



TOWN OF MOUNTAIN VILLAGE
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MARCH 18, 2021
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, March 18, 2021. 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	Andy Rutz
Susan Johnston, Town Clerk	Elly Brophy
Christina Lambert, Senior Deputy Town Clerk	Sherri Reeder
Paul Wisor, Town Attorney	Robert Stenhammer
Julie Vergari, Chief Accountant	Julia Caulfield
Chris Broady, Chief of Police	Anton Benitez
Jaime Holmes, Human Resources Director	Stephanie Fanos
Lindsay Niehaus, Human Resources Coordinator	Yvette Rauff
Zoe Dohnal, Business Development and Sustainability Senior Manager	Susan Danaher
Kathrine Warren, Public Information Specialist	Christopher Steiner
Michelle Haynes, Director of Planning & Development Services	David Averill
John Miller, Senior Planner	Gail Connolly-Stathis
Amy Ward, Planner	Greer Garner
Jim Loebe, Director of Transit & Recreation	Kathy Scheu
Jim Soukup, Chief Technology Officer	James Austin
Steven Lehane, Director of Broadband	Liz Caton
Dawn Katz, Director of Mountain Munchkins	Shane Jordan
Kate Burns, Controller	Scott Bennett
JD Wise, Assistant Director of Public Works	Caleb Watkins
Lori Britt, Transit and Housing Coordinator	Nichole Pieterse
Douglas Tueller	David Houston
Dawn Houston	JJ Osola
Amy Seifrick	

Executive Session for the Purpose of Receiving Legal Advice Pursuant to Sec. 24-6-402(4)(b) Regarding Future Amendments to the Town of Mountain Village Municipal Code (2)

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to move into Executive Session for the purpose of receiving legal advice pursuant to Sec. 24-6-402(4)(b) regarding future amendments to the Town of Mountain Village Municipal Code at 8:32 a.m.

Council returned to open session at 8:46 a.m.

Public Comment on Non-Agenda Items (3)

No public comment was received.

Comprehensive Plan Amendment Process Introduction and Update (4)

MIG Director of Planning Services Andy Rutz and Project Manager Elly Brophy presented. Council discussion ensued. MIG will report back to Council on survey findings at the April and May Town Council meetings.

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: (5)

a. **Consideration of Approval of the February 18, 2021 Regular Town Council Meeting Minutes**

b. **Consideration of Approval of the March 4, 2021 Special Town Council Meeting Minutes**

Town Clerk Susan Johnston presented. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve the Consent Agenda as presented.

Finance: (6)

Chief Accountant Julie Vergari presented.

a. **Presentation of the February 28, 2021 Business & Government Activity Report (BAGAR)**

Council discussion ensued.

Second Reading, Public Hearing and Council Vote on an Ordinance Providing for a New Chapter 1.15 to Title 1 of the Town of Mountain Village Municipal Code to Establish Campaign Finance Regulations (7)

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 providing for a new chapter 1.15 to Title 1 of the Town of Mountain Village Municipal Code to establish campaign finance regulations.

Discussion Regarding the COVID/Recession Policy and Financial Impacts (8)

Town Manager Kim Montgomery, Director of Human Resources Jaime Holmes, Transit Director Jim Loebe, Zoe Dohnal, Transit Manager Rob Johnson, Director of Public Works Finn Kjome, and Julie Vergari presented. Council discussion ensued. Council consensus was to reinstate the employee merit increase retroactive to January 1, 2021 based on December 2020 reviews and to consider the Covid Recession Policy as a multifaceted plan. Council directed staff to review 2020 Covid budget conservation efforts and to examine the restrictions in detail to determine if they should be loosened or continued.

Consideration of Appointments to the Design Review Board for Two Year Terms: (9)

Dan Caton recused himself. Director of Planning & Development Services Michelle Haynes presented.

a. **Two Regular Seats**

On a **MOTION** by Marti Prohaska and seconded by Natalie Binder, Council voted unanimously to appoint Greer Garner and Liz Caton to the regular seats for a two-year term.

b. **One Vacant Regular Seat**

On a **MOTION** by Marti Prohaska and seconded by Natalie Binder, Council voted unanimously to appoint Ellen Kramer to the vacant regular seat for a two-year term.

c. **Two Alternate Seats**

On a **MOTION** by Marti Prohaska and seconded by Natalie Binder, Council voted unanimously to appoint Scott Bennett, 1st alternate and Shane Jordan, 2nd alternate for two-year terms.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer to Rezone Blue Mesa Lodge (Lot 42B), Unit 23A from One (1) Efficiency Lodge Zoning Designation Unit to One (1) Lodge Zoning Designation Unit Pursuant to CDC Sections 17.4.9 and 17.4.10 Quasi-Judicial (10)

John Miller presented. Council discussion ensued. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Peter Duprey and seconded by Jack Gilbride, Council voted 7-0 to adopt an Ordinance regarding the rezone and density transfer application for Lot 42B, Blue Mesa Lodge Unit 23-A to rezone the subject unit from an efficiency lodge zoning designation to a Lodge zoning designation with the following findings and conditions as noted in the staff report of record dated February 8, 2021.

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. At the time the modifications to the unit, including the installation of the partition wall as shown, are complete, the applicant will meet the required definition of a Lodge Unit per the CDC. A 2/3 partition wall meets the definition of creating two rooms consistent with the definition of a lodge zoning designation unit.
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.

Conditions:

1. The applicant should work with the Blue Mesa HOA to update the declarations to recognize Unit 23-A as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. The applicant shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Unit 23-A from efficiency lodge to lodge unit.
4. The applicant shall obtain a building permit and complete the proposed modifications prior to recording the associated ordinance rezoning Unit 23-A from efficiency lodge to lodge unit.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer to Rezone Blue Mesa Lodge (Lot 42B), Unit 23B from One (1) Efficiency Lodge Zoning Designation Unit to One (1) Lodge Zoning Designation Unit Pursuant to CDC Sections 17.4.9 and 17.4.10 Quasi-Judicial (11)

John Miller presented. Council discussion ensued. The Mayor opened the public hearing. There was no public comment. 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 regarding the rezone and density transfer application for Lot 42B, Blue Mesa Lodge Unit 23-B to rezone the subject unit from an efficiency lodge zoning designation to a Lodge zoning designation with the following findings and conditions as noted in the staff report of record dated February 8, 2021.

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. At the time the modifications to the unit, including the installation of the partition wall as shown, are complete, the applicant will meet the required definition of a Lodge Unit per the CDC. A 2/3 partition wall meets the definition of creating two rooms consistent with the definition of a lodge zoning designation unit.
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.

Conditions:

1. The applicant should work with the Blue Mesa HOA to update the declarations to recognize Unit 23-A as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. The applicant shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Unit 23-A from efficiency lodge to lodge unit.
4. The applicant shall obtain a building permit and complete the proposed modifications prior to recording the associated ordinance rezoning Unit 23-A from efficiency lodge to lodge unit.

Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Located at Lot 60RA, 650 Mountain Village Blvd #C, to Rezone La Chamonix Unit C from One (1) Efficiency Lodge Zoning Designation to One (1) Lodge Zoning Designation Pursuant to CDC Sections 17.4.9 and 17.4.10 Quasi-Judicial (12)

John Miller presented. Council discussion ensued. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted 7-0 to approve on first reading an Ordinance regarding the rezone and density transfer application for Lot 60R-AB, Le Chamonix Unit C, to rezone the subject unit from an efficiency lodge zoning designation to a Lodge zoning designation with the following findings and conditions as noted in the staff report of record dated February 9, 2021.

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. Le Chamonix is not identified in the Comprehensive Plan for redevelopment.

Conditions:

1. The applicant should work with the Le Chamonix HOA to update the declarations to recognize Unit C as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. The applicant shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Lot 60R-AB Unit C from efficiency lodge to lodge unit.

Consideration of a Resolution Regarding a Variance Request for Building Height and Average Building Height Pursuant to CDC Section 17.4.16. C on Lot 165, Unit 6, 160 Cortina Drive (13)

John Miller presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to table the above item.

Consideration of a Resolution Regarding Ski Access to the Ski Area by the General Easement Through an Intervening Lot (Lot 232BR) (14)

Michelle Haynes presented. Council discussion ensued. Public comment was received from John Stathis, Ann Seifrick, Chris Steiner, David Houston, Dawn Houston, Doug Tueller and Peter Scheu. Paul Wisor clarified that this item is to only address skier access per the Code. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve a Resolution for skier access to the ski area by the general easement through an intervening lot specifically Lot 232BR, 274 Benchmark Drive as shown on exhibit A (to the resolution)

with the following findings:

1. There is no disturbance of the general easement associated with this request.
2. There is adequate buffering and setback between the ski access area and the home.
3. The applicants provided public notice to the Owner 30 days prior to the Town Council meeting.
4. This area is not required to be groomed for ski area operations.

Consideration of a Request to Extend the Second Amended and Restated Development Agreement Expiration for Lot 38-50-51R Planned Unit Development (The Madeline) from July 25, 2020 for One Additional Year to July 25, 2021 as Allowed for Pursuant to Section 16G of the Agreement (15)

Michelle Haynes presented. Council discussion ensued. Attorney Stephanie Fanos presented.

On a **MOTION** by Marti Prohaska and seconded by Patrick Berry, Council voted unanimously to approve by mutual consent, an extension of the Second Amended and Restated Development Agreement Expiration for Lot 38-50-51R Planned Unit Development (The Madeline) from July 25, 2020 for one additional year to July 25, 2021 as allowed for pursuant to Section 16G of the agreement

Consideration of Approval of a Funding Agreement with San Miguel Regional Authority for Regional Transportation (SMART) to Provide Regional Transportation Services (16)

Director of Transit and Recreation Jim Loebe presented. Council discussion ensued. SMART Director David Averill thanked Council for their support. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted unanimously to approve a funding agreement with SMART to provide regional transportation services.

Consideration of Approval for the Hiring of Two Summer Seasonal Plaza Services Cleaning/Sanitization Positions (17)

Assistant Director of Public Works JD Wise presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve the hiring of two summer seasonal Plaza Services Cleaning/Sanitization positions.

Staff Reports: (18)

a. Mountain Munchkins

Director Dawn Katz presented her report.

b. Town Manager

Kim Montgomery presented her report.

Other Business (19)

Mayor Benitez discussed setting the date for the Council Retreat.

There being no further business, on a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 11:40 p.m.

Respectfully prepared and submitted by,



Susan Johnston
Town Clerk

