Benitez

Mayor Benitez updated that Telluride Mountain Village Owners Association (TMVOA), Telluride Ski and Golf (TSG), and the Town of Mountain Village are working together to get through the challenging holiday season. They are brainstorming for alternative activities to and how to get the message out to guests. Ms. Montgomery added that the Town would be willing to purchase yellow Guest Services jackets so that Town staff can assist with the holiday crowds and direct them to different activities if needed. The Mayor reported that twenty-six people attended the Merchants Meeting on December 13.


Other Business (20)

Mayor Benitez asked Director of Public Works Finn Kjome for an update on the status of the exhaust system that is part of the Sunset Plaza boiler system and how this will be hidden. Mr. Kjome stated that as soon as the Town owns the system they will build covers and paint them to blend in.

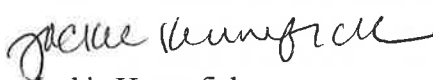
Mayor Benitez stated that Holiday Prelude will be December 16th and 17th. She encouraged everyone to participate in the fun. The Mayor thanked TSG for offering free hotel rooms to gondola staff and maintenance workers who had been working around the clock to repair a bull wheel and get the gondola up and running with little or no interruptions in service.

There being no further business, on a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to adjourn the meeting at 3:30 p.m.

Respectfully prepared,


Susan Johnston
Deputy Town Clerk

Respectfully submitted,


Jackie Kennefick
Town Clerk