

TOWN OF MOUNTAIN VILLAGE
SPECIAL TOWN COUNCIL MEETING
THURSDAY, JANUARY 14, 2021, 3:00 PM
TO BE HELD REMOTELY VIA ZOOM WEBINAR
AGENDA **REVISED 4**
(see login details below)

https://zoom.us/webinar/register/WN_rQcwHjZhTJmvPheq12cXuw

Please note that times are approximate and subject to change

Updated 1.19.21

	Time	Min	Presenter	Type	
	3:00				Call to Order
1.	3:00	30			Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to Telluride Mountain Village Homeowners Association Election Pursuant to § 24-6-402(4)(b) and (e)
2.	3:30	5			Public Comment on Non-Agenda Items
3.	3:35	5	Johnston	Action	Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these Items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: a. Consideration of Approval of the December 3, 2020 Special Meeting Minutes b. Consideration of Approval of the December 10, 2020 Regular Town Council Meeting Minutes
4.	3:40	10	Wisor	Action	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Designating Posting Locations for the Town's Ordinances and Public Notices
5.	3:50	10	Wisor	Action	Consideration of an Emergency Ordinance to Amend Chapter 3.12 of the Mountain Village Municipal Code to Require Marketplace Facilitators to Collect and Remit the 4% Accommodations Tax
6.	4:00	5	Wisor	Action	Consideration for a Resolution for the Purchase of Cassidy Ridge Unit D-202
7.	4:05	20	Wisor	Informational	Update on Law Governing Local Governments and Elected Officials
8.	4:25	60	Ruther	Informational	Affordable Housing Worksession
9.	5:25	20	Adamson Haynes	Informational	Village Court Apartments Rent Waiver Discussion
10	5:45	10	Adamson Haynes	Informational Action	Village Court Apartments Quarterly Update a. Consideration of an Appointment to the Village Court Apartment Resident Committee
11	5:55	5	Wise	Action	Consideration of Approval for the Hiring of a Recently Vacated Full-Time Year-Round Groundskeeper Position and an additional Full Time Seasonal Groundskeeper Position in the Plaza Services Department
12	6:00	5	Katz	Action	Consideration of Approval for the Hiring of a Recently Vacated Mountain Munchkins Full-Time Staff Member
13	6:05	5	Haynes	Action	Consideration of Approval for the Hiring of a Recently Vacated Building Inspector Position in the Planning and Development Services Department
14	6:10	5	Wisor	Action	Consideration of Resolution to Approve an Intergovernmental Agreement to Provide Snowcat Grooming Services for Firecracker Sledding Hill
15	6:15	5			Other Business
16	6:20				Adjourn

1/02/21 SJ

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_rQcwHjZhTJmvPheq12cXuw

After registering, you will receive a confirmation email containing information about joining the webinar.

Public Comment Policy:

- The Town Council will take your comments during all virtual Town Council meetings through the zoom conference app through the raise hand function where when called for the presiding officer will acknowledge those who have used the raise hand function and unmute such speaker.
- Please do not comment or use the raise hand function until the presiding officer opens the agenda item to public comment.
- 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 and under two minutes. 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.
- No presentation of materials through Zoom screen sharing shall be allowed for non-agendized speakers unless submitted 48 hours prior to the meeting date.
- Commenters shall refrain from personal attacks and maintain a civil tone while giving public comment.
- Written materials must be submitted 48 hours prior to the meeting date in order to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted but shall not be included in the packet or be deemed of record.

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE DECEMBER 3, 2020
SPECIAL TOWN COUNCIL MEETING
DRAFT**

Agenda Item 3a

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, December 3, 2020. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Patrick Berry
Pete Duprey
Marti Prohaska
Jack Gilbride

The following Town Council members were absent:

Natalie Binder

Also in attendance were:

Kim Montgomery, Town Manager	Paul Major
Susan Johnston, Town Clerk	Huascar Gomez
Christina Lambert, Senior Deputy Town Clerk	Jolana Vanek
Paul Wisor, Town Attorney	Julia Caulfield
Kevin Swain, Director of Finance	Madeline Gomez
Julie Vergari, Chief Accountant	Peter Yates
Jaime Holmes, Director of Human Resources	Sherri Reeder
Zoe Dohnal, Business Development and Sustainability Senior Manager	Robert Stenhammer
Kathrine Warren, Public Information Specialist	Valerie Child
Michelle Haynes, Director of Planning & Development Services	Tom Kennedy
John Miller, Senior Planner	April Montgomery
Jim Loebe, Director of Transit & Recreation	Anton Benitez
Jim Soukup, Chief Technology Officer	John Wagner
Kate Burns, Controller	Joseph Solomon
Finn Kjome, Director of Public Works	
JD Wise, Assistant Director of Public Works	
Steven Lehane, Director of Broadband	

Executive Session: (1)

- i. For the Purpose of Receiving Legal Advice Related to Impact of Certain Changes to the Colorado Constitution on the Town Charter Pursuant to §24-6-402(4)(b)**
- ii. For the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to Telluride Mountain Village Homeowners Association Election Pursuant to § 24-6-402(4)(b) and (e)**

On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to enter into executive session for the Purpose of Receiving Legal Advice Related to Impact of Certain Changes to the Colorado Constitution on the Town Charter Pursuant to §24-6-402(4)(b) and for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations,

Developing Strategy for Negotiations, and Instructing Negotiators with Respect to Telluride Mountain Village Homeowners Association Election at 8:32 a.m. Patrick Berry and Marti Prohaska recused themselves from item ii.

Council returned to open session at 9:15 a.m.

Public Comment on Non-Agenda Items (2)

No public comment was received.

Consent Agenda: (3)

All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these Items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:

- a. **Consideration of Approval of the November 3, 2020 Special Meeting Minutes**
- b. **Consideration of Approval of the November 19, 2020 Regular Town Council Meeting Minutes**

On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve the Consent Agenda as presented.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Major PUD Amendment to Extend the Length of Validity and Vested Property Rights for a Site-Specific Development Plan for Lot 109R from December 8, 2020 to December 8, 2022 Quasi-Judicial(4)

Director of Planning & Development Services Michelle Haynes presented. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public comment. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted (6-0) to adopt an Ordinance regarding a Major PUD amendment to extend the length of validity and vested property rights for a site-specific Development Plan for Lot 109R from December 8, 2020 to December 8, 2022.

Consideration of a Resolution to Set a Parking Payment in Lieu Fee Consistent with Community Development Code Section 17.5.8.D.4 Parking Payment in Lieu Rate, to Satisfy the Parking Requirements Associated with a Density Transfer and Rezone Application for Six Units from Hotel Efficiency to Lodge Designation Lot 37, Columbia Place Condominiums (5)

Senior Planner John Miller presented. Council discussion ensued. Independent Representative for Columbia Place Robert Stenhammer thanked Council for their consideration. No public comment was received. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution to set parking payment at \$75,000 total in lieu fee consistent with Community Development Code Section 17.5.8.D.4 Parking Payment in Lieu Rate, to satisfy the parking requirements associated with a Density Transfer and Rezone application for six units from Hotel Efficiency to Lodge Designation Lot 37, Columbia Place Condominiums.

Consideration of a Resolution Approving an Intergovernmental Agreement by and Between the Town of Mountain Village and San Miguel County Authorizing the Collection of Town of Mountain Village Sales and Use Tax by San Miguel County (6)

Town Attorney Paul Wisor presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to adopt a Resolution approving an Intergovernmental Agreement by and between the Town of Mountain Village and San Miguel County authorizing the collection of Town of Mountain Village sales and use tax by San Miguel County.

Consideration of an Emergency Ordinance Amending Chapter 5.01 – Business Licenses (7)

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted 6-0 (Natalie Binder was absent) to adopt an Emergency Ordinance amending Chapter 5.01 – Business Licenses.

Consideration of a Resolution Amending the Bylaws for all Committees Excluding Business Development Advisory Committee and Finance Committee (8)

Paul Wisor presented. The Resolution designates that Council members will serve as the chair and co-chair of the committees. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to approve a Resolution amending the Bylaws for all Committees excluding Business Development Committee and Finance Committee.

Consideration of a Resolution Amending the Bylaws for the Town of Mountain Village Business Development Advisory Committee (BDAC) (9)

Paul Wisor presented stating that this Resolution proposes adding a merchant seat. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted unanimously to adopt a Resolution amending the Bylaws for the Town of Mountain Village Business Development Advisory Committee. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to appoint Kevin Jones to the added merchant seat.

Consideration of a Resolution Dissolving the Town of Mountain Village Finance Committee (10)

Paul Wisor presented stating that this Resolution would dissolve the Employee Development and Conference Center Committees. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to adopt a Resolution dissolving the Town of Mountain Village Employee Development and Conference Center Committees.

Discussion and Review of Lottery Parameters for the Sale of Town of Mountain Village Employees Units Cassidy Ridge Unit D-202 and Cassidy Ridge Unit C-201 (11)

Town Manager Kim Montgomery presented. Council discussion ensued.

Council moved to agenda item 14.

Telluride Foundation Update (12)

Paul Major presented and asked Council if they would consider supporting the Good Neighbor Fund. Council discussion ensued. Council decided to talk offline to determine if funds could be allocated.

Discussion of Public Personal Protective Equipment (PPE) Options (13)

Assistant Public Works Director JD Wise presented. Council discussion ensued regarding making KN95 masks available to businesses and people at risk. Council directed staff to move forward with purchasing the mask and distribute them weekly from three locations: Village Court Apartments, the Mountain Village Blvd. Gate House, and the Meadows Post Office. Public comment was received from Jolana Vanek.

Town Council Informational Council Boards and Commissions Updates (14)

1. **Telluride Tourism Board – Berry**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Benitez/Duprey**
4. **Budget & Finance Committee – Gilbride/Duprey**
5. **Gondola Committee – Caton/Berry**
6. **Colorado Communities for Climate Action – Berry**
7. **San Miguel Authority for Regional Transportation (SMART) –Caton/Prohaska**
8. **Eco Action Partners – Berry/Prohaska**
9. **Telluride Historical Museum – Prohaska**
10. **Telluride Conference Center – Gilbride/Binder**
11. **Alliance for Inclusion – Binder**
12. **Green Team Committee – Berry/Prohaska**
13. **Business Development Advisory Committee – Caton/Benitez**
14. **Mayor’s Update – Benitez**

Council moved to agenda item 12.

Other Business (15)

There was no other business

There being no further business, on a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to adjourn the meeting at 10:36 p.m.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE DECEMBER 10, 2020
REGULAR TOWN COUNCIL MEETING
DRAFT**

Agenda Item 3b

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, December 10, 2020. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Patrick Berry
Pete Duprey
Natalie Binder
Marti Prohaska
Jack Gilbride

The following Town Council members were absent:

Also in attendance were:

Kim Montgomery, Town Manager	Madeline Gomez
Susan Johnston, Town Clerk	Julia Caulfield
Christina Lambert, Senior Deputy Town Clerk	Anton Benitez
Paul Wisor, Town Attorney	Tony Kalyk
Kevin Swain, Director of Finance	Tyler Newman
Julie Vergari, Chief Accountant	Trevor Browning
Chris Broady, Chief of Police	Amy Levek
Jaime Holmes, Director of Human Resources	Jonathan Greenspan
Lindsay Niehaus, Human Resources Coordinator	Piper Miller
Zoe Dohnal, Business Development and Sustainability Senior Manager	Peter Mitchell
Kathrine Warren, Public Information Specialist	Carly Reilly
Michelle Haynes, Director of Planning & Development Services	Cath Jett
John Miller, Senior Planner	Julia Newman
Amy Ward, Planner	
Luke Adamson, VCA Manager	
Jim Loebe, Director of Transit & Recreation	
Jim Soukup, Chief Technology Officer	
Steven Lehane, Director of Broadband	
Kate Burns, Controller	
Finn Kjome, Director of Public Works	
JD Wise, Assistant Director of Public Works	

Executive Session: (2)

- a. **Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to the Work Session to Discuss the Intergovernmental/Service Agreement Between the San Miguel County, the Town of**

Telluride, the Town of Mountain Village, and Marketing Telluride, Inc. Pursuant to § 24-6-402(4)(b) and (e)

b. Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to the Telluride Mountain Village Homeowners Association Election Pursuant to § 24-6-402(4)(b) and (e)

Patrick Berry recused himself from both executive session items. Marti Prohaska and Laila Benitez recused themselves for agenda item 2b. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to enter into executive session for the purpose of receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to the Work Session to Discuss the Intergovernmental/Service Agreement Between the San Miguel County, the Town of Telluride, the Town of Mountain Village, and Marketing Telluride, Inc. Pursuant to § 24-6-402(4)(b) and (e) and for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to the Telluride Mountain Village Homeowners Association Election Pursuant to § 24-6-402(4)(b) and (e) at 8:31 a.m.

Council returned to open session at 9:06 a.m.

Public Comment on Non-Agenda Items (3)

No public comment was received.

Consideration of Approval of the November 21, 2020 Executive Session Town Council Meeting Minutes (4)

Town Clerk Susan Johnston presented. On a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted unanimously to approve the November 21, 2020 Executive Session Town Council meeting minutes as presented.

Second Reading, Public Hearing and Council Vote on an Ordinance Amending the Town of Mountain Village Affordable Housing Deed Restriction (5)

Town Attorney Paul Wisor presented. 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 Jack Gilbride, Council voted 7-0 to adopt an Ordinance amending the Town of Mountain Village Affordable Housing Deed Restriction.

Finance: (6)

Director of Finance Kevin Swain presented.

a. Presentation of the November 30, 2020 Business & Government Activity Report (BAGAR)

Council discussion ensued.

b. COVID-19 Revenue Update

Council discussion ensued. Council directed staff to agendize a discussion for hardship applications for the January 21, 2020 Regular Town Council meeting.

c. Second Reading, Public Hearing and Council Vote on an Ordinance of the Town Levying Property Taxes for the Year 2020 to be Collected in 2021

The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Patrick Berry and seconded by Marti Prohaska, Council voted 7-0 to adopt an Ordinance of the Town levying property taxes for the year 2020 to be collected in 2021.

d. Second Reading, Public Hearing and Council Vote on an Ordinance Adopting the 2021 Budget and Revising the 2020 Budget

The Mayor opened the public hearing. The Mayor requested that the Town reallocate \$9,625 unused grant funding to Angel Baskets. Council consensus was to make the allocation. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 7-0 to adopt an Ordinance adopting the 2021 Budget and revising the 2020 Budget.

On a **MOTION** by Martinique Prohaska and seconded by Patrick Berry, Council voted unanimously to recess as the Mountain Village Town Council and 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: (7)

a. Consideration of a Resolution Adopting the 2021 Mountain Village Metro District Budget

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve a Resolution adopting the 2021 Mountain Village Metro District Budget.

b. Consideration of a Resolution Appropriating Sums of Money for 2020

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution appropriating sums of money for 2020.

c. Consideration of a Resolution Revising the 2020 Budget

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution revising the 2020 Budget.

d. Consideration of a Resolution Re -Appropriating Sums of Money for 2020

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution re-appropriating sums of money for 2020.

e. Consideration of a Resolution Setting the Mill Levy for 2020 to be Collected in 2021

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution setting the Mill Levy for 2020 to be collected in 2021.

On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to recess as the Board of Directors for the Dissolved Mountain Village Metro District and to re-convene as the Mountain Village Town Council.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Located at Lots 517 and 518, 146 Russell Dr., to Transfer One Single-Family Unit of Density into the Density Bank Quasi-Judicial (8)

Jack Gilbride recused himself as he owns property adjacent to the applicant. Planner Amy Ward presented. Council discussion ensued. The Mayor opened the public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted 6-0 (Jack Gilbride was recused) to adopt an Ordinance regarding a rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 to transfer one density unit (four-person equivalent density) to the Density Bank for Lot 517 with the following findings and conditions:

Findings:

1. The owner of record of density in the density bank 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.

Condition:

1. The density transfer approval is conditioned upon the minor subdivision plat approval by the Town Council.

Resolution Regarding a Minor Subdivision to Combine Lots 517 and Lots 518 into One Single Family Lot Quasi-Judicial (9)

Jack Gilbride recused himself as he owns property adjacent to the applicant. Amy Ward presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Patrick Berry, Council voted unanimously to adopt a Resolution for a minor subdivision for Lots 517 & 518 to replat into 518R and with the findings contained within the staff report of record dated December 2, 2020 and with the following conditions:

- 1) The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
- 2) Amend the plat prior to recordation to void the encroachment agreement for lot 518 at reception number 340741 for utilities and landscaping as it is no longer needed.

- 3) Staff will review the replat 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 execution of the final mylar.
- 4) The minor subdivision approval is conditioned upon final approval of a density transfer by Town Council.
- 5) Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

Consideration of a Resolution Regarding a Minor Subdivision to Adjust the Lot Line Between Lots 368 and 369 Quasi-Judicial (10)

Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Natalie Binder, Council voted unanimously to adopt a Resolution regarding a Minor Subdivision to adjust the lot line between Lots 368 and 369 subject to the following conditions:

1. The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
2. 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.
3. Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer Application to Rezone Columbia Place Condominiums (Lot 37) Units 5-12 (8 units total) from a Hotel Efficiency Zoning Designation to Lodge Zoning Designation Quasi-Judicial (11)

Natalie Binder recused herself because she owns property adjacent to the applicant. Senior Planner John Miller presented stating that the applicant has asked that this item be continued to the January 21, 2021 Regular Town Council meeting. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted 6-0 to continue the second reading, public hearing and Council vote on an Ordinance regarding a Rezone and Density Transfer Application to rezone Columbia Place Condominiums (Lot 37) Units 5-12 (8 units total) from a Hotel Efficiency Zoning Designation to Lodge Zoning Designation to the January 21, 2021 Regular Town Council meeting.

Consideration of Firm to Provide Consulting Services for 2011 Comprehensive Plan Amendment, Authorization to Execute a Contract for Services (12)

Director of Planning and Development Services Michelle Haynes presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Natalie Binder, Council voted unanimously to execute a contract with MIG & Associates to provide consulting services for 2011 Comprehensive Plan Amendment.

Discussion of Potential Future Village Court Apartment Ownership, Development and Operations Structures (13)

Paul Wisor and Michelle Haynes presented. Paul Wisor discussed the possibility of asking George Luther from the Vail Housing Authority to schedule a presentation and share his view on affordable housing in mountain communities. Council discussion ensued. Public comment was received from Steve Togni. Council directed staff to explore other affordable housing options and revisit the financial impact of a possible rent waiver. Council further directed staff to schedule an evening VCA Committee meeting to allow for public involvement. The committee meeting will be publicly noticed to allow for more than three Town Council members to attend.

Council to a break from 11:20 a.m. to 11:27 a.m.

Council moved to agenda item 15.

Telluride Conference Center Report (14)

Telluride Conference Center General Manager Tony Kalyk presented. Council discussion ensued.

Council moved to agenda item 17.

2021 Green Team Work Plan (15)

Cath Jett and Patrick Berry presented the Green Team Work Plan. Council discussion ensued.

Consideration of a Recommendation for Regional Green House Gas Reporting (16)

Patrick Berry and Marti Prohaska presented. Council discussion ensued. Public comment was received from Julia Newman, Cath Jett and Jonathan Greenspan. On a **MOTION** by Patrick Berry and seconded by Natalie Binder, Council voted 6-1 (with Dan Caton dissenting) to recommend utilizing Lotus Engineering for Regional Green House Gas Reporting.

Council moved to agenda item 14.

Consideration of Approval for the Hiring of a Recently Vacated Horticulture Specialist Position in the Plaza Services Department (17)

Assistant Director of Public Works JD Wise presented. Council discussion ensued. On a **MOTION** by Natalie Binder and seconded by Patrick Berry, Council voted unanimously to approve hiring a Horticulture Specials position in the Plaza Services Department.

Other Business (18)

There was no other business

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted unanimously to adjourn the meeting at 12:19 p.m.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk



Agenda Item 4

TO: Honorable Mayor Laila Benitez and Councilmembers
FROM: Paul Wisor, Town Attorney
RE: Ordinance [Designating Locations for Posting Notice of Public Meetings]
DATE: January 6, 2021

SUMMARY: Section 24-6-402(2)(c), C.R.S. requires the Town to annually designate the public place for posting notices in order to comply with the Colorado Open Meetings Law. At the first meeting of each year, staff has prepared, and Council has adopted, a resolution designating locations at which notice of meetings are to be posted in order to comply with the statute. In order to conserve time, the proposed ordinance permanently designates four locations, plus the Town's website as the permanent locations for posting notice of meetings.

BACKGROUND: The Colorado Open Meetings Law has long required municipalities to annually designate the public place for posting notices. However, in 2019, the Colorado General Assembly approved, and the Governor signed, HB 19-1087, which provides municipalities shall be deemed in compliance with the Colorado Open Meetings Law if a municipality designates its website as the public place for posting. The Town has long designated Mountain Village Town Hall, Mountain Village Town Hall Post Office, Mountain Village Police Station Bulletin Board, and Meadows Post Office, as well as the Town's website as the places for public posting. As such, the Town's past practices already comply with HB 19-1087. While the Town could merely post notices on its website, staff believes in the interest of full transparency it is a best practice to continue to post in locations throughout the community.

While state law indicates designation of posting locations should occur on an annual basis, the Town may invoke its home rule authority to satisfy the requirements of the Colorado Open Meetings Law through other approaches. No longer wishing to annually designate the same public places as the locations for posting notice of meetings, the proposed ordinance permanently designates Mountain Village Town Hall, Mountain Village Town Hall Post Office, Mountain Village Police Station Bulletin Board, and Meadows Post Office, as well as the Town's website as the locations for public posting of meetings. The proposed ordinance applies to all Council, Board and Commission meetings that are required to be noticed pursuant to state law.

FINANCIAL CONSIDERATIONS: None.

RECOMMENDATION: Staff recommends approval to comply with state statute.

PROPOSED MOTION: "I move to approve the proposed ordinance Designating Establishing Permanent Locations for Posting Notice of Public Meetings."

Thank you, Paul

ATTACHMENTS:

Exhibit A – Ordinance

**ADOPTING A NEW CHAPTER 1.04.100 OF TITLE 1 OF THE MOUNTAIN
VILLAGE MUNICIPAL CODE ESTABLISHING PERMANENT LOCATIONS
FOR POSTING NOTICE OF PUBLIC MEETINGS**

ORDINANCE NO. 2021-0114-

WHEREAS, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the Town of Mountain Village (“Town”), the Town Council (“Council”) has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, local public bodies, including Council, are required by the Open Meetings Law, and specifically §24-6-402(2)(c), C.R.S., to designate annually at the first regular meeting of each calendar year the locations at which public notice of each meeting will be posted at least twenty four (24) hours prior to each meeting; and

WHEREAS, Section 3.6(d) of the Town of Mountain Village Home Rule Charter authorizes Council to create any Boards and Commissions; and

WHEREAS, pursuant to Section 3.6(d) of the Town of Mountain Village Home Rule Charter, Council may establish rules governing the rules or procedures of any Board or Commission; and

WHEREAS, Boards and Commissions established by Council are “local public bodies” subject to the requirements of the Open Meeting Law, including the requirement found in §24-6-402(2)(c) to designate locations at which public notice of certain meetings will be posted at least twenty four (24) hours prior to each meeting; and

WHEREAS, Council wishes to comply with the requirements of §24-6-402(2)(c) by permanently establishing locations at which public notice of each meeting subject to notice requirements shall be posted at least twenty four (24) hours prior to each Council, Board or Commission meeting, as applicable; and

WHEREAS, Council finds that permanently establishing locations at which public notice shall be posted of each Council meeting and any other Board or Commission meeting subject to notice requirements will promote the health, safety and general welfare of the Town of Mountain Village community; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that Council desires to comply with the requirement of Section 5.2(c) of the Town of Mountain Village Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that Council, or any member of Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

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

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of Council.

Section 2. Addition of Chapter 1.04.100 to Title 1 of the Town of Mountain Village Municipal Code. Chapter 1.04.100, “Permanent Locations For Posting Notice For Public Meetings” to read as set forth in **Exhibit A: Addition of Chapter 1.04.100 to Title 1 of the Town of Mountain Village Municipal Code**, attached hereto.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage.

Section 5. Safety Clause. Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Codification of Amendments. The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes

as may be necessary to incorporate the provisions of this Ordinance within the Town of Mountain Village Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 8. **Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Section 5.9 of the Town of Mountain Village Home Rule Charter.

[SIGNATURE PAGE FOLLOWS]

INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING on January 14, 2021 and setting such public hearing for January 21, 2021 at the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

BY:

ATTEST:

Laila Benitez, Mayor

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21st day of January 2021.

**TOWN OF MOUNTAIN VILLAGE
TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

BY:

ATTEST:

Laila Benitez, Mayor

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

Paul Wisor, Town Attorney

I, Susan Johnston, 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 on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2021, 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, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, 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, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. 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 _____, 2021.

Susan Johnston, Town Clerk

(SEAL)

**EXHIBIT A: ADDITION OF CHAPTER 1.04.100 TO TITLE 1 OF THE TOWN OF MOUNTAIN VILLAGE
MUNICIPAL CODE**

**CHAPTER 1.04.100
PERMANENT LOCATIONS FOR POSTING NOTICE OF PUBLIC MEETINGS**

The following places are designated as the permanent locations for posting notice of all meetings held by Council or any Board or Commission where posting notice of such meeting is required pursuant to state law:

Mountain Village Town Hall - 455 Mountain Village Blvd. Suite A, Mountain Village, CO 81435
Mountain Village Town Hall Post Office - 455 Mountain Village Blvd, Mountain Village, CO 81435
Mountain Village Police Station Bulletin Board - 411 Mountain Village Blvd # 1, Mountain Village, CO 81435
Meadows Post Office - 300 Adams Ranch Rd., Mountain Village, CO 81435
Town of Mountain Village website – <https://townofmountainvillage.com/>

The Town shall be deemed to have given full and timely notice of meetings of the Council or any Boards or Commissions required hereunder if the notice of the meeting is posted in the locations designated herein no less than twenty-four (24) hours prior to the holding of such meeting.



TO: Honorable Mayor Laila Benitez and Councilmembers
FROM: Paul Wisor, Town Attorney
RE: Ordinance Providing for the Collection of Accommodation Tax by Vendors
DATE: January 6, 2021

SUMMARY: This ordinance amends Chapter 3.12 of the Town of Mountain Village Municipal Code (“TOMVC” or “Code”) to require marketplace facilitators to collect and remit the 4% accommodation tax imposed on lodging services, including hotels, motels, and privately owned short-term rental properties. The purpose of the amended language is to consolidate the duty to collect and remit both the sales and accommodation tax imposed on lodging services. Currently, the sales tax is collected and remitted by third-party vendors while the accommodation tax is collected and remitted by property owners. It is inefficient and potentially confusing for taxpayers to have this collection process bifurcated, prompting the need for the proposed amendment. This report recommends approval of the ordinance, attached hereto.

BACKGROUND: In 2020, the Town Council amended the Code to require marketplace facilitators to collect and remit sales taxes. These amendments were in response to a United State Supreme Court case requiring that online travel companies (“OTCs”) could only be required to collect sales tax so long as each state had a uniform system. The Town’s amendments conformed to uniform code drafted by the Colorado Municipal League.

The effect of the modified language was to require remote vendors, including online travel companies, to start collecting and remitting sales tax, including that imposed on short term rentals. However, there was no similar amendment requiring remote vendors to collect and remit the accommodation tax imposed on lodging services, leaving that the responsibility of property owners.

ANALYSIS: Currently, the short term rentals in the Town operate under a bifurcated tax-collection system whereby OTCs collect and remit the 4% sales tax on lodging services while property owners collect and remit the 4% accommodation tax on those same services. This bifurcated system can be clumsy and confusing for guests and property owners alike. The proposed ordinance eliminates that confusion by placing the tax-collection responsibility squarely on a rental “vendor,” including OTCs, and off the property owner. Third-party vendors, such as OTCs, will be required to collect and remit both the sales and accommodation taxes, simplifying both the collection and administration processes. Simplifying tax administration improves Town efficiencies, thereby benefiting TOMV residents at large.

The attached amendments make clear that OTCs are responsible for collecting and remitting the accommodation tax on all short term rentals. In addition, it defines the term vendor, and the

Colorado courts have recently made clear only vendors, as opposed to lessors, are subject to collection requirements.¹

The proposed ordinance also adds a definition for “price paid” to include additional fees and surcharges built into the total consideration required to access the property. This is designed to avoid confusion as to which fees are included in the taxable amount so to harmonize taxation of short-term rentals across the TOMV market.

FINANCIAL CONSIDERATIONS: The proposed amendments create no cost to the Town.

RECOMMENDATION: Staff recommends adoption of Ordinance.

PROPOSED MOTION: I move to approve on First Reading the proposed ordinance modifying provisions relating to the collection and remittance of accommodation taxes to improve the efficiency of tax administration for the benefit of the Town and its residents.

Thank you, Paul

ATTACHMENTS:

Exhibit A – Ordinance

**AMENDING CHAPTER 3.12 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE TO
PROVIDE FOR THE COLLECTION AND REMITTANCE OF ACCOMMODATION
TAX BY MARKETPLACE FACILITATORS**

EMERGENCY ORDINANCE NO. 2021-

WHEREAS, pursuant to C.R.S. § 31-15-103 and § 31-15-104, and pursuant to the home rule powers of the Town of Mountain Village (“Town”), the Town Council has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, the Town has autonomous taxing authority under Article XX, section 6, of the Colorado Constitution; and

WHEREAS, the Town imposes a sales tax on lodging services pursuant to Section 3.04 of the Mountain Village Municipal Code and an accommodation tax on lodging services pursuant to Section 3.12, and

WHEREAS, the Town recently amended its Code to require marketplace facilitators to collect and remit the lodging services sales tax,; and

WHEREAS, the Town’s tax administration will be greatly improved by requiring marketplace facilitators to also collect and remit the lodging services accommodation tax; and

WHEREAS, this requirement will not create a new tax on any Mountain Village taxpayer nor affect in any way existing tax levels; and

WHEREAS, the Town Council finds that improving tax administration will promote the health, safety and general welfare of the Mountain Village community; and

WHEREAS, Section 5.8 of the Charter permits the adoption of ordinances on one reading with the concurring vote of a majority vote of the members of Council at the meeting after posting notice of a public hearing and conducting a public hearing; and,

WHEREAS, Town Council finds that amendments to the Mountain Village Municipal Code will lead to the effective collection and remittance of the accommodations tax and will thereby promote the health, safety and general welfare of the Mountain Village community.

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

Section 1. **Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. **Amendments to Section 3.12 – Accommodations Tax.** Chapter 3.12 of the Town of Mountain Village Municipal Code is hereby amended as set forth **Exhibit A** attached hereto

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Emergency Ordinance shall take effect immediately upon adoption in accordance with Section 5.8(a) of the Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Mountain Village, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Codification of Amendments. The codifier of the Town’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Emergency Ordinance within the Mountain Village Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Emergency Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 8. Publication. The Town Clerk is ordered to publish this Emergency Ordinance in accordance with Chapter 5.8(c) of the Mountain Village Municipal Code.

[SIGNATURE PAGE FOLLOWS]

INTRODUCED AND ADOPTED ON FIRST AND FINAL READING on the 14th day of
January 2021.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: _____
Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as To Form:

Paul Wisor, Town Attorney

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

1. The attached copy of Emergency Ordinance No. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Emergency Ordinance was introduced, read by title, approved on first and final reading with minor amendments by the Town Council the Town ("Council") at a special meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on December 3, 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, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. The Emergency 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 _____, 2021.

Susan Johnston, Town Clerk

(SEAL)

EXHIBIT A

CHAPTER 3.12
ACCOMMODATIONS TAX

Sections:

- 3.12.005 Purpose
- 3.12.010 Definitions
- 3.12.020 Imposition and Rate
- 3.12.025 Exemption
- 3.12.030 Liability
- 3.12.040 Taxes Collected Held in Trust
- 3.12.050 Licensing
- 3.12.060 Reporting
- 3.12.070 Maintenance of Records
- 3.12.080 Enforcement
- 3.12.090 Administration
- 3.12.100 Amendment, Repeal and Revision
- 3.12.110 Violations
- 3.12.120 Severability
- 3.12.130 Authorization to Act

3.12.005 Purpose

- A. The purpose of this Chapter is to increase the Sales Tax from 2% to 4% on the price paid for the short term leasing or rental of any hotel unit, hotel efficiency unit, lodge unit, efficiency lodge unit, condominium, single family home or other accommodation located in the Town.
- B. The additional revenues generated from the increased levy are to be used exclusively to fund the Airline Guarantee Program. All funds collected and expended shall be for the purpose of funding the Telluride/Montrose Regional Air Organization (“TMRAO”) or its successors or assigns.
- C. Such funding will be subject to a guaranteed seat on the TMRAO Board and receiving satisfactory quarterly reports that shall include but not be limited to financial statements, airline load factors and status updates of current and proposed airline guarantee programs.
- D. Notwithstanding any other provision of this Chapter, not more than two percent (2%) of the tax revenues collected may be retained by the Town to offset tax collection costs and as an administration/management fee. (Ord. 03-04 § 1)

3.12.010 Definitions

When not clearly otherwise indicated by the context, the following terms, words and phrases as used in this Chapter have the following meanings:

- A. Business. All activities in which a person engages or in which such person causes another to be engaged with the object of gain, benefit, or advantage, whether direct or indirect.
- B. Hotel room, Hotel Efficiency Unit, Lodge Unit, Efficiency Lodge Unit, Condominium, Single Family Home, or Other Accommodation Unit. Any room or other accommodation in any hotel, Lodge, Condominium, Single Family Home or any such similar place provided to any person who, for a consideration, uses, possesses, or has the right to use or possess such room or other accommodation for a period of less than thirty (30) consecutive days.
- C. Price paid is the total amount promised or paid in cash or other consideration in exchange for the use of any hotel room, hotel efficiency unit, lodge unit, efficiency lodge unit, condominium, single family home, or other accommodation unit, including but not limited to vendor mark-up, cleaning fees, service fees, or any other charge, excluding taxes, which must be paid by the purchaser in exchange for the use of any hotel room, hotel efficiency unit, lodge unit, efficiency lodge unit, condominium, single family home, or other accommodation unit.
- ~~E.D.~~ Telluride/Montrose Regional Air Organization (TMRAO). Telluride/ Montrose Regional Air Organization is a 501(c)(6) not for profit organization made up of an 11 member voluntary board of directors, whose purpose is to effectively secure commercial air service into the region in a fiscally responsible manner that best meets the needs of the Telluride, Mountain Village, and Montrose communities.

A.E. The Airline Guarantee Program. The Airline Guarantee Program is a set of activities which include but are not limited to revenue guaranties and is administered by TMRAO, with the objective is to expand air service into the Telluride and Montrose Regional Airports through revenue guaranties in order to adequately meet the demand for service into the region. A revenue guarantee is a contract executed between the AGP and an airline in which the AGP will pay the difference between the flight cost and associated revenue generated by the flight. (Ord. 98-08 § 1, 03-04 § 2)

F. Vendor means a person, including marketplace facilitators as defined in Section 3.04.020, providing for the use of a hotel room, hotel efficiency unit, lodge unit, efficiency lodge unit, condominium, single family Home, or other accommodation unit.,

3.12.020 Imposition and Rate

- A. On and after December 9, 2003, there is levied and shall be paid and collected an excise tax of four percent (4%) on the price paid for the short term leasing or rental of any hotel unit, hotel efficiency unit, lodge unit, efficiency lodge unit, condominium room, single family home or other accommodation located in the Town.
1. All vendors subject to this Chapter shall timely collect and be liable for an amount equivalent to four percent (4%) of the price ~~or cost~~ paid for short term lodging rentals specified in this Chapter, and shall, before the twentieth (20th) day of each month, make a return to the Town for the preceding calendar month and remit said collected tax amount(s) to the Town; except that in the event the tax collected in a month is less than three hundred dollars (\$300.00), then the return and remittance may be performed at the end of the calendar quarter.
 2. All returns and remittances shall be made in such a manner and upon such forms as the Finance Director may prescribe, inclusive of the standard reporting form(s) devised by the Executive Director of the Colorado Department of Revenue. The Finance Director may extend the time for making a return and paying the taxes due under such reasonable rules, regulations or conditions as he/she may determine necessary from time to time.
 3. A vendor doing business in two (2) or more places or locations within the Town may file one return covering all such business locations.
 4. If any vendor during a reporting period collects a total tax amount in excess of four percent (4%) of the total taxable charges or sales, the vendor shall remit to the Town the full net amount of the tax imposed along with any collected excess. The retention by a vendor of any excess collected tax, or the intentional failure to remit punctually to the Town the full amount required to be remitted by the provisions of this Ordinance, is unlawful.
 5. A vendor may retain three and one-third percent (3.33%) of the sum of the excise tax remitted to the Town to cover the vendor's expense in the collection and remittance of the tax; except that in the event a vendor is delinquent or deficient in remitting said tax to the Town, other than for unusual circumstances demonstrated

to the satisfaction of the Finance Director, the vendor shall not be allowed to retain any amounts to cover such expenses in collecting and remitting the tax.

~~46.~~ Interest shall accrue on all delinquent or deficient payments of the excise tax from the date of delinquency or underpayment to the date of full payment at the rate of one percent (1%) per month. Interest shall be calculated for each month, or portion of a month, that a tax delinquency or deficiency remains unpaid. A penalty equal to ten percent (10%) of the delinquent or deficient tax amount shall also be paid, unless the delinquency or deficiency is due to fraud or an intent to evade the tax, in which case the penalty shall be one hundred percent (100%) of the total amount of such delinquency or deficiency, and the same shall be due and paid, along with the unpaid tax, within twenty (20) days after written notice and demand for payment is made by the Town. No interest shall be allowed or paid on any overpayment of the excise tax.

~~67.~~ The timely submission of a collection report and/or payment of the excise tax required under this Chapter shall be evidenced by the U.S. Mail postmark date if mailed, or by the Town's stamped receipt validation date if submitted by other method of delivery. Any due date, payment date, or deadline for submitting a report and/or remitting payment of the excise tax, or for providing information or taking other action, which falls on a weekend or legal holiday recognized by the Town or federal or state government, shall be automatically extended to the first business day following such weekend or holiday.

~~78.~~ It shall be unlawful for any person to submit false information in connection with a collection report and/or tax return. (Ord. 03-04 § 4)

3.12.025 Exemption

A. There shall be exempt from the excise tax imposed under this or the following:

1. Lodging rentals to the United States government and all departments and institutions thereof, the state of Colorado and the departments, institutions and political subdivision thereof, and the Town; but only in the exercise of their governmental functions and only when rentals and purchases are supported by official government purchase orders or other official documentation, and paid for by draft or warrant drawn on the government's account directly to the vendor.
2. Lodging rentals to charitable organizations duly established and recognized under state or federal law, but only to the extent any such rental or sale is transacted in the conduct of the organization's regular charitable functions and activities and is paid for directly by the organization without reimbursement therefore.
3. All rentals, which the Town is prohibited from taxing under the constitution or laws of the United States or the state of Colorado.
4. The burden of proving that any rental, sale or other transaction is exempt from the excise tax imposed under this Ordinance shall be on the person, business or other entity asserting such exemption under such reasonable requirements of proof as the Finance Director may prescribe. (Ord. 03-04 § 6)

3.12.030 Liability

It is unlawful for any lessee or renter of a hotel room, motel room or other accommodation located in the Town, to fail to pay, or for any ~~lessor or renter of such accommodation to fail~~ vendor to collect, the tax levied by this Chapter. A marketplace seller as defined in Section 3.04.020 is not liable for this collection of tax; rather, any marketplace facilitator facilitating the sale of lodging services is so liable.

The burden of proving that any transaction is not subject to the tax imposed by this Chapter shall be upon the person upon whom the duty to collect the tax is imposed. (Ord. 98-08 § 3)

3.12.040 Taxes Collected Held in Trust

All sums of money paid by a person who leases or rents any hotel room, motel room or other accommodation as the lodging tax imposed by this Chapter are public monies that are the property of the Town. The person required to collect and remit the lodging tax shall hold such monies in trust for the sole use and benefit of the Town until paying them to the Town. (Ord. 98-08 § 4)

3.12.050 Licensing

Every person with a duty to collect the tax imposed by this Chapter shall obtain a Business and Service License in accordance with Chapters 3.04.070 and 5.01 of the Town Code, and shall report such tax collections in accordance with Chapter 3.12.060 hereof. (Ord. 98-08 § 5)

3.12.060 Reporting

- A. Every person or vendor with a duty to collect the tax imposed by this Chapter shall report such taxes collected on forms prescribed by the Town and shall remit said taxes to the Town on or before the 20th day of the month for the preceding month or months under report.
- B. The tax, if not paid on the 20th day of the month for the preceding month or months under report as provided herein, shall become delinquent until paid or collected at the rate of one percent (1%) per month.
- C. Interest shall accrue on all delinquent taxes from the day of delinquency until paid or collected at the rate of one percent (1%) per month. (Ord. 98-08 § 6)

3.12.070 Maintenance of Records

- A. The Town may require any person to make such return, render such statement or keep and furnish such records as the Town may deem sufficient and reasonable to demonstrate whether or not the person is liable under this Chapter for payment or collection of the tax imposed herein.

- B. Any person required to make a return or file a report under this Chapter shall preserve duplicates of those returns or reports for three (3) years.
- C. The Town shall maintain all reports and returns of taxes required under this Chapter for three (3) years. (Ord. 98-08 § 7)

3.12.080 Enforcement

- A. The tax imposed by this Chapter is a first and prior lien on real property and tangible personal property in which the person responsible to collect and remit the tax has an ownership interest, subject only to valid mortgages or other liens of record at the time of and prior to the recording of notice of the tax lien.
- B. The Town shall have the right to recover all sums due pursuant to the terms of this Chapter by judgment and execution thereon in a civil action in any court of competent jurisdiction.
- C. The Town may seek an injunction to restrain a person, business, or entity from engaging in business within the Town who does not comply with the requirements and payment of taxes as required by this Chapter.
- D. Pursuant to Section 31-20-101 et seq., C.R.S., the Town may cause any delinquent charges, fees or taxes made or levied hereunder to be certified to the San Miguel County Treasurer, to be collected and paid over by said Treasurer in the same manner as real or personal property taxes, including the provision for the creation of the lien upon the subject property.
- E. In the event it is necessary for the Town to take action enforcing this Chapter, the Town shall add to any fees charges and taxes due hereunder all reasonable costs and fees incurred by the Town including, reasonable attorney's fees and costs of collection. If any action is brought in a court of law by or against the Town relating to the enforcement, interpretation or construction of this Chapter or of any document provided for herein or of any proceeding hereunder, the prevailing party in such action shall be entitled to reasonable attorney's fees and costs.
- F. All remedies set forth herein shall be cumulative and shall be available to the Town in addition to any other remedies available by law. (Ord. 98-08 § 8)

3.12.090 Administration

The Town Manager is authorized to administer the provisions of this Chapter. (Ord. 98-08 § 10)

3.12.100 Amendment, Repeal and Revision

The Town Council is authorized to reduce the tax imposed by this Chapter and to otherwise amend or repeal any other part of this Chapter including but not limited to additional provisions for enforcement and collection of the tax. Such reduction of tax, amendment or repeal need not be submitted to the electors of the Town for their approval. (Ord. 98-08 § 10)

3.12.110 Violations

- A. No taxpayer shall fail or refuse to make any return or report required to be made; make any false or fraudulent return or report any false statements in return or report; fail or refuse to pay the Town Manager any taxes collected or taxes, penalties, or interest due to the Town; evade collection and payment of the tax in any manner; fail to keep or disclose records required by this Chapter; aid or abet another in any attempt to evade payment of the tax imposed by this Chapter; or violate any of the requirements of this Chapter.
- B. Each and every twenty-four (24) hours during which any violation of this Chapter continues, constitutes a distinct and separate violation thereof.
- C. Every person who unlawfully violates any part of this Chapter shall, upon conviction, shall be punished by fine not exceeding One Thousand Dollars (\$1,000) or by imprisonment for a period not to exceed one year or by both such fine and imprisonment. (Ord. 98-08 § 11)

3.12.120 Severability

Should any part of the provisions of this Chapter be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Chapter, it being the intention that the various provisions hereof are severable. (Ord. 98-08 § 14)

3.12.130 Authorization to Act

The Officers of the Town are hereby authorized and directed to take all action necessary or appropriate action to effectuate the provisions of this Chapter. (Ord. 03-04 § 9)



Agenda Item No. [6]
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council
FROM: Paul F. Wisor
FOR: Town Council Meeting, January 14, 2021
DATE: January 6, 2021
RE: Consideration of a Resolution Approving the Purchase of Cassidy Ridge Unit D-202

The Town has been record owner of that certain piece of real property known as Cassidy Ridge, Unit D-202. In 2019, at Council's direction, Unit D-202 was purchased by a Town employee pursuant to a lottery process. An employee was selected through this system, but the employee is now selling the unit. The purchase contract provided the Town with a right of first refusal. The Town has exercised this right. This resolution authorizes the Town to purchase the unit.

The Town has reserved a closing date to purchase the unit on January 15, 2021. This resolution is being consider to satisfy certain closing requirements. Another lottery will be conducted to select a new owner, and the Town, pursuant to an additional resolution, will sell the unit to the winner of the lottery. In order to reduce costs, the Town has ordered a TBD Commitment, which will be applicable to the Town's acquisition of the unit as well as the subsequent sale.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO, AUTHORIZING THE PURCHASE OF CASSIDY RIDGE UNIT D-202**

RESOLUTION NO. 2021-0114-

RECITALS:

- A. The Town Charter requires that the Town may purchase real property by resolution or ordinance.
- B. The Town desires to purchase from Bill Kight and Ashley Etling, as owners under the Town of Mountain Village Employee Housing Purchase Program, that certain real property known as Cassidy Ridge Unit D-202, as more fully described on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Mountain Village hereby approves the purchase of Cassidy Ridge Unit D-202 pursuant to the Town of Mountain Village Employee Housing Purchase Program and authorizes either the Mayor or Town Manager to sign all documents related to this purchase.

ADOPTED AND APPROVED by the Town Council of the Town of Mountain Village, Colorado, at a regular meeting held on the January 14, 2021.

TOWN OF MOUNTAIN VILLAGE,
COLORADO, a home rule municipality

By: _____
Laila Benitez, Mayor

ATTEST:

By: _____
Susan Johnston, Town Clerk

APPROVED AS TO FORM:

By: _____
Paul F. Wisor, Town Attorney

EXHIBIT A

CONDOMINIUM UNIT D202 AND STORAGE UNIT S-3, CASSIDY RIDGE CONDOMINIUMS, ACCORDING TO THE CONDOMINIUM MAP RECORDED AUGUST 17, 2011 IN PLAT BOOK 1 AT PAGE 4496, AND AS AMENDED BY FIRST AMENDMENT RECORDED DECEMBER 27, 2016 IN PLAT BOOK 1 AT PAGE 4867, AND AS AMENDED BY SECOND AMENDMENT RECORDED DECEMBER 31, 2018 UNDER RECEPTION NO. 456649 AND AS DEFINED AND DESCRIBED IN THE CONDOMINIUM DECLARATION RECORDED AUGUST 17, 2011 UNDER RECEPTION NO. 419330, AND AS AMENDED BY FIRST AMENDMENT RECORDED APRIL 7, 2015 UNDER RECEPTION NO. 437077, AND AS AMENDED BY SECOND AMENDMENT RECORDED SEPTEMBER 22, 2016 UNDER RECEPTION NO. 444070, AND AS AMENDED BY THIRD AMENDMENT RECORDED DECEMBER 27, 2016 UNDER RECEPTION NO. 445660, AND AS AMENDED BY FOURTH AMENDMENT RECORDED APRIL 10, 2017 UNDER RECEPTION NO. 448014, AND AS AMENDED BY FIFTH AMENDMENT RECORDED SEPTEMBER 7, 2017 UNDER RECEPTION NO. 450193, AND AS AMENDED BY SIXTH AMENDMENT RECORDED DECEMBER 31, 2018 UNDER RECEPTION NO. 456650, COUNTY OF SAN MIGUEL, STATE OF COLORADO.



VILLAGE COURT APARTMENTS

415 Mountain Village Blvd, Suite 1
Mountain Village, CO 81435
(970) 728-1392

Item No. 9

TO: Town Council
FROM: Michelle Haynes, Planning and Development Services Director, Luke Adamson, Property Manager
FOR: Meeting of January 14, 2021
DATE: January 14, 2021
RE: Village Court Apartments Rent Waiver Discussion, January, 2021

Introduction

The memo is being provided to share information regarding how our residents at VCA have been faring during the COVID pandemic specifically work, health and finances. We will provide survey data, hardship data, past due account data and miscellaneous data. Secondly, this memo is intended to provide information related to the Department of Local Affairs (DOLA) tenant and landlord reimbursement funding opportunity, similar to funding applied for in March of 2020.

Rent Waiver Discussion

Resident Financial Hardship Survey Results. Town staff created a brief survey with four questions leaving the survey open for about a week in order to better understand how VCA residents have been impacted by COVID. A total of 94 residents responded to the survey.

QUESTION: Did you lose your employment (either temporarily or permanently) last March due to COVID-19?

RESULTS: 67 YES, 24 NO.

QUESTION: Have your finances been negatively impacted due to COVID 19?

RESULTS: 76 YES, 15 NO.

QUESTION: Have you pursued financial assistance from any other source?

RESULTS: 43 YES, 48 NO.

QUESTION: If you are employed, do you feel you will maintain regular employment through the winter?

RESULTS: 48 YES, 43 NO.

Hardship Application Updates

- We received a total of 11 hardship applications during the first wave of COVID, which have all been paid back in full as of December 18th. We have not received any additional hardship application requests since then. We will continue to provide links to the hardship application and Good Neighbor Fund to anyone who expresses that they are going through a financial hardship. We emailed a reminder to all residents regarding both programs on December 30, 2020.

Updates On Financial Hardship Inquiries and Late Payments

- We have received 1-3 checks per month from the Telluride Foundation/Good Neighbor Fund to help residents pay their rent. This has been ongoing since May 2020.
- We have not had many residents ask us directly for financial assistance, but have provided the Telluride Foundation as a resource any time residents have indicated that they might not be able to pay their rent on time.
- We have had approximately 5-7 people per month fail to pay their rent on time. After receiving rent notices/reminders, they have all been able to pay their rent each month. This amount of late payments was considered to be average, even before the pandemic.
- In summary, we have not had a single resident fail to pay rent within the deadline set each month and prior to the required 30 day aging.

Summary

2/3 of all survey respondents indicated they lost their job either temporarily or permanently due to COVID. 2/3 indicated that they were affected financially. It's roughly 50/50 for those that have pursued financial assistance (either unemployment, hardship application or the Good Neighbor Fund). It's about 50/50 for those that feel they may keep or lose their jobs yet this winter/spring. Overall although tenants are managing to pay their rents timely (with or without 3rd party assistance) we understand anecdotally that many tenants, who work in the service industry, have had an interruption of their standard working hours, shortened working hours, fewer tips and generally financially disruptive events with less income as a result due to COVID.

Department of Local Affairs (DOLA) Landlord reimbursement program and other rent assistance options.

DOLA received an additional \$54 million in housing assistance for rent relief specifically for tenants who have been economically impacted by the COVID-19 pandemic. These funds are available through June of 2021. We participated in the DOLA rent relief program for landlords in March. The terms and requirements of participation are more rigorous and have changed so I will briefly outline the options for council to consider below. Staff has observed that the requirements appear to be changing frequently so the update found here is to date and could yet be subject to change.

1) Landlord Reimbursement DOLA program

- a. The Mountain Village Housing Authority will need to collect a:
 - i. Tenant Certification of Need from each tenant.
 - ii. Copy of each lease
 - iii. Rent roll or ledger including rent amounts
 - iv. Other necessary documentation
- b. The Town submits through the DOLA grant portal all required information provided by and on behalf of the tenant.
- c. The Town will receive a check for rent relief and disburse it to the tenants.
- d. Landlord agrees to not commence eviction proceedings due to non-payment of rent or fees in which the rent was paid by the State
- e. Property owner must provide a signed W-9

Rent reimbursement can be requested in arrears. Property owners can make a request on behalf of tenants multiple times as long as funding is available.

2) Tenant Reimbursement DOLA program (rent or mortgage)

- a. A tenant can apply directly with all the required documentation and the DOLA rent check is sent to the landlord on their behalf for rent due to COVID-related income loss. The requirements include that the tenant:
 - i. Attest that the property is their primary residence
 - ii. Provide an executed lease
 - iii. Proof of income and that they meet the income requirements

Summary

In either DOLA scenario, the Town Council can direct staff to pursue the DOLA program and work directly with VCA residents. This would be budget neutral. Once submitted checks are cut by DOLA two times a month, so reimbursement can otherwise be relatively quick.

Other options:

- 3) Town Council could direct an internal hardship application, different than our existing rent payment plan program (VCA hardship application). Town Council could choose to waive rents and budget accordingly for such consideration. A monthly rent roll for all tenants at VCA is estimated at \$190,000. This expenditure would come out of our housing reserve fund. Only those that fill out the form are eligible for a rent waiver by Town Council with town funds.

Proposed Motion

I move to direct staff to pursue option #1 the DOLA landlord rent reimbursement program and work directly with tenants.

and/or

Communicate option #2 to tenants and owners of deed restricted housing in the Mountain Village.

or

Direct Option #3 to create an internal hardship application form for tenants to fill out and return to VCA management, then Town Council will budget and expend monies for rent reimbursement relief.

/la & mbh



VILLAGE COURT APARTMENTS

415 Mountain Village Blvd, Suite 1
Mountain Village, CO 81435
(970) 728-1392

Item No. 10

TO: Town Council
FROM: Luke Adamson, Property Manager & Michelle Haynes Housing Director
FOR: Meeting of January 14, 2021
RE: **Quarterly** Village Court Apartments Update

- Inclusive of appointments to the VCA resident committee

VCA Administrative Updates

- As of October 2020, the VCA Maintenance Manager is no longer with the Town. In order to maintain quality of service to residents while managing through the pandemic, we elevated our two longest-tenured maintenance staff, Dylan Cornish and Connor Reilly, to co-maintenance manager at VCA and hired general maintenance personnel to complete full maintenance staffing. The office and maintenance crew at VCA is now fully staffed for the first time in quite a while. The Town will re-evaluate the VCA maintenance manager position mid-summer or when appropriate. Luke Adamson has also resumed supervising all VCA staff. Our VCA operations are running smoothly with a very cohesive staff.
- We recently revised several VCA policies, fines, and fees in hopes of helping to reduce the financial burden on our residents:
 - Lowered the cost of lockouts.
 - Lowered the cost of key replacements.
 - Eliminated the monthly pet fees for cats.
- We have gone back to providing free cable to all of our residents on a temporary basis in hopes of helping to encourage social distancing, as well as helping our residents feel more comfortable at home during the pandemic.
- Due to recently removing transaction fees for our online payments, we have seen an increase in the use of our online payment portal. We gained 4 new online portal payers during the month of December.
- Due to the current red level stay at home orders, VCA maintenance was only completing emergency work orders. With the reduction to level orange, we are resuming regular maintenance and repairs.

VCA Maintenance Updates

- **Exterior lighting project.** Maintenance is currently working on this project. They plan to complete the project by early 2021. They have ordered the remaining parts needed to complete the project and will be installing them when they arrive.
- **Weatherstripping.** Weatherstripping project was delayed due to covid since we do not want to enter every unit right now. This project should be complete in the spring without any additional expenses.
- **Alarm System and Repairs.** Alarm system repairs have all been completed. We have now fully migrated to a cellular based fire alarm system.

- **Programmable Thermostats.**
To ensure the safety of our residents, we have put this project on hold during COVID since we will need to enter every unit. We currently have 392 thermostats left to order and 517 left to replace.
- **Increased Cleaning:** VCA staff has continued to disinfect/sanitize all entry door knobs, railings, laundry machines, and trash house handles daily in an attempt to protect our residents and slow the spread of COVID.
- **Deep Cleaning Of Hallways and Entrances.** Our staff has continued to perform a deep clean of the outdoor hallways and entrances quarterly, separately from the daily cleanings of door knobs, railings, etc... We also power wash the outdoor hallways yearly which was last completed in the spring of 2020.
- **New Token Machine.** The new token machine in the building 11 laundry room is now officially up and running, providing our residents in buildings 10-14 a much closer and more convenient place to purchase laundry tokens.

Resident Committee Updates

- Throughout the summer, the Resident Committee continued to spearhead monthly community clean up days, comments and contact info in the VCA Newsletter, assisting with farm to community shares, and managing administration of the community garden.
- Resident Committee held an official Zoom meeting on January 12 at 6:00 PM.
- Ron Cheroske resigned from the VCA Resident Committee leaving a vacant seat. Trevor Browning had the next highest number of votes. We have been working with the original rank order vote list provided by the VCA Subcommittee who initially interviewed candidates for the VCA committee. Trevor wishes to serve on the Committee. Staff recommends Town Council appoint Trevor Browning to fill the vacant seat.
- Matt Lewis and Ron Cheroske's seats expire in February of 2021. Staff recommends appointing Trevor Browning into Ron's seat for a two-year term expiring February of 2023, and reappoint Matt Lewis for a two year term, to expire in February of 2023.

Recommended Motion

I move to appoint Trevor Browning to the VCA Resident Committee for a two-year term expiring February of 2023 and to reappoint Matt Lewis for a two-year term to expire February of 2023.

/la & mh



TOWN OF MOUNTAIN VILLAGE
455 Mountain Village Blvd.
Mountain Village, CO 81435

TO: Mayor Benitez and Town Council

DATE: January 6, 2021

FOR: January 14, 2021 Special Town Council Meeting

FROM: J.D. Wise, Assistant Director of Public Works

RE: Consideration of Approval for the Hiring of a Recently Vacated FTYR Groundskeeper position and an additional FT Seasonal Groundskeeper in the Plaza Services department.

OVERVIEW:

The Plaza Services Department received council approval to hire a vacant FTYR Groundskeeper at the October 15, 2020 meeting and the position was filled in early November. Unfortunately, the person hired for this position resigned in December with a last day worked of 12/26/20. With the current hiring freeze, Plaza Services is requesting approval to fill this FTYR position to bring the department back to regular staffing levels.

Plaza Services is also requesting the addition of a FT Seasonal Position for the remainder of the 2020/2021 winter season with an end of season date of April 4, 2021. The Plazas continue to be highly utilized during the pandemic and the addition of this position will help the department continue to provide a high level of service, cleanliness, and maintenance. Additionally, this position would assist with the management of the propane heaters and fire pits currently being added to the plazas.

Thank you for your consideration.

/jdw



TOWN OF MOUNTAIN VILLAGE
Agenda Item 12

TO: Mayor Benitez and Town Council

DATE: January 7, 2021

FOR: January 14, 2021 Special Town Council Meeting

FROM: Dawn Katz, Director of Childcare

RE: Consideration of Approval for the Hiring of a Recently Vacated Mountain Munchkins Full-Time Staff Member

OVERVIEW:

Mountain Munchkins recently lost a FTYR staff member leaving the program severely understaffed. The goal is to promote one of the assistant teachers to this position and hire a part time employee to replace this current assistant.

Mountain Munchkins is requesting approval to fill this FTYR position with a currently employed staff member upon completion of required credentials. Until then, Mountain Munchkins is requesting the approval to hire a part time employee that would work 32 hours per week.

Thank you for your consideration.



Planning and Development Services Department

455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435

Item No. 13

TO: Town Council
FROM: Michelle Haynes, Planning and Development Services Director and
Drew Harrington, Building Official
DATE: Meeting of January 14, 2021
RE: Staffing Request: To Fill a Vacated Building Inspector Position

SUMMARY

Our Building Inspector, Matt Gonzales, has accepted the San Miguel County Building Official Position. The Planning and Development Services Department requests to fill this position.

We will be looking for an inspector with certifications in electrical inspections because we have the additional specialized requirement of providing electric and plumbing inspections for Telluride and the Mountain Village (as opposed to the state inspectors).

With building and planning activities so high, we hope to fill the right person in this position as soon as able.

MOTION

I move to approve the Planning and Development Services Department to hire a Building Inspector.

/mbh



Agenda Item No. [14]
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council
FROM: Paul F. Wisor , Town Attorney
FOR: Town Council Meeting, January 14, 2021
DATE: January 9, 2021
RE: Consideration of an Intergovernmental Agreement to Provide Grooming Services to Firecracker Sledding Hill

Traditionally, Town of Mountain Village (the “Town”) residents and visitors, as well as regional residents and visitors, have utilized Firecracker Hill, located in Telluride Town Park, as a sledding hill. It has come to the attention of Town staff that the current condition of Firecracker Hill poses a significant safety risk to those who choose to utilize Firecracker Hill for sledding purposes. The Town of Telluride has requested the Town to utilize its snowcat to groom Firecracker Hill in an effort to make Firecracker Hill safer for those who chose to sled down it.

The proposed resolution authorizes the execution of an intergovernmental agreement, pursuant to which the Town will provide grooming services to the Town of Telluride. The agreement provides the Town of Telluride will, to the extent permitted by law, indemnify the Town, and caps the Town’s liability, if any, for providing grooming services at the total cost of the services provided. The Town will be charging the Town of Telluride \$90 an hour.

It is anticipated the Town will provide grooming services immediately upon execution of the intergovernmental agreement. However, the Town is not obligated to provide additional grooming services. Additional grooming services will be provided in the Town’s sole discretion.

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE TOWN OF TELLURIDE AND THE TOWN OF MOUNTAIN VILLAGE WHEREBY THE MOUNTAIN
VILLAGE WILL PROVIDE GROOMING ON THE FIRECRACKER SLEDDING HILL**

THIS AGREEMENT is made and entered into this _____ day of _____, 2021, by and between the Town of Telluride ("Town"), a home rule municipality in the State of Colorado, and the Town of Mountain Village ("Village"), a home rule municipality in the State of Colorado.

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes, as amended, authorizes political subdivisions, to contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units, including sharing costs; and

WHEREAS, the Town and Village desire to provide a quality sledding experience for citizens and visitors; and

WHEREAS, the Village owns and operates snowcat grooming equipment for recreational uses; and

WHEREAS, the citizens and visitors of the Town and Village would benefit from access to a sledding hill that is occasionally maintained and groomed; and

WHEREAS, the Town desires sledding hill grooming services on its property known as the Firecracker Sledding Hill located at Telluride Town Park, 500 East Colorado Avenue; and

WHEREAS, the citizens of the Town and Village would benefit from the cost savings and efficiencies gained by an intergovernmental agreement for sledding hill grooming services.

NOW THEREFORE, in consideration of the mutual covenants, promises and conditions hereinafter contained, the parties agree as follows:

1. The Village agrees to provide, at its sole discretion, sledding hill grooming to the Town as requested by the Town, and at the Base Rate specified in Section 2 below, which may be modified by mutual consent of the Town and Village without requiring amendment to this agreement.
2. The Village shall bill the Town at the rate of ninety dollars (\$90.00) per operational hour, ("Base Rate"). Such operational hour shall include time and expense incurred in loading and transporting the snowcat from the Village to the Town and back to the Village. Further, such amount shall be inclusive of all costs of whatsoever nature associated with the Village's efforts, including but not limited to wages, insurance, fuel, repair, maintenance, capital replacement, administration and overhead. .

3. The Village agrees to maintain detailed records and accounting of the services provided to the Town, and provide to the Town by May 31 of each year an accounting record and report of such services.
4. The Village agrees to provide a monthly billing to the Town detailing the services under this contract for the previous month. The billing will be sent by the fifteenth of each month and payment will be due to the Village by the end of the month. Payments not timely received will be subject to a late payment interest charge of 1.5% per month.
5. The Village agrees to provide liability insurance up to \$1,000,000.00 for each person, \$1,000,000.00 for each occurrence, and \$1,000,000.00 annual aggregate, for sledding hill grooming services provided to the Town under this contract.
6. The parties agree that the Town's remedies for any claims asserted against the Village shall be limited to proven direct damages in an amount not to exceed payment amounts for services due under the Agreement and that Village shall not be liable for indirect, incidental, special, consequential or punitive damages, including but not limited to lost profits.
7. To the fullest extent permitted by law, the Town shall indemnify, defend and hold harmless the Village, its members, affiliates, officers, directors, partners, employees, and agents from and against all claims, damages, losses and expenses, including but not limited to reasonable attorney's fees, arising out of the performance of the services provided hereunder, provided that any such claim, damage, loss or expense is caused by any negligent act or omission of the Town, anyone directly or indirectly employed by the Town or anyone for whose acts the Town may be liable, except to the extent any portion is caused in part by a party indemnified hereunder.
8. The Town designates Ross Herzog or Stephanie Jaquet, and the Village designates Kim Montgomery or Jim Loebe, as their respective representatives to administer this Agreement.
9. This agreement shall continue from year to year subject to annual appropriation by the Town, but may be amended by mutual consent of the parties, or canceled by either party by giving the other party thirty (30) days written notice. Notice shall be deemed given when actually received by the other party.

TOWN OF TELLURIDE

By: _____
DeLanie Young, Mayor

ATTEST:

By: _____
Tiffany Kavanaugh, Town Clerk

TOWN OF MOUNTAIN VILLAGE

By: _____
Laila Benitez, Mayor

ATTEST:

By: _____
Susan Johnston, Town Clerk

Colorado Municipal Law – Transparency



Paul Wisor, Town Attorney
Mountain Village Town Council
January 14, 2021

Basic Transparency Considerations

- Colorado Open Meetings Law (the “OML”)
- Colorado Open Records Act (the “CORA”)



OML

- Sunshine Law
- Policy of this state that the formation of public policy is public business and may not be conducted in secret.
- Applies to meetings of all public bodies



Public Bodies

- Council
- Any “board, committee, commission or other policy-making, rule-making, advisory or formally constituted body of a political subdivision”



Meetings

- Under statute, “any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.”



Meetings

- “There must be a demonstrated link between the meeting and the policy-making powers of Council.”
- a link exists when the meeting is “convened to discuss or undertake a rule, regulation, ordinance, or formal action.”
- Council can “merely discuss matters of public importance”



Meetings

- Email
- Text
- Notice
- Minutes
- Confidential Ballots



Exec Sessions

- Must now specifically state the reason for the Executive Session
- Property transactions
- Attorney conferences
- Confidential matters under state or federal law
- Security arrangements or investigations
- Negotiations
- Personnel matters



CORA

- CORA provides that all public records are open for inspection by any person at reasonable times, unless otherwise provided by the act itself or other law.



CORA

- The Act expansively defines “public records” to include “all writings made, maintained, or kept by the Town for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.”



CORA

- The simple possession, creation, or receipt of an e-mail record by a public official or employee is not dispositive as to whether the record is a ‘public record.’
- The inquiry must be content driven ...The content of the messages must address the performance of public functions or the receipt and expenditure of public funds. insofar as the messages do not, they remain non-public and outside the scope of CORA
- Town not required to make a record



Custodian

- Common for records to be in the custody of public officials rather than the government itself.
- When the custodian of the record has both a private and a public capacity, and it is not clear in which capacity the record is held, the requesting party must make a threshold showing that the document was made, maintained, or kept in the custodian's "official capacity," and thus is "likely" a public record

Work Product

- Notes and memorandum
- Staff reports
- No expression of final decision



Colorado Municipal Law - Transparency

Questions?





SPARTAN[®]

ULTRA WORLD CHAMPIONSHIP

1/14/21

Cherie Bortnick, Spartan Senior Director of Business Development
Mike Morris, Spartan Vice President Production
Anton Benitez, TMVOA President & CEO



AGENDA: 30,000 ft Overview



1

Spartan: What, Where, When, Why

2

Addressing key requirements of holding event in MV

3

Q & A

4

Council support of what Spartan envisions

WHAT

Spartan Ultra World Championship

- Epic obstacle course races for every athlete level
- Races held globally & very well attended
 - US: Aspen, Tahoe, Breckenridge, Hawaii,
 - OUS: Iceland, Italy, Greece, Germany, Australia



WHERE

Mountain Village: 2 Endurance Races

- **Beast:** Half marathon w/ brutal ascents/descents and obstacles
- **Ultra:** 24-hour ultra distance athletic challenge w/ elevation gain, darkness, unexpected obstacles for the world's best athletes



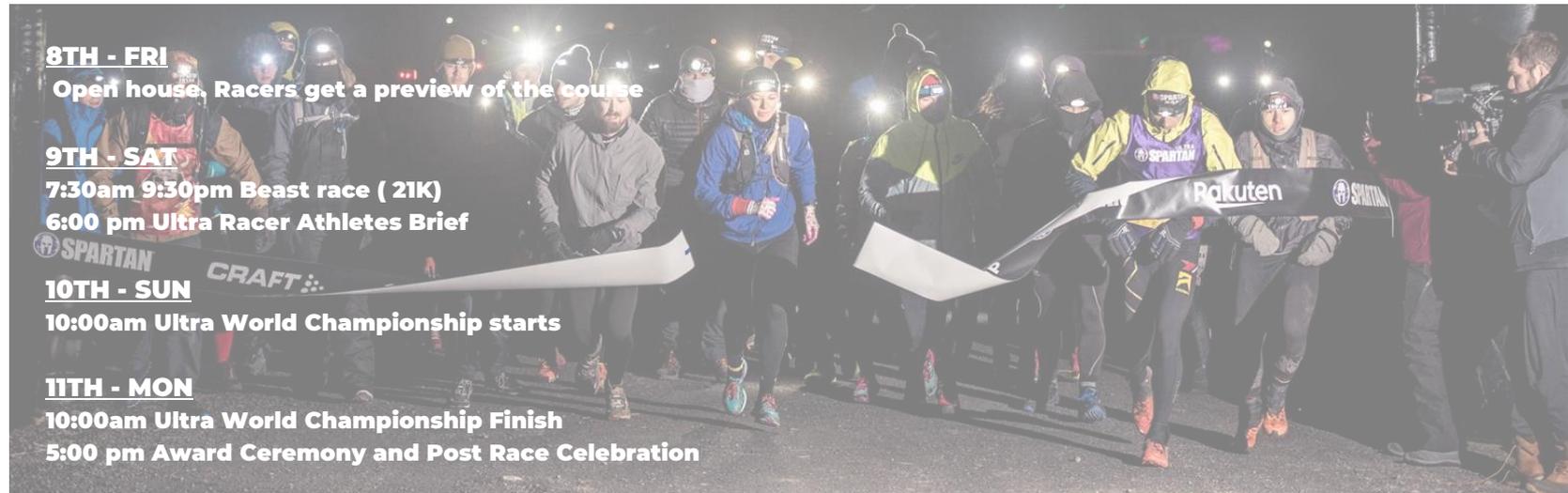
WHEN

Oct 8 (Fri) – 11 (Mon), 2021

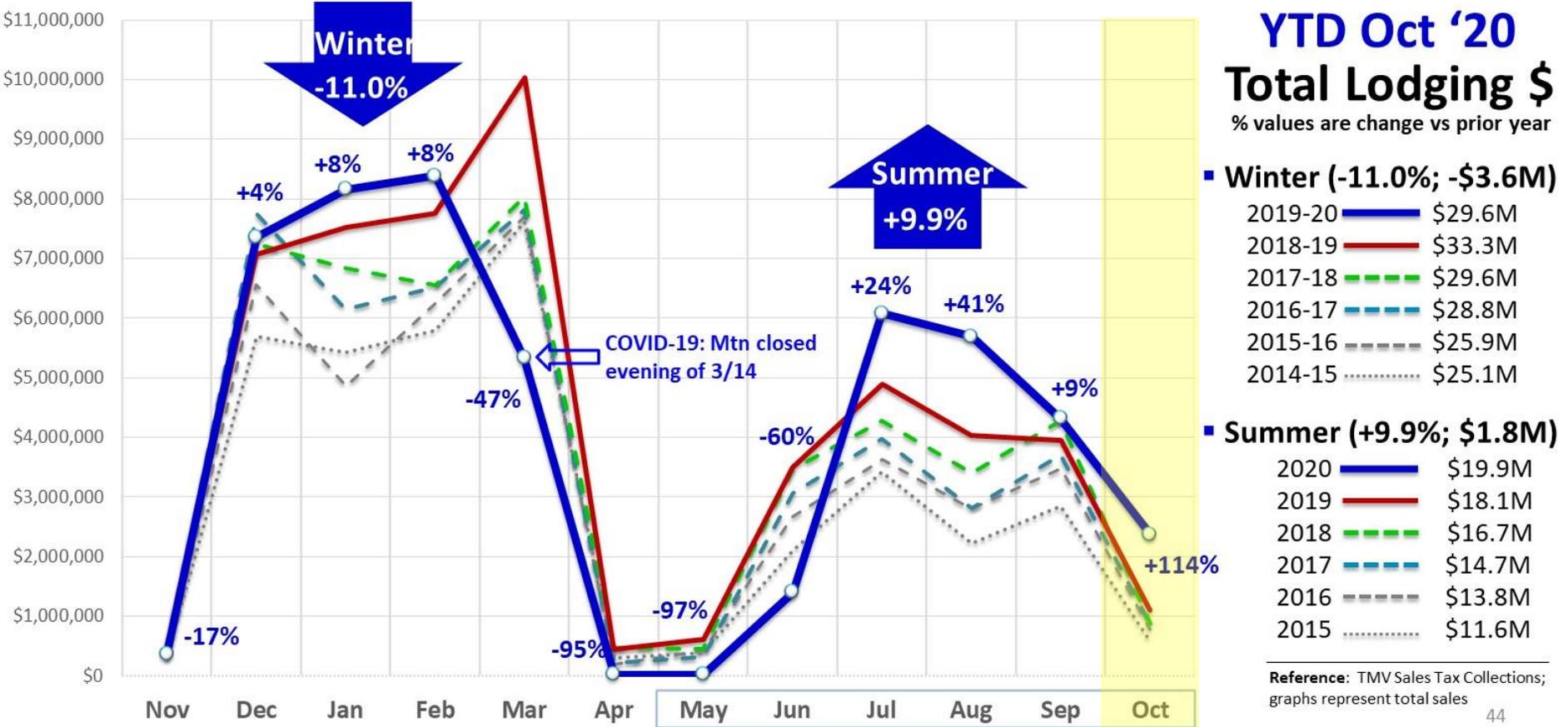
WHY

Economic Impact & Support of Local Businesses

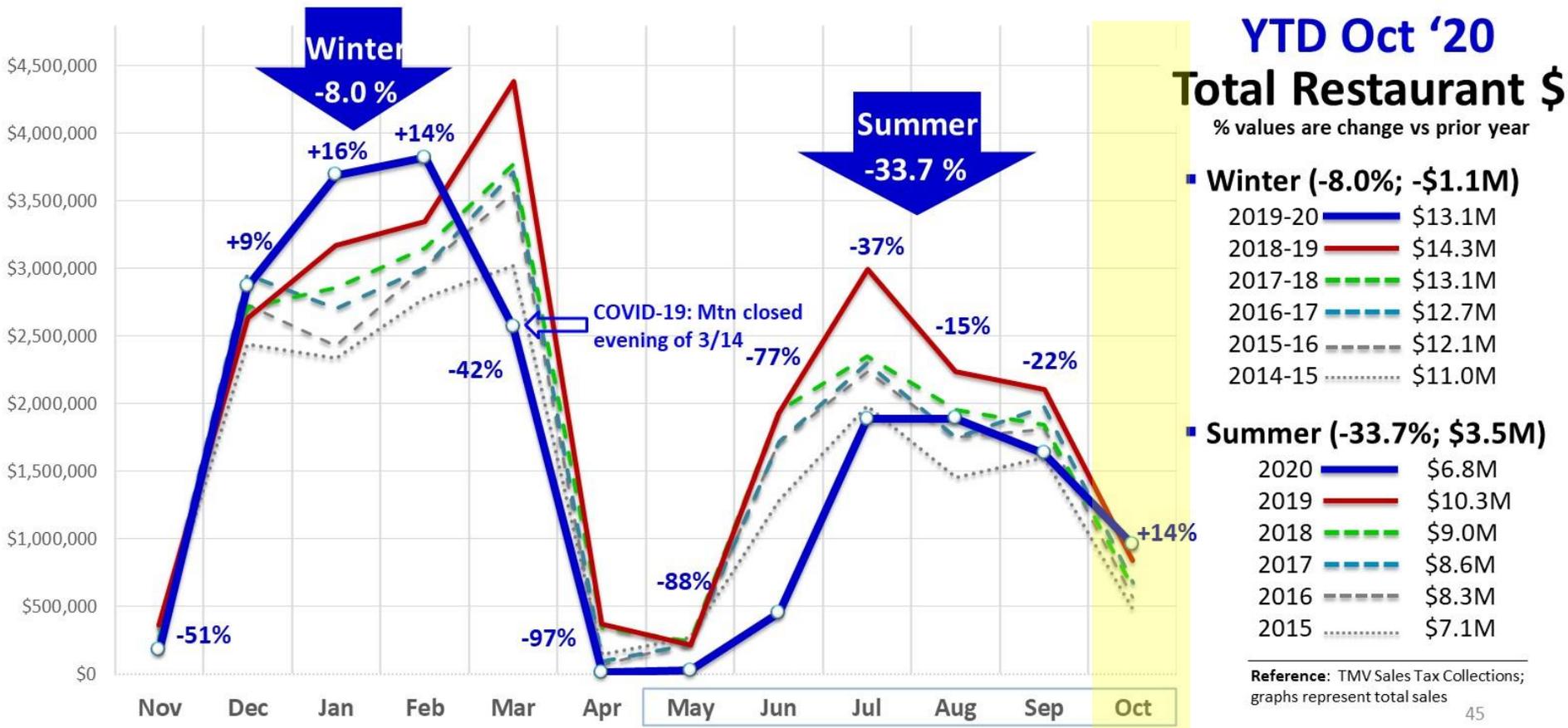
- Fills in typically slow period 
- Est'd up to 8,000 visitors (racers, crews, spectators)
- Est'd up to 6,000 room nights
- Increased exposure – new first-time visitors promote future returns
- Media coverage / branding



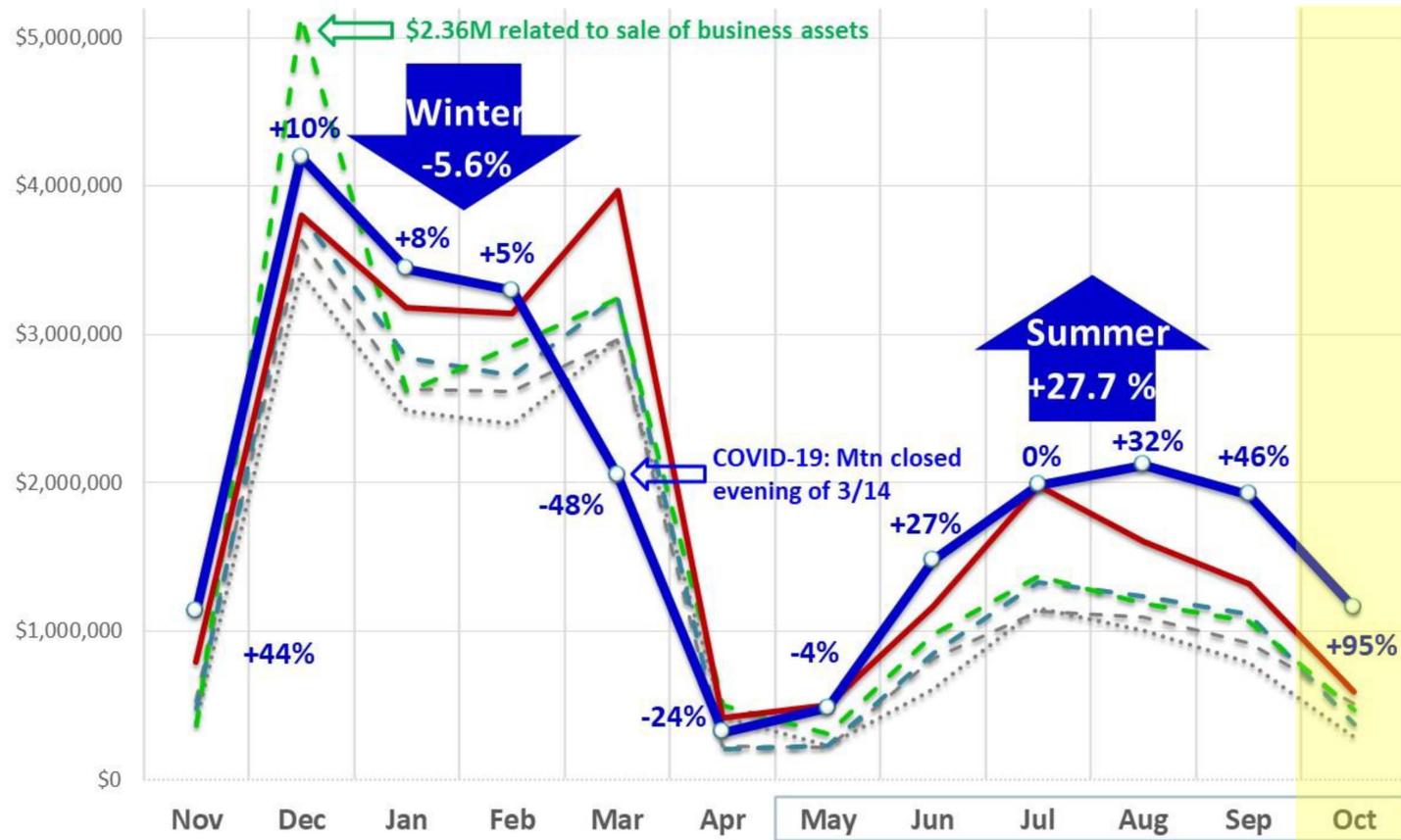
Trending: Lodging



Trending: Restaurant



Trending: Retail



YTD Oct '20 Total Retail \$

% values are change vs prior year

- Winter (-5.6%; -\$858K)**
 - 2019-20 ■ \$14.4M
 - 2018-19 ■ \$15.3M
 - 2017-18 ■ \$14.8M
 - 2016-17 ■ \$13.3M
 - 2015-16 ■ \$12.6M
 - 2014-15 ■ \$12.1M
- Summer (+27.7%; \$2.0M)**
 - 2020 ■ \$9.1M
 - 2019 ■ \$7.2M
 - 2018 ■ \$5.4M
 - 2017 ■ \$5.1M
 - 2016 ■ \$4.7M
 - 2015 ■ \$4.1M

Reference: TMV Sales Tax Collections; graphs represent total sales

Visitors – up to ~8,000

- 5,400 racers, 2,850 spectators & crew

Lodging – up to ~6,000 room nights

- Beast ~ 2,700 (4,200 racers, 1,100 spectators) x 70% overnight x 1.7 nights x 2.3 party size)
- Ultra ~3,300 (1,200 racers, 1,750 spectators + crew) x 95% overnight x 3 nights x 2.5 party size)

Parking – up to ~2,200 vehicles

- 150 person heats, 600 ppl per hour: assume 7 hours of heats = 4,200 racers max @ 2 ppl per car = 2,200 vehicles
 - ~60% (1,320) parked at hotels, condos, homes
 - ~40% (880) parked at public lots

Public Lots / Capacity ~ 1,374

- Mountain Village Lots: 719
 - Gondola: 460
 - Meadows: 110
 - Heritage: 106
 - Blue Mesa: 18
 - North Village: 25
- Telluride: 535
 - Carhenge: 290
 - Lot B: 80
 - Shandoka: 330 (est 50% or 165 to account for residents)
- Lawson / Intercept: 120



For those flying (Montrose) – will promote use of shuttles to reduce number of vehicles

Staging / Transition Area

- Propose green belt areas of Sunset Plaza and near magic carpet (above driving range)
- PA system, lights, tents in this area
 - **PA:** Would coordinate on Friday prior to conduct sound checks to ensure levels are appropriate for area
 - 6:30am – 9:30pm on normal race days
 - 6:00am- to 12:00pm for Ultra
 - Volume – enough to create mood and make announcements; this is not a concert, rather music will be for ambiance
 - **Lights:** at night, would be ~4-5 light towers to spread around area (when dark, lights would be on)
 - Tents and Fencing to mark running route



Village Center Area

- Include obstacles, course start & finish, F&B and sponsor activations around the base area
- Obstacles (3-4) most likely similar to that of current summer “Rope Course” by base of lift 4
 - Rope Climb
 - Multi-Rig
 - Hercules Hoist
- Set-up / builds typically start 5 days prior

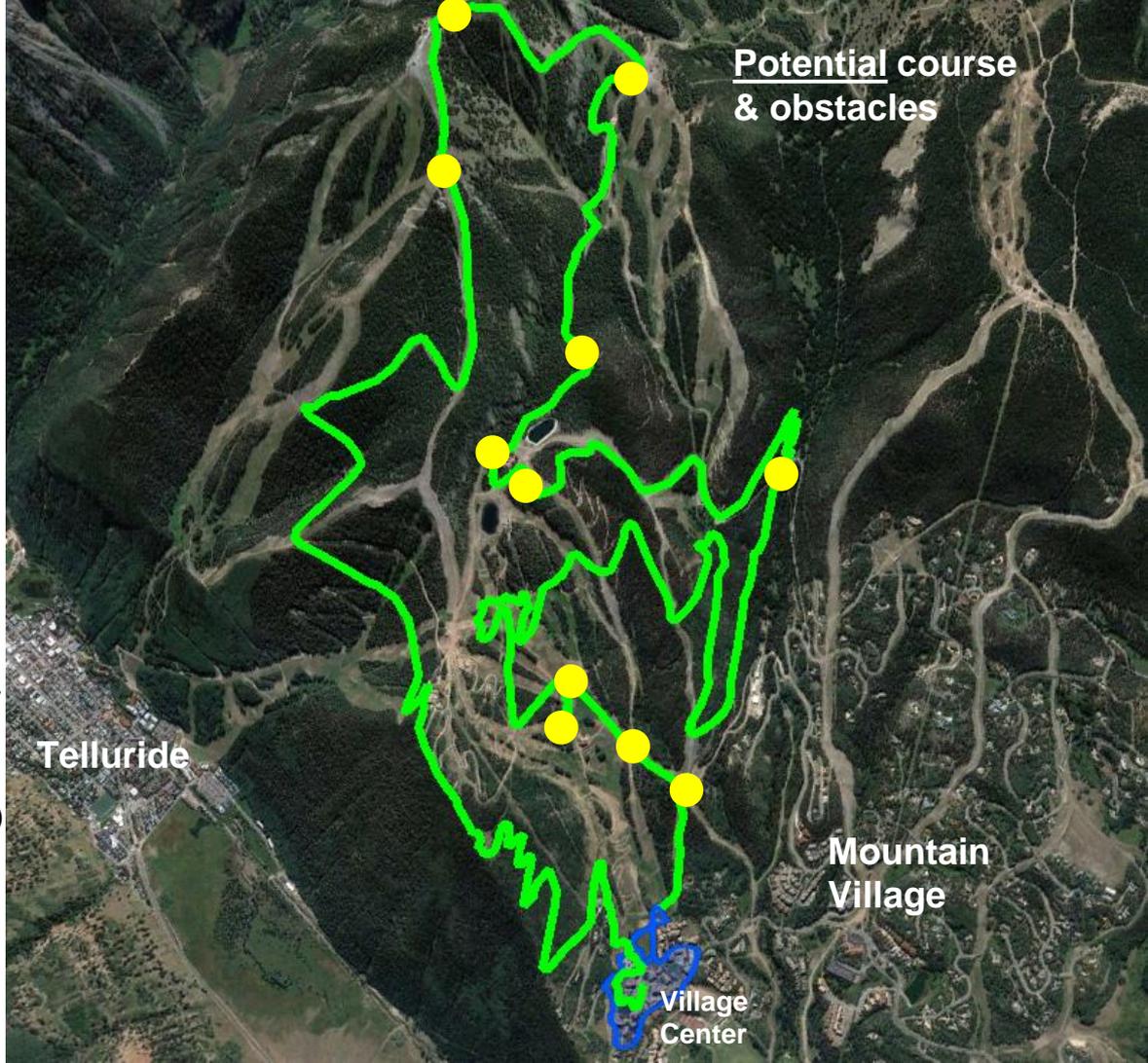


Ultra Course (potential)

- Up to 35 obstacles on course w/ 2 involving dig to for water obstacles
 - Dunk wall (~ 40' x 20' x 5')
 - Ape hanger (~40' x 16' x 4')
- Access 10 days prior for dropping obstacle materials and building

Other / Ops / Logistics

- 25,000 sq ft of dedicated parking lot for basecamp
 - Tent (20' x 40')
 - Min of two 53' trailers (unloading / loading)
 - Materials & equipment



Other

- Any permit required by US Forest Service
- Closure of mountain biking course
- Shops & restaurants open
- Gondola running
- MV shuttle buses running (summer schedule)
- Use of conference center
- Outdoor rinse/shower location (50' x 30') within Village Center – ability to drain 20,000 gallons of water (may be located at base of lift 4)
- Wi-fi
- 6 ski patrollers to support 3rd party medical staff w/ mountain navigation/access
- Support obtaining all necessary permits
- Access to run on all trails, dirt roads and already distributed terrain as approved by venue in order to design a 13-mile course with 35 obstacles that start/finish in MV
- Maximum remediation of \$20,000



Q & A

January 13th, 2021

VCA Resident Testimonials

For the Consideration of Mountain Village Town Council

Compiled by: VCA Residents' Committee

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Building 7 Resident

Mountain Village Town Council,

I am a resident of Village Court Apartments and have seen negative financial impacts from loss of work during the pandemic.

The continued decline of income to be made in the town joined with the gradual raise of cost to live, I, among many other of my colleagues are facing an unwavering and unsettling reality of being in immense debt, and possibly worse.

With the uncertainty of resort operations this winter season, my financial situation has and could continue to worsen in the near future. I am concerned that I will have to make the choice of paying my rent or my other bills. It could reach a point where I would no longer be able to afford to remain in this area, or become homeless altogether.

I am reaching out to the Council for additional assistance. TOMV was able to waive rent back in April, when this pandemic began. The need for another round has returned and is needed now more than ever. Please help your neighbors at Village Court Apartments and keep our workforce community together so that we may continue to help create the beautiful environment that Telluride is.

Building 12 Resident

Since this whole COVID debacle started, affording to pay rent has been difficult. Business has been slow and it seems to be getting slower every day. This not only goes for myself, but for my roommates, as well. It would be extremely helpful if we were allowed a month or two of rent forgiveness. If the Town Council has the funds to help, it would be greatly appreciated by everyone in VCA.

Cheers,

Building 5 Resident

Hello, I live in a studio having a hard time went from 2 jobs to one. Now I'm in {quarantine} and can't work till after the 16th with reduced hours I'm having a hard time. Specially {since} I'm living paycheck to paycheck. Please consider waiving another month to help out your local working people. Thanks

Resident of Building 11

To whom it may concern,

These times have been hard on all of us, myself included. I heard tell there is a petition going around for rent forgiveness in February and I'd like to add my name to that list. Thank you so much

Building 14 Resident

Mountain Village Town Council,

I am a resident of Village Court Apartments and have been financially impacted from the pandemic.

With the uncertainty of resort operations this winter season, my financial situation has and could continue to worsen in the near future. Money is extremely tight, while balancing bills has become difficult with lack of income.

I am reaching out to the Council for additional assistance. TOMV was able to waive rent back in April, when this pandemic began, and the need for another round has returned.

Thank you for your consideration.

Resident

To whom it may concern,

Due to COVID-19, life has been more difficult in terms of finances. The one time that we (the residents of VCA) got a free month of rent, it really helped with this issue. If this happened again in February, things would be a lot less stressful. Thanks for reading!

Building 12 Resident

Mountain Village Town Council,

I am a resident of Village Court Apartments and have seen negative financial impacts from loss of work during the pandemic.

With the uncertainty of resort operations this winter season, my financial situation has and could continue to worsen in the near future. I am concerned that I will have to make the choice of paying my rent or my other bills. It could reach a point where I would no longer be able to afford to remain in this area.

I am reaching out to the Council for additional assistance. TOMV was able to waive rent back in April, when this pandemic began, and the need for another round has returned.

Thank you for your consideration.

Resident Couple

Thank you so much for your support over the last 10+ months now. I don't think anyone thought resolution would take this long. Particularly on behalf of my neighbors I am requesting council to consider another rent forgiveness. These people have put their heart and soul into serving our community. Please help them get us to the finish line.

Building 6 Resident

You can put me on the list anonymously, for not having enough work but also many people need help paying rent in these troubling times.

Building 11 Resident

2020 was hard on my family and set us back financially in many ways. My husband and I were quarantined 3 times due to close contact in our place of employment. Our two weeks of paid leave ran out quickly and we were left without income for weeks on end at no fault of our own.

In October, my husband was in a severe car accident. Im forever great-full his life was spared. However, we were not spared from medical bills. In conjunction, I'm 7 months pregnant with our second child. just 9 weeks away from bringing our son home. Which will result in more medical debt and unpaid maternity leave.

We have kept a positive outlook through these rough times and it has brought our family closer. My husband and I have been picking up extra jobs when we can and doing our best to prepare our finances for the year while catching up from the last one. Just one month of deferred rent would allow us to make a great leap in the right direction to get get our finances back on track and put us on the right foot for the year to come. Your consideration of this is appreciated more than you'll ever know.

Sincerely,

A long term resident of building 11

Building 14 Resident

I work at Telluride Ski & Golf Club. Due to the pandemic, my job opened up a month late and lost 5 work hours per week and while my pay rate decreased.

Building 14 Resident

COVID has impacted my jobs and what I'm willing to do to make money. Because of limited hours at establishments, I've had to get two jobs and am still limited on the hours I can work. I am hoping the rent forgiveness can save me a little bit of money.