TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL SPECIAL JOINT MEETING THURSDAY MARCH 13, 2025, 5:30 PM 2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL 455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO AGENDA

https://us06web.zoom.us/j/81319900962?pwd=1wif2Dsn2cSzucBOhgFPVJf4rNmXLM.1

Please note that times are approximate and subject to change.

| | Time | Min | Presenter | Туре | |
|----|------|----------|----------------|------------------------------|---|
| 1. | 5:30 | | | | Call to Order |
| 2. | 5:30 | 30 20 | Legal | | Executive Session for the Purpose of: a. Joint Session with the Town of Telluride for Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Regional Wastewater Treatment Plant Pursuant to C.R.S. 24- 6402(4)(e) and Section 4.6.C of the Telluride Home Rule Charter b. Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Acquisition of an Easement on Sunset Plaza Pursuant to C.R.S. 24-6-402(4)(a),(b), and (e) |
| 3. | 6:20 | 90 | Legal Wisor | Action Legislative | Consideration of Approval of a Resolution Authorizing Condemnation of Easement Over Real Property for the Purpose of Continuing the Sunset Concert Series |
| 4. | 7:50 | | | | Adjourn |

Register in advance for this webinar:

https://us06web.zoom.us/i/81319900962?pwd=1wif2Dsn2cSzucBOhqFPVJf4rNmXLM.1

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

Zoom participation in public meetings is being offered as a courtesy, however technical difficulties can happen, and the Town bears no responsibility for issues that could prevent individuals from participating remotely. Physical presence in Council Chambers is recommended for those wishing to make public comments or participate in public hearings.

Public Comment Policy:

- All public commenters must sign in on the public comment sign in sheet and indicate which item(s) they intend to give public comment on.
- Speakers shall wait to be recognized by the Mayor and shall give public comment at the public comment microphone when recognized by the Mayor.
 - Speakers shall state their full name and affiliation with the Town of Mountain Village if any.
- Speakers shall be limited to three minutes with no aggregating of time through the representation of additional people.
 - Speakers shall refrain from personal attacks and shall keep comments to that of a civil tone.
 - No presentation of materials through the AV system shall be allowed for non-agendized speakers.
 - Written materials must be submitted 48 hours prior to the meeting date 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.



OFFICE OF THE TOWN MANAGER

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 729-2654

TO: Mountain Village Town Council

FROM: Paul Wisor, Town Manager¹

DATE: March 6, 2024

RE: Condemnation of an Easement Over Lot OS 3CRR for the Purpose of

Continuing the Sunset Concert Series

Executive Summary: The Sunset Concert Series has been a cornerstone of Mountain Village's cultural and economic vitality for over 25 years, attracting visitors, supporting local businesses, and enhancing the community experience. However, recent challenges in securing permission from the landowner, Chuck Horning, have created uncertainty for the 2025 season. In 2024, restrictive marketing conditions significantly impacted attendance, sponsorships, and economic benefits, and, despite ongoing negotiations, an agreement has not been reached for 2025.

The Town of Mountain Village, in partnership with the Telluride Mountain Village Owners Association, has explored alternative venues within the Village Center, but any relocation would reduce the event's capacity and vibrancy. Given the event's importance, the Town has three options: facilitate an agreement between TMVOA and Mr. Horning, work with TMVOA to find a new venue, or exercise its power of eminent domain to secure an easement on Lot OS 3CRR, ensuring the event's continuity.

The Town's proactive involvement is critical to preserving this event, which supports the broader goals of economic development and community engagement. Given the urgency, the Town Council should consider initiating condemnation proceedings to secure an easement, ensuring the Sunset Concert Series remains a central asset to Mountain Village's prosperity.

Background

Promoting economic vitality in Mountain Village is a shared priority of both the Town of Mountain Village and the Telluride Mountain Village Owners Association ("TMVOA"). Both organizations dedicate significant resources to supporting local businesses and attracting visitors, with the expectation that these efforts will enhance the success of Mountain Village's retailers, restaurants, and lodgers. The Town invests \$1.5 million annually through its partnership with the Telluride Tourism Board to drive visitors to the area, while its Economic Development Department works to strengthen the local business environment and overall economic activity. Similarly, TMVOA allocates substantial funding toward events designed to increase prosperity in Mountain Village.

One of the most important initiatives supporting these efforts is the Sunset Concert Series (the "Series"), a TMVOA signature event that has been a Mountain Village tradition for the past

¹ All statements herein are informed by professional experience with mountain resort communities, and in particular over four-plus years in the Town of Mountain Village. The views expressed are solely my own.

twenty-five years. Since its launch in 1999, the Series has served as a key driver of activity in the Village Center and has helped foster a sense of community. Today, it remains one of the most anticipated events of the summer season, drawing residents, visitors, and businesses together in a way that benefits the local economy and enhances the guest experience.

Each year, the Sunset Concert Series is held on Lot OS 3CRR, a property owned by Chuck Horning.² TMVOA is required to obtain permission to use the lot, and in recent years, securing this approval has become increasingly challenging. Permissions have been granted later each spring, often with new restrictions that create operational difficulties and uncertainty for TMVOA.

In 2024, Mr. Horning did not approve the use of Lot OS 3CRR until the week before the Series began. In addition to the delayed approval, the agreement imposed a severe restriction on marketing, allowing TMVOA to promote the Series only within Mountain Village and prohibiting the producer or any related parties from issuing marketing materials or press releases. Mr. Horning cited concerns over Gondola congestion as the basis for these limitations.

The marketing restrictions imposed in 2024 had a significant negative impact on the Series. Attendance declined noticeably, with weekly crowds dropping from the typical range of 1,200 to 1,600 patrons to closer to 700 to 1,000 attendees. The prohibition on broader advertising also prevented TMVOA from securing sponsorships, which not only reduced the revenue available to support the Series but also diminished the overall vibrancy of each concert by limiting sponsor engagement with attendees. While Mountain Village restaurants still benefited from the event, patronage on concert nights was lower than in previous years. As the 2024 producer of the Series noted, reductions in attendance and engagement tend to have a compounding effect over time, making it essential to take corrective action to prevent further decline.

The restriction on advertising directly undermines one of the fundamental objectives of the Sunset Concert Series: enhancing economic vitality in Mountain Village. If the goal were to gradually eliminate the Series, restricting TMVOA's ability to promote the event would be an effective means of doing so. The loss of the Series would represent a significant setback for Mountain Village's broader economic development efforts and would run counter to the work of both TMVOA and the Town in fostering a thriving business environment.

Recognizing the importance of avoiding another year of uncertainty, and with full support of the TMVOA board³,TMVOA began working proactively with Mr. Horning in November 2024 to secure an agreement that would allow the Series to thrive. Despite several months of discussions and a firm deadline of February 10, 2025,⁴ TMVOA was unable to finalize an agreement.⁵ On February 19, 2025, the same day the Town formally expressed its concerns

² The owner of record for the land in question, Lot OS 3CRR, is TSG Ski & Golf LLC. However, for the purposes of this memo, Mr. Horning is referred to as the owner, as the decision to block an agreement for the Sunset Concert Series is his and his alone. Referring to TSG would inaccurately imply this is an institutional decision rather than Mr. Horning's personal choice, and his choice alone. Conversations with TSG employees at all levels – front-line staff, management, and executive leadership – confirm that the overwhelming majority do not support his obstruction of the Sunset Concert Series or his broader operational decisions. These employees, whose tireless efforts often go unseen, deserve the community's full recognition and support because, make no mistake, it is their labor that sustains resort operations, not the personal whims of a single individual.

³ Notably, Mr. Horning appoints three of the six TMVOA board members, none of whom have, to the Town's knowledge, objected to TMVOA's position that the restriction on advertising needs to be removed.

⁴ An extension from an original deadline of January 6, 2025.

⁵ Failure to adhere to agreement deadlines have become part of a pattern and practice with Mr. Horning as many regional agreements have languished, impacting the implementation of the underlying agreement, or been ignored entirely.

regarding the future of the Series, Mr. Horning signed a version of the 2024 agreement, once again imposing the same restrictive marketing limitations.

The conditions outlined in the agreement are not acceptable to TMVOA, as they directly conflict with the core purpose of the Series and the broader goal of supporting economic vitality in Mountain Village. The failure to reach an agreement by the February deadline, combined with the inclusion of unacceptable restrictions, has already delayed planning efforts, hindered TMVOA's ability to contract with a producer and secure high-quality talent, and complicated the permitting process. As a result, the Series is now at risk for the upcoming summer season.

Despite these challenges, TMVOA, the Town, and the prospective producer have taken a proactive approach by exploring alternative locations within the Village Center to ensure the event can proceed. However, any alternative site will necessarily diminish the overall capacity for attendance and result in a reduced experience for those who do attend. The current site has been carefully selected over the years to accommodate large crowds and provide an optimal concert environment. Alternative locations, while necessary under the circumstances, will be smaller, less conducive to the same level of vibrancy, and could further erode attendance over time. While the process of booking artists and securing necessary approvals is already behind schedule, there is confidence that, with the Town's support in securing a new venue, an alternative version of the Sunset Concert Series can still take place this summer, albeit in a diminished form.

Discussion

The community has made clear to the Town Council and Town staff that the mere delay in proceeding with the Series, let alone the potential of no Series at all, is unacceptable, and some of requested the Town resolve the dispute. The concerns of Mr. Horning and TMVOA are addressed below. This memo further discusses potential action Council may take in the event Mr. Horning and TMVOA are unable to come to an agreement.

I. Mr. Horning Objections

Based on representations from TSG staff familiar with Mr. Horning's thought process, concerns with TMVOA are threefold.⁶ First, the concerts cause long wait times at the Gondola, diminishing the overall rider experience. Second, retailers close early during the concerts, raising concerns about TMVOA's investment in the event. Finally, the concerts lead to overcrowding in restaurants, overwhelming staff and negatively impacting customer experience. These objections are addressed below.⁷

Mr. Horning first objection relates to increased wait times at the Gondola before or after a particular concert.⁸ Any concert in Mountain Village inevitably generates increased traffic from the Oak Street Station prior to the commencement of a given concert, and Stations 4 and 5 see an uptick in traffic after the concert. In conferring with Gondola staff, 400 - 500 riders per hour typically represents a wait time of 10-15 minutes. A review of 2024 ridership during peak hours around the Series shows ridership between 259 – 485 riders per hour. See **Exhibit B**, attached hereto. A 10-15 minute wait for the most iconic transportation system in America after attending a public concert seems both expected and reasonable.

⁶ The Town has sought Mr. Horning's direct input on this matter but has not received a direct response as of the date of this memo. See **Exhibit A**, attached hereto.

⁷ It is unclear whether these objections relate to the Series as a whole or simply broad advertisement.

⁸ Mr. Horning's concern with wait times does not appear to apply when it comes to the lines his own ski operation may induce on any given day.

Mr. Horning's second objection appears to focus on the fact dollars spent by TMVOA do not uniformly benefit all retailers in Mountain Village. In particular, retailers, as opposed to restaurants, do not reap the full benefit of the influx of visitors to the Village Center because retailers close prior to the end of most concerts. It is true that most retailers close at 6:00 as the concert begins. However, many attendees currently arrive long before the concert begins, which, if accurately capitalized on, could inure to the benefit of retailers. In addition, both the Town and TMVOA can work to encourage retailers to remain open later during concert events in order assure retailers fully take advantage of the additional foot traffic induced by the Series.⁹

Finally, Mr. Horning purportedly believes the influx of people into Mountain Village overwhelms restaurants resulting in a poor experience. At the February 20th Council meeting, the Council heard from a restaurateur who emphasized how critical the Series is to their overall business, and without the Series their business would likely not survive. An informal survey of other independent restaurants reveals that they wholeheartedly welcome the influx of guests on Wednesdays, and they typically anticipate more patrons on Wednesdays in which the Series is held. This is precisely the economic activity the Series seeks to drive.

Ultimately, it does not appear the rationale for limiting TMVOA's ability to advertise has much basis in fact, nor is it consistent with the Town's and TMVOA's shared objective of enhancing vitality within Mountain Village.

II. TMVOA Objections

TMVOA maintains that any agreement regarding the Sunset Concert Series must allow for broad advertising, as restricting promotion of the event directly undermines its success and economic impact.

First, attracting high-quality performers depends on the ability to publicize the Series beyond Mountain Village. Many bands agree to play the Wednesday night concerts specifically because of the exposure associated with performing in the Telluride region. Without the ability to market the Series to a wider audience, TMVOA will struggle to secure top-tier talent, diminishing the quality of the event and ultimately making it less appealing to attendees.

Second, the inability to advertise beyond Mountain Village significantly increases TMVOA's costs. When artists are unable to promote their performances to their broader fan base, they treat the Series as a "private event" and demand higher fees to compensate for lost exposure. Without broad advertising, TMVOA is forced to pay inflated booking rates, placing an unnecessary financial burden on an event designed to promote economic vitality.

Third, broad advertising is essential for drawing attendees from outside the immediate area, which directly aligns with the Series' core purpose. Visitors who come specifically for the concerts stay in Mountain Village hotels, dine in local restaurants, and shop at Village retailers. The economic benefits of the Series are maximized when it is promoted beyond the immediate community.

Fourth, sponsorship revenue is directly tied to the ability to advertise. Without the ability to promote the Series beyond Mountain Village, TMVOA cannot attract sponsors, which increases the financial burden of producing the concerts. Sponsorships also enhance the overall concert

⁹ There are twenty-three retail shops in Mountain Village. Of these, ten are owned by Mr. Horning, who could certainly direct these stores to remain open if he chose to do so.

experience, as sponsors engage directly with attendees, providing activations and added energy that contribute to the vibrancy of the event.

Fifth, the marketing restrictions imposed last year resulted in a noticeable decline in attendance, with weekly crowds dropping from the typical range of 1,200 to 1,500 patrons to closer to 700 to 1,000. The diminished attendance had a cascading effect, reducing engagement, limiting sponsorship opportunities, and weakening the overall draw of the event. If this decline continues, the Series will no longer be viable, depriving Mountain Village of one of its most important cultural and economic assets. The gradual erosion of the Series would not only eliminate a beloved tradition but also undermine the broader economic development efforts of both the Town and TMVOA, which have long relied on events like the Sunset Concert Series to drive business activity and enhance the community experience.

Finally, restricting advertising contradicts the spirit of regional unity. Mountain Village and Telluride are no longer isolated communities; they are part of an interconnected region where residents, businesses, and visitors move freely between the two. The Series should be an opportunity to welcome friends, neighbors, and colleagues from across the area, fostering the sense of community that has been at the heart of the event for the past twenty-five years. Artificially limiting attendance by preventing awareness of the concerts runs counter to the values of inclusivity and shared cultural experiences that define the region.

III. Resolution

The Town is not a party to the Series agreement, and its ability to resolve this issue is limited. In fact, there appear to be three options. First, the Town can work with TMVOA to find alternative sites for the Series. Second, the Town can encourage Mr. Horning and TMVOA to resolve the issue. Finally, the Town can use its condemnation power to acquire an easement over the land on which the Series is held so the Series can be held without seeking Mr. Horning's consent in the future.

a. Coordination with TMVOA

The Town is working closely with TMVOA to explore alternative venues for the Sunset Concert Series within the Village Center. As noted above, while these alternatives may allow the Series to continue, no site will fully replicate the current location's capacity, seating, and views, resulting in a diminished experience and reduced economic impact. The Town remains committed to supporting TMVOA in ensuring the Series goes forward, albeit in a modified format this summer. Despite these challenges, both parties are focused on maintaining the event's cultural and economic benefits for the community.

b. Negotiated Settlement

The Town can continue to try to facilitate a negotiated resolution between Mr. Horning and TMVOA. However, the longer discussions go on, the less likely TMVOA will be able to secure talent for the Series this summer. Any resolution would need to allow TMVOA and/or the producer to broadly advertise the Series. Given the Town does not want to find itself in this position again next year, the agreement would need to automatically renew at the discretion of TMVOA.

c. Condemnation

Though the Town's options in this matter are limited, the Town can unilaterally resolve this issue by exercising its power of eminent domain to acquire Lot OS 3CRR. While the Town could

acquire the Lot OS 3CRR in whole, it would be quite expensive to do so. Plus, the lot is used for ski use during the winter, and the Town has no interest in limiting such use. As such, it is in the Town's best interest to seek an easement during the summer to facilitate the Series into the future. To limit costs, Council may want to consider imposing an easement for a limited duration of time with the hope that the parties may be able to resolve their differences in the future.

The Town is granted the power of eminent domain through the Colorado Constitution as well as state statute and the Town's own home rule charter. State statutes set forth the conditions under which the Town may condemn a piece of property. Notably, the Town can only condemn property for a public purpose, which here would be for public gatherings and the Series.

Procedurally, the Town must adopt a resolution authorizing condemnation of the easement, which resolution is attached hereto as **Exhibit C**. Once so authorized, the Town must make a good faith offer to purchase the easement. If the offer is rejected, the Town will then file with the district court a petition for condemnation and immediate possession. After a hearing on the immediate possession request to determine the amount the Town is required to deposit with the court pending completion of the condemnation proceedings, the court will grant the Town immediate possession subject to making said deposit, which is the equivalent of a court ordered license until such time as a permanent easement is imposed. Possession cannot occur until 30 days after service of the court filings and summons.

At this point, the only question remaining is the amount of money the Town owes for the easement. To make this determination, there is a valuation trial, which is conducted with either a jury or a panel of local property owners. This valuation proceeding is held to determine the market value of the easement the Town seeks to impose. If the ultimate valuation award is 130% more than the final offer made by the Town, the Town is responsible for the landowner's attorney's fees.

Conclusion

Economic vitality is a top priority for the Town of Mountain Village, and the Sunset Concert Series stands as the crown jewel of the Town's efforts to promote a thriving community. This iconic event has been a cornerstone of Mountain Village's cultural and economic life for over 25 years, driving business activity, fostering a sense of community, and enhancing the visitor experience. The Series not only attracts thousands of visitors each summer but also aligns directly with the Town's broader goals, such as supporting local businesses, boosting tourism, and enriching the quality of life for both residents and quests.

The continued uncertainty surrounding the Series, driven by the imposition of restrictive conditions by Mr. Horning, threatens to unravel these vital community benefits. Despite months of negotiation (or lack thereof), and the consideration of alternative venues, the risks of diminished attendance, reduced sponsor engagement, and lower economic impact are clear. Without a resolution, the Sunset Concert Series will no longer serve its critical function in advancing the Town's economic vitality.

Given the importance of this event to the future of Mountain Village, the Town must take decisive action to preserve the Series. Exercising its power of eminent domain to impose an easement on Lot OS 3CRR is the most effective and lasting solution. This step would guarantee the continuation of the Series, allow for proper planning and promotion, and safeguard the economic interests of the Town and its residents.

While the Town is addressing a multitude of priorities, including workforce housing, infrastructure, childcare, and public safety, among others, it cannot afford to let Mr. Horning

undermine one of the most important drivers of economic vitality in Mountain Village. The Town Council should immediately proceed with condemnation proceedings to secure an easement for the Sunset Concert Series, ensuring that this invaluable asset remains a cornerstone of the Town's efforts to foster long-term prosperity and community engagement.

Proposed Motion: "I move the adopt the Resolution set forth in Exhibit C of the staff memo dated March 5, 2025, authorizing condemnation of an easement over Lot OS 3CRR for the purpose of continuing the Sunset Concert Series."

Exhibit A

From: Chuck Horning
To: Paul Wisor

Subject: Re: Sunset Concert Series

Date: Wednesday, February 19, 2025 2:17:49 PM

Caution: External Message - Please be cautious when opening links or attachments in email. Misinformation, Paul.

Chuck Horning

On Feb 18, 2025, at 4:32 PM, Paul Wisor <pwisor@mtnvillage.org> wrote:

EXTERNAL EMAIL/OUTSIDE SENDER WARNING: This email originated OUTSIDE of Telluride Ski and Golf. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe Chuck,

It has come to my attention that you will not support this year's Sunset Concert Series, an event that has successfully operated for twenty-five years with the resort's cooperation. This is both disappointing and deeply concerning, as the Series has long been a pillar of the Mountain Village community, benefiting residents, visitors, local businesses, and the resort itself.

Unfortunately, this is not the first time the community has faced unnecessary delays and difficulties in securing your support. Your history of protracted negotiations has repeatedly made it challenging to attract talent and properly plan for the Series. This year's refusal to sign the agreement only exacerbates that pattern, putting the entire event at risk without any clear justification.

This situation requires an immediate resolution. Every month, Council is provided Department Updates in their publicly available packet. This month's Update notes the issues surrounding the Series, and I assume Council and the community will have questions. You need to attend this week's Council meeting to address the community directly and provide an explanation for your position. We expect your participation and a path forward that ensures the Series moves ahead as planned.

| Ρ | lease | let me | know if | vou would | l like to | discuss | this issue a | head c | of t | he meeti | ng. |
|---|-------|--------|---------|-----------|-----------|---------|--------------|--------|------|----------|-----|
| | | | | | | | | | | | |

Thanks,

Paul

photo

Paul Wisor



Town Manager, Town of Mountain Village

Office | 970-369-6411 | pwisor@mtnvillage.org 455 Mountain Village Blvd., Ste. A, Mountain Village, CO 81435





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Disclaimer

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From: Paul Wisor chuck@telski.com

Cc: <u>chadhorning@tellurideskiresort.com</u>; <u>sreeder@tellurideskiresort.com</u>; <u>Steve Swenson</u>

Subject: Sunset Concert Series - Request for Clarification

Chuck,

As you are aware, Town Council has scheduled a special meeting on March 13th to discuss the Sunset Concert Series and the ongoing impasse between you and TMVOA. I understand you have executed last year's agreement, which prohibits TMVOA or the event producer from advertising the series, a restriction that TMVOA deems unacceptable.

In my last email, I requested that you attend the February 20th Council meeting so Council and the community could better understand why an agreement had not been reached by the February 10th deadline. Unfortunately, that did not occur.

I am currently compiling a memo to ensure Council and the public have a clear and accurate understanding of the issue. I want to fairly characterize your rationale for imposing advertising restrictions on TMVOA. Based on conversations with your staff, my understanding is that your concerns are threefold:

- 1. The concerts cause long wait times at the Gondola, diminishing the overall rider experience.
- 2. Retailers close early or during the concerts, raising concerns about TMVOA's investment in the event.
- 3. The concerts lead to overcrowding in restaurants, overwhelming staff and negatively impacting customer experience.

Please confirm whether the above accurately reflects your position and let me know if there are any additional details you would like included in the memo. *I need your response by* **8:00 a.m. tomorrow**, as I need to submit the memo to the Town Clerk first thing Thursday.

I sincerely hope you and TMVOA can reach a resolution on this matter soon. However, if an agreement is not forthcoming, I strongly encourage you to attend the March 13th Council meeting to provide your perspective directly. Given that the Sunset Concert Series is a cherished community tradition with a 25-year history, it is concerning that it remains in limbo, jeopardizing not only this year's event but its long-term viability.

I appreciate your time and consideration and look forward to your response.

Paul

photo

Paul Wisor



Town Manager, Town of Mountain Village

Office | 970-369-6411 | pwisor@mtnvillage.org

455 Mountain Village Blvd., Ste. A, Mountain Village, CO 81435







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Exhibit B

Exhibit B contains ride counts for each Wednesday on which the 2024 Series was held. On each day, the upper left green cell are exits at station 4 (riders who boarded in Telluride) and the lower right are exits at Oak (riders who boarded in the Village). The concert starts at 6pm and ends at 8pm. 6:00pm on the charts is ridership between 5:00pm and 6:00pm and the 9:00pm is ridership between 8:00pm and 9:00pm. These would be the two most impactful time periods on a Series day.

| 7:00AM | 6/26/24 | 0 | 14 | 12 | 25 | 15 | 66 |
|----------|---------|-----|-----|-----|-----|-----|-------|
| 8:00 AM | 6/26/24 | 12 | 94 | 26 | 36 | 37 | 205 |
| 9:00 AM | 6/26/24 | 17 | 179 | 63 | 43 | 83 | 385 |
| 10:00 AM | 6/26/24 | 27 | 178 | 101 | 54 | 148 | 508 |
| 11:00 AM | 6/26/24 | 34 | 143 | 128 | 102 | 169 | 576 |
| 12:00 PM | 6/26/24 | 101 | 205 | 238 | 81 | 164 | 789 |
| 1:00 PM | 6/26/24 | 153 | 171 | 267 | 89 | 254 | 934 |
| 2:00 PM | 6/26/24 | 112 | 187 | 280 | 146 | 243 | 968 |
| 3:00 PM | 6/26/24 | 120 | 205 | 350 | 147 | 275 | 1,097 |
| 4:00 PM | 6/26/24 | 167 | 227 | 270 | 148 | 274 | 1,086 |
| 5:00 PM | 6/26/24 | 150 | 160 | 236 | 121 | 300 | 967 |
| 6:00 PM | 6/26/24 | 138 | 225 | 259 | 126 | 263 | 1,011 |
| 7:00 PM | 6/26/24 | 114 | 183 | 240 | 83 | 198 | 818 |
| 8:00 PM | 6/26/24 | 128 | 151 | 194 | 39 | 273 | 785 |
| 9:00 PM | 6/26/24 | 182 | 75 | 179 | 98 | 260 | 794 |
| 10:00 PM | 6/26/24 | 64 | 56 | 213 | 11 | 146 | 490 |
| 11:00 PM | 6/26/24 | 61 | 13 | 75 | 19 | 29 | 197 |
| 12:00 AM | 6/26/24 | 22 | 6 | 38 | 4 | 16 | 86 |
| 12:20 AM | 6/26/24 | 4 | 0 | 12 | 11 | 4 | 31 |
| 1:00 AM | 6/26/24 | | | | | | 0 |

| 2:00 AM | 6/26/24 | | | | | | 0 | |
|----------|---------|-------|-------|-------|-------|-------|--------|--------|
| 3:00 AM | 6/26/24 | | | | | | 0 | |
| Total | 6/26/24 | 1,606 | 2,472 | 3,181 | 1,383 | 3,151 | 11,793 | 11,793 |
| | | | | | | | | |
| 7:00AM | 7/3/24 | 0 | 19 | 7 | 16 | 10 | 52 | |
| 8:00 AM | 7/3/24 | 16 | 73 | 28 | 39 | 53 | 209 | |
| 9:00 AM | 7/3/24 | 30 | 180 | 74 | 138 | 115 | 537 | |
| 10:00 AM | 7/3/24 | 30 | 230 | 148 | 127 | 184 | 719 | |
| 11:00 AM | 7/3/24 | 54 | 298 | 220 | 139 | 263 | 974 | |
| 12:00 PM | 7/3/24 | 153 | 441 | 402 | 131 | 373 | 1,500 | |
| 1:00 PM | 7/3/24 | 158 | 442 | 475 | 165 | 383 | 1,623 | |
| 2:00 PM | 7/3/24 | 200 | 336 | 532 | 151 | 408 | 1,627 | |
| 3:00 PM | 7/3/24 | 295 | 420 | 520 | 110 | 478 | 1,823 | |
| 4:00 PM | 7/3/24 | 335 | 325 | 496 | 173 | 525 | 1,854 | |
| 5:00 PM | 7/3/24 | 293 | 302 | 491 | 94 | 512 | 1,692 | |
| 6:00 PM | 7/3/24 | 270 | 351 | 440 | 159 | 502 | 1,722 | |
| 7:00 PM | 7/3/24 | 137 | 346 | 420 | 72 | 395 | 1,370 | |
| 8:00 PM | 7/3/24 | 223 | 267 | 387 | 109 | 396 | 1,382 | |
| 9:00 PM | 7/3/24 | 329 | 143 | 397 | 140 | 465 | 1,474 | |
| 10:00 PM | 7/3/24 | 214 | 66 | 268 | 46 | 231 | 825 | |
| 11:00 PM | 7/3/24 | 100 | 25 | 200 | 4 | 110 | 439 | |
| 12:00 AM | 7/3/24 | 49 | 16 | 77 | 0 | 17 | 159 | |
| 12:20 AM | 7/3/24 | 14 | 0 | 12 | 0 | 21 | 47 | |
| 1:00 AM | 7/3/24 | | | | | | 0 | |
| 2:00 AM | 7/3/24 | | | | | | 0 | |

| 3:00 AM | 7/3/24 | | | | | | 0 | |
|---------|--------|-------|-------|-------|-------|-------|--------|--------|
| Total | 7/3/24 | 2,900 | 4,280 | 5,594 | 1,813 | 5,441 | 20,028 | 20,028 |

| 7:00AM | 7/10/24 | 0 | 15 | 10 | 12 | 10 | 47 |
|----------|---------|-----|-----|-----|-----|-----|-------|
| 8:00 AM | 7/10/24 | 10 | 64 | 16 | 36 | 38 | 164 |
| 9:00 AM | 7/10/24 | 21 | 142 | 57 | 66 | 81 | 367 |
| 10:00 AM | 7/10/24 | 28 | 170 | 137 | 78 | 133 | 546 |
| 11:00 AM | 7/10/24 | 69 | 240 | 209 | 156 | 190 | 864 |
| 12:00 PM | 7/10/24 | 107 | 267 | 216 | 87 | 245 | 922 |
| 1:00 PM | 7/10/24 | 155 | 301 | 318 | 87 | 254 | 1,115 |
| 2:00 PM | 7/10/24 | 143 | 252 | 333 | 127 | 319 | 1,174 |
| 3:00 PM | 7/10/24 | 200 | 248 | 388 | 91 | 368 | 1,295 |
| 4:00 PM | 7/10/24 | 218 | 271 | 362 | 72 | 290 | 1,213 |
| 5:00 PM | 7/10/24 | 200 | 244 | 348 | 160 | 329 | 1,281 |
| 6:00 PM | 7/10/24 | 138 | 270 | 329 | 156 | 286 | 1,179 |
| 7:00 PM | 7/10/24 | 148 | 368 | 420 | 108 | 276 | 1,320 |
| 8:00 PM | 7/10/24 | 202 | 152 | 272 | 29 | 216 | 871 |
| 9:00 PM | 7/10/24 | 247 | 82 | 272 | 109 | 383 | 1,093 |
| 10:00 PM | 7/10/24 | 110 | 44 | 183 | 12 | 185 | 534 |
| 11:00 PM | 7/10/24 | 41 | 21 | 117 | 14 | 51 | 244 |
| 12:00 AM | 7/10/24 | 42 | 12 | 43 | 5 | 21 | 123 |
| 12:20 AM | 7/10/24 | 5 | 1 | 8 | 0 | 12 | 26 |
| 1:00 AM | 7/10/24 | | | | | | 0 |
| | | | | | | | |

| 2:00 AM | 7/10/24 | | | | | | 0 | |
|----------|---------|-------|-------|-------|-------|-------|--------|--------|
| 3:00 AM | 7/10/24 | | | | | | 0 | |
| Total | 7/10/24 | 2,084 | 3,164 | 4,038 | 1,405 | 3,687 | 14,378 | 14,378 |
| | | | | | | | | |
| 7:00AM | 7/17/24 | 0 | 8 | 6 | 27 | 7 | 48 | |
| 8:00 AM | 7/17/24 | 10 | 85 | 23 | 39 | 70 | 227 | |
| 9:00 AM | 7/17/24 | 23 | 184 | 61 | 90 | 86 | 444 | |
| 10:00 AM | 7/17/24 | 44 | 138 | 118 | 85 | 184 | 569 | |
| 11:00 AM | 7/17/24 | 54 | 190 | 150 | 257 | 199 | 850 | |
| 12:00 PM | 7/17/24 | 93 | 285 | 237 | 172 | 235 | 1,022 | |
| 1:00 PM | 7/17/24 | 159 | 271 | 401 | 135 | 330 | 1,296 | |
| 2:00 PM | 7/17/24 | 151 | 237 | 349 | 121 | 372 | 1,230 | |
| 3:00 PM | 7/17/24 | 209 | 245 | 381 | 91 | 356 | 1,282 | |
| 4:00 PM | 7/17/24 | 201 | 206 | 369 | 108 | 333 | 1,217 | |
| 5:00 PM | 7/17/24 | 189 | 187 | 255 | 103 | 324 | 1,058 | |
| 6:00 PM | 7/17/24 | 161 | 322 | 310 | 119 | 287 | 1,199 | |
| 7:00 PM | 7/17/24 | 137 | 340 | 465 | 87 | 274 | 1,303 | |
| 8:00 PM | 7/17/24 | 196 | 177 | 249 | 80 | 311 | 1,013 | |
| 9:00 PM | 7/17/24 | 291 | 144 | 229 | 89 | 412 | 1,165 | |
| 10:00 PM | 7/17/24 | 150 | 18 | 189 | 38 | 188 | 583 | |
| 11:00 PM | 7/17/24 | 60 | 23 | 116 | 4 | 58 | 261 | |
| 12:00 AM | 7/17/24 | 22 | 4 | 26 | 0 | 21 | 73 | |
| 12:20 AM | 7/17/24 | 4 | 1 | 6 | 3 | 9 | 23 | |
| 1:00 AM | 7/17/24 | | | | | | 0 | |
| 2:00 AM | 7/17/24 | | | | | | 0 | |

| 3:00 AM | 7/17/24 | | | | | | 0 | |
|---------|---------|-------|-------|-------|-------|-------|--------|--------|
| Total | 7/17/24 | 2,154 | 3,065 | 3,940 | 1,648 | 4,056 | 14,863 | 14,863 |

| 7:00AM | 7/24/24 | 0 | 15 | 9 | 24 | 9 | 57 |
|----------|---------|-----|-----|-----|-----|-----|-------|
| 8:00 AM | 7/24/24 | 14 | 72 | 17 | 30 | 55 | 188 |
| 9:00 AM | 7/24/24 | 22 | 156 | 66 | 95 | 99 | 438 |
| 10:00 AM | 7/24/24 | 76 | 253 | 134 | 157 | 139 | 759 |
| 11:00 AM | 7/24/24 | 59 | 274 | 173 | 127 | 297 | 930 |
| 12:00 PM | 7/24/24 | 103 | 236 | 306 | 188 | 275 | 1,108 |
| 1:00 PM | 7/24/24 | 123 | 234 | 336 | 148 | 318 | 1,159 |
| 2:00 PM | 7/24/24 | 188 | 260 | 383 | 161 | 378 | 1,370 |
| 3:00 PM | 7/24/24 | 150 | 219 | 399 | 96 | 390 | 1,254 |
| 4:00 PM | 7/24/24 | 202 | 177 | 443 | 86 | 315 | 1,223 |
| 5:00 PM | 7/24/24 | 180 | 177 | 374 | 79 | 328 | 1,138 |
| 6:00 PM | 7/24/24 | 204 | 325 | 438 | 72 | 357 | 1,396 |
| 7:00 PM | 7/24/24 | 114 | 297 | 466 | 108 | 222 | 1,207 |
| 8:00 PM | 7/24/24 | 252 | 181 | 308 | 92 | 360 | 1,193 |
| 9:00 PM | 7/24/24 | 249 | 137 | 254 | 66 | 418 | 1,124 |
| 10:00 PM | 7/24/24 | 82 | 50 | 133 | 19 | 156 | 440 |
| 11:00 PM | 7/24/24 | 83 | 10 | 173 | 16 | 119 | 401 |
| 12:00 AM | 7/24/24 | 27 | 13 | 36 | 5 | 24 | 105 |
| 12:20 AM | 7/24/24 | 4 | 0 | 9 | 1 | 6 | 20 |
| 1:00 AM | 7/24/24 | | | | | | 0 |
| 2:00 AM | 7/24/24 | | | | | | 0 |

| 3:00 A | M 7/24/24 | | | | | | 0 | |
|--------|-----------|-------|-------|-------|-------|-------|--------|--------|
| Tota | 7/24/24 | 2,132 | 3,086 | 4,457 | 1,570 | 4,265 | 15,510 | 15,510 |

| 49 | 16 | 6 | 10 | 17 | 0 | 7/31/24 | 7:00AM |
|-------|-----|-----|-----|-----|-----|---------|----------|
| 199 | 46 | 42 | 22 | 83 | 6 | 7/31/24 | 8:00 AM |
| 371 | 90 | 69 | 58 | 129 | 25 | 7/31/24 | 9:00 AM |
| 585 | 146 | 79 | 133 | 179 | 48 | 7/31/24 | 10:00 AM |
| 923 | 222 | 197 | 169 | 264 | 71 | 7/31/24 | 11:00 AM |
| 1,022 | 275 | 148 | 241 | 245 | 113 | 7/31/24 | 12:00 PM |
| 1,033 | 283 | 116 | 330 | 178 | 126 | 7/31/24 | 1:00 PM |
| 1,233 | 341 | 123 | 398 | 204 | 167 | 7/31/24 | 2:00 PM |
| 1,162 | 357 | 110 | 305 | 236 | 154 | 7/31/24 | 3:00 PM |
| 1,201 | 334 | 130 | 361 | 177 | 199 | 7/31/24 | 4:00 PM |
| 1,307 | 402 | 133 | 345 | 233 | 194 | 7/31/24 | 5:00 PM |
| 1,376 | 365 | 151 | 397 | 316 | 147 | 7/31/24 | 6:00 PM |
| 1,120 | 262 | 46 | 401 | 330 | 81 | 7/31/24 | 7:00 PM |
| 1,048 | 311 | 55 | 354 | 132 | 196 | 7/31/24 | 8:00 PM |
| 1,248 | 485 | 125 | 304 | 59 | 275 | 7/31/24 | 9:00 PM |
| 616 | 187 | 39 | 211 | 21 | 158 | 7/31/24 | 10:00 PM |
| 288 | 91 | 38 | 79 | 16 | 64 | 7/31/24 | 11:00 PM |
| 83 | 20 | 4 | 34 | 4 | 21 | 7/31/24 | 12:00 AM |
| 31 | 11 | 3 | 14 | 0 | 3 | 7/31/24 | 12:20 AM |
| 0 | | | | | | 7/31/24 | 1:00 AM |
| 0 | | | | | | 7/31/24 | 2:00 AM |
| _ | · | | | | | | |

| 3:00 AM | 7/31/24 | | | | | | 0 | |
|---------|---------|-------|-------|-------|-------|-------|--------|--------|
| Total | 7/31/24 | 2,048 | 2,823 | 4,166 | 1,614 | 4,244 | 14,895 | 14,895 |

| 7:00AM | 8/7/24 | 0 | 9 | 6 | 12 | 6 | 33 |
|----------|--------|-------|-----|-----|-----|-----|-------|
| 8:00 AM | 8/7/24 | 0 | 82 | 25 | 40 | 40 | 187 |
| 9:00 AM | 8/7/24 | 0 | 160 | 66 | 90 | 95 | 411 |
| 10:00 AM | 8/7/24 | 0 | 206 | 134 | 139 | 195 | 674 |
| 11:00 AM | 8/7/24 | 0 | 220 | 168 | 120 | 227 | 735 |
| 12:00 PM | 8/7/24 | 0 | 318 | 273 | 165 | 281 | 1,037 |
| 1:00 PM | 8/7/24 | 0 | 169 | 358 | 168 | 272 | 967 |
| 2:00 PM | 8/7/24 | 0 | 195 | 323 | 123 | 329 | 970 |
| 3:00 PM | 8/7/24 | 0 | 226 | 381 | 86 | 311 | 1,004 |
| 4:00 PM | 8/7/24 | 0 | 224 | 298 | 98 | 269 | 889 |
| 5:00 PM | 8/7/24 | 0 | 150 | 266 | 71 | 306 | 793 |
| 6:00 PM | 8/7/24 | 0 | 266 | 260 | 63 | 262 | 851 |
| 7:00 PM | 8/7/24 | 0 | 266 | 361 | 50 | 220 | 897 |
| 8:00 PM | 8/7/24 | 0 | 176 | 279 | 42 | 297 | 794 |
| 9:00 PM | 8/7/24 | 0 | 51 | 233 | 25 | 312 | 621 |
| 10:00 PM | 8/7/24 | 0 | 20 | 148 | 4 | 127 | 299 |
| 11:00 PM | 8/7/24 | 0 | 8 | 102 | 9 | 35 | 154 |
| 12:00 AM | 8/7/24 | 0 | 9 | 40 | 0 | 19 | 68 |
| 12:20 AM | 8/7/24 | 2,129 | 0 | 3 | 0 | 7 | 2,139 |
| 1:00 AM | 8/7/24 | | | | | | 0 |
| | | • | | • | • | • | = |

| 2:00 AM | 8/7/24 | | | | | | - 0 | |
|----------|---------|-------|-------|-------|-------|-------|--------|--------|
| 3:00 AM | 8/7/24 | | | | | | 0 | |
| Total | 8/7/24 | 2,129 | 2,755 | 3,724 | 1,305 | 3,610 | 13,523 | 13,523 |
| | | | | | | | | |
| 7:00AM | 8/14/24 | 0 | 0 | 4 | 9 | 7 | 20 | |
| 8:00 AM | 8/14/24 | 9 | 0 | 15 | 13 | 44 | 81 | |
| 9:00 AM | 8/14/24 | 21 | 55 | 77 | 60 | 76 | 289 | |
| 10:00 AM | 8/14/24 | 24 | 123 | 97 | 94 | 168 | 506 | |
| 11:00 AM | 8/14/24 | 62 | 143 | 129 | 112 | 164 | 610 | |
| 12:00 PM | 8/14/24 | 104 | 275 | 211 | 104 | 228 | 922 | |
| 1:00 PM | 8/14/24 | 97 | 170 | 195 | 102 | 272 | 836 | |
| 2:00 PM | 8/14/24 | 138 | 221 | 257 | 94 | 226 | 936 | |
| 3:00 PM | 8/14/24 | 177 | 166 | 271 | 88 | 235 | 937 | |
| 4:00 PM | 8/14/24 | 145 | 123 | 288 | 135 | 225 | 916 | |
| 5:00 PM | 8/14/24 | 160 | 154 | 264 | 136 | 276 | 990 | |
| 6:00 PM | 8/14/24 | 153 | 232 | 278 | 111 | 267 | 1,041 | |
| 7:00 PM | 8/14/24 | 91 | 291 | 293 | 106 | 213 | 994 | |
| 8:00 PM | 8/14/24 | 162 | 118 | 221 | 79 | 326 | 906 | |
| 9:00 PM | 8/14/24 | 192 | 49 | 221 | 55 | 288 | 805 | |
| 10:00 PM | 8/14/24 | 107 | 24 | 172 | 14 | 86 | 403 | |
| 11:00 PM | 8/14/24 | 48 | 19 | 56 | 13 | 54 | 190 | |
| 12:00 AM | 8/14/24 | 29 | 10 | 58 | 0 | 19 | 116 | |
| 12:20 AM | 8/14/24 | 20 | 2 | 27 | 2 | 6 | 57 | |
| 1:00 AM | 8/14/24 | | | | | | 0 | |
| 2:00 AM | 8/14/24 | | | | | | 0 | |

| 3:00 AM | 8/14/24 | | | | | | 0 | |
|---------|---------|-------|-------|-------|-------|-------|--------|--------|
| Total | 8/14/24 | 1,739 | 2,175 | 3,134 | 1,327 | 3,180 | 11,555 | 11,555 |

Exhibit C

RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AUTHORIZING THE TOWN ATTORNEY TO NEGOTIATE THE PURCHASE OF AND, IF NECESSARY, CONDEMN AN EASEMENT ON TRACT OS-3CRR FOR THE PURPOSE OF HOSTING THE SUNSET MUSIC SERIES

| RESOLUTION NO | . 2025- | |
|----------------------|---------|--|
|----------------------|---------|--|

WHEREAS, the Town of Mountain Village, Colorado (the "Town") possesses the power of eminent domain pursuant to Article XX, §§ 1 and 6 of the Colorado Constitution, Section 11.1 of the Town of Mountain Village Home Rule Charter, C.R.S. §38-1-101, et seq., and C.R.S. § 38-6-101, et seq.; and

WHEREAS, pursuant to C.R.S. § 38-6-101, so long as it serves a public purpose, the Town may condemn private property to build, acquire, construct, or establish any public building or any other public work or improvement; and

WHEREAS, TSG Ski & Golf LLC ("TSG") is the owner of certain real property in San Miguel County known as Tract OS-3CRR, Assessor Parcel No. 477903116067, and commonly known as Sunset Plaza, 117 Lost Creek Lane, Mountain Village, Colorado (the "Property"); and

WHEREAS, since 1999, concert promoters have hosted the Sunset Music Series at Sunset Plaza, which typically runs from June to August each year and consists of free concerts open to the public and more than 10 vendors; and

WHEREAS, attendance at the Sunset Music Series typically ranges from 1,100 to 1,600 attendees, and due to the success of the series, the concert promoters have decided to extend the 2025 installment by an additional three weeks, or three concerts; and

WHEREAS, the Sunset Music Series is supported by the Town Council as an important benefit for the Mountain Village community, visitors, and local businesses that seeks to promote vibrancy and economic vitality within the Town, offering the public opportunities to come together to enjoy each other's company, music, and dancing in a convenient and scenic location at no cost to the attendees; and

WHEREAS, TSG has failed or refused to sign an agreement to allow for the continued use of the Property for the Sunset Music Series; and

WHEREAS, the Town Council finds and determines it is necessary and in the public interest for the Town to acquire a non-exclusive easement on the Property ("Easement") for the hosting of and public gathering at the Sunset Music Series to allow the long-standing tradition to continue; and

WHEREAS, acquiring the Easement serves a public purpose and public use and benefits the residents of the Town and the general public; and

WHEREAS, the Easement is necessary for the continuation of the Sunset Music Series, and in order to schedule concert performers for the 2025 summer season, there is an immediate need to take possession of the same; and

WHEREAS, the Town has complied and intends to continue to comply with all applicable provisions of C.R.S. §§ 38-1-101, *et seq.*, including, but not limited to, the notice and good faith negotiation requirements and provisions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1</u>. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. The term "Easement" means a temporary right to hold and conduct the Sunset Music Series in substantially the same manner and location as it has historically occurred on the real property described in attached Exhibit A, including the right to erect, maintain, use, operate, and take down a stage, lighting, sound equipment, and other reasonably necessary temporary structures and equipment, to host members of the public to attend the concerts, to host vendors during the concerts, and to engage in such other activities as reasonably necessary for such purposes. The Easement will be non-exclusive, and its duration will be for those limited periods during the months of June through September of 2025 through 2027 as deemed necessary by Town Staff in consultation with the concert operators and promoters.

Section 3. The Town Council hereby finds that the acquisition of the Easement will serve a proper, public, and municipal purpose and use, and that such acquisition is necessary and essential to this public purpose and use. The Town Council hereby declares its intent to acquire the Easement for the purposes stated herein.

Section 4. The Town Manager, in consultation with the Town Attorney, is directed to provide notice of the Town's intent to acquire the Easement to TSG, and thereafter to conduct good faith negotiations with TSG for the acquisition of the property rights sought. The Town Attorney and Town Manager are authorized to retain such third-party consultants, including appraisers, as they determine are necessary for such negotiations. The Town Manager and Town Attorney are authorized to make offers for all or portions of the Easement based upon the appraisal or fair market valuation of the same and are further authorized to execute agreements for the acquisition of all or portions of the Easement.

Section 5. If, after making a good faith offer to acquire the Easement, the Town is unable to acquire the necessary property rights by negotiation and/or voluntary purchase, the Town Attorney is hereby authorized to institute and prosecute eminent domain proceedings in the name of the Town and including all parties having an interest in the Property so as to acquire the Easement by condemnation. In the prosecution of any eminent domain actions to acquire the Easement, the Town shall have and retain all rights and powers lawfully delegated to it by the Colorado Constitution, the Town of Mountain Village Home Rule Charter, and C.R.S. §§ 38-1-101, et seq., and C.R.S. §§ 38-6-101, et seq.

Section 6. The Town Manager, in consultation with the Town Attorney, is authorized to seek and to take immediate possession of the Easement as may be necessary for the 2025 Sunset Music Series, and to make such deposits or other payments as may be necessary in connection therewith. If eminent domain proceedings are instituted, the Town Attorney and Town Manager are authorized to retain such expert witnesses, including appraisers, as they determine are necessary for the condemnation proceedings.

<u>Section 7</u>. The Town Manager, in consultation with the Town Attorney, is hereby specifically authorized to make such reasonable or necessary amendments and corrections to the terms and/or legal descriptions of the Easement to be acquired, including authorization to include such additional or other property rights necessary or desirable to accomplish the public purposes described herein.

Section 8. The Town Council hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Mountain Village, that it is adopted for the health, safety, and welfare of the public, and that this Resolution is necessary to further a valid public use and purpose, for the preservation of health and safety, and for the protection of public convenience and welfare. The Town Council further determines that the Resolution bears a rational relation to the proper legislative object sought to be obtained.

<u>Section 9</u>. If any clause, sentence, paragraph, or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 10. This Resolution shall be in full force and effect upon its passage and adoption.

| ADOPTED AND APPROVED by the Town of I held on the day of March, 2025. | Mountain Village Town Council at a duly noticed public meeting |
|--|--|
| | TOWN OF MOUNTAIN VILLAGE, COLORADO |
| | By: Martinique Prohaska, Mayor |
| ATTEST: | |
| Susan Johnston, Town Clerk | |
| APPROVED AS TO FORM: | |
| | |

David McConaughy, Town Attorney

Exhibit A

A portion of Tract OS-3CRR, Town of Mountain Village according to the plat of Lot 38-50-51R, Tract OS-3CRR and Tract OS-3XRR, recorded February 11th, 2009 with the San Miguel County Clerk and Recorder in Plat Book 1, at page 4061, San Miguel County, State of Colorado further described as follows;

Beginning at a point on the most eastern angle point on the boundary of said Tract OS-3CRR, being the POINT OF BEGINNING;

Thence southerly and westerly along the boundary of said Tract OS-3CRR the following twenty (20) courses;

- 1. Thence, S 13° 30' 33" W for a distance of 95.44 feet to an angle point,
- 2. Thence, S 76° 07′ 11" W for a distance of 9.11 feet to an angle point,
- 3. Thence, S 58° 11' 28" W for a distance of 19.30 feet to an angle point,
- 4. Thence, S 43° 27' 00" W for a distance of 5.34 feet to an angle point,
- Thence, S 37° 50' 51" W for a distance of 16.08 feet to an angle point,
- 6. Thence, \$ 16° 40' 15" W for a distance of 9.42 feet to an angle point,
- 7. Thence, N 75° 54' 36" W for a distance of 8.89 feet to an angle point,
- 8. Thence, S 54° 39' 38" W for a distance of 23.71 feet to an angle point,
- 9. Thence, N 81° 01' 38" W for a distance of 19.11 feet to an angle point,
- 10. Thence, \$53° 02' 00" W for a distance of 5.01 feet to an angle point,
- 11. Thence, N 38° 09' 38" W for a distance of 14.46 feet to an angle point,
- 12. Thence, N 80° 56' 10" W for a distance of 21.17 feet to an angle point,
- 13. Thence, \$ 54° 13' 40" W for a distance of 15.93 feet to an angle point,
- 14. Thence, N 34° 27' 38" W for a distance of 12.85 feet to an angle point,
- 15. Thence, N 11° 37' 09" W for a distance of 21.37 feet to an angle point,
- 16. Thence, N 56° 20' 24" W for a distance of 26.40 feet to an angle point,
- 17. Thence, S 54° 22' 45" W for a distance of 10.48 feet to an angle point,
- 18. Thence, N 36° 39' 31" W for a distance of 1.32 feet to an angle point,
- 19. Thence, \$ 54° 11' 27" W for a distance of 14.96 feet to an angle point,
- 20. Thence, N 35° 27' 24" W for a distance of 23.94 feet to an angle point,

Thence, departing the boundary of said Tract OS-3CRR, N 21° 21' 26" E for a distance of 73.91 feet to an angle point,

Thence, N 62° 20' 02" W for a distance of 33.05 feet to an angle point,

Thence, N 69° 05' 18" W for a distance of 65.91 feet to the western boundary of said Tract OS-3CRR,

Thence, N 09° 30′ 00" E for a distance of 8.16 feet along the western boundary of said Tract OS-3CRR,

Thence, departing the western boundary of said Tract OS-3CRR, S 69° 05′ 18″ E for a distance of 65.12 feet to an angle point,

Thence, N 04° 10′ 38" E for a distance of 38.78 feet to an angle point,

Thence, N 22° 15' 14" E for a distance of 45.45 feet to the northern boundary of said Tract OS-3CRR,

Thence, S 65° 00' 00" E for a distance of 8.01 feet along the northern boundary of said Tract OS-3CRR,,

Thence, departing the northern boundary of said Tract OS-3CRR, S 22° 15′ 14″ W for a distance of 43.79 feet to an angle point,

Thence, S 04° 10' 38" W for a distance of 11.47 feet to an angle point,

Thence, S 67° 19' 44" E for a distance of 55.30 feet to an angle point,

Thence, S 61° 23' 46" E for a distance of 29.94 feet to an angle point,

Thence, S 57° 07′ 51″ E for a distance of 21.21 feet to an angle point,

Thence, S 66° 08' 44" E for a distance of 12.35 feet to an angle point,

Thence, N 83° 39' 42" E for a distance of 13.77 feet to an angle point,

Thence, N 53° 28′ 43″ E for a distance of 7.30 feet to an angle point,

Thence, S 84° 19' 20" E for a distance of 39.52 feet to an angle point,

Thence, N 71° 46' 44" E for a distance of 55.61 feet to the POINT OF BEGINNING,

Containing 24651 sq.ft., more or less

Town of Mountain Village, County of San Miguel,

State of Colorado

From: Paul Wisor

To: <u>mvclerk</u>; <u>Susan Johnston</u>; <u>Mae Eckard</u>

Subject: FW: Wed Night Concerts

Date: Tuesday, March 11, 2025 5:57:22 PM

Please place this public comment from Chuck Horning in the 3/13 packet.

From: Chuck Horning < chuck@newportfed.com>

Date: March 11, 2025 at 3:44:38 PM MDT

To: Martinique Prohaska < mprohaska@mtnvillage.org>

Subject: Wed Night Concerts

Caution: External Message - Please be cautious when opening links or

attachments in email.

The most recent issue of political distraction is a concert that is established and successful, overseen by TMVOA out of our RETA Tax Funds, and happily supported by Telski. We provide a well maintained landscaped area and stage for musical events, all free of charge, because we are deeply committed to the challenge of bringing vitality to the Village. Something that has been a difficult and challenging struggle, for reasons that are largely not understood.

At issue is growing the Wednesday night concerts versus supporting the vitality in other ways. There is not a clear path, but the challenge is far more complex than most realize.

Mountain Village is a remote resort, a term that has special meaning in the resort world. There are not a lot of remote resorts because of the enormous challenge to achieve sustainability economically in a remote location like Telluride.

In addition to supporting the Wednesday night concerts, we put in a bike park and a zip line, both of which operate at a loss, to help provide the elusive vitality that Mountain Village needs. We have also introduced the trampolines and sluice box which does bring some vitality.

TMVOA engaged the services of Gary Suiter, a really good consultant who understands air and government in terms of making it more effective. TMVOA also engaged Paul Matthews, world expert on remote resorts who spent

roughly \$500,000 of TMVOA's funds to study and recommend solutions for Mountain Village.

All this followed the successful sale of the residential lots which was the project undertaken by Allred and his investors. It was the subject of Harvard studies, a film called "the Lost People of Mountain Village", a multi-million dollar plan undertaken by then Mayor of Mountain Village, Bob Delves. Folks like Ron Allred were involved rather early on and learned that this "remote resort" had unforeseen challenges.

Today we are wrestling with those challenges, with little understanding as to the key underlying issues. It helped me to visit Lech and St Anton (not Benitez) which are successful remote resorts (a long way from major cities and major airports). These resorts took generations to develop economic vitality and sustainability, and there are no easy answers. I've devoted a lot of time to studying this and the history of places like Zermatt. It took a long time for that and similar resorts to get the vitality we seek and is necessary to be economically sustainable. We have been able to build beautiful homes and attract quality owners both which lead us to achieving economic vitality. We have also learned there is an exceptional demand for various types of staff housing in order to deliver the services related not only to resort operations but also to care for these homes. Per the most recent Regional Housing Needs Assessment we need 807 additional units today and will need at least 307 more units by 2034.

These are real issues and there aren't quick fixes. There are many things we need to learn and do that will support and accelerate success for us as a community. Instead, our culture tends to jump on and support things we like as opposed to really measuring in terms of a reality and competent understanding of our core needs. The issue of vitality for Mountain Village is real, pet projects can help, but it takes a core understanding of our challenges to really increase the rate of progress.

This starts with a discussion of what others in similar remote locations learned that worked.

An example, when I came here in 2004, we put on a major concert every Sunday at Gorronos handled by staff in the Marketing Department who loved their role in picking the bands. Some of you may remember this. Towards the end of the week, crews began working on bringing in the equipment and

staging for the particular bands, hauling personnel and equipment up from the base of lift 4 on haul cats to hook up staging and sound systems for some very well-known bands.

I began to notice that the effort to set up staging for these bands was a pretty big effort. And that our staff loved these events, coming from all over the mountain to hear bands they loved, while some out-of-town guests would put their hands over their ears - the music being a little young and loud for them. I was concerned. I asked and several folks recommended I talk to this guy at Vail - Bill Jensen. I called his office and spoke with his secretary, telling her we'd got involved in Telluride and was looking for advice on this expensive and somewhat controversial music situation. Bill was quick responding, referring to the experience of Lech and St Anton. "Stop the bands and put a guitar/singer at Gorronos daily."

The staff who recruited the bands quit - they were very unhappy with this change and I don't blame them. But the individual guitar player singer is there daily, creating a consistent guest experience that everyone can enjoy not just on Sundays.

This huge issue of vitality for the village isn't simple and many involved will die not fully understanding the remote issue that underpins our struggle. The answer starts with curiosity and learning. Not fighting about issues like this Wednesday Nightscenario.

The natural tendency is to line up to fight the opposition in these "sacred" matters like the Wednesday night concerts. What is really lacking is the sharing of what successful models do, and the thoughtful learning and adjusting our approach. There is no right or wrong, only results.

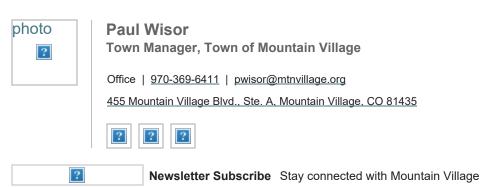
This Wednesday night concert issue that we have supported for many years, is an example of what not to do when issues arise. This should be thoughtful and a learning experience, rather than a Chicago style political battle.

Improvement is easy (or easier) among reasonable people who are interested in gathering information thoughtfully discussing before firing both barrels.

I ask to have a thoughtful forum for these and other matters that will

continue to arise. Only because we will get a better result.

Chuck Horning



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