

**TOWN OF MOUNTAIN VILLAGE
SPECIAL TOWN COUNCIL MEETING
THURSDAY, JUNE 4, 2020, 8.30 AM
TO BE HELD REMOTELY VIA ZOOM WEBINAR**

AGENDA

<https://zoom.us/j/96740379807?pwd=UnBLdGZWTIRMZDYzVTh2SUJHjdYdz09>

(see login details below)

	Time	Min	Presenter	Type	
1.	8:30				Call to Order
2.	8:30	40	Mahoney	Legal	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
3.	9:10	20	Mahoney	Action	Consideration of an Emergency Ordinance Amending Emergency Ordinance 2020-06 Concerning the Coronavirus (Covid-19) Public Health Emergency in Order to Add Language Imposing Penalties for Violations of Lawfully Enacted Public Health Orders within San Miguel County
4.	9:30	20	Haynes Montgomery Mahoney	Work Session	Discussion Regarding the Request For Proposal (RFP) for the Potential Sale of Village Court Apartments (VCA)
5.	9:50	10	Katz	Informational	Update on Re-Opening of Mountain Munchkins
6.	10:00	15	Montgomery Mahoney Benitez	Informational	County Health Order Update
7.	10:15	10	Council Members	Work Session	Other Business 1. Discussion Regarding Face Covering Requirements
8.	10:25				Adjourn

Please note that times are approximate and subject to change

To join the Zoom Webinar Meeting from Computer or Mobile Device download the Zoom App in the Appstore or go to the link below.

You are invited to a Zoom webinar.

When: Jun 4, 2020 08:30 AM Mountain Time (US and Canada)

Topic: Town Council Special Meeting June 4, 2020

Please click the link below to join the webinar:

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SJ

6/01/20

Public Comment Policy:

- The Town Council will take your comments during all virtual Town Council meetings through the zoom conference app for items proper to receive public comment via the written comment feature on zoom.
- Please do not comment until the presiding officer opens the agenda item to public comment. Public comments submitted outside of the proper time may not be considered.
- All those wishing to give public comment must identify their full name and affiliation, if any, to the Town of Mountain Village.
- Please keep your comments as brief and succinct as possible as they will be read aloud at the meeting. Please refrain from repeating what has already been said by others in the interest of time. You may simply state that you agree with a previous speaker's comments.
- Commenters shall refrain from personal attacks and maintain a civil tone while giving public comment.

MEMORANDUM

To: Mayor and Town Councilors

Agenda Item 3

From: James Mahoney

Date: June 2, 2020

Re: Ordinance Amending Emergency Ordinance 2020-06 Concerning the Coronavirus (Covid-19) Imposing Penalties for Violations of Lawfully Enacted Public Health Orders.

Purpose: You will find in your packets a proposed Ordinance Amending Emergency Ordinance 2020-06 (“Covid-19 Ordinance”) which empowered the Town of Mountain Village to take certain actions to address the public health emergency. Due to how various public health orders have progressed and the ability of additional businesses to open including short term lodging businesses, it was important to look back at the Covid-19 Ordinance to determine if it should be amended in any way as things have changed.

The Covid-19 Ordinance enacted emergency police powers and enforcement mechanisms at the very beginning of the pandemic enabling quick action should it be necessary; however, it did not enact Mountain Village municipal penalties for violations of State and County public health orders as at the time those orders were broad and directly enforceable through San Miguel County’s public health authority. While the enforcement through San Miguel County’s public health authority remains, the opening of additional businesses including short term lodging subject to numerous limitations, rules and regulation may warrant the ability of the Town of Mountain to impose its own penalties for violations of validly enacted public health orders.

The ordinance amending the Covid-19 Ordinance included in your packets adds this ability and also allows the Mountain Village to revoke a business license for violations of a public health order after notice and hearing. Below is a proposed motion.

Motion:

Approval: I move to approve the Emergency Ordinance Amending Emergency Ordinance 2020-06 Concerning the Coronavirus (Covid-19) Public Health Emergency Imposing Penalties for Violations of Lawfully Enacted Public Health Orders.

**AN EMERGENCY ORDINANCE AMENDING ORDINANCE 2020-06 CONCERNING
THE CORONAVIRUS (COVID -19) PUBLIC HEALTH EMERGENCY IMPOSING
PENALTIES FOR VIOLATIONS OF LAWFULLY ENACTED PUBLIC HEALTH ORDERS
ORDINANCE 2020-_____**

RECITALS

WHEREAS, on March 10, 2020 Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to COVID-19; and

WHEREAS, the World Health Organization has declared COVID-19 to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in the State of Colorado and in San Miguel County; and

WHEREAS, the Town Council of the Town of Mountain Village confirms that protecting public health is the Council's top priority; and

WHEREAS, the Town Council through Resolution Number 2020-03-096 has declared a disaster pursuant to C.R.S. 24-33.3-709.

WHEREAS, The Town Council through Emergency Ordinance Number 2020-06, implemented certain emergency powers and enforcement powers to promote the health, safety and welfare of the public and the suppression of disease; and

WHEREAS, San Miguel County through Public Health Order 2020-06 has allowed for short term lodging to occur within San Miguel County subject to certain limitations, rules and restrictions;

WHEREAS, due to Public Health Order 2020-06 and the reopening of businesses including short term lodging, the Town Council finds it necessary to amend the enforcement powers of Emergency Ordinance Number 2020-06 to provide for specific penalties for business license holders who violate any provisions of a validly enacted public health order.

WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations, which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Town Council finds and determines that the adoption of this Ordinance amending Ordinance Number 2020-06 is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Town Council further finds and determines that the adoption of this Ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:

Section 1. Title. This Ordinance shall be known and may be cited as the “First Amendment to the Town of Mountain Village Coronavirus (COVID-19) Ordinance.”

Section 2. Intent. It is the intent of this Ordinance to amend the Mountain Village Coronavirus (COVID-19) Ordinance to provide for specific penalties for the violation of any validly adopted public health order by any business license holder within the Town of Mountain Village.

Section 3. Amendment to Section 5 of the Mountain Village Coronavirus (COVID-19) Ordinance: Section 5 of the Mountain Village Coronavirus Ordinance is hereby amended in its entirety to read as follows:

“Section 5. Enforcement Of Orders:

(a) The members of the Town’s Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the Mayor are hereby authorized and directed to enforce the orders, rules, and regulations made or issued pursuant to this Ordinance. All members of the public shall be deemed to have been given notice of all orders, rules, and regulations made or issued pursuant to this Ordinance upon their dissemination to the news media or publication on the Town website or other means of publicity.

(b) Until the Town Council has declared that the public health emergency has passed, no person shall:

(1) enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment.

(2) violate the provisions of this Ordinance.

(3) violate any of the orders duly issued by the Mayor or designee pursuant to Section 4 of this Ordinance.

(4) willfully obstruct, hinder, or delay any duly authorized Town officer, employee or volunteer in the enforcement or exercise of the provisions of this Ordinance, or of the undertaking of any activity pursuant to this Ordinance.

(5) violate any valid public health order issued by the State of Colorado or San Miguel County.

(c) It is unlawful and a misdemeanor offense for any person to violate any provision of this Ordinance. Any person convicted of a violation of this section shall be subject to a three hundred dollar (\$300.00) fine.

(d) Any violation of a valid public health order issued by the State of Colorado shall subject any Town of Mountain Village business license holder to suspension or revocation of such business license after notice and a fair public hearing by the Town Council.”

Section 5. Conflict With Other Laws: If any provision of this Ordinance conflicts with the Town Charter, the Town Charter shall control. If any provision of this Ordinance conflicts with any provision of the Mountain Village Municipal Code, this Ordinance shall control.

Section 6. Police Power Finding. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Mountain Village and the inhabitants thereof.

Section 7. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 31-15-401(1)(b) C.R.S., and the powers possessed by home rule municipalities in Colorado, and the Town Charter.

Section 8. Effective Date. This Ordinance shall take effect and be in full force immediately upon adoption by the Town Council.

Section 9. Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

ADOPTED AND APPROVED as an Emergency Ordinance this ___ day of _____, 2020.

TOWN OF MOUNTAIN VILLAGE, TOWN
COUNCIL

By: _____
Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

Jim Mahoney, Town Attorney

I, Kim Montgomery, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. _____ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved as an Emergency Ordinance with minor amendments by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 19th, 2020, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton				
Patrick Berry				
Natalie Binder				
Peter Duprey				
Jack Gilbride				
Marti Prohaska				

3. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this _____ day of _____, 2020.

Susan Johnston, Town Clerk

Town of Mountain Village

Date: 6/02/2020
To: Town Council
From: Zoe Dohnal, Business Development and Sustainability Senior Manager
Kathrine Warren, Public Information Specialist
Michelle Haynes, Planning and Development Services Director
Susan Johnston, Town Clerk
RE: Village Court Apartments Request for Proposal Communication Plan and Timeline

The following is an outline of the process for the public meetings regarding the VCA RFP (draft RFP available [here](#).) This process was designed to allow the public maximum access to provide comments or concerns regarding this topic. Three Community Forums have been scheduled prior to the Regular Town Council meeting on June 18. A translator will be provided for communication assistance if needed. This is a modification of the original communication plan that was scheduled in March.

Communication Timeline:

- Thursday, June 4 : Send letter from the Mayor in Spanish and English to VCA, by Eblast, Press Release, Blog and post on [VCA RFP website page](#)
- Friday, June 5 Inclusive notice will be posted for the forums (website & posting locations)
- **First Community Forum via Zoom: Tuesday, June 9 at 5 p.m.**
- **Second Community Forum via Zoom: Wednesday, June 10 at 11 a.m.**
- Thursday, June 11 Regular Town Council meeting agenda will be posted at physical locations & on website
- Regular Town Council packet posted online: Friday, June 12 by 5 p.m.
- **Third Community Forum via Zoom: Monday, June 15 at 5 p.m.**
- Regular Town Council Meeting Thursday, June 18 at 8:30 a.m.

Communication Efforts:

- Edit and resend letter from the Mayor in English and Spanish and provide dates for the three community forums. Letters will be printed and posted at each VCA residence.
- Email blast to VCA residents providing meeting details as well as Zoom meeting public comment policy
- Press Release, Blog
- Update VCA residents page and VCA RFP page on website
- Forum Notice will be posted in the Town's designated posting location (Town Hall, Post Office, Police Department, Meadows Post Office, VCA Office)
- Create website and Facebook event listings for webinars

- Post to VCA Facebook group page
- Three Community Forums prior to Town Council meeting with two or more Council members present
- Provide a translator during the Zoom Community Forums

**EMERGENCY ORDER OF THE MAYOR OF THE TOWN OF MOUNTAIN VILLAGE
REQUIRING FACE COVERINGS TO BE WORN INSIDE ALL PLACES OF PUBLIC
ACCOMODATION**

Order #2020-01

Effective June 5, 2020 at 12:01 AM MST

RECITALS

WHEREAS, on March 10, 2020 Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to COVID-19; and

WHEREAS, the World Health Organization has declared COVID-19 to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in the State of Colorado and in San Miguel County; and

WHEREAS, the Mountain Village Town Council through Resolution Number 2020-03-096 has declared a disaster pursuant to C.R.S. 24-33.3-709; and

WHEREAS, The Town Council through Emergency Ordinance Number 2020-06 (the “Town of Mountain Village Coronavirus (COVID-19) Ordinance”), implemented certain emergency powers and enforcement powers to promote the health, safety and welfare of the public and the suppression of disease; and

WHEREAS, the State of Colorado and San Miguel County through public health orders have opened up additional businesses in San Miguel County, including for short term lodging to occur within San Miguel County subject to certain limitations, rules and restrictions; and

WHEREAS, the Center for Disease Control and other public health agencies have recommended wearing face masks in settings where social distancing is harder to achieve which includes indoor places of public accommodation; and,

WHEREAS, due to the reopening of businesses and the anticipation of visitors to the Mountain Village and Telluride region, the Mayor has determined that issuing a Mayoral order requiring all employees, customers and the public to wear non-medical face coverings in all indoor places of public accommodation, and public transportation is necessary for the protection of life and property pursuant to Section 4(a) of the Town of Mountain Village Coronavirus (COVID-19) Ordinance and to have consistency in regulations between neighboring jurisdictions; and

WHEREAS, this Mayoral Order shall only be in effect until the Town of Mountain Village Town Council can consider an emergency ordinance regarding the subject matter of this Order at their June 11, 2020 special meeting.

ORDER:

1. Face Covering Requirement. It is hereby ordered that Face Masks shall be required to be worn by employees, customers and the general public when inside any place of Public Accommodation or on any method of public transportation within the Town of Mountain Village.
2. Definitions.
 - a. "Face Masks" means a uniform piece of material, made of cloth, or other soft or permeable material without holes, that securely covers a person's nose and mouth and which remains affixed in place without the need to use ones hands to hold or secure the material covering both the nose and mouth.
 - b. "Public Accommodation" means any place of business engaged in any sales to the general public or any place of business that offers services, facilities, privileges or advantages to the general public.
3. Enforcement. Enforcement of this Order shall be pursuant to the enforcement term as set forth in the Town of Mountain Village Coronavirus (COVID-19) Ordinance.

This Order shall be in effect until 5:00 p.m. local time on June 11, 2020.

Laila Benitez, Mayor

Date: _____

Attest:

Susan Johnston, Town Clerk