



TOWN OF MOUNTAIN VILLAGE  
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## TOWN OF MOUNTAIN VILLAGE MINUTES OF THE JANUARY 16, 2020 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, January 16, 2020 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 (left the meeting at 1:30 p.m.)  
Patrick Berry (left the meeting at 2:30 p.m.)  
Pete Duprey  
Marti Prohaska

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

Natalie Binder

Also in attendance were:

Kim Montgomery, Town Manager  
Susan Johnston, Deputy Town 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  
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  
Jim Soukup, Chief Technology Officer  
Finn Kjome, Director of Public Works  
J.D. Wise, Plaza Services Manager

Bill Jensen  
Tim Johnson  
Mickey Salloway  
Stefanie Solomon  
Jonathan Greenspan  
Lawrence A. Crosby  
Julia Caulfield  
Matt Hoisch  
Paul Wisor  
Blake Builder  
Kari Clements  
Joe Solomon

### **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 Jack Gilbride and seconded by Dan Caton, Council voted unanimously to enter into Executive Session for the purposes 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 8:32 a.m.

Council returned to open session at 9:41 a.m.

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

No public comment was received.

### **Consideration of Approval Minutes: (5)**

Deputy Town Clerk Susan Johnston presented.

#### **a. December 12, 2019 Regular Town Council Meeting**

On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to approve the December 12, 2019 Regular Town Council meeting minutes as presented.

**Liquor Licensing Authority: Quasi-Judicial (6)**

**a. Consideration of Re-Certification of the Mountain Village Promotional Association and Common Consumption Area**

Susan Johnston presented. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted unanimously to approve an application for re-certification of the Mountain Village Promotional Association and Common Consumption area expansion to include the Conference Center Plaza contingent upon State approval of the Modification of Premises application submitted by Telluride Conference Center.

**Consideration of a Resolution Designating Posting Locations for the Town's Ordinances and Public Notices (7)**

Assistant Town Attorney Jim Mahoney presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to adopt a Resolution designating posting locations for the Town's Ordinances and public notices as presented.

**Telluride Regional Airport Authority (TRAA) Bi-Annual Report (8)**

Telluride Regional Airport Manager Kenny Maenpa and Board Chair Larry Crosby presented the bi-annual report. Mr. Crosby announced that he will be leaving the Board as of February 13, 2020. The vacancy will be advertised and filled at the February 20, 2020 Town Council meeting. Council discussion ensued.

**Consideration of Appointments: (9)**

**a. One at Large Alternate Seat for a Two-Year Term on the Green Team Committee**

Business Development and Sustainability Manager Zoe Dohnal presented. Applications were received from Inga Johansson, Richard Child and Marla Meredith. The Green Team recommendation was Inga Johansson. Council thanked Mr. Child and Ms. Meredith for their interest to serve. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to appoint Inga Johansson to the at large alternate seat for a two-year term on the Green Team Committee.

**Green Team Quarterly Report (10)**

Zoe Dohnal and Green Team Co-Chair Jonathan Greenspan presented the report. Council discussion ensued. Council consensus was to have the Mayor sign a letter of support for SB20-010 repealing the ban on Local Government regulation of single use plastics.

**Staff Reports: (11)**

**a. Business Development & Sustainability**

Zoe Dohnal presented her report. Council discussion ensued.

**b. Town Manager**

Kim Montgomery presented her report. Jim Soukup updated Council on email whitelisting and the fiber network.

**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 (This Item was Continued from the November 21 and December 12, 2019 Council Meetings) Quasi-Judicial (12)**

Senior Planner John Miller presented. Patrick Berry recused himself due to his affiliation with Telluride Ski & Golf (TSG). Director of Operations Blake Biller and TSG CEO Bill Jensen addressed Council. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted 5-0 (with Patrick Berry recused and Natalie Binder absent) to approve on first reading an Ordinance regarding a rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lot 640A and transfer 12 employee apartment density units (36-person equivalent density) to the subject lot, and to set a second reading, public hearing and final Council vote for February 20, and with the following conditions:

1. All parking required by the CDC shall be provided by Mountain View Apartments. Parking shall be constructed on-site prior to the issuance of a final building permit and shall be subject to the applicable Design Review Process.
2. The applicant will work with the town to preserve park space and/or access to the open space area.
3. The owner of Lot 640A shall be required to submit a Design Review Process application to

- the DRB for design approval consistent with the representation on massing, scale, and siting as presented and approved in the rezoning and density transfer.
4. 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.
  5. In the event the final building siting for the additional density does not fit entirely on Lot 640A, the applicant shall replat Lot 640A and OSP-35A so that all improvements are within Lot 640A.
  6. The owner of record of density shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.

And to allow Mayor Benitez and Dan Caton to discuss non density transfer and rezone items with the applicant.

The Mayor stepped out of the meeting.

**Consideration of Blue Mesa Lodge Rezoning: Quasi-Judicial (13)**

- a. **Blue Mesa Lodge Lot 42, Unit 21C (This Item was Continued from the November 21 and December 12, 2019 Town Council Meetings and is to be continued to the February 20, 2020 Meeting**
  - i. **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**
  - ii. **Consideration of a Resolution Approving a Variance to the Lodge Parking Space Requirement Pursuant to CDC Section 17.4.16**

John Miller presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to continue the above items to the February 20, 2020 Town Council meeting.

- b. **Blue Mesa Lodge Lot 42B, Units 22A, 22B and 22C**
  - i. **Second Reading, Public Hearing and Council Vote of an Ordinance Regarding a) a Rezone and Density Transfer Application to Rezone Blue Mesa Lodge (Lot 42B) Units 22A, 22B and 22C from Three (3) Efficiency Lodge Zoning Designation to Lodge Zoning Designation Quasi-Judicial**

Planner Sam Starr presented. The Mayor Pro Tem Dan Caton opened the public hearing. No public comment was received. The Mayor Pro Tem closed the public hearing. On a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted 5-0 (Mayor Benitez and Natalie Binder were absent) to adopt an Ordinance regarding a) a Rezone and Density Transfer Application to rezone Blue Mesa Lodge (Lot 42B) Units 22A, 22B and 22C from three Efficiency Lodge Zoning designation to Lodge Zoning designation with the following findings and conditions:

Findings:

1. The applicant has the requisite required density of .75 person equivalents to execute a rezone from efficiency lodge to lodge zoning designation.
2. The applicant has met or exceeded the parking requirement of .5 parking spaces.
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.
4. The Variance to the lodge zoning definition is justified and meets the variance criteria.

Conditions:

1. The applicant shall submit a condo map amendment and associated declarations, to the Town for review and approval showing the Units 22A, 22B, and 22C as one renumbered lodge unit and cross-reference the approval of a variance Resolution to the definition of a lodge zoning designation.
2. The Lot list shall be updated to reflect the rezone from three efficiency lodge units to one lodge unit.

**Second Reading, Public Hearing and Council Vote on an Ordinance Regarding the Community Development Code (CDC) Amendments to Design Variations at Section 17.4.11.E.5 and Building Design Section 17.5.6 Legislative (14)**

Director of Planning and Development Services Michelle Haynes presented. The Mayor Pro Tem opened the public hearing. No public comment was received. The Mayor Pro Tem closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council vote 5-0 (Mayor Benitez and Natalie Binder were absent) to adopt an Ordinance regarding the Community Development Code Amendments to design variations at Section 17.4.11.E.5 and building design, Section 17.5.6 with the following finding:

- 1) Consistent with CDC Section 17.1.7, the CDC amendment was initiated by the Town Council

Council took a lunch break from 11:46 p.m. to 12:12 p.m. (15)

**Finance: (16)**

Director of Finance Kevin Swain presented.

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

Mayor Benitez returned to the meeting.

- b. **Consideration of the November 30, 2019 Financials**

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to approve the November 30, 2019 Financials as presented.

**Consideration of a Second Amendment to the Amended and Restated Intergovernmental Agreement for the Construction and Ownership of a Joint Service Facility Between Mountain Village and Fire District and Consideration of the Associated Real Estate Contract for the Sale of the Third Floor to the Fire District (This Item has been Continued to the February 20, 2020 Town Council Meeting) (17)**

Jim Mahoney presented stating that the details of this item were still being negotiated. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to continue this item to the February 20, 2020 Town Council meeting.

**Consideration of a Resolution Regarding a Minor Subdivision on Lot 601, Knoll Estates, to Remove Existing Town Earthwork Easements on the Property Quasi-Judicial (18)**

Planner Sam Starr presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to adopt a Resolution regarding a minor subdivision on Lot 601, Knoll Estates, to remove existing Town earthwork easements on the property with the following conditions:

- 1) The Applicant will work with staff to complete the required Resolution and legal instrument that will recognize removal of the earthwork easements.
- 2) The applicant will pay all necessary fees to record legal documents with the San Miguel County Clerk and Records office within six months of approval.
- 3) Staff and legal have the authority to provide ministerial and conforming comments on any legal instruments prior to recordation.

**First Reading, Setting of a Public Hearing, and Council vote on an Ordinance Regarding a Rezone and Density Transfer to Rezone Belvedere, Lot 27, Phase I, Units 2 and 3 from Two (2) Condominium Zoning Designation Units, to One (1) Condominium Zoning Designation Unit Quasi-Judicial (19)**

Sam Starr presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Marti Prohaska, Council voted 6-0 (Natalie Binder was absent) to approve on first reading an Ordinance regarding a rezone and density transfer to rezone Belvedere, Lot 27, Phase I Units 2 and 3 from two (2) condominium zoning designations units to one (1) condominium zoning designation unit with the following findings and conditions:

Findings:

1. The applicant has the requisite required density of three person equivalents to execute a rezone from condominium to condominium zoning designation.
2. The applicant has met or exceeded the parking requirement of one parking space.

3. The application meets the criteria for decision as detailed within this staff memo of record.

Conditions:

1. The applicant shall submit a condominium map amendment and associated declarations, to the Town for review and approval showing the Units 2 and 3 as one(1) renumbered Condominium Unit prior to issuance of a certificate of occupancy to combine the units.
2. The lot list shall be updated to reflect the rezone from two (2) Condominium units to one (1) Condominium unit.
3. The applicant intends to hold the excess density in the density bank.
  - a. The Town will issue a density bank certificate.
  - b. The owner is responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.
4. The approved Ordinance and density certificate must be submitted as part of the owner's building permit application prior to work commencing.
5. The applicant has agreed to keep two (2) parking spaces, above the one (1) parking space requirement, consistent with DRB's recommendation to Council.
6. As part of the building permit, the applicant must decommission one (1) kitchen to a wet bar as defined by the CDC, consistent with the definition of a multi-family dwelling unit.

And to set the second reading, public hearing and final Council vote for February 20, 2020.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Community Development Code Amendment to Section 17.5.12, Lighting Regulations, to Allow for Architectural and Landscape Lighting Pursuant to a Design Variation *Legislative (20)***

John Miller and Michelle Haynes presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted 6-0 (Natalie Binder was absent) to approve on first reading an Ordinance regarding a Community Development Code amendment to Section 12.5.12, Lighting Regulations, to allow for architectural and landscape lighting pursuant to the design variation and to set the second reading, public hearing and final vote to February 20, 2020.

**Consideration of a Resolution Approving a Class 5 Access Tract Dedication Application for Tracts 24-B and F-37A, located at Upper Benchmark Drive *Quasi-Judicial (21)***

John Miller and Jim Mahoney presented. Attorney Joe Solomon (representative for Cal Akin) provided public comment. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to adopt a Resolution approving a Class 5 Access Tract Dedication Application for tracts 24-B and F-37A, located at Upper Benchmark Drive and to authorize the Mayor to execute the Benchmark Agreement in the form substantially similar to the form presented.

**Village Court Apartments (VCA) Monthly Update(22)**

Director of Public Works Finn Kjome and Michelle Haynes presented.

**Council Boards and Commissions Updates: (23)**

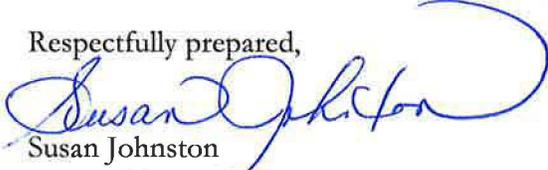
- a. **San Miguel Watershed Coalition-Starr**
- b. **Colorado Flights Alliance-Gilbride**
- c. **Transportation & Parking-Duprey/Benitez**
- d. **Budget & Finance Committee- Gilbride/Duprey**
- e. **Gondola Committee-Caton/Berry**
- f. **Colorado Communities for Climate Action-Berry**
- g. **San Miguel 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: (24)**

Patrick Berry announced that he was elected to the Telluride Tourism Board. Council instructed staff to add Telluride Tourism Board to the Council Boards and Commissions updates and remove San Migue Watershed.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to adjourn the meeting at 1:00 p.m.

Respectfully prepared,



Susan Johnston  
Deputy Town Clerk

Respectfully submitted,



Kim Montgomery  
Town Manager