



TOWN OF MOUNTAIN VILLAGE
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TOWN OF MOUNTAIN VILLAGE MINUTES OF THE FEBRUARY 20, 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, February 20, 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
Patrick Berry
Pete Duprey
Natalie Binder (Left the meeting at 3:00 p.m.)

The following Town Council members were absent:

Marti Prohaska

Also in attendance were:

Kim Montgomery, Town Manager
Susan Johnston, Deputy Town Clerk
Christina Lambert, Deputy Town Clerk
David Reed, Town Attorney
Jim Mahoney, Assistant Town Attorney
Andrew Boyko, Associate 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
Steve Lehane, Broadband Services Director
Michelle Haynes, Director of Planning and Development Services
John Miller, Senior Planner
Like Adamson, Tenant Manager
Jim Soukup, Chief Technology Officer
Finn Kjome, Director of Public Works
Rob Johnson, Transit Manager
Jim Loebe, Director of Transit and Recreation
Chuck Thomlinson, Human Resources Coordinator
Kim Wheels

Bill Jensen
Tim Johnson
Banks Brown
Pam Pettee
Anton Benitez
Doug Tooley
Stephanie Fanos
Stefanie Solomon
Jeff Proteau
Garrett Bradford
Keith Brown
David Averill
Tom Kennedy
Julia Caulfield
Dr. Louis Alaia
Amelia Martin
Blake Builder
Thomas Scruton
Yvette Rauff
Tim Erdman

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 Patrick Berry 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 8:31 a.m.

Council returned to open session at 9:57 a.m.

Public Comment on Non-Agenda Items (4)

Consideration of Approval Minutes: (5)

Deputy Town Clerk Susan Johnston presented.

a. December 12, 2019 Regular Town Council Meeting

On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted unanimously to approve the December 12, 2019 Regular Town Council meeting minutes as presented.

b. Revision to the October 17, 2019 Regular Town Council Meeting Minutes

On a **MOTION** by Jack Gilbride and seconded by Peter Duprey, Council voted unanimously to approve the revision to the January 16, 2020 Regular Town Council meeting minutes.

Consideration of a Telluride Regional Airport Authority (TRAA) Appointment: (6)

a. One Regular Seat to Replace Lawrence Crosby's Vacated Seat Which Expires July 2023

Susan Johnston presented. Applications were received from alternate Board member Tom Richards and Banks Brown. Mr. Brown addressed Council. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Natalie Binder, Council voted unanimously to appoint Tom Richards to the regular seat vacated by Lawrence Crosby and Banks Brown to the alternate seat both expiring July 2023.

Consideration of Approval of an Amended and Restated Intergovernmental Agreement Concerning the Establishment of the Western Colorado Regional Dispatch Center Providing Emergency Dispatch Services Throughout Western Colorado (7)

Chief of Police Chris Broady presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve the Amended and Restated Intergovernmental Agreement concerning the establishment of the Western Colorado Regional Dispatch Center providing emergency dispatch services throughout Western Colorado.

Discussion Regarding Community Development Code (CDC) Amendments to the Planned Unit Development Regulations at CDC Section 17.4.12 and Hotbed Development and Condominium-Hotel Regulations at CDC Section 17.3.15 to Simplify, Clarify and Correct Errors (8)

Planning and Development Services Director Michelle Haynes and Assistant Town Attorney Jim Mahoney presented. Council discussion ensued. Council directed staff to continue discussions with community members and to agendaize a worksession in March to discuss the changes to the PUD. Public comment was received by Douglas Tooley and Stephanie Fanos.

On a **MOTION** by Jack Gibride and seconded by Dan Caton, Council voted unanimously to convene as the Mountain Village Housing Authority.

Mountain Village Housing Authority: (9)

a. Consideration of the Village Court Apartments (VCA) Advisory Committee Framework

Michelle Haynes and Luke Adamson presented. Council discussion ensued. Public comment was received by Douglas Tooley and Pam Pettee. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the VCA Advisory Committee framework provided in attachment A.

b. Consideration of the Recommendation from the VCA Committee Regarding Five VCA Resident Seats and Appointment of Five Resident Committee Members-Interviews are Optional

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted to appoint the following candidates to the VCA Resident Advisory Committee:

1. Matthew Lewis – one-year term
2. Pam Pettee- one-year term
3. Ursula Cristol- two-year term
4. Amelia Martin – two-year term
5. Citlali Casillas – two-year term

On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to re-convene as the Mountain Village Town Council.

Village Court Apartments (VCA) Monthly Update(10)

Director of Public Works Finn Kjome and Michelle Haynes presented stating that progress was being made on the work plan.

Consideration of the Creation of a Council Advisory Committee on Compensation and Benefits, Adoption of Bylaws and Appointment of Committee Members (11)

Town Attorney David Reed and Associate Town Attorney Andrew Boyko presented. Council discussion ensued. Council directed staff to revise the bylaws with revisions to be reviewed by Patrick Berry and Pete Duprey. Approval of the Employee Development bylaws will be agendized in March. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to create the Employee Development Committee and directed staff to present revised bylaws to Council at the March 19, 2020 Town Council meeting.

Finance: (12)

Director of Finance Kevin Swain presented.

a. Presentation of the January 31, 2020 Business & Government Activity Report (BAGAR)

b. Consideration of the December 31, 2019 Financials

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

c. Consideration and Ratification of the 2021 Budget Process

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the 2021 Budget process as presented.

Council moved to Agenda Item 22 Staff Reports.

Discussion Regarding a Request for Additional Funding for the Fiber to Home Project to Include Fiber from the Curb to the Home and Fiber from Outside the Home to Inside the Home, Condominium or Multi-Family (14)

Chief Technology Officer Jim Soukup presented. Council discussion ensued. Council consensus was in favor of Option 2 where the install cost for the improvements will be billed back to customers over a time period or in one installment on their monthly broadband bill. The Technology Committee was authorized to determine payment options and communicate the options to the public. As part of the procurement process, Council authorized the Mayor to sign a waiver of bid with Lightworks to proceed with the work.

Second Reading, 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 Quasi-Judicial (15)

Jim Mahoney and Senior Planner John Miller presented. Patrick Berry recused himself due to his affiliation with Telluride Ski & Golf (TSG). The Mayor made the following statement, "I want to disclose that after the hearing on first reading I had a brief conversation with the applicant in the hallway outside of Council Chambers. During that discussion I only reiterated the points that I had made in the first reading public hearing and emphasized the need to continue negotiations on the matters brought up throughout this application which was a condition of the first reading hearing. I don't believe that that conversation in any way limits my ability to consider the second reading in one way or another and that I did vote in favor of the application on first reading with conditions that I felt needed to be met." The Mayor opened the public hearing. Applicant Jeff Proteau and TSG Attorney Stefanie Solomon addressed Council. No public comment was received. Council discussion ensued. The Mayor closed the public hearing. On a **MOTION** by Natalie Binder and seconded by Jack Gilbride, Council voted 5-0 (with Patrick Berry recused and Marti Prohaska absent) to adopt 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 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. Parking shall be actively managed by the Property Owner and shall require parking passes to be issued to the residents in accordance with the Town's Parking Requirements.
2. The applicant will work with the Town to preserve park space and/or access to the open space area. At a minimum, the applicant will provide the features described and required in the Comprehensive Plan and detailed in the Staff Memo.

3. The applicant will provide additional fencing to augment the landscape buffer adjacent to Northstar per the Comprehensive Plan.
4. The applicant will resolve access to the park by granting the Town an easement for access from Adams Ranch Road to the Open Space Parcel OSP-35A.
5. 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.
6. 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.
7. 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.
8. 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.
9. TSG shall discuss in good faith with the Town regarding the following four items and staff and TSG shall report back to the Town Council prior to filing the required replat application:
 - Plans for transportation enhancements,
 - Trails and pedestrian accessibility,
 - Meadows Park,
 - Parking in the Meadows Subarea

Consideration of Blue Mesa Lodge Rezoning: Quasi-Judicial (16)

- a. **Blue Mesa Lodge Lot 42, Unit 21C (This Item was Continued from the November 21 and December 12, 2019 and February 20, 2020 Town Council Meetings)**
 - 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**

John Miller presented stating that this is the first application requesting a parking variance. Applicant Tom Skruton addressed Council. Council discussion ensued. Public comment was received by Keith Brown. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 5-1 (with Patrick Berry dissenting and Marti Prohaska absent) to approve on first reading an Ordinance regarding 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 with the following findings and conditions:

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. At the time the requisite parking is obtained, then the parking requirement for Unit 21-C will be met.
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.
4. A 2/3 partition wall is adequate to interpret that the unit consists of two rooms, comporting with the definition of a lodge zoning designation unit.

Conditions:

1. The applicant should work with the Blue Mesa HOA to update the declarations to recognize Unit 21-C as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. Prior to the recordation of the Ordinance approving the Density Transfer and Rezone, the applicant shall demonstrate that the requisite parking of 0.5 units has been obtained within the Blue Mesa Lodge.

4. The applicant shall demonstrate that the required requisite density has been acquired prior to recording the associated ordinance rezoning Unit 21-C from efficiency lodge to lodge unit.

and to set the second reading, public hearing and final Council vote for March 19, 2020.

On a **MOTION** by Jack Gilbride and seconded by Pete Duprey Council voted unanimously to extend the meeting beyond 6 hours.

ii. Consideration of a Resolution Approving a Variance to the Lodge Parking Space Requirement Pursuant to CDC Section 17.4.16 (this should be considered 1st and then the Ordinance)

John Miller presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 5-1 (with Patrick Berry dissenting) to deny a Resolution regarding a variance to the CDC parking requirement standards granting deviations to the required 0.5 parking spaces for Unit 21-C with the following findings:

1. The Variance application does not meet the criteria for decision as detailed in the staff memo of Record dated February 7, 2020.

b. First Reading, Setting of a Public Hearing and Council Vote of an Ordinance Regarding a Rezone and Density Transfer Application for Blue Mesa Lodge Lot 42B, Unit 20B to Rezone from Efficiency Lodge Zoning Designation Quasi-Judicial

John Miller presented. Public comment was received by Tom Scruton. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted 6-0 (Marti Prohaska was absent) to approve on first reading an Ordinance regarding a rezone and density transfer application for Blue Mesa Lodge Lot 42B, Unit 20B to rezone from Efficiency Lodge Zoning designation and to set the second reading, public hearing and final Council vote for March 19, 2020.

Consideration of Approval of a Funding Agreement with SMART to Provide Regional Transportation Services (17)

Director of Transit and Recreation Jim Loebe presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Pete Duprey, Council voted unanimously to approve a funding agreement with SMART to provide regional transportation services.

Council moved to agenda item 21

Second Reading, 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 (18)

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 6-0 (Marti Prohaska was absent) to adopt 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.

Second Reading, 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 (19)

John Miller and Michelle Haynes presented. The Mayor opened the public hearing. Public comment was received by Evette Roth. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-0 (Marti Prohaska was absent) to adopt 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.

Natalie Binder left the meeting at 3:00 p.m.

Consideration of a Resolution Regarding a Minor Subdivision on Lots AR-34, AR-35 and AR-36, 102 Single Tree Ridge, to Remove Existing Town Irrigation Easement on the Property (20)

John Miller presented. Council discussion ensued. Public comment was received from Attorney Tom Kennedy, representative for the applicant. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council approved unanimously to approve a Resolution regarding a minor subdivision on Lots AR-34, AR-35 and AR-36, 102 Single Tree Ridge, to remove existing Town irrigation easement on the property and with the following conditions:

1. The applicant shall work with Town Staff to record the finalized resolution approving the vacation of the irrigation easement and associated improvement survey plat.
2. The applicant shall pay all necessary fees associated with the recordation of all required documents with the San Miguel County Clerk and Records Office.
3. Town Staff and Legal have the authority to provide ministerial changes on any associated legal instruments prior to recordation with the San Miguel County Clerk and Records Office, provided the changes are not substantial.

Council moved to agenda item 24.

Consideration of a Town Hall Parking and Plaza License Agreement and Town Hall Parking Lot Management Agreement (21)

Jim Mahoney presented. The Mayor asked Mayor Pro tem Dan Caton to lead the meeting for this item due to her relationship with Anton Benitez. TMVOA representatives, Anton Benitez and Garrett Brafford were in attendance. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Natalie Binder, Council voted unanimously to approve a Town Hall Parking and Plaza License Agreement and Town Hall Parking Lot Management Agreement.

Moved back to agenda item 18

Staff Reports: (22)

a. Technology & Broadband Services

Chief Technology Officer Jim Soukup presented the broadband and technology reports. Council discussion ensued.

b. Human Resources

Director of Human Resources Sue Kunz presented her report. Council discussion ensued.

c. Town Manager

Kim Montgomery presented her report. Council discussion ensued.

Council took a lunch break from 11:46 to 12:09(13)

Council Boards and Commissions Updates: (23)

- a. Telluride Tourism Board-Berry
- 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. Business Development Advisory Committee-Caton (meet 4 times a year)
- o. Mayor's Update- Benitez

Council moved to agenda item 14.

Consideration of Approval of a Recommendation by the Green Team to Consider Amending the Renewable Energy Mitigation Program (REMP) Worksheet to Allow for the Option to Purchase Off-Site Solar Panels at the Last Dollar Solar Array in Lieu of an Energy Mitigation Payment to the Town (24)

Business Development and Sustainability Senior Manager Zoe Dohnal presented. Council discussion ensued. Public comment was received by Kim Wheels and Tim Erdman. On a **MOTION** by Jack Gilbride and seconded by Dan Caton Council voted 4-1 (with Patrick Berry dissenting) to deny the approval.

Other Business: (25)

Zoe Dohnal presented letters of support to the State for a polystyrene and single use plastics ban. Council consensus was in favor of the letters of support. There being no further business, on a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 3:21p.m.

Respectfully prepared and submitted,



Susan Johnston
Deputy Town Clerk

