



TOWN OF MOUNTAIN VILLAGE  
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## TOWN OF MOUNTAIN VILLAGE MINUTES OF THE OCTOBER 17, 2019 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, October 17, 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  
Pete Duprey  
Marti Prohaska

**The following Town Council members were absent:**

Natalie Binder

Also in attendance were:

Kim Montgomery, Town Manager  
Susan Johnston, Deputy Clerk  
Christina Lambert, Deputy Clerk  
David Reed, Town Attorney  
Sue Kunz, Director of Human Resources  
Chris Broady, Chief of Police  
Erica Moir, Police Officer  
Kevin Swain, Finance Director  
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  
Mier Esch  
Tracy Boyce  
Heather Knox  
Wiley Freeman  
Alex Shelley

Bruce MacIntire  
Tim Johnson  
David Averill  
Michael Martelon  
Cath Jett  
Ray Cody  
Matt Moir  
Riley McIntyre  
Mark Martin  
Julia Caulfield  
Erin Ries  
Julia Johnston  
Kari Distefano  
Marki Knopp  
R.F. Scott  
Louis Alaia  
Susan Alaia  
Eliot Brown  
Lynne Beck  
Ryan Yaseen  
Robyn Pale  
Virginia Howard  
J.J. Ossola  
Lexi Tuddenham  
Kim Wheels  
Paul Hora  
Audrey Morton

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

The Mayor stated that there were no topics for discussion in Executive Session.

Council moved to agenda item 25.

**Public Comment on Non-Agenda Items (4)**

Public comment was received by Ray Cody.

**Recognition of Great Service Award to Officer Erica Moir for Her Life Saving Effort (5)**

Chief of Police Chris Broady presented the Great Service Award to Erica Moir for her heroic actions. Council thanked Officer Moir for making a difference.

**Consideration of Approval of the September 19, 2019 Regular Town Council Meeting Minutes (6)**

Deputy Clerk Susan Johnston presented. On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted unanimously to approve the September 19, 2019 Regular Town Council meeting minutes as presented.

**Consideration of a Proclamation Declaring October as Domestic Violence Awareness Month (7)**

The Mayor read the Proclamation and thanked Riley McIntyre and the San Miguel Resource Center for helping to bring awareness to the issue of domestic violence. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve a Proclamation declaring October as Domestic Violence Awareness Month.

**Consideration of a Proclamation Declaring October 2019 as Substance Abuse Prevention Month (8)**

The Mayor read the Proclamation and thanked Julia Johnson and the Tri-County Health Network for helping to bring awareness to the issue of substance abuse. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to approve a Proclamation declaring October 2019 as Substance Abuse Prevention Month.

**Liquor Licensing Authority: (9)**

**a. Consideration of an Application for a Temporary Modification of Premises by Telski Food and Beverage Services, LLC dba Tomboy Tavern to their Liquor License Optional Premises at the Ridge Club Great Room at the Ridge Club for the Fire Festival Event on December 7th, 2019**

Susan Johnston presented. Patrick Berry recused himself due to his employment with Telski. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to approve an application for a Temporary Modification of Premises by Telski Food and Beverage Services, LLC dba Tomboy Tavern to their liquor license optional Premises at the Ridge Club Great Room for the Telluride Fire Festival event on December 7<sup>th</sup>, 2019 as presented.

**b. Consideration of an Application for a Special Event Liquor Permit by Telluride Fire Festival at the Great Room at the Ridge Club for an Event on December 7th, 2019**

Susan Johnston presented. Telluride Fire Festival applicant Erin Reis was in attendance to answer questions. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve an application for a Special Event Liquor Permit by Telluride Fire Festival at the Great Room at the Ridge Club for an event on December 7, 2019 as presented.

**Marketing Telluride Inc. Quarterly Report (10)**

President & CEO of Telluride Tourism Board Michael Martelon presented.

**Staff Reports: (11)**

**a. Police Department**

Chief of Police Chris Broady presented.

**b. Planning & Development Services**

Director of Planning & Development Services Michelle Haynes presented. Council directed staff to consider re-implementing a noxious weed incentive/policy and to implement an educational program for the public to create awareness in the spring.

**c. Town Manager**

Town Manager Kim Montgomery presented her report and stated that Brad Wilson with Facility Maintenance was the *Great Services Award* recipient for the month of September. Discussion ensued regarding the use of a survey to determine the level of interest in renting and/or purchasing Village Court Apartments/affordable housing. Council directed staff to distribute the survey by email blast, working with Sam Miguel Regional Housing Authority, Telluride Ski & Golf employees, website and paper surveys. Once the survey has been completed and the results analyzed, the VCA sub-committee will present the results to Council who will then decide whether to move forward with the feasibility study.

**Finance: (12)**

Director of Finance Kevin Swain presented. Council discussion ensued.

**a. Presentation of the September 30, 2019 Business & Government Activity Report (BAGAR)**

Council discussion ensued.

**Consideration of a Resolution Approving the First Amendment to the San Miguel Authority for Regional Transportation (SMART) Intergovernmental Agreement Accepting the Inclusion of the Town of Rico as a Member with All Rights and Duties of a Member (13)**

SMART Executive Director David Averill and Rico Town Manager Kari Distefano presented. Council discussion ensued regarding the equitability of adding the Town of Rico. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to approve a Resolution approving the first amendment to the San Miguel Authority for Regional Transportation Intergovernmental Agreement accepting the inclusion of the Town of Rico as a member with all rights and duties of a member.

**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 (14)**

Senior Planner John Miller presented. Public comment was received from the representative for the applicant, Avventura LLC, Louis Alaia. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-0 (with Natalie Binder absent) to approve on first reading an Ordinance regarding the rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lot 30 in order to convert a portion of a commercial unit to an employee apartment unit, based on the evidence and findings provided within the Staff Report of record dated August 2, 2019, and with the following conditions:

1. The requisite Employee Apartment Density is hereby reallocated within Lot 30 and reduces the size of the one commercial unit. The Ordinance shall indicate the change in commercial space and the size of the employee apartment in square feet.
2. The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
3. The Lot list shall be updated to reflect one built and one unbuilt employee apartment assigned to the Lot.
4. A Town of Mountain Village 1997 Deed Restriction shall be executed concurrently with the Ordinance and recorded concurrently for the newly created employee apartment.
5. The density transfer and rezone approval does not preclude other necessary town applications and approvals such as design review (if needed), a building permit and a TMVHA site inspection prior to issuance of a Certificate of Occupancy.

**Additional DRB recommended conditions:**

6. Prior to the issuance of any Building permit for the conversion of the commercial space to employee apartment, the owner must verify and provide written documentation that the proposal meets all Town Building Department and Town of Mountain Village Housing

- Authority requirements for the space to be occupied as a dwelling unit.
7. The applicant shall verify livable square footage of the employee apartment along with the square footage of the remaining commercial space, prior to Final Approval of the Density Transfer and Rezone.

And to set the second reading, public hearing and final Council vote for November 21, 2019.

**Second Reading, 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 (15)**

Michelle Haynes presented. Council discussion ensued. The Mayor opened the public hearing. Public comment was received by Louis Alaia, Eliot Brown, Richard Scott, Bruce MacIntire, Marki Knopp and Virginia Howard. The Mayor closed the public hearing. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 5-1 (with Marti Prohaska dissenting and Natalie Binder absent) to adopt an Ordinance regarding Community Development Code 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.

**Council took a break for lunch from 11:58 p.m. to 12:20 p.m.**

**Consideration of a Resolution to Approve a Minor Subdivision, Specifically a Lot Line Adjustment Between Tract OS-I-E (Parking Lot) and Lot 1003R2 (Unit A, Grocery Store Building Addition Approximately 600 sq. ft. (16)**

Michelle Haynes presented. TMVOA Director of Operations and Finance Garrett Brafford and TMVOA President & Chief Executive Officer Anton Benitez presented an update on the grocery store building remodel and addition. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded Pete Duprey, Council voted unanimously to approve by Resolution a Minor Subdivision application specifically, a lot line adjustment between Lot 1003R2 and Tract OS-1-E to allow for a small building addition to Unit A and associated façade improvements pursuant to CDC Sections 17.4.13 with the findings as outlined in the staff report and subject to the following conditions:

1. The plat and associated easement documents, will be recorded after the construction commences and prior to a final Certificate of Completion in order the accurately measure the increase footprint area of Lot 1003R2 and capture the constructed building overhang.
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.
5. As determined by the Town Attorney, the Town and the TMVOA may modify the Existing Perimeter Easement concurrent with recordation of the lot line adjustment plat.

**Second Reading, 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 (17)**

Planner Sam Starr presented. The Mayor opened the public hearing. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted 6-0 to adopt an Ordinance amending the Community Development Code 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.

Council moved to agenda item 23.

**Consideration of a Request for a Letter of Support Encouraging Congressman Tipton to Put His Input and Support Behind the CORE (Colorado Outdoor Recreation and Economy) Act Rather than the REC (Colorado Recreation Enhancement and Conservation) Act (18)**

Sheep Mountain Alliance Executive Director Lexi Tuddenham presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Patrick Berry, Council voted unanimously to approve a letter of support encouraging Congressman Tipton to put his input and support behind the CORE Act rather than the REC Act.

**Green Team Committee Third Quarter Report (19)**

Business Development and Sustainability Manager Zoe Dohnal presented.

**Eco Action Partners Update & Mountain Village 2018 Community Greenhouse Gas Inventory Report (20)**

Executive Director Heather Knox and Energy Programs Coordinator Kim Wheels presented.

**Presentation by San Miguel Power Association: Working Toward Change (21)**

Communications Executive Alex Shelley and Manager of Member Services and Marketing Wiley Freeman from San Miguel Power Association presented. Council asked the presenters to provide members with a list of SMPA meetings and board members.

**Discussion on Village Court Apartments (VCA) Rent Schedule (22)**

This item was continued to the November Town Council meeting.

**Discussion on Creation of a Compensation & Benefits Committee (23)**

Director of Human Resources Sue Kunz presented. Council discussion ensued regarding the scope of the Personnel Development Committee. The Legal Department will draft the bylaws and charter for the committee. Members will be formally appointed when the bylaws are adopted and consensus was that Patrick Berry, Pete Duprey, Kim Montgomery and Sue Kunz would serve on the committee.

Council moved to agenda item 18.

**Council Boards and Commissions Updates: (24)**

**a. San Miguel Watershed Coalition-Starr**

**1. Consideration of a Request for a Letter of Support for a Healthy Watersheds Grant Application**

Planner Sam Starr presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to approve a letter of support for a Healthy Watersheds Grant Application.

**b. Colorado Flights Alliance-Gilbride**

**c. Transportation & Parking-Duprey/Benitez**

Council was in support of allowing free parking for electric and hybrid vehicles in Mountain Village parking lots. The parking committee will consider this recommendation and report back to Council.

**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

Council moved to agenda item 4.

**Other Business: (25)**

- a. 2020 Proposed Council Meeting Dates


Susan Johnston presented. Council discussion ensued and Council consensus was to accept the dates as presented.

There being no further business, on a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 3:23 p.m.

Respectfully prepared,

  
Susan Johnston  
Deputy Town Clerk

Respectfully submitted,

  
Jackie Kennefick  
Town Clerk