



TOWN OF MOUNTAIN VILLAGE
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE NOVEMBER 21, 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, November 21, 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
Natalie Binder

The following Town Council members were absent:

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Town Clerk
Susan Johnston, Deputy Town Clerk
Christina Lambert, Deputy Clerk
David Reed, Town Attorney
Sue Kunz, Director of Human Resources
Chris Broady, Chief of Police
Kevin Swain, Finance Director
Julie Vergari, Chief Accountant
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
Jody Miller, Office Administration/Court Clerk
Jim Soukup, Chief Technology Officer
Cecilia Curry, VCA Manager
Josh Natlell
TD Smith
Julie Joraanstad
Hank Hintermeister
David Ballode
Carlotta Horn
John Horn
Ben Jackson
Judy Kohin
Margaret Rinkevich
Barbara Hinterkopf

Bill Jensen
Yusuf Griffin
Tim Johnson
Anton Benitez
Donovin Fogg
Zach Riner
Tracey Nicole
Anne Reissner
TD Smith
MaryAnn Slezak
Joshua Evans
Derek Baxter
Pam Pettee
Jonathan Greenspan
David Averill
Robert Stenhammer
Julia Caulfield
Amelia Martin
Howard Denton
Cheryl Kimleigh
JD McMorrان
Mike Kettell
Jeff Hodsdon
Carol Hintermeister
Stefanie Solomon
Chris Hawkins
Joan May
Hank Hintermeister
David MacKown
Barbel Hacke
Virginia Lucarelli
Audrey Marnoy

Jeff Proteau
Arline Dowling
Richard Cornelius
Douglas Tooley

Carl Everett
Midnite Scholtes
Christophe Thompson

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)

On a **MOTION** by Dan Caton and seconded by Marti Prohaska, 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), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2) at 8:31 a.m.

Jack Gilbride arrived at 8:37 a.m.

Council returned to open session at 9:18 a.m.

Public Comment on Non-Agenda Items (4)

Public comment was received by Douglas Tooley.

Consideration of Approval Minutes: (5)

Town Clerk Jackie Kennefick presented.

a. October 9, 2019 Special Budget Meeting

On a **MOTION** by Dan Caton and seconded by Jack Caton, Council voted unanimously to approve the October 9, 2019 Regular Town Council meeting minutes as presented.

b. October 17, 2019 Regular Town Council Meeting

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the October 17, 2019 Regular Town Council meeting minutes as presented.

c. October 24, 2019 Special Meeting

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the October 24, 2019 Regular Town Council meeting minutes as presented.

Liquor Licensing Authority: Quasi-Judicial (9)

a. Consideration of an Application for a New Tavern Liquor License for Telluride Coffee Company, LLC.

Jackie Kennefick presented. Council discussion ensued. Applicant and owner of Telluride Coffee Company Mary Ann Slezak addressed Council. The Mayor opened the public hearing. Public comment was received by Jonathan Greenspan and Ann Wiesner. The Mayor closed the public hearing. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to approve an application for a New Tavern Liquor License for Telluride Coffee Company, LLC.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Section 5.04.060 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 Permit and Further Amending Section 5.04 to Revise Statutory References Consistent with Recent Legislative Statutory Revisions (7)

Assistant Town Attorney Jim Mahoney presented. Council discussion ensued. Public comment was received by Jonathan Greenspan. On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted 7-0 to pass on first reading, an Ordinance amending section 5.04.060 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 Permit and further amending Section 5.04 to revise Statutory references consistent with recent Legislative Statutory revisions and to set the second reading, public hearing and final vote for December 12, 2019.

On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, 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 2020 and Revised 2019 Budgets (8)**

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 reconvene as the Mountain Village Town Council.

Town Council Acting as the Mountain Village Housing Authority: (9)

On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to convene as the Mountain Village Housing Authority. Director of Planning and Development Services Michelle Haynes presented. Council discussion ensued on the following topics.

- a. **Communications Draft Plan**
- b. **Rental Adjustments**
- c. **Cable**
- d. **Sub-metering Electric**
- e. **Grill**

Ms. Haynes stated that personal grills will no longer be allowed and that tenants will be appropriately informed. The Town will provide grills in common areas for tenant use.

- f. **Improvements Plan**
- g. **General**

Discussion topics included initiating a tenant committee.

- h. **Consideration of a Resolution Establishing 2020 Rental Rates for Village Court Apartments**

Public comment was received by Douglas Tooley, Yusuf Griffin, Amelia Martin, Pam Pettee, Zack Riner, Cheryl Kimleigh, Tracey Nicole and Donovan Fogg. Based on feedback received, Council consensus was that a tenant committee was desired by residents. Council directed staff to agendize a discussion to review a plan for the framework of the VCA Tenant Committee at the December Council meeting. Additionally, Council directed staff to agendize a discussion in January on plans to address items such as added security, snow removal and a maintenance plan. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to adopt a Resolution establishing 2020 rental rates for the Village Court Apartments with direction to staff on the tenant committee, snow removal, security and maintenance plan.

On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to reconvene as the Mountain Village Town Council.

Finance: (10)

Director of Finance Kevin Swain presented.

- a. **Presentation of the October 31, 2019 Business & Government Activity Report (BAGAR)**
- b. **Consideration of the September 30, 2019 Financials**

Public comment was received by Douglas Tooley. On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve the September 30, 2019 Financials as presented.

- c. **Communications and Business Development Worksession**

Business Development and Sustainability Manager Zoe Dohnal presented.

- d. **Planning and Development Worksession and Goal Review**

Michelle Haynes presented.

- e. **Town Manager Goal Review**

Town Manager Kim Montgomery presented.

- f. **First Reading, Setting of a Public Hearing and Council Vote on an Ordinance of the Town Levying Property Taxes for the Year 2019 to be Collected in 2020**

On a **MOTION** by Jack Gilbride and seconded by Natalie Binder, Council voted 7-0 to approve on first reading an Ordinance of the Town levying property taxes for the year 2019 to be collected in 2020 and to set the second reading, public hearing and final vote for December 12, 2019.

- g. **First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Adopting the 2020 Budget and Revising the 2019 Budget**

On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted 7-0 to approve on first reading an Ordinance adopting the 2020 Budget and revising the 2019 Budget and to set the second reading, public hearing and final vote for December 12, 2019.

h. Consideration of a Resolution Adopting Certain Fee Schedules Effective January 1, 2020

On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to adopt a Resolution adopting certain fee schedules effective January 1, 2020.

Council moved to agenda item 21.

Staff Reports: (12)

a. Transit & Recreation

Director of Transit and Recreation Jim Loebe presented. Council directed staff to create a report regarding the MARRS (Mobile Aerial Rapid Rescue System) incident that occurred during the training on November 19, 2019.

b. Public Works

Director of Public Works Finn Kjome presented.

Council took a break for lunch from 12:38 p.m. to 1:05 p.m.

c. Town Manager

Town Manager Kim Montgomery presented her report.

Consideration of First Reading of an Ordinance Regarding A Major Planned Unit Development (PUD) Amendment to Lots 126R and 152R Planned Unit Development (Formerly Referred to as the Rosewood PUD and Now Known as La Montage) Including but Not Limited to, a Density Transfer and Rezone in Accordance with CDC Sections 17.3.8 and 17.4.12 (13)

Senior Planner John Miller presented. Council discussion ensued. Alpine Planning President Chris Hawkins presented as representative for applicant MV Holdings along with owner representative Mike Kettell. The Mayor opened public comment. Public comment was received by Douglas Tooley, Joan May, Carol Hintermeister, Carlotta Horn, John Horn, JD McMorran. The Mayor closed public comment. The applicant stated that they would withdraw the application at this time and come back with a new application after several work sessions. Jim Mahoney requested that the applicant submit the withdrawal request in writing.

Patrick Berry left the meeting at 1:35 p.m.

Council moved to agenda item 16.

Second Reading, 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. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted 7-0 to approve on second 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 November 4, 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 upon issuance of a Certificate of Occupancy for the employee unit.

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 the requirement for 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.
6. The Ordinance shall be recorded upon issuance of the Certificate of Occupancy to convert a portion of a commercial unit to an employee apartment consistent with this approval.

Council moved to agenda item 20.

Consideration of a Resolution Regarding a Conditional Use Permit for a Real Estate/Property Management Office in a Primary Pedestrian Area on Lot 65, 618 Mountain Village Boulevard (To be Continued to the December 12, 2019 Council Meeting) (15)

On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted unanimously to continue the above item to the December 12, 2019 Town Council meeting.

Council moved to agenda item 12a.

Jack Gilbride left the meeting at 2:27 p.m.

Consideration of Blue Mesa Lodge Rezoning: (16)

- a. **First Reading, Setting of a Public Hearing and Council Vote on an Ordinance for a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 30A and 30B from Two (2) Efficiency Lodge Zoning Designation Units to One (1) Lodge Zoning Designation Unit**

Michelle Haynes presented. Council discussion ensued. On a **MOTION** by Natalie Binder and seconded by Dan Caton, Council voted 4-0 (Pete Duprey, Jack Gilbride and Patrick Berry were absent) to approve on first reading an Ordinance for a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 30A and 30B from Two (2) Efficiency Lodge Zoning Designation Units to One (1) Lodge Zoning Designation Unit with findings and conditions that our lot list be updated from one unit to two units and to set the second reading, public hearing and final vote for December 12, 2019.

- b. **First Reading of an Ordinance, Setting of a Public Hearing and Council Vote Regarding a Rezone and Density Transfer to Rezone Blue Mesa Lodge (Lot 42B), Unit 41A from One (1) Efficiency Lodge Zoning Designation Unit to One (1) Lodge Zoning Designation Unit**

Planner Sam Starr presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted 4-0 (Pete Duprey, Jack Gilbride and Patrick Berry were absent) to approve on first reading an Ordinance for a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B), Unit 41R from one (1) Efficiency Lodge Zoning designation unit to one (1) Lodge Zoning and to set the second reading, public hearing and final vote for December 21, 2019.

- c. **First Reading of an Ordinance, Setting of a Public Hearing and Council Vote Regarding a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 33A and 33B from Two (2) Efficiency Lodge Zoning Designation Units to One (1) Lodge Zoning Designation Unit**

Sam Starr presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Natalie Binder, Council voted 4-0 (Pete Duprey, Jack Gilbride and Patrick Berry were absent) to approve on first reading an Ordinance for a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 33A and 33B from two (2) Efficiency Lodge zoning designation units to one (1) Lodge Zoning designation unit and to set the second reading, public hearing and final vote for December 12, 2019.

- d. **First Reading of an Ordinance, Setting of a Public Hearing and Council Vote Regarding a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Unit 21A & 21B from Two (2) Efficiency Lodge Zoning Designation to One (1) Lodge Zoning Designation**

John Miller presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Natalie Binder, Council voted 4-0 (Pete Duprey, Jack Gilbride and Patrick Berry were absent) to approve on first

reading an Ordinance for a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 21A and 21B from two (2) Efficiency Lodge zoning designation units to one (1) Lodge Zoning designation and to the set the second reading, public hearing and final vote for December 12, 2019.

e. **First Reading of an Ordinance, Setting of a Public Hearing and Council Vote Regarding a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Unit 41B from an Efficiency Lodge Zoning Designation to Lodge Zoning Designation**

John Miller presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Natalie Binder, Council voted 4-0 (Pete Duprey, Jack Gilbride and Patrick Berry were absent) to approve on first reading an Ordinance for a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 41B from an Efficiency Lodge zoning designation to Lodge Zoning designation unit and to the set the second reading, public hearing and final vote for December 12, 2019.

f. **First Reading of an Ordinance, Setting of a Public Hearing and Council Vote Regarding a) a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Unit 21C from an Efficiency Lodge Zoning Designation to Lodge Zoning Designation and b) Consideration of a Variance to the Lodge Parking Space Requirement Pursuant to CDC Section 17.4.16(The Applicant has Asked for This Item to be Continued to the December 12, 2019 Council Meeting)**

On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously (Patrick Berry, Jack Gilbride and Pete Duprey were absent) to continue the above item to the December 12, 2019 Town Council meeting.

On a **MOTION** by Marti Prohaska and seconded by Natalie Binder Council voted unanimously to continue the meeting beyond 6 hours.

Consideration of a Resolution Regarding a Conditional Use Permit for a Public Art Installation on Lot OSP-49 (17)

Sam Starr presented the above item. Ah Haa School for the Arts Executive Director Judy Kohin and Christophe Thompson, representative for artist Tavares Strachan explained the project. Council discussion ensued. Public comment was received by Audrey Marnoy, Margaret Rinkevich and Bill Jensen. On a **MOTION** by Natalie Binder and seconded by Dan Caton, Council voted unanimously (with Jack Gilbride and Patrick Berry absent) to adopt a Resolution approving a Conditional Use Permit for a public art installation on Lot OSP-49 with the following conditions:

1. Prior to installation, the applicant shall receive a building permit from the Building Division to ensure that the lattice structure and lighting system meet all relevant town building codes.
2. Per the request of the Public Works Director, the applicant shall submit a revised cutsheet prior to the December 12, 2019 Town Council meeting indicating overlaying the *We are in this Together* installation with existing utilities to help determine that there will not be any damage to the infrastructure nearby.
3. Per the request of the Transit Director, the applicant shall work with gondola management during construction and removal phases to ensure there are no impacts to gondola infrastructure or operations.
4. The art installation shall only be visible and lit during the gondola's regular hours of operation.
5. The art installation shall be in full working order and a maintenance and/or repair expectation determined so that all lighting is operational or repaired within a short period of time.
6. The Conditional Use Permit shall be valid for a period of 18 months with a quarterly review by the Planning Division Staff, with the applicant responding to any valid issues as they arise during the operation or quarterly review. Should, in the Planning Division Staff's sole discretion, significant issues arise concerning the Conditional Use Permit and the activities permitted thereunder arise, the quarterly review may be elevated to the Town Council. The applicant shall in writing inform the Planning Division Staff of any minor operational changes which shall be processed by Planning Staff as a Class 1 or 2 permit with the possibility to elevate to Class 4.
7. Staff has the authority to suspend operations if its determined that the applicant or operator has failed to meet the conditions of approval.
8. The applicant shall, as needed, revegetate the site of the art display to a natural pre-disturbed state. This includes revegetating after the lattice structures have been removed at the end of the conditional use permit term.

9. The applicant shall post a cash deposit of one hundred twenty-five percent (125%) of the estimated costs to remove the art installation. This bond shall be held to guarantee that the installation will be deconstructed at the end of this 18-month period. Should the art installation be taken down in a timely and satisfactory manner, the town will release the bond.

Pete Duprey returned to the meeting at 3:14 p.m.

Quarterly Update from Telluride Ski & Golf CEO Bill Jensen (18)

Telluride Ski & Golf CEO Bill Jensen presented.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer Application at Lot 640A, 306 Adams Ranch Rd, to Increase Employee Apartment Density by 12 Units from 30 to 42 Units (19)

Jim Mahoney and John Miller presented. Vice President of Mountain Operations & Planning at Telluride Ski & Golf Jeff Proteau presented the four conceptual site plan options. The Mayor opened public comment. No public comment was received. The Mayor closed public comment. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted unanimously to continue this item to the December 12th meeting.

Request for the Town to Consent to an Application by the TMVOA to Provide Music in Heritage Plaza (Parcel OS3XRR) as Recommended by the Village Center Subarea Committee by way of Wireless Speakers Affixed to the Town-owned Light Poles as a Pilot Project (20)

John Miller presented. Council discussion ensued. Council consensus was to agree to consent to the application.

Moved to agenda item 15.

Council Boards and Commissions Updates: (21)

- 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

Council moved to agenda item 14.

Other Business: (22)

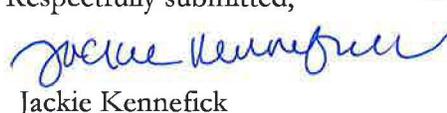
There being no further business, on a **MOTION** by Dan Caton and seconded by Natalie Binder, Council voted unanimously to adjourn the meeting at 4:21 p.m.

Respectfully prepared,


Susan Johnston

Deputy Town Clerk

Respectfully submitted,


Jackie Kennefick

Town Clerk

