

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, MAY 21, 2015, 8:30 AM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED****

1	Time	Min	Presenter	Type	
2	8:30				Call to Order
3	8:30	30	Reed Mahoney	Legal	Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e
4	9:00	5			Public Comment on Non-Agenda Items
5	9:05 Pg.4	5	Montoya	Action	Consideration of Approval of a Proclamation Declaring May “ <i>Sexual Assault Awareness Month</i> ” – San Miguel Resource Center
6	9:10 Pg. 5 14 24 26	10	Kennefick	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 would be removed from the Consent Agenda and considered separately: a. Approval of Minutes of the April 23, 2015 Regular Town Council Meeting b. Approval of the March 26, 2015 Corrected Town Council Meeting Minutes c. Approval of Minutes of the May 6, 2015 Special Town Council Meeting d. Approval of Minutes of the May 8, 2015 Special Town Council Meeting
7	9:20 Pg. 28	15	Diaz	Informational	San Miguel Regional Housing Authority Annual Report
8	9:35 Pg. 54 56	10	Swain Vergari	Presentation	Finance: a. Presentation of the April 30, 2015 Business & Government Activity Report (BAGAR) b. Consideration of the March 2015 Financials
9	9:45 Pg. 75	15	Kunz	Action	Second Reading, Public Hearing and Council Vote on an Ordinance Establishing Town Council Compensation Package
10	10:00 Pg. 80	15	Hawkins	Action <i>Quasi-Judicial</i>	Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code (CDC) at (A) Section 17.4.14(F)(3) to Revise the Criteria for Allowing Ski Lifts on Private Lots; and (B) Section 17.6.9 to Meet or Exceed San Miguel County Open Burning Regulations; (C) Section 17.3.4(F)(4) to Allow for the Re-subdivision and Rezoning of Single-Family Lots Subject to Modified Criteria; and (D) Miscellaneous Amendments to the CDC to Accomplish the Foregoing
11	10:15	15	Jansen	Work Session	Discussion on Town Hall Subarea Detailed Planning
12	10:45 Pg. 90	30	Hawkins	Conceptual Work Session	Proposed Rezoning, Density Transfer and Replat for Lots 376R and Lot 387R

13	11:00	60	Hawkins	Site Visit	Hotel Madeline Site Visit to Review Proposed Room Configurations Pursuant to Agenda Item #16
14	12:00	30			Lunch Break
15	12:30 Pg. 101	30	Hawkins	Action <i>Quasi-Judicial</i>	First Reading, Setting of Public Hearing and Council Vote for a Major PUD Amendment to Allow for: (A) the Combination of a Maximum of Nine (9) Lodge Units to be Rezoned into Five (5) Condominiums; (B) Five (5) Hotel Condominiums to be Rezoned as Lodge Units; (C) the Combination of Seven (7) Condominium Units into Three (3) Condominium Units; and (D) a Density Transfer as Needed to Accomplish the Foregoing on Lot 38-50-51R
16	1:00	15	Hawkins	Action <i>Quasi-Judicial</i>	First Reading, Setting of a Public Hearing and Council Vote on 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, 2015 to December 8, 2020
17	1:15 Pg. 131	15	Hawkins	Work Session	Amendments to the Town of Mountain Village Comprehensive Plan's Meadows Subarea Plan
18	1:30 Pg. 134	15	Broady	Work Session	Incident Policy and Procedures
19	1:45 Pg. 143	15	Bangert	Action	Consideration of a Resolution to Allow for a Road Right of Way Encroachment for Lot 204
20	2:00 Pg. 150	15	Bangert	Action	Consideration of Approval of a Proposed TSG OSP-2S Forest Thinning Demonstration Project to Remove Dead and Hazardous Trees
21	2:15	15	Council Members and Legal	Informational	Council Boards and Commissions and Other Updates: a. Eco Action Partners – Howe/Sherry b. Telluride Historical Museum – Bronson c. San Miguel Watershed Coalition – Jett d. Colorado Flights Alliance – Jansen e. Plaza Use Committee – Jett f. Transportation & Parking - Howe/Schillaci g. Budget & Finance Committee – Jansen/McKinley h. Mayor's Update – Jansen i. Campaigning Update - Mahoney
22	2:30 Pg. 158 164 183 189	45	Broady Colter Kjome Montgomery	Informational	Staff Reports: a. Police b. Transit/Recreation c. Public Works d. Town Manager
23	3:15 Pg. 193	30	Broady Mahoney	Action	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Certain Sections of the Mountain Village Municipal Code Title 9, Public Peace, Morals and Welfare, Title 8, Health and Safety, Title 6 Animals, Title 1, General Provisions, Section 1.08 General Penalty and Adding Municipal Code Sections to Title 9 Prohibiting Firearms and Dangerous Weapons in Town Buildings and Meetings, Prohibiting Defacing Property and Graffiti, Prohibiting Open Containers of Alcohol in Public, Prohibiting

Please note that times are approximate and subject to change.

5/12/2015

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					Unauthorized Use of a Dumpster, Making Unauthorized Use of a Ski Pass a Crime of Theft, Prohibiting Vagrancy and Adding a Municipal Code Section to Title 10 regarding Parking and Impoundment
24	3:45	5			Other Business
25	3:50				Adjourn

Please note that times are approximate and subject to change.

5/12/2015

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Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at 970-369-6406 or email: mvclerk@mtnvillage.org.
A minimum of 48 hours advance notice is required so arrangements can be made to locate requested auxiliary aid(s).

**Town of Mountain Village
Office of the Mayor
Proclamation**

WHEREAS, sexual assault affects everyone - men, women, children, families, and communities of all racial, cultural, and economic backgrounds; and

WHEREAS, one in four girls and one in seven boys will be sexually assaulted before they are old enough to vote; and

WHEREAS, sexual assault causes enormous psychological, emotional, and physical suffering, severely disrupting the quality of personal and community life and shattering dreams; and

WHEREAS, sexual assault affects each of us in Mountain Village - as a victim/survivor or as a friend, family member, significant other, neighbor or co-worker of a victim/survivor; and

WHEREAS, many citizens in Mountain Village are working to provide quality services and assistance to sexual assault survivors by serving as volunteer advocates and staffing the San Miguel Resource Center 24-hour crisis hotline, responding to emergency calls, and offering support, comfort, and advocacy during medical exams, criminal proceedings, and throughout the healing and recovery process; and

WHEREAS, it is vitally important that continued educational efforts to provide information about prevention and services for sexual assault be supported and enhanced; and

WHEREAS, it is critical to intensify public awareness of sexual assault, educate our communities about the need for citizen involvement in efforts to reduce sexual violence, and increase support for the agencies providing sexual assault services; and

WHEREAS, the San Miguel Resource Center requests public support and assistance as it continues to work toward a society where all women, children, and men can live in peace, free from violence and exploitation;

NOW THEREFORE, we, the Mountain Village Town Council, do hereby proclaim the month of May 2015 as

Sexual Assault Awareness Month

in the town of Mountain Village. We **recognize** that sexual assault victim/survivors in Mountain Village deserve the availability of quality services in our community; we **support** victim/survivors, their families and friends; and we **honor** the dedicated individuals who provide Mountain Village residents with crisis intervention, prevention education, and victim/survivor advocacy. We commend this observance to all citizens.

Mayor

Date



TOWN OF MOUNTAIN VILLAGE
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Agenda Item #6a

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE APRIL 23, 2015
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Dan Jansen at 11:00 a.m. on Thursday, April 23, 2015 in the Mountain Village Town Hall, 455 Mountain Village Town Hall Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Dan Jansen, Mayor
Cath Jett, Mayor Pro-Tem
John Howe
Michelle Sherry
Marty McKinley

The following Town Council members were absent:

Jonette Bronson
Dave Schillaci

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
Laila Benitez, Community Relations Assistant
David Reed, Town Attorney
Chris Hawkins, Director of Community Development
Kevin Swain, Finance Director
Julie Vergari, Chief Accountant
Chris Broady, Police Chief
Sue Kunz, Human Resources Director
Chris Colter, Director of Transportation
Steven Lehane, Director of Cable & Broadband Services
Randy Kee, Building Official
Finn Kjome, Public Works Director
Deanna Drew, Director of Plazas & Environmental Services
Corrie McMills, Human Resources Coordinator
Dave Bangert, Forester
Savannah Jameson, Planner II
Carol McMills
Tom Kennedy
Jonathan Greenspan
Carol Kammer
Dan Garner
Gordon Reichard
Chantry Dasaro
Ashley Nager
Devin Morris

Dr. Diana Koelliker
Tami Huntsman
Banks Brown
Bill Hoins
Lyn Gruss
David Craige
Carly Shaw
David Eckman
Lynn Kilelevich
Greer Garner
Billy Warlock
Jean Vatter
Eric Wells
Brian Kanaga
Anne Schopf
Randy Edwards
P J Bauser
Joe Kunkle
Michael McCallister
Joe Solomon
Doug Tooley
Rex Alexander
Cheryl Fitzhugh
Jodi Repola
Mike McCreedy
Travis Parsons

Julie Pinson
Carol Custer
Thea Chase
Roz Strong

Patricia McKinley
Jeffrey Fasolo
Mike Rozycki

Public Comment for Non-Agenda Items (2)

Public comment was received by David Eckman and Jeffrey Fasolo.

Finance: (3)

a. Presentation of the March 31, 2015 Business & Government Activity Report (BAGAR)

Council discussion ensued.

b. Consideration of the February 2015 Financials

Council discussion ensued. On a **MOTION** by John Howe and seconded by Michelle Sherry, Council voted unanimously to accept the February 2015 financials.

Consideration of an Amendment to the Agreement to Convey a Portion of Lot 1003R-1, the Medical Center Site, to the Telluride Hospital District Originally Approved January 15, 2015 (4)

Town Attorney David Reed presented the above item explaining that this amendment seeks to extend the study period and extend the closing date. There are no term or other -substantive changes. Council discussion ensued. On a **MOTION** by Marty McKinley and seconded by Cath Jett, Council voted unanimously to approve an amendment to the agreement to convey a portion of Lot 1003R-1, the Medical Center site, to the Telluride Hospital District originally approved January 15, 2015.

Joint Public Hearing Between Town Council and Design Review Board (DRB):

Consideration of a Resolution Approving a Conditional Use Permit for Medical Center Heliport to be Located on Lot 1003R-1 (5)

DRB Chairman Bill Hoins called the joint DRB meeting to order at 11:14 a.m. and introduced DRB members Greer Garner, David Eckman, Banks Brown, David Craig, and Jean Vatter. DRB discussion ensued regarding possible conflicts of interest and David Eckman recused himself because he has submitted a letter of interest to apply for the position of owner's representative on the Medical Center Board. The Mayor consulted legal counsel about ex parte communications and it was determined that none exist. The Mayor opened the public hearing. Director of Community Development Chris Hawkins presented the above item stating that in 2011 the Town envisioned locating the Medical Center in the Town Hall subarea. Specific policies were built into the Community Development Code (CDC) to allow for the Medical Center, including a heliport to be located in Mountain Village. Staff has evaluated the application for the conditional use permit and determined that it meets the following conditions for approval:

1. The District shall submit an application to the Federal Aviation Administration (FAA) for the heliport for review and action in accordance with FAA Guidelines prior to the operation of the heliport.
2. The proposed lighting for the heliport is required by the FAA to ensure air ambulance safety during night flights, therefore these Federal regulations supersede over the Town's Lighting Regulations in the CDC and are hereby permitted to ensure safety.
3. A building permit is required to construct the heliport facility when it will be evaluated against the applicable CDC Building Regulations.
4. This conditional use permit approval is valid for five (5) years from the Effective Date and will be valid for the life of the medical center once the heliport is constructed.
5. If the Gondola Parking Garage adds one or two floors as allowed by the current vested property rights, the heliport shall be allowed to locate on the garage roof along with the installation of an elevator and connection to the medical facility as needed.
6. The design of the heliport may be altered from the approved plans through a Minor Revisions Process or by the Design Review Process, as applicable, per the requirements of the CDC. An amendment to the conditional use permit is not required for design alterations, including movement from the existing garage level to an upper level with the expansion of the garage.

7. An easement for the heliport and associated access to the District, including air easements related to the flight patterns and the FATO zones created with the helipad, shall be provided prior to the issuance of any building permits.
8. Prior to issuing a building permit, the applicant shall submit final drainage plans for the snowmelted heliport and associated walkway, including drainage and ice from dripping snow melting off the required netting to ensure that vehicles traveling or parked below are not damaged by falling ice or icicles.
9. The heliport is exempt from the need to submit a Design Review Process development application as provided for in CDC Section 17.4.11(B)(2)(a)(iv) since the conditional use permit application same level of detail as required for a design review process application.
10. The use of the heliport is limited to flights for critical care patients as determined solely by the attending physicians.
11. Helicopter pilots landing at the helipad shall be trained and practice the Fly Neighborly Guide produced by the Helicopter Association International.
12. The District shall close on the Property consistent with the Land Conveyance Agreement.
13. The owner of the helipad shall obtain, prior to allowing any use being made of the heliport under this permit, and shall maintain in effect during the continuance of this permit, one or more policies of liability insurance covering all helicopter flights to and from the helipad as required by the Town in the heliport easement

Architect Michael McCallister introduced Rex Alexander Senior Consultant for HeliExperts International LLC. Mr. Alexander delivered an informative presentation on the design and specifications of the proposed helipad. He covered detailed explanation of:

- Safety measures
- Pilot training measures and requirements
- Standard policies of operation
- Expected utilization
- Approach and departure angles
- Heliport layout, location and dimensions
- Sound impact

Medical Director of Emergency and Trauma Services Dr. Diana Koelliker presented the medical needs and stressed that minutes matter in the case of critically injured patients. The Telluride Medical Center is a remote facility with limited capabilities but a helipad would assist in the care of patients in need of transfer. She presented three trauma scenarios where the ability to have access to a helicopter would have greatly impacted the patient's care. Public comment was received by Chantry Desaro, Brian Kanaga, Jonathan Greenspan, and Douglas Tooley. Mr. McCallister and Mr. Alexander responded to public comment regarding several issues including Mountain Village being a high altitude destination, noise and rotor volume or downwash. Director of Transit and Recreation Chris Colter stated that the Gondola Operations Department did not have concerns about operating the gondola while an emergency transport is occurring. The Mayor closed the public hearing. Council discussion ensued and Council thanked the applicant for a thorough and professional presentation.

On a **MOTION** by Greer Garner and seconded by Luke Trujillo, the DRB voted unanimously to recommend that the Town Council adopt a Resolution approving a conditional use permit for a Medical Center heliport to be located on Lot 1003R-1 with a change to Section one, Conditions of Approval number seven from:

7. An easement for the heliport and associated access to the District, including air easements related to the flight patterns and the FATO zones created with the helipad, shall be provided prior to the issuance of any building permits.

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7. An easement for the heliport and associated access to the District shall be provided prior to the issuance of any building permits.

On a **MOTION** by Marty McKinley and seconded by Cath Jett, Council voted unanimously to adopt a Resolution approving a conditional use permit for a Medical Center heliport to be located on Lot 1003R-1 with the noted revision on condition number seven.

On a **MOTION** by Greer Garner and seconded by Banks Brown, the DRB voted unanimously to adjourn the DRB meeting.

Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (7)

On a **MOTION** by John Howe and seconded by Cath Jett, Council agreed to enter into Executive Session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402(b), and for the purpose of negotiations pursuant to C.R.S. 24-6-402(4)e at 1:00 p.m.

Council returned to regular session at 1:57 p.m.

Consideration of an Amendment to the Contract to Buy and Sell Real Estate for a Portion of Lot 1003R-1, the Lofts at Mountain Village, to Belem Properties Co., LLC Originally Approved January 15, 2015 (9)

David Reed presented the above item. The proposed amendment extends the study period to October 22, 2015 and the closing date to October 30, 2015 with the proposed occupancy date targeted for November 2016. CEO of Belem Properties Eric Wells stated that part of the reason the deadlines have been pushed back was to satisfy the homeowners who had voiced, through the charrette process, that they would be more comfortable with the development if the process was slowed down. Council discussion ensued. Public comment was received by Brian Kanaga, Thea Chase, Jonathan Greenspan and Lyn Gruss. On a **MOTION** by John Howe and seconded by Cath Jett, Council voted unanimously to approve an amendment to the contract to buy and sell real estate for a portion of Lot 1003R-1, the Lofts at Mountain Village, to Belem Properties Co., LLC originally approved January 15, 2015.

Consent Agenda: (10)

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 would be removed from the Consent Agenda and considered separately:

- a. **Approval of Minutes of the March 26, 2015 Regular Town Council Meeting**
- b. **Approval of a Correction Resolution to Correct an Error on the Lot Number Identified in the Previously Approved Resolution No. 2015-0326-05**

On a **MOTION** by Cath Jett and seconded by John Howe, Council voted unanimously to approve the Consent Agenda.

Consideration of Implementation of Water Restrictions for Conservation Purposes (11)

Town Manager Kim Montgomery presented the above item stating that Bikis Water Consultants, LLC, the Town's water engineers have recommended water conservation efforts effective May 1st based on information that Southwest Colorado is only at forty-nine percent of the median snowpack for the period 1981-2010. Council discussion ensued. TSG is also on board with the conservation effort. On a **MOTION** by Cath Jett and seconded by Michelle Sherry, Council voted unanimously to implement water restrictions with the following program:

Effective May 1, 2015,

- All properties north of Mountain Village Boulevard and Elk Run residents may water their landscaping on Mondays, Wednesdays, and Fridays ONLY, Irrigation clocks must be set to

run at a level of 70-75% of normal water consumption for the 3 days a week you are allowed to water. Irrigating hours will be either before 10:00 am or after 5:00 pm.

- All properties south of Mountain Village Boulevard, plus the Ski Ranches and Skyfield, may water their landscaping on Tuesdays, Thursdays, and Saturdays ONLY, Irrigation clocks must be set to run at a level of 70-75% of normal water consumption for the 3 days a week you are allowed to water. Irrigating hours will be either before 10:00 am or after 5:00 pm.
- All exterior water features must be turned off during this conservation effort.

Due to potential water contamination “cross-connection” occurrences, NO trucked in water will be allowed to be hooked up to existing irrigation systems.

Effective June 1, 2015,

- All properties north of Mountain Village Boulevard and Elk Run residents may water their landscaping on Mondays, Wednesdays, and Fridays ONLY, Irrigation clocks must be set to run at a level of 70-75% of normal water consumption for the 3 days a week you are allowed to water. Irrigating hours will be either before 8:00 am or after 7:00 pm.
- All properties south of Mountain Village Boulevard, plus the Ski Ranches and Skyfield, may water their landscaping on Tuesdays, Thursdays, and Saturdays ONLY, Irrigation clocks must be set to run at a level of 70-75% of normal water consumption for the 3 days a week you are allowed to water. Irrigating hours will be either before 8:00 am or after 7:00 pm.
- All exterior water features must be turned off during this conservation effort.

Due to potential water contamination “cross-connection” occurrences, NO trucked in water will be allowed to be hooked up to existing irrigation systems.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Establishing Town Council Compensation Package (12)

Human Resources Director Sue Kunz presented the above item. Council discussion ensued. On a **MOTION** by Cath Jett and seconded by Marty McKinley, Council voted unanimously to approve on first reading an Ordinance establishing a Town Council compensation package and to set a public hearing, second reading of the Ordinance, and Council vote on May 21, 2015.

Consideration of a Resolution Approving a Conditional Use Permit for a New 100’ Tall Telecommunications Tower Located Next to the Existing Tower; and a Variance to Allow for the Proposed 100’ Tower Structure Height on OSP-49R (13)

Chris Hawkins presented the above item. He explained that the existing 90’ tower was approved prior to the incorporation of Mountain Village and constructed around 1988. The existing tower provides vital community service and public safety functions, with AT&T, KOTO, San Miguel County Sheriff, Mountain Village Police and State Patrol having antennas on the tower. In addition, the FAA placed an antenna on the tower in the last few years to assist with flight safety for the area. AT&T is proposing to construct a new 100 foot tall tower because the current tower is at its structural capacity and cannot support the added weight of the new LTE antennas. This new tower would allow for a new service provider on top of the current 90 foot tower as well as additional antennas on the new 100’ tower consistent with the Town’s colocation policy. Council discussion ensued. AT&T applicants Mike McCreedy, Travis Parsons, and Devon Morris addressed the issue of painting the tower to match the tree line as well as the sky line. The benefits of upgrading the tower include:

- The new tower will fix the microwave which has been upgraded to capacity on the existing tower
- By adding LTE, it frees up the 3G capabilities
- The addition of LTE will balance out the site and free up space thus alleviating dropped calls

The goal is to complete the new 100’ tower by mid to late summer 2015 provided TSG approves the lease negotiations. Discussion ensued and Mr. McCreedy stated AT&T is requesting that the stipulation of painting the existing tower not be a requirement to approving the new tower. Council consensus was to not require the painting of the existing tower. Public comment was received by Mike Rozycki. On a **MOTION** by Michelle Sherry and seconded by John Howe, Council voted unanimously to approve a Resolution for a

conditional use permit for a new 100' tall telecommunications tower located next to the existing tower; and a variance to allow for the proposed 100' tower structure height on OSP-49R with the following conditions of approval:

1. The tower shall not include a light beacon or be brightly painted to stand out to aircraft. If the Federal Aviation Administration ("FAA") requires either a light beacon or bright paint for the tower to stand out, the antenna shall be lowered to a height where these FAA requirements do not apply.
2. The proposed towers and antennas shall be painted to match the surrounding tree color below the tree line and a blue gray above the tree line to mitigate visual impacts. The applicant shall provide color samples to the Town and San Miguel County for review and approval prior to or concurrent with submitting for a building permit.
3. New antennas or equipment placed on the existing tower shall be painted to match the surrounding tree color below the tree line and a blue gray above the tree line to mitigate visual impacts, with the color reviewed and approved by the Town and San Miguel County.
4. The new tower shall be designed to co-locate the number of antennas shown on the Proposed Site Elevations plan, Sheet C-3.1 dated 4115115.
5. The current and proposed towers shall be made available for colocation of new telecommunication equipment so long as: (A) there is enough room on the tower for the new equipment (given the vertical & horizontal separation requirements of the current users), (B) there is enough structural capacity for the new equipment, and (C) the new equipment will not cause interference to the current users.
6. Prior to issuing a building permit, the applicant shall submit long-term easements from The Ridge, TSG and any other intervening property owner for (1) the access road to the tower site; (2) the tower site; and (3) utility routes for existing and new utilities to the site. Prior to executing such easements, the Town shall review and approve the easements to ensure long-term vehicular and utility access across intervening land and long term tower siting.
7. Prior to issuing a building permit, the applicant shall submit a composite utility plan to show the planned routes for power, fiber and any other necessary utilities to the site.
8. The approved conditional use permit application is for the benefit of the existing tower that is owned by Telluride Ski and Golf, LLC ("TSG") and the proposed new tower on TSG owned land. Therefore the conditional use permit is hereby granted to TSG and any successors or assigns.
9. The conditional use permit shall be valid for a period of twenty (20) years from the Effective Date subject to meeting the conditions specified herein.

Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code (CDC) at (A) Section 17.2.12 to Allow the Conditional Use Permit Process to Establish the Allowed Height for Freestanding Antennas; and (B) Section 17.4.9(E)(2)-(3) to Correct an Omission, and Not Require a Concurrent Replat with Rezoning; and (C) Miscellaneous Amendments to the CDC to Accomplish the Foregoing (14)

Chris Hawkins presented the above item. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Michelle Sherry and seconded by John Howe, Council voted unanimously to approve an Ordinance amending the Community Development Code as presented.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code (CDC) at (A) Section 17.4.14(F)(3) to Revise the Criteria for Allowing Ski Lifts on Private Lots; and (B) Section 17.6.9 to Meet or Exceed San Miguel County Open Burning Regulations; (C) Section 17.3.4(F)(4) to Allow for the Re-subdivision and Rezoning of Single-Family Lots Subject to Modified Criteria; and (D) Miscellaneous Amendments to the CDC to Accomplish the Foregoing (15)

Chris Hawkins presented the above item stating that changes were made based on Council input at the March Town Council meeting. Public comment was received by Joe Solomon, Jonathan Greenspan and Tom Kennedy. Council discussion ensued regarding open burns. On a **MOTION** by Cath Jett and seconded by Michelle Sherry, Council voted unanimously to approve on first reading an Ordinance amending the Community Development Code, and to set a public hearing, second reading of the Ordinance, and Council vote on May 21, 2015.

Consideration of a Resolution Approving a Minor Subdivision to Vacate and Relocate the General Easement and Establish Building Setbacks on Lot 147A (16)

Chris Hawkins presented the above item. Council discussion ensued. Tom Kennedy, attorney for the applicant explained that this is essentially a clean-up item. On a **MOTION** by Cath Jett and seconded by John Howe, Council voted unanimously to adopt a Resolution approving a minor subdivision to vacate and relocate the general easement and establish building setbacks on Lot 147A.

Council Boards and Commissions Updates: (17)

a. Eco Action Partners (EAP)– Howe/Sherry

John Howe discussed the proposed purchase of solar panels at the SMPA Community Solar Array by the Telluride School Board as energy mitigation to the construction of the school expansion. This purchase would sell out the array. He suggested the Towns of Mountain Village and Telluride purchase a certain amount of panels to keep in our inventory to use as energy mitigation tool with our homeowners. Mr. Howe stated that the ability to build another Community Solar Array does not exist at this time, because the 5% cap on renewable energy purchased by SMPA has been reached per their agreement with TriState. Council supported Mr. Howe approaching the surrounding co-ops to discuss options.

b. Telluride Historical Museum – Bronson

There was no report.

c. San Miguel Watershed Coalition – Jett

The Water-shed report is complete and will soon be released to the public.

d. Colorado Flights Alliance (CFA) – Jansen

The Mayor stated that there will be a joint Telluride Tourism Board (TTB) & CFA meeting annually to review each Board's strategies. CFA is hiring a Public Relations person to control the travel voice from CFA and have added three new markets (extra flights) in San Francisco, Phoenix, and Los Angeles. They are starting to spend a little more money of marketing.

e. Plaza Use Committee – Jett

Cath Jett reported that there will be a committee meeting to address vending carts in the near future.

f. Transportation & Parking – Howe/Schillaci

There was no report.

g. Budget & Finance Committee – Jansen/McKinley

The year is getting off to a good start. The Conference Center (TCC) contract negotiations are underway. TCC is installing a new screen and projector and will be converting the mezzanine area into two break-out rooms. Their new Marketing Director is working out well.

h. Mayor's Update

The Mayor, Kim Montgomery and John Howe attended an Intergovernmental meeting on workforce housing which was called by San Miguel County. In the meeting they presented a great deal of data about housing and demand in the region. 50 people attended and the majority expressed support of workforce housing. There are at least 9 different workforce housing projects being proposed currently and the Mayor stated that it was positive to see the Town of Telluride and San Miguel County working towards satisfying the area's needs for housing. Wages in the region have been flat for the past 10 years and employees simply cannot afford housing.

Staff Reports: (18)

a. Community Development

Chris Hawkins introduced Planner II Savannah Jameson and presented his report. He highlighted the major projects in process: Medical Center, Lofts at Mountain Village, Meadows Improvement Plan, Forest Management and Fire Mitigation, VCA Community Building, VCA Natural Gas Conversion Project, Smart Building Program/REMP & Class 1 Development application and building permit application combination. Council stated that they thought the design charrettes and meetings went very well and thanked Mr. Hawkins for his enthusiasm.

b. Town Manager

Town Manager Kim Montgomery presented her report stating that the Town is pursuing some parallel paths regarding cell towers throughout the Town to improve cell reception.

Consideration of a Resolution Setting the June 30, 2015 Election by Mail Ballot and Consideration of Appointment of the Town Clerk as the Designated Election Official (19)

Director of Administration/Town Clerk Jackie Kennefick presented the above item. Council discussion ensued. On a **MOTION** by John Howe and seconded by Cath Jett, Council voted unanimously to adopt a Resolution setting the June 30, 2015 election by mail ballot and On a **MOTION** by John Howe and seconded by Cath Jett Council voted unanimously to name the Town Clerk as the Designated Election Official.

Other Business: (20)

David Eckman representing the Telluride School District as the owner's representative began a discussion regarding the Community Solar Array and the school's purchase of approximately 550 megawatts. The purchase would sell out the Solar Array. Mr. Eckman asked for a letter of support from the Mountain Village Town Council for the purchase. He will be going before the San Miguel Power Association (SMPA) Board to discuss the purchase on April 28th. Council discussion ensued and since this was not an agenda item, the Council determined that they could not make a decision to support the action.

Discussion Regarding the Density Envisioned in the Meadows Subarea Set Forth in the Comprehensive Plan (21)

Mayor Jansen stated that the purpose of this discussion is to address density in the Meadows Area based on the designations in the Comprehensive Plan. He explained that developers are drawing info directly from the plan and the residents are looking at actual impacts of these numbers. The Comprehensive Plan addressed units only and did not take into account the number of bedrooms, people, cars, pets, etc. Extensive Council discussion ensued regarding alternate locations for workforce housing. Public comment was received by Randy Edwards, Roz Strong, Tami Huntsman, Billy Warlock, Mike Fitzhugh and Jonathan Greenspan. Mr. Edwards and Ms. Strong presented a chart including recommended density for Prospect Plaza, Town Shops, Lot 644 (Town owned), TSG Lot, and the Telluride Apartments. Ms. Strong stated that Mountain Village is ahead of the game in workforce housing and she supports that the Town is willing to look at the Comprehensive Plan numbers and re-evaluate. Tami Huntsman thanked Council for approaching this issue in such a careful manner. The Mayor suggested opening a discussion with TSG regarding the housing issue and stated that a comprehensive plan amendment would be considered.

First Reading, Setting of a Public Hearing and Council Vote on a Town Initiated Ordinance to Place Restrictions on the Maximum Density and Other Requirements on Lot 640A (22)

David Reed presented the above item. The applicant Randy Edwards has withdrawn his application thus allowing dialogue and negotiations over the number of units and other restrictions in the proposed development. The Town initiated Ordinance takes into account a much broader focus including the number of people, cars and pets. Council discussion ensued. Public comment was received by Julie Pinson, Jeffrey

Fasolo, Tom Kennedy. Council thanked Roz Strong, Tami Huntsman and Randy Edwards for working together on a compromise. Council discussed the request to specify that the proposed park is no less than 1.2 acres. On a **MOTION** by Marty McKinley and seconded by Michelle Sherry, Council voted 4-1 (with John Howe dissenting), to approve on first reading a Town initiated Ordinance placing restrictions on the maximum density and other requirements on Lot 640A with the inclusion of a park not less than 1.2 acres and to set a public hearing, second reading of the Ordinance, and Council vote for May 21, 2015.

On a **MOTION** by John Howe and seconded by Marty McKinley, Council voted unanimously to extend the meeting beyond 6 hours.

Consideration of a Resolution Placing a Citizen Initiated Ordinance to Allow an Increase in Density on Lot 640A from its Current Allowed Density but Limiting Density to 45 Units on the Ballot for the June 30, 2015 Regular Municipal Election (23)

David Reed presented the above item explaining that it is non-discretionary. The Resolution acknowledges that the Ordinance brought forth by the Citizen's Initiated Petition will be placed on the ballot. Roz Strong and Tami Huntsman stated that they need some processing time to see how the people who signed the petition feel about whether or not they should pull the Ordinance from the ballot based on the Ordinance being proposed by the Town. David Reed suggested that they poll the signers of the petition. On a **MOTION** by Cath Jett and seconded by Michelle Sherry, Council voted 4-1 (with Marty McKinley dissenting), to adopt a Resolution placing a citizen initiated Ordinance to allow an increase in density on Lot 640A from its current allowed density but limiting density to 45 units on the ballot for the June 30, 2015 regular municipal election.

There being no further business, on a **MOTION** by John Howe and seconded by Cath Jett, Council unanimously agreed to adjourn the meeting at 6:48 p.m.

Respectfully prepared,

Respectfully submitted,

Susan Johnston
Deputy Town Clerk

Jackie Kennefick
Town Clerk

Town of Mountain Village

Date: 5/14/2015
To: Town Council
From: Jackie Kennefick, Town Clerk
RE: Revised Minutes for March 26, 2015

Please see Page 7 of the March 26, 2015 minutes for a revision under the section titled:

Consideration of Approval of a Proposed TSG OSP-2S Forest Thinning Demonstration Project

It was brought to staff's attention by Council person Bronson, that a vote had never taken place on this item. Staff reviewed the recording and verified that indeed a vote never took place. A Motion was made and a second, however; after the extensive discussion, a vote was not called for.

This item has been reagendaized for the May meeting.



TOWN OF MOUNTAIN VILLAGE
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Mountain Village, Co 81435
970-728-8000
970-728-4342 Fax
mvclerk@mtvillage.org

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MARCH 26, 2015
REGULAR TOWN COUNCIL MEETING
REVISED 5-21-15**

The meeting of the Town Council was called to order by Mayor Dan Jansen at 8:34 a.m. on Thursday, March 26, 2015 in the Mountain Village Town Hall, 455 Mountain Village Town Hall Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Dan Jansen, Mayor
Cath Jett, Mayor Pro-Tem
Dave Schillaci
John Howe
Michelle Sherry
Marty McKinley
Jonette Bronson

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
Nichole Zangara, Community Relations Manager
Laila Benitez, Community Relations Assistant
David Reed, Town Attorney
Jim Mahoney, Assistant Town Attorney
Chris Hawkins, Director of Community Development
Kevin Swain, Finance Director
Julie Vergari, Chief Accountant
Chris Broady, Police Chief
Sue Kunz, Human Resources Director
Corrie McMills, Human Resources Coordinator
Steven Lehane, Director of Cable & Broadband Services
Randy Kee, Building Official
Jodi Miller, Office Manager/Court Clerk
Finn Kjome, Public Works Director
Deanna Drew, Director of Plazas & Environmental Services
Rachelle Redmond, MVPD Lieutenant
Dave Bangert, Forester
Krysten Guttmen, MVPD
Matt Mitchell
Richard Child
Heather Young
Jolana Vanek
Mark Martin
Anne Gerhard
Danny Craft

Aurelie Cannella
Tami Huntsman
Roz Strong
Bob Delves (by phone)
Erica Kinias
John Camper
Penelope Gleason
Shirley Diaz
Deb Gesmundo
David Eckman
Phil Evans
Greer Garner
Dan Zemke
Keith Brown
Eric Wells
Steve Morton
Brian Kanaga
Jeffrey Fasolo
Tim Cannon
Kris Holstrom
Jonathan Greenspan
Mark Martin
Joe Solomon
John Camper
Ron Zaccari
Lucas Fredricks
David Craige

Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2)

On a **MOTION** by John Howe and seconded by Michelle Sherry, Council agreed to enter into Executive Session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402(b), and for the purpose of negotiations pursuant to C.R.S. 24-6-402(4)e at 8:34 a.m.

Dave Schillaci arrived at 8:37 a.m.

Council returned to regular session at 9:42 a.m.

Public Comment for Non-Agenda Items (3)

No public comment was received.

Presentation of Colorado Association of Chief of Police (CACP) Law Enforcement Executive Certificate to Town of Mountain Village Police Chief Chris Broady by Chief John Camper, Grand Junction Police Department (4)

Chief John Camper of the Grand Junction Police Department presented Mountain Village Police Chief Chris Broady the Colorado Association of Chief of Police (CACP) Law Enforcement Executive Certificate. Council congratulated Chief Broady on his accomplishment.

Consideration of Approval of Minutes of the February 19, 2015 Regular Town Council Meeting (5)

On a **MOTION** by John Howe and seconded by Jonette Bronson, Council voted unanimously to approve the February 19, 2015 Regular Town Council meeting minutes.

Liquor Licensing Authority: (6)

a. Consideration of an Application by NVHG Hotel Madeline Operator, LLC DBA Hotel Madeline Telluride for a Temporary Modification of Premises on the H&R Resort Complex Liquor License for the Addition of the Ice Rink from May 1- October 31, 2015

Director of Administration/Town Clerk Jackie Kennefick presented the above item. Council discussion ensued. On a **MOTION** by Cath Jett and seconded by Jonette Bronson, Council voted unanimously to approve the application by NVHG Hotel Madeline Operator, LLC for a temporary modification of premises on the H&R resort complex liquor license for the addition of the ice rink from May 1-October 31, 2015 subject to executing a license agreement giving the applicant sufficient possession of the ice rink area.

b. Consideration of an Application by Telski Food & Beverage Services, LLC for a Temporary Modification of Premises at Allred's Restaurant to Include The Ridge Club for a Wedding on July 3, 2015

Jackie Kennefick presented the above item. On a **MOTION** by Cath Jett and seconded by Jonette Bronson, Council voted unanimously to approve the application by Telski Food & Beverage Services, LLC for a temporary modification of premises at Allred's Restaurant to include The Ridge Club for a wedding on July 3, 2015.

Consideration of an Amendment to the Board of Appeals Bylaws (7)

Chief Building Official Randy Kee presented the above item stating that staff is recommending the bylaws be amended to allow for email approval of the board meeting minutes due to the infrequent nature of the meetings. Council discussion ensued. On a **MOTION** by Michelle Sherry and seconded by John Howe, Council voted unanimously to approve the amendment to the Board of Appeals Bylaws.

Council Boards and Commissions Updates: (22)

- a. **Eco Action Partners (EAP)– Howe/Sherry**
There was no update.
- b. **Telluride Historical Museum – Bronson**

The Museum Director will be presenting the annual report later in the meeting.

c. San Miguel Watershed Coalition – Jett

There was no update.

d. Colorado Flights Alliance (CFA) – Jansen

Mayor Jansen stated that flights are loading very well for the summer with bookings up 20% from last year. A joint meeting with the Telluride Tourism Board (TTB) and CFA has been scheduled to address Telluride area flight issues in a combined effort.

e. Plaza Use Committee – Jett

There was no update.

f. Transportation & Parking – Howe/Schillaci

There was no update.

g. Budget & Finance Committee – Jansen/McKinley

Marty McKinley stated that 2014 was a very good year in sales tax and revenue.

h. Mayor's Update

TSG will be holding the Mountain Town Get Down March 27-29, 2015. There will be an Inter-Governmental meeting on April 1st at 2:00 p.m. at the Wilkinson Library, to discuss workforce housing. The Town Hall Subarea Task Force will be hosting design charrettes for the Medical Center on March 31st and April 1st.

Other Business: (19)

a. Council Candidate Ad to Begin March 27

The Council members up for election are Dave Schillaci, John Howe, Dan Jansen and Jonette Bronson. The election is June 30, 2015 and the deadline for applications is May 8th.

b. Special Meetings Reminder April 1 & 2

c. Discussion on April 23rd Council Meeting Start Time

Council discussion ensued and it was decided to schedule the 640A item for later in the day and work backwards on the agenda to then determine the meeting start time.

d. Trifecta Dinner to be Scheduled in July – MV Hosting

Staff will send out a Doodle poll in early July to determine the date.

Finance: (18)

Finance Director Kevin Swain presented:

a. February 28, 2015 Business & Government Activity Report (BAGAR)

Council discussion ensued.

Presentation of the Town Hall Subarea Task Force Recommendation and Conceptual Work Session with the Design Review Board (DRB) for the Lofts Professional Workforce Housing Project Consisting of Approximately 45 units Around the Gondola Parking Garage on Lot 1003R-1 (8)

DRB members Greer Garner, Phil Evans, Keith Brown, Dan Zemke and David Eckman joined the meeting. Assistant Town Attorney Jim Mahoney presented the above item explaining that the Task Force, which is comprised of Bob Delves, Pete Mitchell, Martinique Prohaska, Penelope Gleason (Chair), Lyn Gruss, Steve Togni, Marcy Pickering, Bruce MacIntire, and Elizabeth Barth, was created to provide feedback to the developer and the DRB. He stated that the Town Hall Subarea Task Force met on March 3rd and 4th to review the proposed plans for The Lofts at Mountain Village project. Task Force Chair Penelope Gleason stated that the Task Force process was a great opportunity for the public to be involved and provide input. The developer was very responsive to the group's ideas. Ms. Gleason presented the following recommendations to Town Council and DRB:

1. The DRB and Council should consider the impacts of staging and construction on the Town, including such issues as quality of life, traffic, parking and impact on businesses and residences.
2. The DRB and Town Council should consider the aesthetics of the building pursuant to the Design Regulations to ensure that the building fits within the design of the area and Mountain Village. Being a visible building on a ski run, the DRB should ensure that the Design Regulations are followed especially for most visible elements of the project.

3. The DRB and Council should consider improved trail access throughout the area including ski-in/ski-out access. The DRB and Council should also address the maintenance of the main ski-in/ski-out access to the parking garage.
4. The Town should explore the provision of the current or a new trail alignment from VCA and Town property to the existing sidewalk along Mountain Village Boulevard.
5. The DRB and Town Council should consider addressing shared responsibilities and costs at the parking structure and surrounding areas impacted or used by the development; especially aesthetics and safety issues which impact the development.
6. Require a provision for a landscaping buffer on the east side in between the development and the Double Cabin Ski Run. The applicant should work with TSG for an easement or other permission for added landscaping on TSG owned land.
7. The preservation of the existing vegetation in the surrounding area to the extent possible. The applicant should also work with the Town and surrounding land owners to install pocket parks or other usable spaces.
8. The provision for shielded exterior storage areas for bikes and other equipment. *The applicant has incorporated this into the application.*
9. The provision of a more detailed short-term and long term bear-proof trash/recycling plan that explores a combined facility with the new medical center. *This is also being considered by the applicant.*
10. The provision of a park for residents either on Town land or an expanded park at VCA.
11. The provision of adequate storage spaces for the units.
12. The provision for an onsite manager for the future management of the property to enforce maintenance, aesthetics and occupancy.
13. The evaluation of wetlands pursuant to the Wetland Regulations for the north building and the fire access through VCA.
14. The Town should carefully craft a development agreement to look at oversight of occupancy, and other issues affected by the development.

Staff noted that these recommendations address most of the big picture issues for the project. Staff would add the need to obtain an as-built survey of existing conditions at Village Court Apartments so the planned ski patrol emergency access and construction route can be designed and evaluated. Council discussion ensued regarding parking which will most likely be limited to two permits per unit. The units will be rented and managed by the developer through 2029 at which time they can be sold in the open market by the developer. DRB member Phil Evans asked Council to inform them of any agreements that have already been approved by Council when an application is filed. The Mayor addressed the issue of why the Town did not issue a formal written Request for Proposal (RFP) for the project. He explained that the Town Council issued a challenge to the developer community and verbally asked for creative proposals to be brought forth. The result was this developer coming forward and proposing “the wrap” idea which could provide significant public benefit on an otherwise difficult building site. The Mayor stated that the next step is for the developer to submit an application, go through the DRB process and then present to Council. He added that there will be multiple opportunities for public comment throughout this process.

First Reading, Setting of a Public Hearing and Council Vote on a Citizen Initiated Ordinance to Allow an Increase in Density on Lot 640A from its Current Allowed Density but Limiting Density to 60 Units Quasi- Judicial (9)

Town Attorney David Reed introduced the citizen initiated Ordinance stating that the Town Clerk has certified the petition and that this is the first reading of the Ordinance. This Ordinance is the same as the last Ordinance presented at the February meeting except for the number of units. Mr. Reed noted that Town Council member John Howe will not be able to participate in discussions or vote on this agenda item since he owns a housing unit adjacent to the project and therefore has a conflict of interest according to the Mountain Village Ethics Code. Tami Huntsman explained that the intent of this process was to poll the community to determine the number of units desired, and that it was their opinion that all workforce housing

should not be located in the Meadows. Ms. Huntsman stated that housing is a regional issue and should be addressed as such. Roz Strong stated that they wanted to withdraw the petition for 60 units and intend to move forward with a ballot issue for the June 30th election calling for a limit of 45 on the number of units. David Reed pointed out that if the Ordinance on the agenda is withdrawn at this time, then Council has nothing to vote on and there would be no further discussion. Mr. Reed informed the petitioners that if they wished to reconsider withdrawing the 60 unit ordinance, then it may be re-agendized for consideration and a discussion would result. Roz Strong asked to rescind her request to withdraw the item and extensive Council discussion ensued. Council proposed that the petitioners allow the Town to draft an Ordinance that would include:

- A requirement for a park of the same or greater size
- A cap on population
- A limit on the number of pets
- A limit on the number of vehicles

Council discussion ensued regarding the Town's willingness to assist in the funding of the park as well as maintenance. Public comment was received by Jolana Vanek, Deb Gesmundo, Tim Cannon, and Tom Kennedy. Mr. Kennedy (speaking for the 640A lot owner) indicated that the applicant (Randy Edwards) would be willing to pull the pending application if the Town were to initiate and draft an Ordinance limiting the density to 60 units with a population of approximately 200. Council directed staff to draft an Ordinance that will address the items listed above for the April Town Council meeting. Mr. Reed stated that discussions could begin when the developer pulls his pending application. Ms. Strong and Ms. Huntsman requested that the Ordinance before the Council be withdrawn and no action was taken. Council directed the Town Manager and the Town Attorney to drive a process to find middle ground in the event the applicant pulls their application.

On a **MOTION** by Dave Schillaci and seconded by Cath Jett, Council voted unanimously to convene as the Town of Mountain Village Housing Authority Board of Directors.

**Town of Mountain Village Housing Authority:
Consideration of a Request from Steven and Loren Kornreich to Extend Their Exception to Not
Owner Occupy Coyote Court #2 and Continue to Rent to the Current Occupants Until June 30,
2015(10)**

San Miguel Regional Housing Authority Executive Director Shirley Diaz presented the above item stating that the owners of Coyote Court Unit #2 (Kornreich) have requested permission to extend the rental of their unit until July 1, 2015. They would like to allow time for their renters to find other housing since one adult is a school teacher. This extension would afford them some time to search once school is out of session. Council discussion ensued. Council directed staff to agendize an item discussing the various deed restrictions and to include an explanation of each type. On a **MOTION** by Cath Jett and seconded by Jonette Bronson, Council voted unanimously to approve a request by Steven and Loren Kornreich to extend the exception to not owner occupy Coyote Court #2 and continue to rent to the current occupants until June 30, 2015.

On a **MOTION** by Cath Jett and seconded by John Howe, the Housing Authority Board voted unanimously to re-convene as Town Council.

Council took a lunch break from 12:11 p.m. to 12:45 p.m. (14)

Telluride Historical Museum 2014 Report (14)

Telluride Historical Museum Executive Director Erica Kinias presented the above report. Ms. Kinias presented an overview of 2014 stating that compared to 2013, the number of visitations increased by 35% and program attendance increased by 10%. The museum's annual exhibit was *Voices of Wartime: Telluride During World War II*. The museum's affiliation with the Smithsonian was used in three ways; the Rocky Mountain PBS documentary, artifact loans from other museums and the membership program (memberships at a certain level receive free membership to the Smithsonian). Ms. Kinias stated that financial reserves remain strong. The Museum upgraded the security system, cameras, and installed insulated windows with Eco Action Partners supplying a \$10,000 grant to help with this. Ms. Kinias added that her replacement will come on board in May. Council congratulated Ms. Kinias on a great year and thanked her for her service.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code at (A) Section 17.2.12 and 17.6.5(D)(1) to Allow the Conditional Use Permit Process to Establish the Allowed Height for Freestanding Antennas; (B) Section 17.4.9(E)(2)-(3) to Correct an Omission, and Not Require a Concurrent Replat with Rezoning; (C) Section 17.4.14(F)(3) to Revise the Criteria for Allowing Ski Lifts on Private Lots; (D) Chapter 17.8 to Amend the Definition of a Site Specific Development Plan; and (E) Section 17.6.9 to Meet or Exceed San Miguel County Open Burning Regulations (11)

Chris Hawkins presented the above item. The following are a list of the proposed amendments to the CDC:

1. Section 17.2.12 to allow the conditional use permit process to establish the allowed height for freestanding antennas. The main reason for this change is due to the fact that freestanding antenna heights need to be taller than the building height limits to ensure antennas clear the forest canopy and buildings to provide adequate coverage. The proposed amendments allow for the review authority to establish the needed and compatible height as a part of the conditional use permit process, with the maximum height allowed based on the conditional use permit criteria.

2. Section 17.4.9(E)(2)-(3) to correct an omission, and not require a concurrent replat with rezoning. The Town Attorney indicated that it is not necessary to file a replat to change zoning and land use plat notes on older plats since this can occur by an ordinance. Staff is therefore proposing the amendments, which will significantly reduce the costs for future rezoning.

3. Section 17.4.14(F)(3) to revise the criteria for allowing ski lifts on private lots. The Town Council asked for stronger criteria to review proposed ski lifts during a work session in 2014. The goal is to ensure that a ski lift fits a site and are compatible with the surrounding area development. Mr. Hawkins noted that the wording "readily visible" in the proposed criteria for decision needs some discussion.

Extensive Council discussion ensued regarding the following topics:

- Changing the words "strongly discouraged" to "not encouraged" when referring to ski lifts (tramways)
- Removing the word "hardship" when referring to ski lifts (tramways), from the Ordinance
- Consider after-hours access to the ski runs if a ski lift is installed
- Consider allowing them for larger developments
- Create criteria for determining the necessity of a ski lift with each application considered on an individual basis
- Add language regarding multi-family usage

Jim Mahoney stated that language can be crafted to state that no access to ski runs will be permitted after hours. Public comment was received by Joe Solomon, Jonathan Greenspan, and Tom Kennedy. Council discussion ensued regarding Section 17.1.9 Open Burning Regulations. Forester Dave Bangert stressed that the goal is to encourage forest management and fire mitigation programs with the Town's residents and landowners. Public comment was received by Jonathan Greenspan. On a **MOTION** by John Howe and seconded by Cath Jett, Council voted unanimously to approve on first reading an Ordinance to Amend the Community Development Code (CDC) at (A) Section 17.2.12 to Allow the Conditional Use Permit Process to Establish the Allowed Height for Freestanding Antennas; and (B) Section 17.4.9(E)(2)-(3) to Correct an Omission, and Not Require a Concurrent Replat with Rezoning; and (C) Miscellaneous Amendments to the CDC to Accomplish the Foregoing and to set a public hearing, second reading of the Ordinance, and Council vote for April 23, 2015.

On a **MOTION** by John Howe and seconded by Cath Jett, Council voted unanimously to continue an Ordinance to Amend the Community Development Code (CDC) at (A) Section 17.4.14(F)(3) to Revise the Criteria for Allowing Ski Lifts on Private Lots; and (B) Section 17.6.9 to Meet or Exceed San Miguel County Open Burning Regulations; (C) Section 17.3.4(F)(4) to Allow for the Re-subdivision and Rezoning of Single-Family Lots Subject to Modified Criteria; and (D) Miscellaneous Amendments to the CDC to Accomplish the Foregoing to the April 23, 2015 Town Council meeting with the following conditions:

- Add back the insurance requirement of five million
- Section C.3 regarding adverse impacts on air quality, controlled conditions
- Allow open burns only at certain times of the year
- Open pile burning only on open space tracts larger than a specified amount

Consideration of a Resolution Approving a Revocable Encroachment Agreement for the Proposed Installation of Landscaping in the AJ Drive Road Right-of-Way Adjacent to Lot 622 (Lot Number will be Corrected to 662 at the April 23, 2015 Town Council Meeting)(12)

Chris Hawkins presented the above item stating that the applicant has proposed landscaping with a non-mortared dry stack stone border in the AJ Drive right-of-way in front of the single family home on Lot 622. Public Works Director Finn Kjome stated that the landscaping will not be adversely affected by snow plowing activities over the winter, and that the encroachment agreement will protect the Town from any damages to the landscaping and hardscape installed in the road right-of-way. Ron Zaccari, representative of the owner of Lot 622, explained that the owner would like to utilize Blue Spruce in the landscaping plan and that there are a variety of plants being used. Mr. Zaccari stated that Dave Bangert and Jane Marinoff have been wonderful to work with on this project. Council discussion ensued. On a **MOTION** by Cath Jett and seconded by John Howe, Council voted unanimously to adopt a Resolution approving a revocable encroachment agreement into the AJ Drive road right-of-way for a stone border and new plantings for the adjacent single family residence located on Lot 622.

Consideration of Approval of a Proposed TSG OSP-2S Forest Thinning Demonstration Project (13)

Forester Dave Bangert presented the above item stating that the proposed project site is located on OSP-2S which is a 7.38 acre site owned by Telluride Ski and Golf (TSG). The priority of the forest thinning demonstration project will be to safeguard the road right-of-way along Mountain Village Blvd. and the Boulevard Trail from potential hazard trees, protect the public, to remove all standing dead and declining aspen trees, and thin sub alpine fir throughout the site. 14-16 trees have blown down in the past year which is cause for concern. The projected cost is \$20-30,000 for the project. Mr. Bangert's plan is to mark the trees and issue an RFP in May, with a goal of completing the project by the 4th of July. **A MOTION was made by Dave Schillaci and seconded by Cath Jett to approve the proposed project.** Council discussion ensued. The Mayor directed the Town Manager and staff to open a discussion with TSG (Greg Pack and Chuck Horning) regarding maintaining forest health. Council also directed staff to agendize the topic of water restrictions at the April 23, 2015 Town Council meeting. **On a MOTION by John Howe and seconded by Cath Jett, Council voted unanimously to direct staff to proceed with the OSP-2S forest thinning demonstration project. A vote was never taken. This item will be re-agendized at the May 21, 2015 Town Council meeting.**

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Economic Development Definition Initiative (EDDI) Final Report (16)

Bob Delves of Mountain Town Solutions presented the EDDI final report. The report included his recommendations to move forward with establishing the Director of Marketing and Business Development. Town Manager Kim Montgomery stated that she is in support of establishing the Marketing and Business Development (MBD) department with Community Relations Manager Nichole Zangara-Riley being promoted to the new position of Director of Marketing and Business Development. Council thanked Mr. Delves and Ms. Zangara-Riley for their tremendous efforts in completing EDDI. Extensive Council discussion ensued. Bob Delves stated that EDDI was designed as an outreach program to the business community to determine how to better communicate and grow relationships. He stated that the key to this position is having a person who is familiar with the town government as well as the business community. The majority of Council agreed with the recommendations and staff was directed to move forward. Ms. Montgomery stated that the position will begin April 1st and that the goals and performance measures will be developed as soon as possible.

On a **MOTION** by John Howe and seconded by Marty McKinley, Council voted unanimously to extend the meeting beyond 6 hours.

Consideration of Appointments: (17)

a. One Regular and One Alternate Seat on the Ethics Commission

Jackie Kennefick presented the candidates for the Ethics Commission. Council voted by paper ballot. Council discussion ensued. On a **MOTION** by Michelle Sherry and seconded by John Howe, Council voted unanimously to appoint Daniel Zemke to the regular seat and Richard Child to the alternate seat on the Ethics Commission.

b. One Council Member to the Plaza Use Committee

Director of Plazas and Environmental Services Deanna Drew presented the above item stating that a second Council member should be appointed to the Plaza Use Committee. On a **MOTION** by John Howe and seconded by Jonette Bronson, Council voted unanimously to appoint Dave Schillaci to the Plaza Use Committee.

c. Three Regular Seats and Two Alternate Seats on the Design Review Board

Chris Hawkins presented the applicants for the DRB seats noting the DRB recommendations. DRB recommendations were David Eckman, Greer Garner and Phil Evans for the regular seats and for the alternate seats David Craig and Jean Vatter. Council discussion ensued. On a **MOTION** by Jonette Bronson and seconded by John Howe, Council voted unanimously to appoint David Eckman, Greer Garner and Phil Evans to the three regular seats and David Craig and Jean Vatter to the two alternate seats on the DRB.

Staff Reports: (19)

a. Community Relations

Community Relations Manager Nichole Zangara presented her report. Council discussion ensued. Council thanked Ms. Zangara for a thorough report.

b. Plazas & Environmental Services

Deanna Drew presented her report stating that her department ended 2014 approximately ten percent under budget. Plaza services, grounds maintenance and environmental issues are the three areas her department addresses. The Plaza Use Committee will address vending cart issues and then schedule a work session with Town Council.

c. Town Manager

Kim Montgomery presented her report. The Great Services Award for February went to James Lynch for performing emergency repairs on the snow cat so that the Valley Floor Nordic trails could be groomed following a significant snow fall. January's award went to Caley Davis for being an exemplary event assistant for the Fire Festival as well as safely operating the fork lift to set up for the Fire Festival. Council discussion ensued regarding a New Year's Eve incident involving an intoxicated member of the community and the Police Department. Mayor Jansen stated that the incident provided an opportunity to improve Town procedures. Chief Broady stated that there are public release laws in place and that the investigation and reporting of this incident were done in a timely manner. Council directed Chief Broady to agendaize a work session on incident policy and procedures.

2014 Energy Use and Greenhouse Gas Report(20)

Deanna Drew presented the above report stating that 2014 carbon dioxide emissions were down eight percent from 2013 levels, down thirteen percent from a six year average, and down twenty-two percent from the 2010 baseline emission levels. The Town still has conservation work to do and will continue replacing bulbs with LED's. Council thanked Ms. Drew for the thorough report. Ms. Drew thanked Council for their support.

Council Compensation Discussion(21)

Jackie Kennefick stated that the purpose of this discussion was to determine if there are any changes desired to the Council compensation package prior to the June election. Council discussion ensued and suggestions were made to include cable TV, sewer, water, and internet. Council members compared the current compensation to similar communities and found the Crested Butte model agreeable. Council directed staff to draft an Ordinance for the April 23, 2015 Town Council meeting changing Council compensation to:

- Council Salary \$400/month
- Mayor Salary \$800/month
- Include water/sewer, internet, ski pass, PERA

Jonette Bronson left the meeting at 4:02 p.m.

Dave Schillaci left the meeting at 4:04 p.m.

Dan Jansen left the meeting at 4:05 p.m.

There being no further business, on a **MOTION** by Michelle Sherry and seconded by Marty McKinley, Council unanimously agreed to adjourn the meeting at 4:18 p.m.

Respectfully prepared,

Susan Johnston
Deputy Town Clerk

Respectfully submitted,

Jackie Kennefick
Town Clerk



TOWN OF MOUNTAIN VILLAGE
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Agenda Item #6c

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MAY 6, 2015
SPECIAL TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Chair Marty McKinley at 10:00 a.m. on Wednesday, May 6, 2015 in the Mountain Village Town Hall, 455 Mountain Village Town Hall Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Dan Jansen, Mayor (Via conference call)
Cath Jett, Mayor Pro-Tem (Via conference call)
Dave Schillaci
John Howe
Michelle Sherry
Marty McKinley
Jonette Bronson

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
David Reed, Town Attorney
Chris Hawkins, Director of Community Development
Savannah Jameson, Planner II
Jim Mahoney, Assistant Town Attorney
Billy Warlock
Tom Kennedy (Via conference call)

Tami Huntsman
Roz Strong
Jonathan Greenspan
Dave Doemland
Randy Edwards (Via conference call)
Anton Benitez

Executive Session for the Purpose of Receiving Legal Advice Pursuant to C.R.S. 24-6-402(b), and for the Purpose of Negotiations Pursuant to C.R.S. 24-6-402(4)e (2)

On a **MOTION** by Dave Schillaci and seconded by Jonette Bronson, Council voted unanimously to enter into Executive Session for the purpose of receiving legal advice pursuant to C.R.S. 24-6-402(b), and for the purpose of negotiations pursuant to C.R.S. 24-6-402(4)e at 10:05 a.m.

Council returned to regular session at 10:57 a.m. Mayor Jansen and Cath Jett joined the meeting by conference call. Mayor Jansen appointed Marty McKinley as the Chair for the meeting since both he and the Mayor Pro Tem were not physically present for the meeting. On a **MOTION** by Dave Schillaci and seconded by John Howe, Council voted unanimously to appoint Marty McKinley as the Chair for the meeting.

Consideration of Approval of a Resolution Placing a Town Initiated Ordinance Restricting the Maximum Density and Other Restrictions on Lot 640A on the Ballot for the June 30, 2015 Regular Municipal Election

Town Attorney David Reed introduced the above item stating that within the body of the Resolution is the wording for the proposed ballot language. Mr. Reed advised Council that they could choose to not place any ballot question before the electors, modify/change the ballot question, or accept the ballot question as presented. Extensive Council discussion ensued. Public comment was received by Roz Strong and Tami

Huntsman. Ms. Strong and Ms. Huntsman asked to go through the conditions of rezoning with Council members and discussed their requests:

- Require a specific setback distance for the proposed building
- A reduction in the overall size of the building
- Obtain a commitment from TSG to facilitate the 1.2 acre park
- Defining parking/overflow parking

Developer Randy Edwards stated that the property had been purchased with the anticipation of creating a project that would benefit investors. Mr. Edwards stated that he is willing to compromise however must still consider his investors as well as the ability to obtain financing.

Jonette Bronson and Dave Schillaci left the meeting at 11:33 a.m.
Council discussion continued.

At 12:15 p.m. the quorum was lost when Council members John Howe, Cath Jett and Dan Jansen left the meeting. No vote was taken due to the lack of a quorum.

Respectfully prepared,

Susan Johnston
Deputy Town Clerk

Respectfully submitted,

Jackie Kennefick
Town Clerk



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Agenda Item # 6d

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MAY 8, 2015
SPECIAL TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Town Clerk Jackie Kennefick at 10:06 a.m. on Friday, May 8, 2015 in the Mountain Village Town Hall, 455 Mountain Village Town Hall Boulevard, Mountain Village, Colorado.

Attendance:

The following Town Council members were present and acting:

Dan Jansen, Mayor (Via Conference Call)
Cath Jett, Mayor Pro-Tem ((Via Conference Call for a small portion of the meeting)
Dave Schillaci
John Howe
Michelle Sherry
Marty McKinley
Jonette Bronson

Also in attendance were:

Kim Montgomery, Town Manager
Jackie Kennefick, Director of Administration/Town Clerk
Susan Johnston, Deputy Town Clerk
David Reed, Town Attorney (Via conference call)
Jim Mahoney, Assistant Town Attorney
Rachelle Redmond, Lieutenant
Savannah Jameson, Planner II
Corrie McMills, Human Resources Coordinator
Randy Edwards (Via Conference Call)

Tami Huntsman
Dan Caton
Billy Warlock
Stefanie Solomon
Tom Kennedy
Jonathan Greenspan

Consideration of Approval of a Resolution Placing a Town Initiated Ordinance Restricting the Maximum Density and Other Restrictions on Lot 640A on the Ballot for the June 30, 2015 Regular Municipal Election

OR
Consideration of Approval of Conditions Acceptable to the Petitioners of the Citizen Initiated Ordinance for Withdrawal of the Petition from the Ballot for the June 30, 2015 Regular Municipal Election

Mayor Dan Jansen nominated Marty McKinley to chair the meeting. On a **MOTION** by Jonette Bronson and seconded by John Howe, Council voted unanimously to appoint Marty McKinley to Chair the meeting.

Attorney David Reed framed the discussion stating that the petitioners have chosen not to remove their Ordinance from the ballot. He stated that Council could do one of two things:

- Approve a Resolution placing a Town initiated Ordinance on the ballot for 60 units on 640A with conditions
- Pass on second reading at the May Town Council meeting an Ordinance placing restrictions on the maximum density and other requirements on Lot 640A

Council discussion ensued and included the following topics:

- The ratio of surface parking to underground parking
- The Town's role in acquiring and maintaining the park
- The population cap for the project
- How to enforce the population cap
- Language describing the size of the park

Mayor Jansen left the meeting at 10:54 a.m.

Public comment was received by Randy Edwards, Tami Huntsman, Tom Kennedy, Jonathan Greenspan and Stefanie Solomon. TSG Attorney Stefanie Solomon stated that TSG is supportive of the 60 unit project and has agreed to negotiate with the developer Randy Edwards to build the 1.2 acre park. Ms. Solomon stated that the agreement made between TSG and the developer (relating to OSP35A) is still valid. This agreement stipulated that in exchange for the use of TSG land (OSP35A), TSG would receive replacement open space credits.

Cath Jett joined the meeting by conference call at 11:25 and recused herself from voting.

On a **MOTION** by Dave Schillaci and seconded by Michelle Sherry, Council voted (3-2) with Dave Schillaci, Michelle Sherry and Marty McKinley in favor and John Howe and Jonette Bronson against, adopting a Resolution placing a Town initiated Ordinance restricting the maximum density and other restrictions on Lot 640A on the Ballot for the June 30, 2015 Regular Municipal Election with the following conditions:

- Maximum number of units shall not exceed 60
- Population cap to be 190
- 15 units may have a pet with total cap of 25 pets in the project
- The building will be pushed to the western portion of the site
- The Ordinance does not grant any waivers to the applicant
- Delete section on parking spaces
- The Town will not participate in the funding of the land acquisition of any land adjacent to Lot 640A
- Professional on-site management will be required

There being no further business, on a **MOTION** by Jonette Bronson and seconded by John Howe, Council unanimously agreed to adjourn the meeting at 11:30 a.m.

Respectfully prepared,

Respectfully submitted,

Susan Johnston
Deputy Town Clerk

Jackie Kennefick
Town Clerk

SMRHA 2014 ANNUAL REPORT



A NOTE FROM THE EXECUTIVE DIRECTOR

SMRHA continues to be changed by the tides in housing, influenced by all resources connected to housing. We went from 9 sales in 2012 to 20 in 2013 and 51 in 2014, with another 4 carried over into 2015. Not every sale was a foreclosure or short sale and sales prices have begun to increase. There was another decrease in foreclosures from 2013 to 2014 with only 6 deed restricted units noticed in 2014.

We completed the first compliance check for Lawson Hill since it was developed. The results are included in the County section. In 2013 Telluride's compliance check was completed, but enforcement did not commence until 2014. More information will be in Telluride section. The goal as always with these checks is to help anyone non-compliant and to make it easy for the owner to supply the information needed per their deed restriction. We have been conducting compliance checks for 6 years with increased responses and improved communication on rentals as time passes.

The lenders have also made acquiring a loan easier which has helped with increasing sales in the region. There are portfolio loans for some projects that still have too many units in the developer's name, for deed restrictions difficult to approve in the secondary market, higher risk buyers, and buyers who do not have 20% of the purchase price as a down payment. Not everyone can get a yes, but has become a better process for buyers than in years past.

The regional housing meetings have continued and the 3rd annual rural workshops happened in the fall. Lenders in the mountain regions and our local lenders and Land Title increased their contributions from last year. We were able to provide a room and a travel stipend to speakers if needed. The President of NAHRO, a national housing organization was a presenter and the keynote speaker. We also had one of our State Housing Board members present too. This year a half-day Section 8 training was offered to all of the rural contractors on Thursday afternoon, the day before the workshops. The workshops were held at Mount Princeton outside of Buena Vista. There will continue to be meetings moved around the mountain west region in 2015.

In June SMRHA received an award from Mountain Plains NAHRO for the 2013 Annual Report. This is the second submission and second award. June was also when SMRHA received its HUD certification as an approved Housing Counseling Agency for pre-purchase education. Foreclosure intervention is still a component to develop and there has been help for locals for several years. The certification makes it possible to certify and get up to 120 day delay on the foreclosure process for a homeowner. In 2015 we'll see if we have enough of a caseload to maintain our certification.

SMRHA was asked to re-create our databases into one with specific headings and input in order to merge all of the deed restricted public data with the county GIS map. In March of 2014 the database was provided to county staff to link to the County map.

Section 8 was impacted by the sequestration in 2013 and we saw a reduction in fees paid, vouchers frozen, and implementation of a program called Elite for operating the program. In 2014 vouchers were no longer frozen and we received an increase in our voucher allocation.

We met 2015 with a leaner cash flow as we utilized carry-over from prior years to help lower the contributions from the jurisdictions. The use of carry-over to lower the funding requests began in 2008 from 2007 funding and continued until we anticipated about \$40,000 going into 2015. The final figure will be provided with the independent audit.

On behalf of the staff at SMRHA, thank you for another year of support!

Shirley L. Diaz

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SAN MIGUEL REGIONAL HOUSING AUTHORITY

Management of Programs

The daily work of the deed restricted housing programs this year continued to be handled by the Executive Director (E.D.) and special projects like compliance checks, the new database for the GIS map, and the solar project in the Town of Telluride were conducted by the Local Housing Program Manager (LHPM), DeLanie Young. The E.D. managed new applications for rent, sales, refinances, and exceptions, with support from staff as needed.

The E.D. is responsible for oversight of the Section 8 program, but also manages two case files due to a conflict of interest, conducts housing unit inspections, and sat as a hearing officer for one termination for another housing authority.

Although we had an increase in closings there were few complications with the Title Companies. A local closing had some issues and is in the hands of the legal department for the jurisdiction. A few of the bank owned closings had some issues, but they were discovered and resolved. Title Companies continue to ensure they have all the necessary deed restricted and down payment assistance documents for closings by including the E.D. in the Title Commitments. The Title Companies also have been providing the originals or copies as requested and providing the collected fees. The legal departments in all three jurisdictions were utilized for their respective deed restriction guidelines to clarify language, guideline issues, or a process.

The housing counseling services for the region continue to be pre-purchase homebuyer education and foreclosure intervention and default prevention. As stated previously, SMRHA received HUD certification in June of 2014. There were not any foreclosure cases handled by the E.D., but several owners were contacted to see if they needed any help. Foreclosure tracking continued to be done on a weekly basis; in 2013 we saw a sharp decline and the decline continued in 2014.

Homebuyer education classes were offered throughout the year and the E.D. provided a class on her own time in Montrose County for Habitat for Humanity Montrose. More details will be provided in Section 4. There was an increase in use of the DPCC program and a few buyers were not able to utilize the program due to the product the lender was offering them.

Administration of the Organization

The SMRHA Board alters its roles annually and in 2014 Lynn Black was the Chair, Kim Montgomery the Vice-Chair, Greg Clifton the Treasurer, and Shirley Diaz the Secretary as staff. The SMRHA Board met for 12 meetings and there was no meeting in April or October. There were 2 special meetings held for items that needed Board action. The meetings include a financial update, other organizational updates, and items for action or discussion. The SMRHA Board meeting minutes and agendas are posted for the public on a bulletin board in the SMRHA/Shandoka Office, are available to the governments upon request.

Fiscal

A budget update continues to be presented at the SMRHA Board meetings in the format of revenue vs. expenses based on the approved budget and the percentage expended to date. There is a copy of the January through December 2014 Revenue vs. Expenses on pages 21-22 of the report. The

Board is provided balance sheets for all of the accounts monthly. The accounts continue to be reconciled and were reviewed by Greg Clifton, Board Treasurer in 2014. The organization operated within the approved budget and further budget detail is on page 20.

LOCAL HOUSING PROGRAMS

Regional Deed Restriction Administration Overview

SMRHA handles applications for rent and purchase, exception requests from unqualified applicants or for items that always require an exception, prepares closing documents, computes maximum sales prices, completes compliance for all the jurisdictions, including Lawson Hill in 2014, and any other service needed to help renters, landlords, sellers and buyers. Housing related matters continue to come in from the public, staff from the gov'ts, realtors, title companies, lenders, appraisers, and developers.

The staff and the E.D. also provided on-going assistance to owners and occupants to help them remain in compliance regarding owner-occupancy, resale, capital improvement costs, refinancing, leaves of absence, rental procedures, and other special circumstances. We provide current lender information to deed restricted buyers and owners regarding purchase and refinance. We also respond to inquiries and collect rent from Shandoka residents as needed when the Shandoka Office staff are out of the office.

SMRHA worked with staff and legal departments for all three governments during the past year regarding guideline amendments and housekeeping, mitigation units, compliance issues, legal clarifications, exceptions, and on violations. Local lenders continue to work with SMRHA to provide updates and receive documents relating to sales to update their underwriting departments. The lending market continues to change for buyers as some requirements have been changed to help a buyer and although other aspects continue to remain tight, we had a dramatic increase in closings in 2014.

The staff responded to over **850** contacts per month regarding the organization, participation in events, education outreach both locally and regionally, the deed restrictions, Section 8 and all other housing programs during 2014.

Regional Database and Property File Management Overview

As part of our work for closings, exceptions, foreclosures, and compliance document retrieval is completed throughout the year at the San Miguel County Recorder's office. Property files were worked on as time allowed throughout the year. Due to the increase in purchases, compliance checks and follow-up on non-compliant owners there was a decrease in time spent on file creation, maintenance, and document retrieval. Time was also dedicating to updating transaction histories. In March a new database was provided to SMC staff to upload and connect with the County's GIS Map.

Regional Deed Restriction Administration

By the end of 2013 we began to see an increase in applications to purchase in addition to a regular flow of rental applications. At the end of 2014 we had received **150** applications to occupy regionally and assisted many more prospective applicants by phone and Email through our many contacts. We also review documents submitted as part of compliance and must follow-up until we have exhausted requests for outstanding information. This year Special Counsel for the County and the Town of Telluride began enforcing default and violation remedies, including court proceedings.

- There were **67** Applications to Purchase submitted. More than double the number from 2013.

- There were **83** Applications to Rent submitted. A decrease of 9 from 2013.
- There were **14** Intents to Sell/Rent submitted.
- There were **8** Maximum Sale Prices calculated.
- There were **45** exception requests in the region.
- There were **49** sets of closing documents provided to Title companies for DR units purchased, and there were **47** closings.
- There was one closing where no deed restriction was recorded on the three units, but the legal department was handling the creation and recording of the documents and that did occur. Two of the three units then sold in 2014 and are part of the overall count.
- There were **5** refinances SMRHA was noticed about and **4** closed by the end of the year. There were **3** that were Town of Telluride deed restricted units and required a new option prior to the closing.
- Assisted buyers and their agents/attorneys with Initial Sale Price (ISP) inquiries.
- Assisted owners regionally, regarding the specific inquiries listed below, including how to maintain compliance regarding:
 - Title changes (adding or dropping a co-owner)
 - Acknowledgments required due to title changes
 - Owner-occupancy, non-rental co-occupancy
 - Leave of Absence (LOA) exception requests
 - Sale procedures
 - Rental procedures; review of leases
 - Maximum Sale Price calculations (MSP) on re-sales
- Reviewed and copied Deed Transfers weekly, comparing data to anticipated title changes.

Regional Monitoring & Enforcement

The Town of Telluride and San Miguel County began enforcement on non-compliant owners based on the requirements of the deed restriction. The process is different for each jurisdiction, and Lawson Hill owners had not previously been through a compliance check although it has always been allowed. Additional details will be in each region's report in the following sections. Continued to obtain documentation for compliance throughout the region as potential issues were brought to our attention.

- Researched and provided information to government partners upon complaint or notification of possible violations.
- Collected fees for all applications and all RETA/RETT collections/exemptions for all deed restriction related sales.

Regional Policy & Guidelines Changes

Worked with legal departments on revisions to documents related to the deed restriction program administration, updated Guidelines as needed based on new HUD AMI in 2014, and worked on exception and exemption agreements for recording.

Regional Foreclosure Information

- Public Trustee sale notices were monitored, any deed restricted status was confirmed and government partners updated as necessary for protection of DR and public investment.
- **27** properties in San Miguel County were noticed for foreclosure in 2014, 1 deed restricted property received 2 notices within the year.
- **7** deed-restricted units or properties zoned to contain deed-restricted units were noticed.
- An additional **4** deed restricted units were carried over from 2013.

Deed Restricted Properties SOLD in 2014 after Foreclosure noticing						
	Fore. #	Property	Date sold	Sold to	Still DR'd	Current Status/Notes
SMC	2012-88	Two Rivers 11	4/3/14	Holder	Yes	Resold to Qualified Employee
	2013-22	Lot 17, Elk Run (ADU)	2/21/14	Priv Party	Yes	Sold to Private Party prior to PTSale
	2013-25	Lots 79&80, Wilson Mesa Ranch	5/15/14	Holder	Yes	Still owned by JPMorgan Chase
	2014-14	Lot 32-B, Lawson Hill	10/30/14	Holder	Yes	Still owned by Nationstar

The following table is an overview of sales price averages for properties in San Miguel County that were noticed for foreclosure.

Property transactions in 2014 related to Foreclosure Noticing as of 12/17/14 (This represents purchase by private party at/prior to Public Trustee sale and "RESOLD" by Holder after Foreclosure.)				
Outstanding Principal (OP*)	# Sold	Average % of OP* paid	# DR'd	Average % of OP* paid
> \$1,000,000	4	52%	1**	55%
\$750,000 - \$999,999	2	66%	0	
\$500,000 - \$749,999	4	51%	1	56%
\$250,000 - \$499,999	8	63%	3	62%
<\$249,999	6	63%	1	94%

*OP or Bid Amount – which includes other liens, etc. at time of Public Trustee Sale – whichever is greater.

**Free Market home with a deed restricted ADU

Deed Restricted properties RESOLD in 2014 after Public Trustee Sale (All of these were acquired by Holder at Public Trustee Sale*)						
	Fore. #	Property	Date sold	Still DR'd	Resold	Current Status/Notes
SMC	2012-19	Lot 119, Telluride Pines	8/30/12	Yes	4/14/14	Resold for 59% of OP (ADU)
	2012-73	San Bernardo 22	2/7/13	Yes	7/10/14	Resold for 56% of OP to Qual Emp
	2012-88	Two Rivers 11	4/3/14	Yes	10/7/14	Resold for 76% of OP to Qual Emp
	2012-89	San Bernardo 15	2/7/13	No	7/10/14	Resold for 94% to Emp Qual by EXC
	2013-15	San Bernardo 8	10/31/13	No	5/14/14	Resold for 51% of OP
MV	2010-89	Hotel Madeline & Inn at Lost Creek	7/14/11	Yes	8/22/14 & 5/1/13	Resold for 24% of OP 10 deed restricted units on the property

Applications:

Applications by Jurisdiction	COUNTY	TELLURIDE	MOUNTAIN VILLAGE
Applications to Purchase/Own & Occupy For 2014			
Approved-Includes Lottery Apps	14	20	15
Withdrawn		1	
Returned/Incomplete		1	
Denied	6	10	
Total Applications to Purchase/Occupy	20	32	15
# of Properties to Purchase/Occupy	15	21*	14**
Applications to Rent For 2014			
Approved to Rent/Occupy	20	28	27
Incomplete	1	2	
Denied/Withdrawn	2	3	
Total Applications to Rent	23	33	27
Total Applications Processed	43	65	42

- * Includes transfer of 2 deed restricted units in sale of the building-counted as 1 property
- ** Includes transfer of 10 deed restricted units with Hotel Madeline sale-counted as 1 property & the transfer of the 3 Cassidy Ridge condominiums to new owners as 1 property as well

Exceptions:

Exception Applications Handled	COUNTY R-1/New Cov	TELLURIDE	MOUNTAIN VILLAGE	DPCC
Granted	10	24	1	1
Withdrawn/postponed	3	1		
Exception Extensions	3	2		
Work Sessions		3*		
Total Exceptions 2014	16	27	1	1

The breakdown of the 45 exceptions is as follows by jurisdiction and then the DPCC program funded by the jurisdictions.

San Miguel County exceptions:

- **4** were requests for permission to rent while not occupying their unit. **2** of these requests were extensions to existing exceptions.
- **1** was for definition of employee and based on work and time in the region.
- **2** were for other property ownership within the Town of Telluride.
- **1** was a request for a 4 year Leave of Absence for schooling out of state and permission to rent.
- **1** was for permission to purchase a deed restricted property while owning another deed restricted property and permission to rent until sold.
- **1** was to qualify to purchase while owning other property.
- **1** was for a Leave of Absence and to allow a non-resident to occupy the home as part of a work exchange program with Telski.

- 1 was for definition of employee because their employment meant working at home and traveling
- 1 was a request to lift a price-cap on a Lawson Hill unit and was an existing situation.
- 3 requests were withdrawn.

Town of Telluride exceptions:

- 2 were requests for unconventional lending.
- 2 requests were for being over income.
- 1 request was to add the cost of capital improvements in excess of what SMRHA can approve, but less than what is allowed through the THA subcommittee.
- 2 requests were for permission to purchase a free market unit prior to the sale of the deed restricted unit. 1 owner also requested permission to rent for a limited time.
- 2 requests were to purchase while exceeding the net asset limitation due to a one time event.
- 2 were for permission to rent while trying to sell and not occupying the unit.
- 1 request was for permission to purchase while not meeting the minimum household size.
- 2 requests were to change the size of the existing unit.
- 1 request was for the definition of employment.
- 1 request was for not meeting the qualifications because they just moved back into the region.
- 4 requests were for permission to use a co-borrower.
- 1 was for a 2 year Leave of Absence and permission to rent.
- 1 request was for the definition of household.
- 1 request was to purchase a deed restricted unit while owning a free market unit.
- 1 was a request to move an EDU from within a home to a unit above the garage.
- The 2 extensions were for additional time to rent while not occupying the unit and 1 owner also inquired about his Maximum sales price being adjusted due to a water line issue.

Town of Mountain Village exceptions:

- The 1 exception request was from the new Cassidy Ridge Condominium owners for permission to rent or sell the units.

DPCC exception:

- This exception was required to help this new buyer close the loan on a Town of Telluride DR property where the developer still had ownership of more than 10%. The increased loan amount helped the buyer reach a 20% down payment. This was approved by the SMRHA Board.

Sales or Transfers:

Deed-Restricted Transactions (Improved and Unimproved)	COUNTY R-1/New Cov	COUNTY Price- capped	TELLURIDE	TELLURIDE EDU	MOUNTAIN VILLAGE
Total # properties sold 2014	12		22>		13~
2014 Average sale price	\$255,929		\$217,190		\$320,146
Total # properties sold 2013	12^		2		6*
2013 Average sale price	\$273,946		\$217,250		\$293,500
Total # properties sold 2012	3		5		1
2012 Average sale price	\$205,500		\$215,620		\$110,250
2011 properties transferred w/ no payment to TMVOA	1				1
2011 property transferred w/some cost					1-\$182,500
Total # properties sold 2011	3		19		4

Deed-Restricted Transactions (Improved and Unimproved)	COUNTY R-1/New Cov	COUNTY Price- capped	TELLURIDE	TELLURIDE EDU	MOUNTAIN VILLAGE
2011 Average sale price	\$502,955		\$255,106		\$341,750
Total # properties sold 2010	3		16		3*
2010 Average sale price	\$308,333		\$253,299		\$375,417*
2009 - # properties sold	4*		13		6*
2009 Average sale price	\$318,541*		\$275,427		\$272,684*
2008 - # properties sold	4	0	4	1	7**
2008 Average sale price	\$370,250*	0	\$192,850	\$440,000	\$515,105**
2007 -# of properties sold	22	1	7		16
2007 Average sale price	\$340,245	\$316,697	\$163,602		\$433,154

* One of these was an unimproved lot

^ One property was a transfer to an LLC with a price of \$531,350 from the buyer at auction to his LLC-it was only counted once

**Does not include the 2 gov't sales. This count reflects 1 Quit Claim and an aver. sale price adjustment because money did in fact change hands.

> 1 sale included the price of 2 units, but it was only counted as 1 sale for the Telluride Count.

- 1 sale was Hotel Madeline's purchase that included the 10 DR units-no prices were established so the TMV average is based on 12 sales.

Deed Restriction Programs By Jurisdiction

San Miguel County

DR Administration

SMRHA worked with County staff and legal on a number of issues regarding the deed restriction, owner issues, and foreclosures. A Compliance Check was initiated in Lawson Hill for the first time. Some owners had been in their units 20 years and had never been contacted regarding on-going qualifications. As responses came in and issues were discovered SMRHA began to classify each issue and then a list was created and presented to the County Commissioners. In order to not burden most of the owners with issues with an Exception, a Notice of Violation was issued and the owners had one year to become compliant or 15 days to request a hearing to resolve the issue. The hearings began in the fall and continued into 2015.

- The DR Administration Fee (1%) collected is \$32,714.00 from **13** sales, but some of the fees are from 2013 closings. **2** of the fees were for properties where the deed restriction was lost but the fees still apply.
- \$ 4,305.00 in 1% fees from 2014 were not deposited until 2015.
- The .75% Fee, sales taxes, applications, and other fees collected was \$39,877.49. There are some fees missing that the San Bernardo Home Owners Association has not paid as required.
- \$ 3,228.75 in .75% fees from 2014 were not deposited until 2015.
- There was \$4,025.00 collected in exception fees.
- Received and processed closing documents for **12** closings.
- **20** applications to purchase were reviewed; the results are in the table.
- **16** exception requests were submitted to SMRHA in 2014. **11** of the exceptions were approved and the breakout was provided in the Regional Section.
- Received numerous requests for information from lenders/mortgage brokers, title companies, appraisers, and owners regarding refinance/purchase of County Deed Restricted properties.

-
- There was **1** refinance noticed in 2014, but it did not close by the end of the year.
 - Educated many applicants, lenders, attorneys, Title Companies, and others connected with the re-sale of foreclosed properties.
 - Received numerous inquiries about owner occupancy and co-occupancy, difficulties with selling, rental procedures, and required lease reviews.
 - Property files and the database were updated as time permitted with new or outstanding documents, including recorded ones.

Monitoring

Foreclosure Update:

- **6** County Deed Restricted properties were noticed for Public Trustee Sale in 2014. 1 property was noticed twice.
 - **2** were withdrawn and 1 was re-noticed.
 - **1** was sold to the holder of the note.
 - **3** were still active at the end of the year.
- **4** County Deed Restricted properties noticed for Public Trustee Sale in 2013 were continued into 2014.
 - **2** units were sold to the Holders of the first deeds of trust.
 - **1** unit was sold to a private party.
 - **1** unit was still actively in foreclosure.
- SMC still holds title on **1** deed restricted property – an unimproved Aldasoro lot.

Compliance/Monitoring

- **110** properties were contacted for compliance.
- **39** completed responses were received.
- An additional **15** owners responded before a Notice of Violation was sent.
- **12** owner responses were incomplete and SMRHA staff was waiting on the additional information.
- **44** owners did not respond to the Compliance check or provided partial information.
 - **27** owners received Notices of Violation (NOVs), which provides them with 1 year to become compliant or request a hearing.
 - **5** of these owners responded after receiving the NOV and were compliant.
 - **12** owners had issues either had issues requiring the sale of their unit or a hearing with the SMCHA to request approval based on their situation.
- **6** Hearings with the SMCHA began in November of 2014 and continued into 2015. One of the exceptions listed in 2014 was from an owner who was not occupying his unit and has noticed it for sale.
- Staff monitored our web site's free classified ads for for-sale and for-rent announcements of Deed Restricted properties and contacted owners/representatives to assist with compliance if necessary.
- Monitored the Telluride Daily Planet and other locally utilized web-based resources for unauthorized rentals in Deed Restricted properties and contacted owners to assist with compliance.

Policies, Guidelines, and Master Documents

- Made revisions to forms.
- The E.D. and staff worked with the County attorneys on exception documents and other research as needed.

Town of Telluride

DR Administration

There were 6 remaining Whitehouse units for sale at the end of 2013, but 2014 began with 3 units under contract and by the end of 2014 8 out of 9 units were sold and are owner occupied. The compliance check for all Town of Telluride deed restricted units was completed in 2013, but in 2014 Town legal and the THA subcommittee began enforcement. In addition to non-compliance, there were exceptions presented to the THA Subcommittee as needed. The breakdown was provided above. The E.D. continues to work with the Town Legal Dept. and other Town staff on deed restricted related issues, such as: can an EDU be moved, can a unit be reduced or increased in size, and tracking sections of the Guidelines to be revisited. SMRHA staff worked with Town staff and legal on the solar panel project.

All of the breakdowns for the following stats are in the charts above.

- **32** applications to purchase were submitted for **21** properties.
- **33** applications to rent/occupy were reviewed and results provided for all complete applications.
- Total fees collected for the Town were \$6249.24. The 1% fee collected was \$4,499.24 from **2** property sales, both sales were business owners selling to qualified households. There was a **3rd** closing on 12/29/14 where the fee was collected, but it was not deposited until 2015. The 1% fee was waived in the Guideline revision for qualified households, so no other sales required the fee.
- The **27** exception requests were detailed above.
- There were **13** Notices of Intent to Sell in 2014 and 11 of these units closed in 2014.
- Assisted owners of price-capped units with allowed capital improvement costs.
- Calculated Maximum Sale Prices for **13** units for various reasons, not all were for sale.
- We were noticed about **3** owner refinances in 2014 and all three were able to get their loan.
- Worked with developers/agents for **2** properties.
- Staff received requests for information from lenders, mortgage brokers, title companies, appraisers, and owners regarding purchasing and refinancing throughout the year.

Monitoring

Compliance Checks:

- Town legal has initiated contact with non-compliant owners based upon length and/or severity of infraction. SMRHA continues to provide support and collect documents as directed.

Foreclosure:

- **1** Town deed restricted unit was noticed for Public Trustee Sale in 2014, and the Notice was withdrawn.

Policies, Guidelines, and Master Documents

- Additional revisions were made to applications and forms as needed.
- The Telluride Affordable Housing Guidelines: Appendix A and associated tables were updated in 2014, utilizing HUD's published Area Median Income for the county.
- The E.D., THA subcommittee, and Town legal are noting sections of the guidelines needing clean-up. Will likely be reviewed in 2015.

Town of Mountain Village

Mountain Village had 13 properties sell by the end of 2014. That does not include the sale of the 3 Cassidy Ridge units to GCMV Condominiums, but it does include the re-sale of the units. There was only one exception taken to Town Council. In the last quarter of 2014 the Compliance Check began. With this check SMRHA utilized Email as much as possible to reduce the use of paper. Below is the breakdown of the responses by the end of 2014. This will continue into 2015, but by the end of the first quarter owners not providing information will be non-responders. The E.D. and SMRHA staff attended a compliance review session with CDOH staff regarding compliance on the VCA units funded by HOME dollars and CDBG money. SMRHA provided documents as aids. SMRHA continues to provide support as requested from staff.

DR Administration

- \$2535.00 in fees were collected in application and administrative fees in 2014. There was an Admin. Fee collected on the sale of the Castellina unit.
- There were **13** sales of a TMV deed restricted units in 2014, but the sale of the Cassidy Ridge project is not included in the table above. The **3** deed restricted units were included in the sale of the property. New deed restrictions have been recorded and **2** of the units sold by the end of the year.
- **15** applications to purchase/occupy were submitted and all were approved.
- **27** applications to rent were reviewed and all were approved.
- There were no Notices of Intent to Sell in 2014.
- The single exception request was explained above in the Exception section.

Monitoring/Compliance Check

Compliance Check:

- **138** total units were being tracked for compliance.
 - **29** properties did not receive notices in 2014 – units that have had recent transactions/updates, units that were noticed for foreclosure, and units with unique situations were not asked to provide compliance information.
 - **13** properties were purchased within the last year
 - **6** properties had other unique situations and did not require a letter
 - **109** compliance letters were sent and **40** 2nd Notices:
 - **64** completed replies were received;
 - **18** responses remain incomplete;
 - **27** units are non-responders and considered to be non-compliant

The following represents known totals for current occupancy status:

- **60** units are owner-occupied
- **4** units are owner-occupied and shared with roommates
- **40** units are rented (or occupied by non-owners)
- **2** units are claimed to be vacant (we want to contact them to encourage providing these to the rental pool).
- **17** units are unimproved
- **15** units have an unknown occupancy status due to non-response
- **1** unit is on the active foreclosure list (owner-occupied)

Foreclosure

- **No** TMV deed restricted properties were noticed for Public Trustee Sale in 2014.
- Hotel Madeline, noticed in 2010, resold in 2014 with the 10 DR units.

Down Payment & Closing Costs Assistance Program

In 2014 there was interest in the DPCC loan program. Three loans closed in 2014 and 2 loans were repaid. There was more interest in the program, however one lender was unable to utilize the loan based on the way they packaged their loans and he closed several loans in 2014 for the buyers without down-payment assistance from this program. There were no loans pending for 2015 closings. The **3** loans were all for Town of Telluride deed restricted properties. One owner was granted an exception to exceed the 5% or \$10,000, whichever is less, guideline with SMRHA Board approval. One loan was approved, but by closing the buyer did not need the funds and the loan money was returned. It is not counted in the summary.

DPCC Loan Summary:

Year Approved	Total Loans Issued	Loans Paid Off in 2014	Payoff Amounts Rec'd		Outstanding Principal	Total Loans Paid Off
			Principal	Int/Apprec		
2001 loans*	10					10
2002 loans	3					3
2003 loans	9				\$4,350.00	8
2004 loans	5	1	\$10,000	\$2,825.81	\$10,000.00	4
2005 loans	6				\$30,000.00	3
2008 loans	1				\$10,000.00	
2009 loans	2				\$27,500.00	
2010 loans	0					
2011 loans	6	1	\$7,184	\$359.39	\$56,586.00	2
2012 loans	5				\$47,355.00	
2013 loans	1				\$10,000.00	
2014 loans	3				28,883.38	
Total	51	2	\$17,184	\$3,185.20	\$224,674.38	30

* DP&CC loans after 2001, can be paid off at 5% per year, if paid within 3 years, or at a rate tied to the appreciation of the property. Loan terms have been altered several times since 2001.

Mortgage Credit Certificate Program

The statewide MCC program administered by CHFA has not been utilized locally. There were no MCCs issued in 2014. We continue to discuss the program with all potential first-time homebuyers.

SECTION 8

Overview of Section 8 Program Administration

The Section 8 Program Manager continues to operate out of two (2) offices and splits the week with two days in Telluride and two in Norwood. The majority of our vouchers are with Norwood residents and the donated county office space provides clients with in person attention saving them travel costs to Telluride.

We were administering 48 Vouchers out of 55 Vouchers at the end of 2014, and they were all locally administered. The remaining Vouchers were on hold throughout 2014, but in the summer of 2014 we were allowed to re-issue Vouchers if someone left the program and it was not a port to another housing authority. We received a total of \$20,974.63 in voucher administration fees for the program in 2014. Our waitlist has remained open for all of 2014. In 2014 local landlords received \$283,129.00 in rent and the utility allowances paid to Tenants was \$3262.00.

Walk-in inquiries are fielded primarily by the Program Manager and the E.D., but all office staff helps clients. The Program Manager maintained the waitlist for the program, and then entered it into the Elite system when the system was ready to keep wait lists. The Waitlist had 34 families on the list on December 31, 2014.

The Program Manager attended monthly webinar trainings about various parts of the Section 8 program, the webinars were provided by CDOH. The Program Manager also attended 2 out of town trainings regarding the Elite operating system. The Elite System has been time consuming as several operations have not worked properly and the state staff has had to fix or enter it themselves and then provide new instructions. They also continue to make changes in Elite. We are required to maintain a paper or electronic file in addition to the information in the system.

VCA and Shandoka both continue to accommodate Section 8 clients with rents that meet the maximum rent calculations from the state. Staff works with the property managers to resolve issues if and when they arise whether it is regarding the payment standard, payment from the client, or something else related to the program or the client.

- On December 31st, **48** Vouchers were being administered locally. All new Vouchers were still on hold at this time.
- **4** families left or were terminated from the program for violations.
- **6** families were added this year.
- **2** Mental Health Vouchers were taken over.
- **3** families ported into the county.
- **6** families ported out of the county.
- Processed **4** families and issued Vouchers but they failed to lease up
- **21** Families were offered Vouchers, but either declined or did not attend their meeting with staff and also failed to re-schedule
- Section 8 rules and regulations were explained to prospective landlords.
- Reviewed all NAHRO (National Association of Housing and Redevelopment Officials) Newsletters and emails for changes in HUD rules. Monitored the CDOH Web Page for changes in HUD rules and forms at the end of each week. Implemented changes and rules as needed.
- Completed a Waitlist Purge
- **22** new applications were accepted.
- Maintained/organized/created tenant files.

-
- All Staff aided with **214** walk-ins this year, which included conducting interviews with potential clients turning in information, changes in households, and general questions. Information to complete interim re-certifications was collected.
 - Completed **45** annuals this year and **5** annuals with move, which requires complete recertification of the family, including third party income verification, and ensuring the family still qualifies for the program.
 - Completed **15** interim re-certifications this year, due to notification of changes in household size and/or income, completed third party income verification if income changed.
 - Conducted **56** Inspections and **8** Re-inspections this year.
 - Handled an average of **225** contacts per month by phone and E-mail throughout the year.

Agency Relationships

- Worked with the state staff on documentation and reporting questions
- Complaints-There were no complaints this year that escalated beyond staff working with the tenant or landlord.
- Responded to all contacts from the public and tenants or landlords in a timely manner.

Training

- Attended 2 trainings on the Elite program. Our CDOH Asset Manager did a one day training in the office in November .
- There were several Elite Q & A webinars offered throughout the year.
- Attended the following online Webinar Trainings:
 - Terminations - In-state Transfers - Waiting Lists - EIV - Open Forum
 - Repayment Agreements - Excellence in Customer Service

Section 8 Clients

This chart reflects all Adult clients that were on the program on Jan. 1, 2008 and all new ones added through 2014. This will remain a continuous count as beginning again would have created accuracy issues.

Breakout of Adult Section 8 Clients – 117 since Jan. 2008				
Working	Disability	Social Security	Not Working	Other
47.62%	14.29%	11.9%	17.46%	8.73%

Housing Needs of Families in San Miguel County based on Placements Since January 2008- 114 Families, 230 Individuals					
Family Type	Overall YTD	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
Income <= 30% of AMI	94.74%	26.32%	31.58%	14.91%	21.93%
Income >30% but <=50% of AMI	5.26%	0%	1.75%	2.63%	.88%
Elderly	7.89%				
Families with Disabilities	21.93%				
Race/Ethnicity White	*85.22%				
Race/Ethnicity Hispanic	*10.87%				
Race/Ethnicity African American	*2.17%				
Race/Ethnicity Other	*1.74%				
*percentages are based on individuals not family					
Locations	Telluride	Placerville	Norwood	Ophir	Other
	42.86%	.88%	48.25%	3.5%	4.39%
Break-up of Telluride alone	Telluride	Mountain Village			
	71.43%	28.57%			

EDUCATION AND OUTREACH

Education and Outreach

The E.D. offered **8** homebuyer education classes in 2014. Of the **7** classes held in San Miguel County (2 in Norwood) there were **15** households, and **27** people represented. Three of the households were pursuing Habitat for Humanity homes in Norwood. Two of the households did purchase Habitat homes, and the other household purchased a free market property in Norwood. The first Habitat home was re-sold and the last home in the subdivision was completed and also sold. The E.D. held a class in Montrose for the Montrose Habitat affiliate on her own time and Habitat paid the material fee for the attendees. All **3** of the households were buying a home through Habitat and there were **12** people total in the households.

Of the **15** households in San Miguel County attending the classes, **8** of the households purchased units in 2014. Seven deed restricted units and one free market unit were purchased. This includes the Habitat homes mentioned previously. Going into 2015 **3** additional households were in the process of buying deed restricted units.

SMRHA received certification from HUD as a housing counseling agency in June. The E.D. began reporting to HUD in October of 2014. HUD appropriations have been reduced and due to the low funding received in other regions with large caseloads, it is not advantageous at this time to add additional reporting requirements by seeking HUD funding.

Colorado Mountain Housing Coalition:

The Colorado Mountain Housing Coalition (CMHC) meetings were held three times this year. The group continued to offer a rural workshop day, with an additional half day devoted to a Section 8 training. The workshops were voted on and the ones with the most interest were then organized by several people. The topics included: Agency Sustainability is a triple bottom line: economic sustainability, social sustainability and environmental sustainability; Building A Winning LIHTC project; Funding resources for rural Colorado and a Keynote speech by NAHRO President, Preston Prince, Are Rural Communities Being Abandoned. On the Thursday before the workshops, the Division of Housing staff: the Housing Choice Voucher Deputy Manager and the Housing Choice Voucher Program Manager both presented to any rural Section 8 contractor that wanted to attend. Mount Princeton outside of Buena Vista was the site of our third rural workshop day. In total, our meetings represent 17 counties and 22 organizations/agencies. The E.D. is currently the Vice President of Education and Outreach and a voting member.

The E.D. also continued to volunteer time with Habitat for Humanity Telluride region to help see the Pine Street Garden project to its completion. The last home sold in 2014 and the Habitat Board decided a merger with the Montrose affiliate was the most prudent course of action. Habitat of the San Juans is now the official name and it spans from Montrose County to Rico. The Ouray County Housing Authority (OCHA) began working on a county-wide set of guidelines for deed restricted units, but in 2014 the project was on hold, but by the end of the year the Board was planning to complete the work in 2015. As of this writing, meetings have already occurred and a draft is ready for the jurisdictions.

Training:

All staff completed an on-line Customer Service training in March. The E.D. also attended several Housing Counseling and Congressional webinars throughout the year.

Web Page Information:

The web-site counter pages were no longer accessible by the end of 2014 and all information was lost. A website re-design will be pursued in 2015. It will increase costs for the web-site, but will be recognizable on all devices, counters will be back in place, and the Classifieds page will be more customized and still free to users.

The web page files are maintained on the server, and any file clean-up is performed in-house when notified by the staff or the public. Members of the public can contact us by phone, Email, or in-person regarding the web-site and its features. The public was assisted with download/upload problems on the classified pages throughout the year. Work will continue on the pages as needed to keep it current and to improve the website in-house until the new pages are available.

Classified Page:

Buyers/Sellers Use of Free Classified Ads On SMRHA Web Site		
Type of Classified Ad	# of units	Average Asking Price
County DR for sale, incl. 1 lot	9	\$325,209.83
Mountain Village DR for sale	4	\$383,500.00
Telluride DR for sale	4	\$227,699.00
Free-Market for sale	1	\$199,900.00
Total	18	Total avg. asking Price \$284,077.20

Budget Summary

The Executive Director managed the 7 accounts: the General Fund, which is the primary operating account for SMRHA, the three San Miguel County R-1 accounts, which includes a checking account for RETA, application, and sales tax fees, a Loan Default Account and a ColoTrust account for Loan Default also, the Section 8 account which is for depositing the monthly administration fees, which then get transferred into the General account and the final 2 accounts are DP&CC checking and a DP&CC ColoTrust account. The reconciling of accounts was reviewed by the SMRHA Board Treasurer, Greg Clifton.

The following pages represent the totals from January 1 through December 31, 2014. Balance statements are provided to the SMRHA Board members at each meeting for all accounts and may be requested by each government at any time. All items where more than the budgeted amounts were expended were discussed with the Board. There were no items of concern. The San Miguel County share is always reduced based on the amount collected in exception fees which are deposited directly into the SMRHA General Account and not into a San Miguel County Account.

The program is operating under budget and we had a carry-over of \$62,593.00 upon conclusion of the 2013 audit. Anticipating utilizing \$30,000.00 in carry-over from 2013 for the 2014 budget, the Board requested wage increases for all staff. The approved budget for 2014 presented to all the jurisdictions included staff increases, utilizing 2013 carry-over funds, and an increase of \$8528.00 for each jurisdiction. It is anticipated that we will have a carry-over of \$40,000 from 2014 for 2015.

Since my hire date, I have reduced the share paid by the jurisdictions from \$127,061 to \$69,280.00 for 2014. The 2015 budget reflects an increase for each jurisdiction due to the declining carry-over funds utilized for agency personnel and operations. The E.D. continues to operate the organization under budget and the carry-over funding is the only buffer SMRHA has for unexpected expenses.

Budget vs. Actual Jan - Dec

	Jan 1 -Dec 31	Budget	\$ Over Budget	% of Budget
Revenue 2014				
2014 Budget Revenue				
Misc Revenue	447.90		447.90	100.0%
Interest Revenue	4.25	40.00	-35.75	10.63%
R1 Exception Fee	4,025.00	1,400.00	2,625.00	287.5%
San Miguel County	65,605.00	69,280.00	-3,675.00	94.7%
Town of Telluride	69,280.00	69,280.00	0.00	100.0%
Town of Mtn Village	69,280.00	69,280.00	0.00	100.0%
State of CO Sec 8 Admin	25,125.00	25,125.00	0.00	100.0%
2013 Carry-over	62,593.00	55,000.00	7,593.00	113.81%
Total 2014 Budget Revenue	296,360.15	289,405.00	6,955.15	102.4%
Payroll Expenses-salary/hrly+ benefits & mandated items (Worker's Comp, etc)				
Total Payroll Expenses	213,068.89	214,633.44	-1564.55	0.99271
Operating Expenses				
Rehab Prog/SW Reg Mtg	161.00	2,000.00	-1,839.00	8.05%
Internet/Web site Fees	275.00	201.00	74.00	136.82%
General/D&O	2,762.00	3,000.00	-238.00	92.07%
Office Telephone	2,290.67	1,800.00	490.67	127.26%
Office Supplies	984.36	1,995.00	-1,010.64	49.34%
Postage/Meter rental	345.19	600.00	-254.81	57.53%
Bank Charges	158.67	150.00	8.67	105.78%
Mileage & Travel Incl Sec 8	2,978.95	4,756.00	-1,777.05	62.64%
Programs & Education/Outreach	901.72	750.00	151.72	120.23%
Advertising	1,828.48	3,000.00	-1,171.52	60.95%
Dues & Memberships	330.00	450.00	-120.00	73.33%
EquipMaint/Repair/CompSecurity	771.00	501.00	270.00	153.89%
Application & Grant Fees	0.00	900.00	-900.00	0.0%
Misc.Office	0.00	500.00	-500.00	0.0%
Staff Ed/Training	1,086.55	3,000.00	-1,913.45	36.22%
Financial Audit	5,950.00	6,000.00	-50.00	99.17%
Section 8 CBI records	89.05	120.00	-30.95	74.21%
Legal Services	0.00	5,001.00	-5,001.00	0.0%
Board Cont.Ed & Training	0.00	300.00	-300.00	0.0%
Copier Lease & Maintenance	1,348.50	1,800.00	-451.50	74.92%
Computer Hardware	250.41	2,400.00	-2,149.59	10.43%
Computer Software	1,376.23	1,500.00	-123.77	91.75%
Office Rent/storage/cleaning	12,561.75	10,200.00	2,361.75	123.15%
Misc.Expenses	487.81	0.00	487.81	100.0%
Total Operating Expenses	36,937.34	50,924.00	-13,986.66	72.53%

Total Expense	250,006.23	265,557.44	-15,551.21	
Net Ordinary Revenue	46,353.92	23,847.56		
Other Income/Expense				
Reimbursed expenses other sources	101.00	0.00		
Total Other Expense	0.00	0.00		
Net Other Revenue	101.00	0.00		
Net Revenue	46,454.92	23,847.56		

DEED-RESTRICTED PROPERTY INVENTORY

Current as of 03/15

	Current # of Deed Restricted Units Built		Other/Notes
TOWN of TELLURIDE			
Affordable Housing Units (AHU-mitigation)	Owner Occ.	Rental/May Be Vacant	
Owner-Occupied			
586 West Pacific Condos		1	
Ballard Condominiums	2	4	
Boomerang Lodge		1	
Boomerang Village	3		
Brown Homestead Condominiums	1		
Double Diamond Condominiums	2		
Eider Creek Condominiums	1		
Element 52 Condominiums	2	6	
Hillenmeyer Condominiums		1	
Lulu City Condominiums	1	1*	*Lock-off unit only-1 bdrm
Outlaws at Prospect Creek	1		
Owl Meadows	1		
Red Brick Condominiums		1	
West Pacific Campus Condominiums	1		
Wilkin Court	12	1	
Willows at Telluride, phase II		1	
Rentals			
AHU Town Rentals* (various locations)		13	
Creekside (under private management)		26	
Deed Restricted/Price-capped – Other	Owner Occ.	Rental	
Popcorn Alley (Cribs)	2		
Town Constructed	Owner Occ.	Rental	
Entrada	14		
Fino II Condominiums	2		
Gold Run	17		
Mendota	14		
Popcorn Alley (Cribs)	1		
Telluride Family Housing (TFH)/Block 24	6		
White House Condominiums	8	1	
Town Constructed Units (Town/School design)	Owner Occ.	Rental	
Town of Telluride (1 TFH, 1 Mend, 2Ent)	3	1	
School District (1 Mendota, 1 Ent, 1 GR)	1	2	
Employee Dwelling Units (EDU)	Owner Occ.	Rental	
Various Locations	7	23*	*10 are Vacant or Occ. Unknown
Shandoka-THA Constructed	Owner Occ.	Rental	
Shandoka (25 Units are under EDU DR)		134	
Sub-Total	102	217	
Total – Town of Telluride			319
Units Lost due to Foreclosure	2		Both Brown Homestead

	Current # of Deed Restricted Units Built		Current # of Deed Restricted Units Approved	
	Owner Occ.	Rental	# Units Approved	Preliminary Approval
SAN MIGUEL COUNTY				
Accessory Dwelling Units (ADU)	Owner Occ.	Rental		
Aldasoro	1	11		
Elk Run		5		
Hastings Mesa		1		
Hillside of Telluride		1		
May Girl & Maryland Lode		1		
Raspberry Patch		2		
Ski Ranches		18		
Skyfield North		1		
Telluride Pines	1			
Wilson Mesa		5		
R-1 Deed Restriction (LUC)	Owner Occ	Rental/Vacant	Undeveloped	
Aldasoro	11		5	1 built/vacant
Lawson Hill	79	8	6	
Elk Meadows	12	2	1	
Live-Work Units				
Lot C			12	
Lot D – Hunter’s Gulch		4		
Lot E			6	
Lot F2			2	
Lot L			29	
The Pointe at Lawson Hill	10	1		
Ridgeview (comm/residential)		1		
Rio Vistas	2	4		
San Miguel Ridge	9	3		
Top of the Hill	2	1		
TSD units		4		
San Bernardo	14			
San Bernardo PUD – Employee Apartments		1	7	
Sunshine Valley (Lot P)	2	3		13
Two Rivers (Lot P)	18	1		
Q lots	1		43	
County Covenant – adopted 2010 or later				
Aldasoro	7			
San Bernardo	7			
Two Rivers/Sunshine Valley/Q Lots	11			
Affordable Housing Covenant Guidelines	Owner Occ.	Rental		
Rio Vistas II	4	4		
Sub-Total	191	82	111	14
Total – County	273		125	
Units Lost due to Foreclosure (or * Deed in Lieu)	4*		*Rio Vistas II (2) Two Rivers (1) San Bern (1)	

	Current # of Deed Restricted Units Built		Current # of Deed Restricted Units Approved	
	Owner Occ.	Rental	# Units Approved	Preliminary Approval
MOUNTAIN VILLAGE				
Affordable Housing Restriction 2006-07	Owner Occ.	Rental		
Lot 20-Castellina	1			
Lot 109R/110 Mtn Village Hotel (73-76R)			1	
Lot 122			1	
Lot 123 R			1	
Lot 164GR [Sold in foreclosure 12/17/09]			5	No units built
Lot SS165ABR – Cassidy Ridge	2	1		
Lot 600A- Elkstone		1		
Coyote Court Deed Restriction	Owner Occ.	Rental		
OSP 22R2 - Coyote Court	9	1		
Employee Housing Restriction 1997-05	Owner Occ.	Rental/Unkn own		
OSP 35B - Big Billies		149		
1005R & 1001 - Village Court Apartments		221		
Lot 649R - Boulders	9	5	7	
Lot 639 - Fairway Four	15	8		
Lot 61R - Franz Klammer	1	3 +2 unknown		
Lot 160R - Mountain Village Firehouse		3		
Lot 640C - Northstar	2	1		
Lot 645 Parker Ridge	13	5		
Lot 725R1 - Pennington		1		
Lot 647 - Prospect Creek	10	4		
Lot 648AR - Prospect Plaza	2	3		
Lot 82R1 - See Forever	1	1		
Lot 640DR - Spring Creek	7	1 +1 unknown	4	
Lot 640BR - Timber View	2		6	
Lot 159R – Bear Creek Lodge (no info. on file)		2		
Lot 31 - La Tramontana		2		
Lot 158R1/158R2 - Tristant		1		
Lot 38R-50-51 – TMVRC a.k.a. Capella		10		
Lot 126R/152R [FC 2/27/09] New PUD 7/13			18 dorms + 8 apts	
LOT 165(Unit 23)-Cortina	1(for sale)	1		
Lot 17-Emp Apt				1-density bank
Lot 28- Lumiere	1			
Lot 71R			1	
Lot 30			2 dorm	
Lot 644-			54	
Sub-Totals	76	427	83units/ 20 dorms	1
Total-Mountain Village	503		103	
Units Lost due to Other Circumstance				
Telluride Apartments- Condemned	30			
La Chamonix-re-zoned	1			
Units Lost due to Foreclosure	3		ProsPlaz2-3D/SprCrk 6/Bldrs15	
Units Lost due to Foreclosure w/ Zoning change	6		PrkRdg(702/503/803)/ProsPlaz2-3B/See4everE3/FF5	
Total TMV DR Units Lost	40			
Regional Total of Units Lost	45			
REGIONAL TOTAL –Does not include lost units	1095		228	



**Business and Government Activity Report
For the month ending: April 30th**

Activity	2015		2014		Variance	
	MONTH	YTD	MONTH	YTD	Variance	Variance %
Cable/Internet						
# Residential & Bulk Basic Cable	861		890		(29)	-3.3%
# Premium Channel Residential & Bulk Subscribers	588		479		109	22.8%
# Digital Subscribers	290		296		(6)	-2.0%
# Internet Subscribers	1,585		1,446		139	9.6%
Average # Phone Subscribers	91		92		(1)	-1.1%
Village Court Apartments						
Occupancy Rate %	100.00%	100.00%	94.59%	96.17%	3.83%	4.0%
# Vacated Units	0	1	25	37	(36)	-97.3%
# Work Orders Completed	31	133	29	133	0	0.0%
# on Waiting List	145		31		114	367.7%
Public Works						
Service Calls	447	1,585	389	1,375	210	15.3%
Snow Fall Inches	4	86	35	177	(91)	-51.4%
Snow Removal - Streets & Prkg Lots Hours	29	1,666	172	2,206	(540)	-24.5%
Roadway Maintenance Hours	397	712	126	414	298	72.0%
Water Billed Consumption Gal.	5,886,000	52,984,000	5,796,000	42,481,000	10,503,000	24.7%
Sewage Treatment Gal.	5,981,000	31,934,000	8,039,000	32,694,000	(760,000)	-2.3%
Child Development Fund						
# Infants & Toddlers Actual Occupancy	19.90	77.09	17.71	74.40	2.69	3.6%
# Preschoolers Actual Occupancy	15.94	60.97	14.04	55.84	5.13	9.2%
Transportation and Parking						
GPG (noon snapshot)	577	9,177	708	9,394	(217)	-2.3%
HPG (noon snapshot)	373	6,984	714	7,721	(737)	-9.5%
Total Parking (noon snapshot)	2,649	33,643	3,041	35,463	(1,820)	-5.1%
Parking Utilization (% of total # of spaces occupied)	10.9%	34.7%	12.5%	36.5%	-1.8%	-4.9%
Paid Parking Revenues	\$4,503	\$147,123	\$1,553	\$125,189	\$21,934	17.5%
Bus Routes # of Passengers	2,675	2,763	2,611	2,676	87	3.3%
Employee Shuttle # of Passengers	1,187	6,361	861	5,437	924	17.0%
Employee Shuttle Utilization Rate %	46.3%	51.2%	54.8%	62.7%	-11.50%	-18.3%
Inbound (Vehicle) Traffic (Entrance) # of Cars	40,771	234,981	35,735	218,901	16,080	7.3%
Human Resources						
FT Year Round Head Count	80		74		6	8.1%
Seasonal Head Count (FT & PT)	0		6		(6)	-100.0%
PT Year Round Head Count	20		10		10	100.0%
Gondola FT YR, Seasonal, PT YR Head Count	38		49		(11)	-22.4%
Total Employees	138		139		(1)	-0.7%
Gondola Overtime Paid Hours	125	476	87	422	54	12.8%
Other Employee Overtime Paid	89	330	16	128	202	157.8%
# New Hires Total New Hires	2	18	4	11	7	63.6%
# Terminations	19	28	21	32	(4)	-12.5%
# Workmen Comp Claims	0	2	1	2	0	0.0%
Workmen Comp Claims Costs	\$0	\$654	\$145	\$1,858	(\$1,205)	-64.8%
Community Relations						
Total Users/Total Sessions	1,109/1,365	5,292/7,288	104/139	1,264/2,148	4,028/5,140	213%/239%
Town Hosted Meetings	4	17	6	19	(2)	-10.5%
Email Correspondence Sent	11	37	2	18	19	105.6%
E-mail List #	6397		990		5,407	546.2%
Press Releases Sent	1	7	1	3	4	0.0%
Gondola and RETA						
<i>RETA revenues are unaudited</i>						
Gondola # of Passengers	34,582	939,795	31,809	873,289	66,506	7.6%
Chondola # of Passengers	3,459	87,074	3,385	83,048	4,026	4.8%
RETA fees collected by TMVOA	587,864	1,693,073	209,847	1,309,836	383,237	29.3%

Activity	2015		2014		Variance		
	MONTH	YTD	MONTH	YTD	Variance	Variance %	
Police							
Calls for Service	#	317	1,838	222	1,257	581	46.2%
Investigations	#	21	80	21	98	(18)	-18.4%
Alarms	#	21	83	17	54	29	53.7%
Arrests	#	2	6	0	6	0	0.0%
Traffic Contacts	#	21	79	6	31	48	154.8%
Traffic Tickets Written	#	3	12	6	16	(4)	-25.0%
Parking Tickets Written	#	167	1,257	40	477	780	163.5%
Administrative Dismissals	#	12	53	1	82	(29)	-35.4%
Building/Planning							
Community Development Revenues		\$40,082	\$107,774	\$41,621	\$145,035	(\$37,261)	-25.7%
# Permits Issued		8	17	10	18	(1)	-5.6%
Valuation of Building Permits Issued		\$881,420	\$1,542,891	\$610,536	\$2,102,655	(\$559,764)	-26.6%
# Inspections Completed		182	663	101	328	335	102.1%
# Design Review/Zoning Agenda Items		4	16	4	12	4	33.3%
# Staff Review Approvals		12	25	6	22	3	13.6%
Recreation							
Mile of Trails Maintained		6.6	50.7	8.0	52.1	(1)	-2.7%
Platform Tennis Registrations		12	194	20	147	47	32.0%
Ice Rink Skaters		0	2813	0	2855	(42)	-1.5%
Snow Cat Hours		0	295	22	270	25	9.3%
Plaza Services Due to the timing of the packet, trash diversion rates are for the previous month.							
Snow Removal Plaza	Hours	5	793	74.5	1016	(223)	-21.9%
Plaza Maintenance	Hours	223	1,427	150.5	925	501	54.2%
Lawn Care	Hours	113	215	94.75	127	88	69.4%
Plant Care	Hours	118	206	106.75	155	51	33.2%
Irrigation	Hours	70	71	1	1	70	6950.0%
TMV Trash Collection	Hours	47	434	56.5	349	85	24.4%
Christmas Decorations	Hours	155	539	68.25	438	102	23.2%
Residential Trash	Pound	19,500	51,900	17,700	51,150	750	1.5%
Residential Recycle	Pound	15,598	65,844	16,000	52,490	13,354	25.4%
Diversion Rate	%	44.44%	55.92%	47.48%	50.65%	5.27%	10.4%
Vehicle Maintenance							
# Preventive Maintenance Performed		16	77	14	68	9	13.2%
# Repairs Completed		21	98	22	129	(31)	-24.0%
Special Projects		5	12	12	25	(13)	-52.0%
# Roadside Assists		0	2	5	10	(8)	-80.0%
Finance							
# Employee Based Business Licenses Issued		26	577	14	544	33	6.1%
# Privately Licensed Rentals		1	53	1	55	(2)	-3.6%
# Property Management Licensed Rentals		13	333	5	317	16	5.0%
# VRBO Listings for MV		355		215		140	65.1%
# Paperless Billing Accts (YTD is total paperless customers)		2	494	7	302	192	63.6%
# of TMV AR Bills Processed		1,949	7,984	1,930	7,761	223	2.9%
Accounts Receivable - Total Bad Debt Reserve/Allowance: \$10,214							
	TMV Operating Receivables (includes Gondola funding)		Utilities - Cable and Water/Sewer		VCA - Village Court Apartments		General Fund Investment Activity
	Current	\$ 304,064 97.0%	\$ 125,390 71.9%	\$ (32,808) 106.7%	Change in Value (\$249,294)		
	30+ Days	6,100 1.9%	37,695 21.6%	(6,717) 21.9%	Ending Balance \$5,671,904		
	60+ Days	174 0.1%	10,192 5.8%	153 -0.5%	Investment Income \$4,929		
	90+ Days	397 0.1%	1,117 0.6%	8,636 -28.1%	Portfolio Yield 0.95%		
	over 120 days	2,827 0.9%	- 0.0%	- 0.0%			
	Total	\$ 313,562 100.0%	\$ 174,394 100.0%	\$ (30,736) 100.0%			
	Other Billings - CDF, Construction Parking, Commercial Trash		Total All AR		Change Since Last Month - Increase (Decrease) in AR		Other Statistics
	Current	\$ 34,957 75.4%	\$ 431,603 85.7%	\$ (120,952) 84.3%	Population (estimated) 1,340		
	30+ Days	5,773 12.4%	42,850 8.5%	3,753 -2.6%	Registered Voters 1,016		
	60+ Days	3,735 8.1%	14,254 2.8%	(27,724) 19.3%	Property Valuation 266,407,970		
	90+ Days	895 1.9%	11,045 2.2%	911 -0.6%			
	over 120 days	1,018 2.2%	3,845 0.8%	455 -0.3%			
	Total	\$ 46,377 100.0%	\$ 503,597 100.0%	\$ (143,557) 100.0%			



Memorandum

To: Town Council
From: Kevin Swain, Finance Director
Date: May 14, 2015
Re: Town of Mountain Village Financial Statements through March 2015

Mountain Village Financials Statements through March, 2015

General Fund Summary

The General Fund currently reflects a surplus of \$1.65 million. Development related revenues have declined from prior year and budget; however it is very early in the fiscal year. Sales taxes show an increase of 24% over prior year and are over budget by 21%. Revenues of \$3.5 million were over budget by \$327,000 due mainly to sales tax collections.

Total operating expenditures of \$1.84 million were under budget by \$169,200. Capital outlay through this period was for environmental projects and boiler repairs.

Transfers to other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Child Development Fund	\$ 1,446	\$ 20,957	\$ (5,199)	(26,156)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 77,929	\$ 153,487	\$ 193,392	39,905
Conference Center Subsidy	\$ -	\$ 24,275	\$ 24,254	(21)
Vehicle & Equipment Acquisition Fund	\$ 7,339	\$ 25,000	\$ 24,453	(547)

Income transfers from other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Parking Services	\$ 37,581	\$ 2,131	\$ 74,750	72,619
Overhead allocation from Cable, W/S, Gondola, VCA and Parking Services	\$ 34,716	\$ 108,649	\$ 103,915	(4,734)
Debt Service Fund (Specific ownership taxes)	\$ 11,266	\$ 21,168	\$ 36,444	15,276
*Tourism Fund	\$ 13,434	\$ 25,798	\$ 40,301	14,503

*This transfer is comprised of administrative fees and penalties collected.

Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached

A snow blower attachment and a sweeper broom were purchased and the bobcat leases have been paid.

Capital Projects Fund – No Fund Income Statement Attached

\$3,847 was spent on the Meadows Improvement Plan.

Historical Museum Fund – No Fund Income Statement Attached

\$35,870 in property taxes were collected and \$35,153 was tendered to the historical museum. The county treasurer retained \$717 in treasurer’s fees.

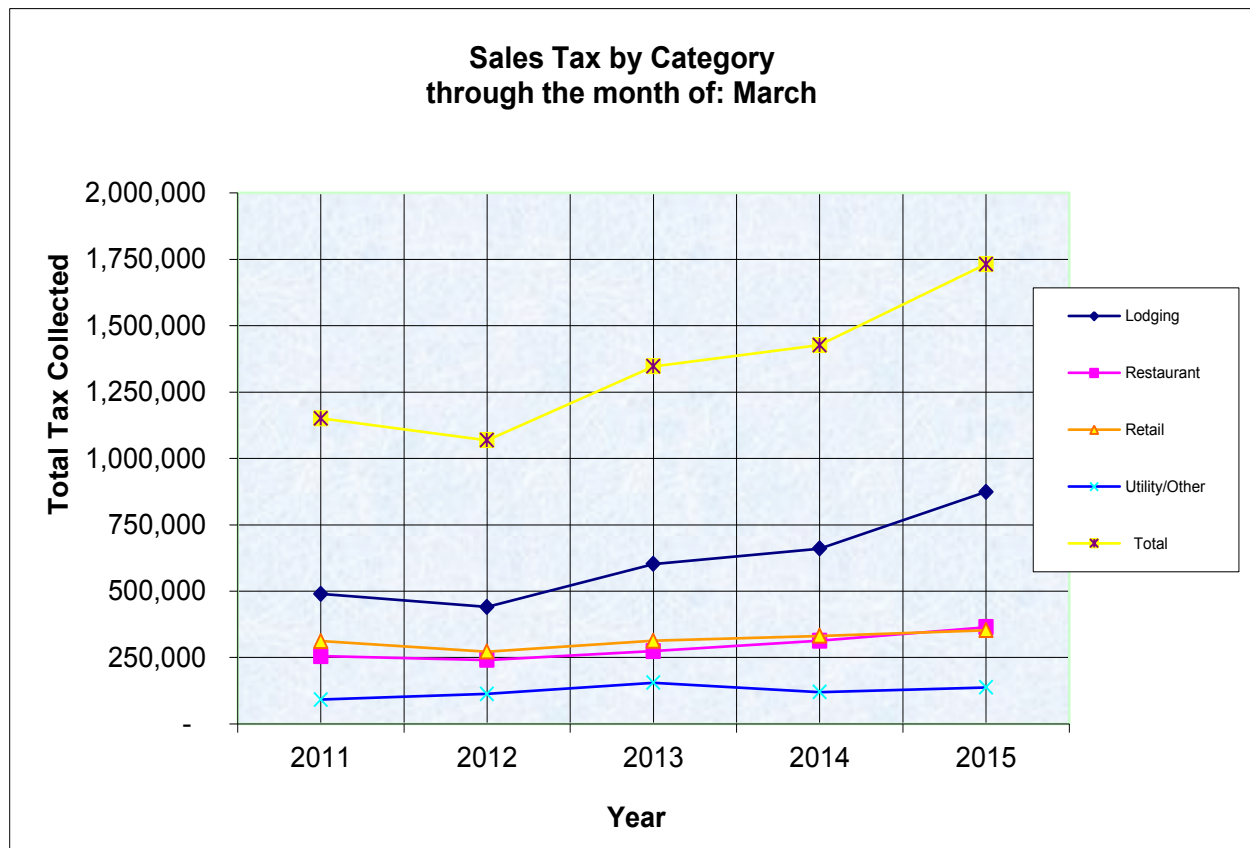
Mortgage Assistance Fund – No Fund Income Statement Attached

There has been no activity in this fund to date.

Sales Tax

Sales taxes of \$1.7 million are 21% over 2014 through this period and are over budget by 24%. Lodging shows the highest growth of 32.4% followed by restaurant at 16.5%.

Category	Actual 2011	Actual 2012	PY % Increase	Actual 2013	PY % Increase	Actual 2014	PY % Increase	Actual 2015	PY \$ Variance	PY % Increase
	4.5%	4.5%	2011 to 2012	4.5%	2012 to 2013	4.5%	2013 to 2014	4.5%	2014 to 2015	2014 to 2015
Lodging	10,886,544	9,786,590	-10%	13,392,708	37%	14,669,774	10%	19,421,749	4,751,974	32.39%
Restaurant	5,679,475	5,351,334	-6%	6,095,042	14%	6,954,850	14%	8,100,801	1,145,951	16.48%
Retail	6,938,053	6,050,193	-13%	6,955,623	15%	7,362,514	6%	7,845,827	483,313	6.56%
Utility/Other	2,034,950	2,507,968	23%	3,444,656	37%	2,671,279	-22%	3,061,684	390,406	14.61%
Total	25,539,021	23,696,086	-7%	29,888,028	26%	31,658,417	6%	38,430,061	6,771,644	21.39%



Tourism Fund

2015 restaurant taxes totaling \$159,649 have been collected and \$156,456 was tendered to the airline guarantee program. \$733,604 in lodging taxes were collected and \$722,600 was tendered to the airline guarantee program and to MTI. The Town retained \$14,197 in administrative fees, and penalties and interest of \$525.

Lodging taxes exceeded prior year by 27% and are exceeding budget by 30%. Restaurant taxes are also ahead of prior year and budget by 14% and 24%, respectively. For the month of March, restaurant taxes are 12% over March 2014 and lodging taxes are 15% over March 2014.

Town of Mountain Village Colorado Lodging Tax Summary								
	2011	2012	2013	2014	2015	2014	2015	Budget
	Activity	Activity	Activity	Activity	Activity	Var %	Budget	Var %
	(4%)	(4%)	(4%)	(4%)	(4%)			
January	123,204	105,787	167,378	159,264	216,904	36.19%	140,324	35.31%
February	137,579	135,434	151,727	170,098	231,799	36.27%	149,232	35.62%
March	179,223	150,548	203,235	248,285	284,900	14.75%	222,035	22.07%
April	5,006	7,619	9,382	7,291	-	-100.00%	6,101	#DIV/0!
May	6,665	8,673	10,684	10,627	-	-100.00%	8,935	#DIV/0!
June	50,466	55,581	77,013	74,275	-	-100.00%	64,744	#DIV/0!
July	64,340	77,661	93,602	109,838	-	-100.00%	96,286	#DIV/0!
August	52,153	74,889	84,727	88,929	-	-100.00%	77,851	#DIV/0!
September	61,547	62,057	69,349	82,891	-	-100.00%	73,095	#DIV/0!
October	12,532	16,867	16,450	17,383	-	-100.00%	15,158	#DIV/0!
November	6,206	6,618	6,761	11,840	-	-100.00%	10,632	#DIV/0!
December	171,797	164,045	191,249	226,268	-	-100.00%	201,696	#DIV/0!
Total	870,717	865,780	1,081,555	1,206,989	733,604	-39.22%	1,066,088	-45.32%
Tax Base	21,767,932	21,644,491	27,038,867	30,174,718	18,340,089		26,652,197	

Town of Mountain Village Colorado Restaurant Tax Summary								
	2011	2012	2013	2014	2015	2014	2015	Budget
	Activity	Activity	Activity (2%)	Activity (2%)	Activity (2%)	Var %	Budget	Var %
	(2%)	(2%)						
January	31,256	28,754	34,448	38,239	46,159	20.71%	33,193	28.09%
February	37,572	34,996	41,121	48,466	53,763	10.93%	42,070	21.75%
March	45,498	42,723	47,045	53,516	59,727	11.61%	46,453	22.22%
April	1,368	3,506	2,518	1,995	-	-100.00%	1,732	#DIV/0!
May	3,402	2,469	3,913	5,154	-	-100.00%	4,474	#DIV/0!
June	18,235	17,098	19,116	25,366	-	-100.00%	22,019	#DIV/0!
July	22,524	25,929	27,921	32,661	-	-100.00%	28,351	#DIV/0!
August	20,044	20,958	25,645	25,017	-	-100.00%	21,716	#DIV/0!
September	17,272	17,813	19,982	23,831	-	-100.00%	20,686	#DIV/0!
October	6,355	7,258	5,468	5,369	-	-100.00%	4,661	#DIV/0!
November	3,487	4,524	4,668	5,765	-	-100.00%	5,004	#DIV/0!
December	37,737	39,565	42,983	49,923	-	-100.00%	42,842	#DIV/0!
Total	244,750	245,593	274,828	315,303	159,649	-49.37%	273,200	-71.13%
Tax Base	12,237,496	12,279,634	13,741,420	15,765,152	7,982,431		13,659,997	

Business license fees of \$238,172 are under budget by \$5,300 due to late renewals and under prior year \$2,300. \$223,882 was remitted to MTI and \$25,559 in admin fees and penalties were transferred to the General Fund.



To: TMVOA; Town Council
From: Kevin Swain, Finance Director
Date: April 30, 2015
Re: Gondola Quarterly Report, March 31, 2015

Budgets are allocated monthly based on prior year actuals. Budgets for new items and major or capital items are adjusted to when expenditures occur. Other expenses, such as supplies may be over or under budget month to month because of the timing of expenditures.

In the first quarter of 2015, the gondola fund is \$99,810 under budgeted expenses. TSG ticket sales have increased 17% over prior year and are 37% over budget.

Gondola Fund - Expenditures

1. Mobile Aerial Rapid Rescue System (MARRS):

Annual budget: \$76,965
YTD expenditures: \$15,190
YTD budget: \$16,350

MARRS is 7% under budget. This is due to small budget savings on payroll costs.

2. Chondola Operations and Maintenance:

Annual budget: \$1.88 million
YTD expenditures: \$74,529
YTD budget: \$87,988

Chondola operations expenses are under budget by \$13,500. TSG utilities and parts and supplies are running under budget. Supplies are due mainly to timing but electric costs are 11.5% under last year at this time.

3. Gondola Operations:

Annual budget: \$1.74 million
YTD expenditures: \$433,369
YTD budget: \$456,687

Gondola operations were under budget by \$23,300. Salaries and wages have savings of \$12,827, group insurance under \$2,500, and other employee costs are under budget. Administrative management costs were \$2,150 and \$400 under prior year. Those costs are based on actual hours by admin personnel. Prior year variances are in group insurance and supplies.

4. Gondola Maintenance:

Annual budget: \$1.2 million
YTD expenditures: \$364,834
YTD budget: \$ 361,265

Gondola maintenance is over budget by \$3,570 and \$15,000 over prior year. Budget variances of note are: Salaries and wages (\$3,100), worker's comp (\$3,000), and parts, over \$9,600. The overage in parts is due to the purchase of items occurring earlier in the season. Prior year variances are in parts (\$12,800) and group insurance (\$3,000).

5. Fixed, General, Overhead and Administration:

Annual budget: \$572,371
YTD expenditures: \$143,775
YTD budget: \$206,718

FGOA costs are \$63,000 below budget. Noteworthy budget variances include: Natural gas (\$4,900), communications (\$4,100), (mainly due to the dissolution of the communications system and radio repairs), and electricity (\$44,000) due to a sizable capital credit.

6. Major Repairs and Replacements:

Annual Budget: \$572,371
YTD expenditures: \$15,000
YTD budget: \$17,500

A deposit for the LED conversion in the stations has been made.

7. Capital Outlay:

Annual Budget: \$521,000 (there are matching grant funds for a portion of these costs)
YTD expenditures: \$0
YTD budget: \$0

No capital expenditures have been made to date.

Overall Financial Performance through March 31, 2015

Total gondola expenditures through this period of \$1 million were 9% under budget. The budget shortfall was due in large part to a credit to electricity for capital returns from SMPA and savings in other areas. Maintenance was over budget due mostly to timing of purchases. Total funding for the period of \$1 million was primarily provided by TMVOA (85%), with contributions of approximately \$891,000, and \$139,315 (13%) provided by TSG from lift ticket sales, sale of assets of \$10,500, and event operations funding of \$5,425.

2015 Financial Planning Management Summary* - Qtr 1

* This summary is a combined town revenue and expenditure summary not prepared in accordance with governmental budgeting and accounting standards, but rather to provide a summary look at the actual revenue and expenditures with debt service allocated to the appropriate fund or operation.

	Governmental Funds				Enterprise (Business-Type) Funds							Governmental Pass Through Funds				Grand Total
	General Fund 2015	Vehicle Acquisition 2015	Debt Service Fund 2015	Capital Projects 2015	Parking Services 2015	Water/Sewer 2015	Cable 2015	TCC 2015	VCA 2015	Non-major Funds Child Development/Housing Authority 2015	Total	Percentage of Total	Tourism 2015	Historical Museum 2015	Gondola 2015	
Inflows																
Revenues	\$ 3,501,072	\$ -	\$ 36,444	\$ -	\$ 160,482	\$ 560,727	\$ 438,854	\$ -	\$ 586,920	\$ 127,629	\$ 5,412,128		\$ 1,144,288	\$ 35,870	\$ 1,036,198	\$ 7,628,484
Debt Service Income																
Property Tax (Income)	-	-	-	-	632,678	492,083	-	281,190	-	-	1,405,951		-	-	-	1,405,951
Other Income	-	-	-	-	216	168	-	96	18	-	497		-	-	-	497
Total Debt Service Income	-	-	-	-	632,894	492,251	-	281,286	18	-	1,406,448		-	-	-	1,406,448
Inflow Subtotal (Revenues)	3,501,072	-	36,444	-	793,376	1,052,978	438,854	281,286	586,938	127,629	6,818,576		1,144,288	35,870	1,036,198	9,034,932
Other Sources and Uses (Inflows)																
Interfund Transfers In	260,610	24,453	-	-	-	-	-	24,253	-	193,392	502,708		-	-	-	502,708
Tap Fees	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-
Sale of Assets	25,196	-	-	-	-	-	-	-	-	-	25,196		-	-	10,500	35,696
Other Sources and Uses (Inflows) Total	285,806	24,453	-	-	-	-	-	24,253	-	193,392	527,904		-	-	10,500	538,404
Total Inflows	3,786,878	24,453	36,444	-	793,376	1,052,978	438,854	305,539	586,938	321,020	7,346,480		1,144,288	35,870	1,046,698	9,573,336
Outflows																
Operating Expense																
Cable, Phone, and Internet Service Delivery Costs	-	-	-	-	-	-	203,533	-	-	-	203,533	6.77%	-	-	-	203,533
Consulting, Professional Services, & Comp Plan	21,499	-	-	-	-	-	-	-	16,692	-	38,191	1.27%	-	-	18,747	56,938
Dues, Fees, and Licenses	27,867	-	-	-	-	619	220	24,227	27,353	17,893	98,179	3.27%	-	717	6,182	105,078
Environmental Projects	30,193	-	-	-	-	-	-	-	-	-	30,193	1.00%	-	-	-	30,193
Equipment and Vehicle Maintenance	40,831	-	-	-	-	12,682	3,545	-	4,360	-	61,418	2.04%	-	-	18	61,436
Fuel (Vehicles)	29,690	-	-	-	160	1,932	538	-	1,278	-	33,598	1.12%	-	-	729	34,327
Funding Support to Other Agencies	20,000	-	-	-	-	-	2,500	-	-	5,451	27,951	0.93%	516,724	35,153	-	579,828
Government Buildings and Facility Expense	29,726	-	-	-	13,129	761	643	27	376	9,114	53,776	1.79%	-	-	8,806	62,582
Information Technology	66,850	-	-	-	3,754	-	11,005	-	2,993	-	84,602	2.81%	-	-	5,936	90,538
Legal Services	136,872	-	-	-	-	1,517	-	-	-	-	138,389	4.60%	-	-	703	139,092
Marketing, Public Communications, and Regional Promotion	33,801	-	-	-	-	-	-	-	-	-	33,801	1.12%	587,263	-	-	621,064
Other Expenses	85,912	-	-	-	6,561	-	-	-	4,729	2,108	99,310	3.30%	-	-	6,632	105,942
Personnel Expense	1,022,386	-	-	-	34,735	110,690	79,283	-	104,663	99,298	1,451,055	48.26%	-	-	728,069	2,179,124
Property Insurance	106,340	-	-	-	-	19,954	5,972	-	61,497	-	193,763	6.44%	-	-	32,472	226,235
Road, Bridge, and Parking Lot Paving, Striping, and Repair	26	-	-	-	1,138	-	-	-	-	-	1,164	0.04%	-	-	-	1,164
Supplies, Parts and Materials	25,774	-	-	-	2,129	8,886	6,698	-	15,354	1,359	60,200	2.00%	-	-	106,490	166,690
Travel, Education, and Conferences	4,651	-	-	-	-	670	-	-	-	(166)	5,155	0.17%	-	-	6,386	11,541
Utilities-W/S, Electric, Natural Gas, Internet, Phone Services	156,741	-	-	-	5,987	51,016	6,371	-	106,665	2,886	329,666	10.97%	-	-	100,088	429,754
Water/Sewer Service Delivery	-	-	-	-	-	62,565	-	-	-	-	62,565	2.08%	-	-	-	62,565
Total Expense	1,839,159	-	-	-	67,593	271,292	320,308	24,253	345,961	137,943	3,006,509	100.00%	1,103,987	35,870	1,021,258	5,167,625
Capital	57,457	18,810	-	3,847	10,896	45,933	28,739	-	20,332	-	186,014		-	-	15,000	201,014
Debt Service Expense																
Principal/Interest	-	-	-	-	-	-	-	-	106,185	-	106,185		-	-	-	106,185
Other Admin Fees	-	-	-	-	19,387	15,079	-	8,616	-	-	43,082		-	-	-	43,082
Total Debt Service Costs	-	-	-	-	19,387	15,079	-	8,616	106,185	-	149,267		-	-	-	149,267
Outflows (Expenses) Subtotal	1,896,616	18,810	-	3,847	97,876	332,304	349,047	32,869	472,478	137,943	3,341,789		1,103,987	35,870	1,036,258	5,517,906
Other Sources and Uses (Outflows)																
Interfund Transfers Out	242,098	-	36,444	-	81,993	30,536	27,426	-	28,271	5,199	451,967		40,301	-	10,440	502,708
Water/Sewer Water and Tap Fee Credits	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-
Other Sources and Uses Total (Outflows)	242,098	-	36,444	-	81,993	30,536	27,426	-	28,271	5,199	451,967		40,301	-	10,440	502,708
Total Outflows	2,138,714	18,810	36,444	3,847	179,869	362,840	376,473	32,869	500,749	143,142	3,793,757		1,144,288	35,870	1,046,698	6,020,614
Net Budget Surplus (Deficit)	1,648,165	5,643	-	(3,847)	613,507	690,138	62,381	272,670	86,189	177,878	3,552,723		-	-	-	3,552,722
Total Beginning Fund Balance - Governmental Funds Only	7,111,942	59,908	750,646	32,030							7,954,525		-	-	-	7,954,525
Total Ending Fund Balance - Governmental Funds Only	\$ 8,760,106	\$ 65,551	\$ 750,646	\$ 28,183							\$ 9,604,486		\$ -	\$ -	\$ -	\$ 9,604,486
Outstanding Debt (end of year)	\$ -	\$ -	\$ -	\$ -	\$ 7,875,000	\$ 4,885,000	\$ -	\$ 2,835,000	\$ 13,357,055	\$ -	\$ 28,952,055		\$ -	\$ -	\$ 2,595,000	\$ 31,547,055

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015					2014	2013	2012	
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
	(\$)		(%)						
General Fund									
Revenues									
Charges for Services	\$ 44,254	\$ 54,423	\$ (10,169)	-18.69%	\$ 251,440	\$ 207,186	\$ 57,667	\$ 206,412	\$ 94,032
Contributions	21,840	26,082	(4,242)	-16.26%	266,788	244,948	1,586	3,973	1,892
Fines and Forfeits	1,554	1,242	312	25.12%	6,077	4,523	845	948	(1,817)
Interest Income	36,990	3,794	33,196	874.96%	13,770	(23,220)	14,367	23,288	4,399
Intergovernmental	117,468	105,182	12,286	11.68%	373,597	256,129	101,457	128,796	119,890
Licenses and Permits	49,039	34,474	14,565	42.25%	260,736	211,697	36,129	138,410	26,573
Miscellaneous Revenues	18,074	17,526	548	3.13%	77,877	59,803	19,717	28,483	26,612
Taxes and Assessments	3,211,853	2,931,226	280,627	9.57%	7,576,336	4,364,483	2,853,449	3,384,468	2,628,381
Total Revenues	3,501,072	3,173,949	327,123	10.31%	8,826,621	5,325,549	3,085,217	3,914,778	2,899,962
Operating Expenses									
Legislation & Council	4,942	3,606	1,336	37.05%	30,129	25,187	2,723	4,718	2,037
Town Manager	55,381	57,309	(1,928)	-3.36%	272,912	217,531	54,989	56,185	56,896
Administrative Services	79,557	90,441	(10,884)	-12.03%	380,065	300,508	80,100	78,129	68,510
Finance	282,030	280,694	1,336	0.48%	784,912	502,882	261,431	259,652	258,395
Technical	66,850	78,676	(11,826)	-15.03%	179,555	112,705	64,466	71,315	81,593
Human Resources	63,025	72,492	(9,467)	-13.06%	293,455	230,430	62,832	61,759	64,102
Town Attorney	136,872	136,985	(113)	-0.08%	469,199	332,327	93,788	103,677	105,262
Community Relations	61,541	68,899	(7,358)	-10.68%	235,486	173,945	46,007	48,981	47,227
Municipal Court	6,351	7,977	(1,626)	-20.38%	30,204	23,853	7,138	7,013	6,150
Police Department	192,886	209,312	(16,426)	-7.85%	792,158	599,272	164,783	188,444	175,024
Community Services	11,745	13,647	(1,902)	-13.94%	52,720	40,975	11,752	11,315	10,565
Community Grants and Contributions	20,000	20,000	-	0.00%	66,500	46,500	59,000	35,000	35,000
Roads and Bridges	168,043	194,375	(26,332)	-13.55%	1,038,197	870,154	165,390	162,048	196,470
Vehicle Maintenance	109,202	121,595	(12,393)	-10.19%	478,958	369,756	110,076	117,001	117,110
Municipal Bus/Dial-A-Ride	13,480	17,485	(4,005)	-22.91%	168,914	155,434	11,253	119,472	180,899
Employee Shuttle	12,321	24,009	(11,688)	-48.68%	100,252	87,931	18,587	15,655	27,038
Parks & Recreation	103,000	107,034	(4,034)	-3.77%	478,793	375,793	97,277	59,237	96,698
Plaza and Environmental Services	298,428	314,484	(16,056)	-5.11%	1,540,998	1,242,570	294,749	224,136	225,757
Public Refuse Removal and Residential Trash Billing Services	12,655	10,090	2,565	25.42%	47,307	34,652	9,385	55,920	59,455
Building/Facility Maintenance	38,001	48,164	(10,163)	-21.10%	196,753	158,752	29,269	40,329	42,392
Community Development	1,362	2,242	(880)	-39.25%	9,149	7,787	1,398	744	1,803
Building Division	42,078	56,034	(13,956)	-24.91%	245,446	203,368	44,447	34,808	37,622
Housing Division Office	4,321	4,401	(80)	-1.82%	19,823	15,502	4,252	34,690	36,815
Planning and Zoning Division	55,088	68,408	(13,320)	-19.47%	470,452	469,090	71,052	56,081	59,019
Contingency	-	-	-	#DIV/0!	83,523	79,202	-	-	-
Total Operating Expenses	1,839,159	2,008,359	(169,200)	-8.42%	8,465,860	6,676,106	1,766,144	1,846,309	1,991,839
Surplus / Deficit	1,661,913	1,165,590	496,323	42.58%	360,761	(1,350,557)	1,319,073	2,068,469	908,123
Capital Outlay	57,457	56,625	832	1.47%	431,235	373,778	49,109	21,719	13,737
Surplus / Deficit	1,604,456	1,108,965	495,491	44.68%	(70,474)	(1,674,930)	1,269,964	2,046,750	894,386
Other Sources and Uses									
Sale of Assets	25,196	-	25,196	#DIV/0!	-	(25,196)	4,628	1,685	5,563
Transfer (To) From Affordable Housing	(193,392)	(153,487)	(39,905)	26.00%	(339,889)	(146,497)	(157,335)	(150,587)	(118,315)
Transfer (To) From Cable	-	-	-	#DIV/0!	229,295	229,295	12,580	8,210	18,240
Transfer (To) From Child Development	5,199	(20,957)	26,156	-124.81%	(121,208)	(96,954)	(7,700)	(4,617)	(25,859)
Transfer (To) From Communications	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From Capital Projects	-	-	-	#DIV/0!	-	(40,301)	-	-	-
Transfer (To) From Debt Service	36,444	21,168	15,276	72.17%	81,251	(22,664)	37,423	26,220	25,744
Transfer (To) From Mortgage Assistance	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From Overhead Allocation	103,915	108,649	(4,734)	-4.36%	426,900	322,985	112,841	106,458	104,031
Transfer (To) From Parking Services	74,750	2,131	72,619	3407.74%	(80,783)	(85,982)	37,292	43,330	37,622
Transfer (To) From Conference Center	(24,254)	(24,275)	21	-0.09%	(167,729)	(167,729)	(24,322)	(23,164)	(48,284)
Transfer (To) From Tourism	40,301	25,798	14,503	56.22%	12,387	(24,057)	30,393	33,591	26,432
Transfer (To) From Vehicle/Equipment	(24,453)	(25,000)	547	-2.19%	(352,061)	(327,608)	(70,612)	-	-
Transfer (To) From Water/Sewer	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	43,706	(65,973)	109,679	-166.25%	(311,837)	(384,709)	(24,812)	41,126	25,174

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015					2014	2013	2012	
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Surplus / Deficit	\$ 1,648,162	\$ 1,042,992	\$ 605,170	58.02%	\$ (382,311)	\$ (2,059,639)	\$ 1,245,152	\$ 2,087,876	\$ 919,560
Beginning Fund Balance Components									
	<u>Actual YTD</u>				<u>Annual Budget</u>				
Emergency Reserve	\$ 2,963,051				\$ 2,952,551				
Property Tax Reserve	225,414				225,414				
Unreserved	<u>3,923,477</u>				<u>2,429,654</u>				
Beginning Fund Balance	\$ 7,111,942				\$ 5,607,619				
YTD Ending Fund Balance Components									
Emergency Reserve	\$ 2,963,051				\$ 2,952,551				
Property Tax Reserve	225,414				225,414				
Health Care Premium Savings Reserve	50,000				50,000				
Facility Maint Reserve	155,000				155,000				
Unreserved	<u>5,366,639</u>				<u>1,842,343</u>				
Ending Fund Balance	\$ 8,760,104				\$ 5,225,308				

The year to date fund balance is inflated due to the front end loading of the receipt of property taxes and will decline over the balance of the fiscal year as the receipt of property tax revenues slow and monies are expended.

Revenues

- Taxes & Assessments - Specific Ownership taxes collected are exceeding budget. Sales tax revenues are 21% over budget and 24% over prior year.
- Construction use tax is under budget 77% and 59% below prior year. Property taxes collected are 1% under budget.
- Licenses & Permits - Construction permits are under budget by \$11,500. Plumbing permits are over budget \$10,000. Electrical permits are over budget \$15,000.
- Intergovernmental - Road and Bridge taxes are over budget 17%.
- Charges for Services - Plan review, road impact, and DRB fees are under budget.
- Fines & Forfeitures - Slightly over budget.
- Investment Income - Interest is exceeding budget and prior year.
- Miscellaneous - Slightly over budget.
- Contributions - Green gondola receipts and energy rebates have been collected to date.

Top Ten Budget Variances

Under Budget

- Road & Bridge - \$26,332 Sand/Deicer and gasoline were under budget.
- Police - \$16,426 Savings in group insurance and gasoline.
- Plaza and Environmental Services - \$16,056 Personnel costs.
- Building Division - \$13,956 Salaries and wages.
- Planning & Zoning - \$13,320 Savings in S&W for the gap in the planner position.
- Vehicle Maintenance- \$12,393 Savings in general supplies and oil.
- Technical - \$11,826 Savings were realized in software support (IT Technician fees).

Over Budget

- Trash Removal - \$2,565 Salaries and wages and trash removal are running ahead of budget.
- Legislation & Council - \$1,336 Town anniversary party.
- Finance - \$1,336 Bad debt write off exceeding budget.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015						2014	2013	2012
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Tourism Fund									
Revenues									
Business Licenses Fees	\$ 238,172	\$ 243,438	\$ (5,266)	-2%	\$ 273,856	\$ 35,684	\$ 240,518	\$ 233,271	\$ 201,219
Lodging Taxes - Condos/Homes (1)	406,379	256,838	149,541	58%	542,639	136,260	266,725	262,697	189,260
Lodging Taxes - Hotels/Condos (1)	327,725	254,753	72,972	29%	523,449	195,724	310,922	259,643	202,624
Lodging Taxes - Prior Year	-	-	-	#DIV/0!	-	-	781	870	7,044
Penalties and Interest	11,795	1,084	10,711	988%	3,000	(8,795)	4,479	6,675	4,230
Restaurant Taxes	159,649	121,716	37,933	31%	273,200	113,551	140,222	122,613	106,473
Restaurant Taxes - Prior Year	568	-	568	#DIV/0!	-	(568)	88	164	1,045
Total Revenues	1,144,288	877,829	266,459	30%	1,616,144	471,856	963,735	885,933	711,895
Tourism Funding									
Additional Funding	-	-	-	#DIV/0!	26,000	26,000	-	-	-
Airline Guaranty Funding	516,724	369,961	146,762	40%	790,119	273,396	420,934	376,694	300,842
MTI Funding	587,263	482,069	105,194	22%	785,138	197,875	512,409	475,648	384,621
Total Tourism Funding	1,103,987	852,031	251,956	77%	1,601,257	497,271	933,342	852,342	685,463
Surplus / Deficit	40,301	25,798	14,503	56%	14,887	(25,415)	30,393	33,591	26,432
Administrative Fees									
Audit Fees	-	-	-	#DIV/0!	2,500	2,500	-	-	-
Total Administrative Fees	-	-	-	#DIV/0!	2,500	2,500	-	-	-
Surplus / Deficit	40,301	25,798	251,956	977%	12,387	(27,915)	30,393	33,591	26,432
Other Sources and Uses									
Transfer (To) From Other Funds	(40,301)	(25,798)	(14,503)	56%	(12,387)	27,915	(30,393)	(33,591)	(26,432)
Total Other Sources and Uses	(40,301)	(25,798)	(14,503)	56%	(12,387)	27,915	(30,393)	(33,591)	(26,432)
Surplus / Deficit	\$ -	\$ -	\$ -		\$ -		\$ -	\$ -	\$ -

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015					2014	2013	2012	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Parking Services Fund									
Revenues									
Contributions/Shared Facility Expenses	\$ -	\$ -	\$ -	#DIV/0!	\$ 18,500	\$ 18,500	\$ 1,389	\$ 3,079	\$ -
Fines and Forfeits	13,280	4,147	9,133	220%	7,900	(5,380)	4,880	2,686	4,770
Gondola Parking Garage	71,410	31,605	39,805	126%	95,200	23,790	46,535	51,932	41,936
Heritage Parking Garage	68,509	64,799	3,710	6%	131,000	62,491	69,199	65,458	49,803
Parking Meter Revenues	3,148	2,996	152	5%	9,500	6,352	3,392	4,579	5,231
Parking Permits	4,135	3,611	524	15%	12,000	7,865	4,510	3,855	2,860
Special Event Parking	-	-	-	#DIV/0!	38,250	38,250	-	-	-
Total Revenues	160,482	107,158	53,324	50%	312,350	151,868	129,905	131,589	104,600
Operating Expenses									
Other Operating Expenses	339	1,328	(989)	-74%	4,630	4,291	171	-	873
Personnel Expenses	34,735	43,894	(9,159)	-21%	149,742	115,007	35,603	39,653	38,569
Gondola Parking Garage	5,812	13,610	(7,798)	-57%	66,405	60,593	17,352	13,883	9,250
Surface Lots	6,836	4,079	2,757	68%	22,260	15,424	2,993	2,900	3,334
Heritage Parking Garage	19,871	28,335	(8,464)	-30%	98,325	78,454	24,266	22,666	26,443
Contingency	-	-	-	#DIV/0!	-	-	-	-	(22,019)
Meadows Parking	-	-	-	#DIV/0!	-	-	-	-	-
Total Operating Expenses	67,593	91,246	(23,653)	-26%	341,362	273,769	80,385	79,102	56,450
Surplus / Deficit	92,889	15,912	76,977	484%	(29,012)	(121,901)	49,520	52,487	48,150
Capital									
Capital	10,896	10,800	96	1%	22,800	11,904	4,342		
Surplus / Deficit	81,993	5,112	76,881	1504%	(51,812)	(133,805)	45,178	52,487	48,150
Other Sources and Uses									
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Overhead Allocation	(7,243)	(7,243)	-	0%	(28,971)	(21,728)	(7,886)	(9,157)	(10,528)
Transfer (To) From General Fund	(74,750)	2,131	(76,881)	-3608%	80,783	155,533	(37,292)	(43,330)	(37,622)
Total Other Sources and Uses	(81,993)	(5,112)	(76,881)	1504%	51,812	133,805	(45,178)	(52,487)	(48,150)
Surplus / Deficit	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -

Parking revenues are over budget \$53,324. The budget is allocated based on how revenues were collected in the prior year. not occur Expenditures are under budget primarily due to personnel and utilities. The net transfer to the General Fund is \$81,993.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015					2014	2013	2012	
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Gondola Fund									
Revenues									
Event Operations Funding	\$ 5,425	\$ -	\$ 5,425	#DIV/0!	\$ -	\$ (5,425)	\$ 3,825	\$ 5,499	\$ -
Event Operations Funding - SMC/TOT	-	-	-	#DIV/0!	36,000	36,000	-	-	-
Grant Funding	-	-	-	#DIV/0!	326,837	326,837	-	-	-
Insurance Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Miscellaneous Revenues	100	-	100	#DIV/0!	-	(100)	-	-	620
Sale of Assets	10,500	-	10,500	#DIV/0!	-	(10,500)	-	-	-
TMVOA Operating Contributions	876,359	1,027,085	(150,726)	-14.68%	5,157,543	4,281,184	894,157	917,366	880,026
TMVOA Capital Contributions	15,000	17,500	(2,500)	-14.29%	544,259	529,259	209,932	9,222	6,835
TSG 1% Lift Sales	139,315	101,923	37,392	36.69%	135,572	(3,743)	119,195	99,601	100,326
Total Revenues	1,046,698	1,146,508	(99,810)	-8.71%	6,200,211	5,153,513	1,227,109	1,031,688	987,807
Operating Expenses									
MAARS	15,190	16,350	(1,160)	-7.09%	76,965	61,775	14,456	15,247	14,859
Chondola	74,529	87,988	(13,459)	-15.30%	1,877,056	1,802,527	78,208	66,422	84,460
Grant Success Fees	-	-	-	#DIV/0!	-	-	-	18,457	-
Operations	433,369	456,687	(23,318)	-5.11%	1,735,835	1,302,466	419,905	430,933	418,651
Maintenance	364,834	361,265	3,570	0.99%	1,216,984	852,150	329,416	308,818	299,062
FGOA	143,775	206,718	(62,943)	-30.45%	572,371	428,596	175,192	182,589	163,940
Major Repairs and Replacements	15,000	17,500	(2,500)	-14.29%	200,000	185,000	193,195	9,222	-
Contingency	-	-	-	#DIV/0!	-	-	-	-	-
Total Operating Expenses	1,046,698	1,146,508	(99,810)	-8.71%	5,679,211	4,632,513	1,210,372	1,031,688	980,972
Surplus / Deficit	-	-	-	#DIV/0!	521,000		16,737	-	6,835
Capital									
Capital Outlay	-	-	-	#DIV/0!	521,000	521,000	16,737	-	6,835
Surplus / Deficit	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -

Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015

	2015				Annual Budget	Budget Balance	2014	2013	2012
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
Child Development Fund									
Revenues									
Daycare Fees	\$ 62,245	\$ 64,752	(2,507)	-3.87%	\$ 250,068	\$ 187,823	\$ 63,257	\$ 65,931	\$ 55,133
Fundraising Revenues - Daycare	1,359	586	773	131.91%	6,000	4,641	990	1,375	-
Fundraising Revenues - Preschool	374	1,025	(651)	-1.42%	6,000	(36,399)	680	-	-
Grant Revenues - Daycare	11,073	8,133	2,940	36.15%	30,000	18,927	7,057	13,232	5,680
Grant Revenues - Preschool	7,631	2,549	5,082	199.37%	10,000	2,369	2,404	3,270	2,320
Preschool Fees	42,399	45,932	(3,533)	-344.68%	181,475	181,101	43,114	44,001	47,731
Total Revenues	125,081	122,977	2,104	1.71%	483,543	358,462	117,502	127,809	110,864
Operating Expenses									
Daycare Contingency	-	-	-	#DIV/0!	-	-	-	-	-
Daycare Other Expense	12,989	22,424	(9,435)	-42.08%	74,752	61,763	16,226	17,147	15,642
Daycare Personnel Expense	70,122	79,638	(9,516)	-11.95%	347,487	277,365	66,297	78,733	83,679
Preschool Contingency	-	-	-	#DIV/0!	-	-	-	-	-
Preschool Other Expense	7,789	9,026	(1,237)	-13.70%	39,898	32,109	6,647	7,958	8,205
Preschool Personnel Expense	28,982	32,846	(3,864)	-11.76%	142,614	113,632	36,032	28,588	29,197
Total Operating Expenses	119,882	143,934	(24,052)	-16.71%	604,751	484,869	125,202	132,426	136,723
Surplus / Deficit	5,199	(20,957)	26,156	-124.81%	(121,208)		(7,700)	(4,617)	(25,859)
Capital									
Preschool Capital Outlay	-	-	-	#DIV/0!	-	-	-	-	-
Total Capital	-	-	-	#DIV/0!	-	-	-	-	-
Surplus / Deficit	5,199	(20,957)	26,156	-124.81%	(121,208)		(7,700)	(4,617)	(25,859)
Other Sources and Uses									
Contributions	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund	(5,199)	20,957	26,156	124.81%	121,208	126,407	7,700	4,617	25,859
Total Other Sources and Uses	(5,199)	20,957	26,156	124.81%	121,208	126,407	7,700	4,617	25,859
Surplus / Deficit	\$ -	\$ -	\$ -	#DIV/0!	\$ -		\$ -	\$ -	\$ -

Child Development revenues are \$2,100 over budget. Grant revenues came in ahead of expectations due to timing. Daycare and preschool fees are under budget. Operating expenses are \$24,000 under budget due mainly to daycare personnel costs. Other savings are in the scholarship program, which is grant funded. The fund has returned \$5,200 in funding to the General Fund. Funding will be required as expenses increase.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015				2014	2013	2012			
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD	
Water & Sewer Fund										
Revenues										
Mountain Village Water and Sewer	\$ 521,904	\$ 467,887	\$ 54,017	11.54%	\$ 2,083,474	\$ 1,561,570	\$ 482,799	\$ 554,750	\$ 492,275	
Other Revenues	2,164	3,314	(1,150)	-34.70%	24,050	21,886	2,589	2,471	3,958	
Ski Ranches Water	31,762	29,444	2,318	7.87%	126,699	94,937	30,402	31,686	30,077	
Skyfield Water	4,897	4,008	889	22.18%	18,769	13,872	4,164	4,355	4,042	
Total Revenues	560,727	504,653	56,074	11.11%	2,252,992	1,692,265	519,954	593,262	530,352	
Operating Expenses										
Mountain Village Sewer	64,179	64,179	(1)	0.00%	380,264	316,085	60,372	58,268	50,648	
Mountain Village Water	201,970	232,135	(30,165)	-12.99%	1,022,052	820,082	186,412	207,568	234,270	
Ski Ranches Water	5,145	15,522	(10,377)	-66.85%	49,589	44,444	7,350	8,325	12,039	
Contingency	-	-	-	#DIV/0!	29,038	29,038	-	-	-	
Total Operating Expenses	271,294	311,836	(40,543)	-13.00%	1,480,943	1,209,649	254,134	274,161	296,957	
Surplus / Deficit	289,433	192,817	96,617	50.11%	772,049		265,820	319,101	233,395	
Capital										
Capital Outlay	45,933	45,943	(10)	-0.02%	2,824,383	2,778,450	66,491	34,185	38,375	
Surplus / Deficit	243,500	146,874	96,627	65.79%	(2,052,334)		199,329	284,916	195,020	
Other Sources and Uses										
Overhead Allocation Transfer	(30,536)	(30,536)	-	0.00%	(122,143)	(91,607)	(33,188)	(31,097)	(30,107)	
Mountain Village Tap Fees	-	-	-	#DIV/0!	33,075	33,075	8,143	-	4,892	
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-	
Ski Ranches Tap Fees	-	-	-	#DIV/0!	5,000	5,000	5,000	-	-	
Skyfield Tap Fees	-	-	-	#DIV/0!	2,000	2,000	-	-	-	
Telski Tap Fee/Water Credit	-	-	-	#DIV/0!	(121,432)	(121,432)	-	-	-	
Transfer (To) From General Fund	-	-	-	#DIV/0!	-	-	-	-	-	
Total Other Sources and Uses	(30,536)	(30,536)	-	0.00%	(203,500)	(172,964)	(20,045)	(31,097)	(25,215)	
Surplus / Deficit	\$ 212,964	\$ 116,338	\$ 96,627	83.06%	\$ (2,255,834)		\$ 179,284	\$ 253,819	\$ 169,805	

Water and sewer base fees and snow making fees are exceeded budget (1% and 90%), snowmaking is 72% higher than last year. Excess water fees are over budget (42%). Ski Ranches revenues are over budget due to base fees. Skyfield revenues are over budget in excess water and standby fees. Other revenues are under budget in late fees and maintenance revenues. Sewer expenditures are meeting budget. MV water is under budget due mainly to legal costs and electricity. Ski Ranches water costs are under budget with savings in R&M and electric. Capital costs are for water rights acquisition and the Wapiti water line.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015				Annual Budget	Budget Balance	2014	2013	2012
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
Cable Fund									
Revenues									
Cable User Fees	\$ 212,672	\$ 221,300	\$ (8,628)	-3.90%	\$ 843,443	\$ 630,771	\$ 207,945	\$ 218,391	\$ 215,202
Channel Revenues	106	165	(59)	-35.76%	420	314	92	159	138
Internet User Fees	198,476	180,134	18,342	10.18%	713,265	514,789	178,414	152,660	148,615
Other Revenues	18,363	19,294	(931)	-4.83%	95,557	86,320	17,805	24,496	20,644
Phone Service Fees	9,237	8,357	880	10.53%	33,911	15,548	8,846	8,162	7,655
Total Revenues	438,854	429,250	9,604	2.24%	1,686,596	1,247,742	413,102	403,868	392,254
Operating Expenses									
Cable Direct Costs	163,525	159,157	4,368	2.74%	630,747	467,222	144,539	143,542	138,631
Phone Service Costs	6,916	4,610	2,306	50.02%	23,788	16,872	4,573	5,092	4,919
Internet Direct Costs	27,000	27,000	-	0.00%	108,000	81,000	27,000	22,818	22,818
Cable Operations	122,868	148,038	(25,170)	-17.00%	579,564	456,696	145,710	142,590	146,768
Contingency	-	-	-	#DIV/0!	3,000	3,000	-	-	-
Total Operating Expenses	320,309	338,805	(18,496)	-5.46%	1,345,099	1,024,790	321,822	314,042	313,136
Surplus / Deficit	118,545	90,445	28,100	31.07%	341,497		91,280	89,826	79,118
Capital									
Capital Outlay	28,739	29,000	(261)	-0.90%	52,500	23,761	-	80,342	-
Surplus / Deficit	89,806	61,445	28,361	46.16%	288,997		91,280	9,484	79,118
Other Sources and Uses									
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund	-	-	-	#DIV/0!	-	-	(12,580)	(8,210)	(18,240)
Overhead Allocation Transfer	(27,426)	(27,426)	-	0.00%	(109,702)	(82,277)	(28,700)	(26,274)	(25,878)
Total Other Sources and Uses	(27,426)	(27,426)	-	0.00%	(109,702)	(82,277)	(41,280)	(34,484)	(44,118)
Surplus / Deficit	\$ 62,381	\$ 34,020	\$ -	0.00%	\$ 179,295		\$ 50,000	\$ (25,000)	\$ 35,000
Beginning (Available) Fund Balance	\$ 110,000	\$ 110,000	\$ -						
Ending (Available) Fund Balance	\$ 172,381	\$ 144,020	\$ -						

Cable user revenues are under budget (4%) and are over prior year (2%). Residential basic, premium and digital fees are under budget. Internet revenues are over budget 10% and 11% over prior year. Other revenues are under budget 5% due mainly equipment rental. Direct costs for cable are over budget and over prior year due to increasing and additional programming costs. Internet costs are on budget and prior year. Phone service revenues are over budget by 11%, while phone service expenses are over budget by 50%. This is due to certain fees, previously not charged, being added to our service costs after the budget was adopted. Cable operating expenses are under budget with savings in head end R&M, S&W, and insurance.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015					2014	2013	2012	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Telluride Conference Center Fund									
Revenues									
Beverage Revenues	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	#DIV/0!	-	-	-	-	-
Facility Rental	-	-	-	#DIV/0!	-	-	-	-	-
Operating/Other Revenues	-	-	-	#DIV/0!	-	-	920	-	-
Total Revenues	-	-	-	#DIV/0!	-	-	920	-	-
Operating Expenses									
Wait Staff	-	-	-	#DIV/0!	-	-	-	-	-
Food Operations	-	-	-	#DIV/0!	-	-	-	-	-
Beverage Operations	-	-	-	#DIV/0!	-	-	-	-	-
General Operations	27	-	27	#DIV/0!	-	(27)	-	-	1,160
Administration	24,227	24,275	(48)	-0.20%	82,729	58,502	23,242	23,164	22,321
Marketing	-	-	-	#DIV/0!	65,000	65,000	2,000	-	24,363
Contingency	-	-	-	#DIV/0!	-	-	-	-	440
Total Operating Expenses	24,254	24,275	(21)	-0.09%	147,729	123,475	25,242	23,164	48,284
Surplus / Deficit	(24,254)	(24,275)	21	-0.09%	(147,729)		(24,322)	(23,164)	(48,284)
Capital Outlay/ Major R&R	-	-	-	#DIV/0!	20,000	20,000	-	-	-
Surplus / Deficit	(24,254)	(24,275)	21	-0.09%	(167,729)		(24,322)	(23,164)	(48,284)
Other Sources and Uses									
Damage Receipts	-	-	-	#DIV/0!	-	-	-	-	-
Insurance Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Sale of Assets	-	-	-	#DIV/0!	-	-	-	-	-
Transfer (To) From General Fund	24,254	24,275	(21)	-0.09%	167,729	143,475	24,322	23,164	48,284
Overhead Allocation Transfer	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	24,254	24,275	(21)	74.00%	167,729	143,475	24,322	23,164	48,284
Surplus / Deficit	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -

Expenses to date are HOA dues.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015				2014	2013	2012		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Affordable Housing Development Fund									
Revenues									
Contributions	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Rental Income	2,548	2,490	(58)	-2.33%	12,228	9,680	2,475	8,472	5,112
Sales Proceeds	-	-	-	#DIV/0!	-	-	-	-	-
Total Revenues	2,548	2,490	(58)	-2.33%	12,228	9,680	2,475	8,472	5,112
Operating Expenses									
Coyote Court	-	-	-	#DIV/0!	-	-	-	1,895	336
RHA Funding - Moved in 2014 from the GF	-	-	-	#DIV/0!	82,138	82,138	34,640	-	-
Timberview	-	-	-	#DIV/0!	-	-	-	-	-
Sunshine Valley	-	-	-	#DIV/0!	-	-	9,177	11,551	6,365
Foreclosure Properties	9,205	-	9,205	#DIV/0!	-	(9,205)	8,856	8,856	11,664
Density bank	8,856	5,000	3,856	77.12%	5,000	(3,856)	-	-	-
Fairway Four	-	-	-	#DIV/0!	-	-	-	-	-
Total Operating Expenses	18,061	5,000	13,061	261.22%	87,138	69,077	52,673	22,302	18,365
Surplus / Deficit	(15,513)	(2,510)	13,003	-518.05%	(74,910)	(59,397)	(50,198)	(13,830)	(13,253)
Other Sources and Uses									
Transfer (To) From MAP	-	-	-	#DIV/0!	(30,000)	-	-	-	-
Transfer (To) From General Fund - Sales Tax	193,392	153,487	(39,905)	-26.00%	339,889	146,497	157,335	150,587	118,315
Transfer (To) From Capital Projects Fund (1)	-	-	-	#DIV/0!	(438,430)	(438,430)	-	-	-
Transfer (To) From VCA (2)	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	193,392	153,487	(39,905)	-26.00%	(128,541)	(291,933)	157,335	150,587	118,315
Surplus / Deficit	\$ 177,879	\$ 150,977	\$ 52,908	35.04%	\$ (203,451)	\$ (351,330)	\$ 107,137	\$ 136,757	\$ 105,062
Beginning Fund Equity Balance	\$ 948,827	\$ 948,827	\$ -						
Ending Equity Fund Balance	\$ 1,126,706	\$ 1,099,804	\$ 26,902						

Expenses consist of HOA dues on town owned property.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015						2014	2013	2012
	Actual YTD	Budget YTD	Budget Vary (\$)	Budget Var (%)	Annual Budget	Budget Balance	Actual	Actual	Actual
Village Court Apartments									
Operating Revenues									
Rental Income	\$ 567,280	\$ 556,486	\$ 10,794	2%	\$ 2,225,944	\$ 1,658,664	\$ 568,486	\$ 471,373	\$ 461,935
Other Operating Income	19,639	22,306	(2,667)	-12%	89,225	69,586	27,352	96,383	87,498
Less: Allowance for Bad Debt	(2,501)	(2,729)	228	-8%	(10,914)	(8,413)	(2,502)	(806)	(2,310)
Total Operating Revenue	584,419	576,064	8,355	1%	2,304,255	1,719,836	593,336	566,951	547,124
Operating Expenses									
Office Operations	43,679	48,340	4,661	10%	186,435	142,756	46,402	43,460	43,910
General and Administrative	90,310	105,669	15,360	15%	144,277	53,967	97,762	105,108	95,729
Utilities	104,666	105,881	1,215	1%	423,523	318,857	111,722	116,878	113,804
Repair and Maintenance	97,627	96,422	(1,206)	-1%	374,354	276,727	90,460	87,155	105,270
Major Repairs and Replacement	27,510	28,128	618	2%	218,021	190,511	85,185	9,060	20,512
Contingency	-	-	-	0%	13,575	13,575	-	-	-
Total Operating Expenses	363,792	384,439	20,648	5%	1,360,185	996,393	431,531	361,661	379,225
Surplus / (Deficit) After Operations	220,627	191,624	29,003	15%	944,070		161,805	205,290	167,899
Non-Operating (Income) / Expense									
Investment Earning	(18)	(375)	(357)	-95%	(1,500)	(1,482)	(66)	(142)	(222)
Debt Service, Interest	106,185	99,153	(7,032)	-7%	396,611	290,426	65,937	67,136	68,666
Debt Service, Fees	-	-	-	#DIV/0!	-	-	3,200	2,950	2,850
Debt Service, Principal	-	-	-	#DIV/0!	390,863	390,863	6,365	6,069	5,642
Total Non-Operating (Income) / Expense	106,167	98,778	(7,390)	-7%	785,974	679,807	75,435	76,013	76,936
Surplus / (Deficit) Before Capital	114,459	92,846	21,613	23%	158,096		86,369	129,277	90,963
Capital Spending	-	-	-	#DIV/0!	-	-	-	-	191,594
Surplus / (Deficit)	114,459	92,846	21,613	23%	158,096		86,369	129,277	(100,631)
Other Sources / (Uses)									
Transfer (To)/From General Fund	(28,271)	(28,271)	-	0%	(113,084)	(113,084)	(30,980)	(26,786)	(28,751)
Sale of Assets	-	-	-	0%	-	-	-	-	-
Grant Revenues	-	-	-	0%	-	-	-	-	-
Transfer From AHDF	-	-	-	0%	-	28,271	-	-	-
Total Other Sources / (Uses)	(28,271)	(28,271)	-	0%	(113,084)	28,271	(30,980)	(26,786)	(28,751)
Surplus / (Deficit)	86,188	64,575	21,613	33%	45,012		55,389	102,491	(129,382)
Beginning Working Capital	-	-	-	#DIV/0!	-				
Ending Working Capital	\$ 86,188	\$ 64,575	\$ 21,613	33%	\$ 45,012				

Rent revenues are over budget 2%, and on track with prior year. Utility charges for prior year have been re-allocated to rents for ease of comparison. Other revenues are under budget 12% due mainly to lower forfeited deposits and lower cleaning charges. Office operations are under budget 10%. S&W and workers' comp are under budget. General and administrative is under budget due mainly to property insurance. Utilities are slightly under budget (1%). Maintenance is under in salaries and wages. MR&R is meeting budget. Expenses include carpet replacement, bobcat lease, appliances, and cabinet replacement. Operating expenditures of \$363,800 were \$20,600 under budget.

**Town of Mountain Village
Monthly Revenue and Expenditure Report
March 2015**

	2015				Annual Budget	Budget Balance	2014	2013	2012
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
Debt Service Fund									
Revenues									
Abatements	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	-	-	-	#DIV/0!	206,215	206,215	-	-	-
Miscellaneous Revenue	-	-	-	#DIV/0!	-	-	-	-	235
Property Taxes	1,405,951	1,222,506	183,445	15.01%	3,477,157	2,071,206	1,365,764	1,300,525	1,170,097
Reserve/Capital/Liquidity Interest	479	1,500	(1,021)	-68.07%	6,010	5,531	954	770	933
Specific Ownership Taxes	36,444	21,168	15,276	72.17%	80,651	44,207	37,423	26,220	25,744
Total Revenues	1,442,874	1,245,174	197,700	140.00%	3,770,033	2,327,159	1,404,141	1,327,515	1,197,009
Debt Service									
2001/2011 Bonds - Gondola - Paid by contributions from TMVOA and TSG									
2001/2011 Bond Issue - Interest	-	-	-	#DIV/0!	96,275	96,275	-	-	-
2001/2011 Bond Issue - Principal	-	-	-	#DIV/0!	110,000	110,000	-	-	-
2002 Bonds - Water/Sewer/Parking (refunding 1992) - 77.5% Water/Sewer - 22.5% Parking									
2002 Bond Issue - Interest	-	-	-	#DIV/0!	-	-	-	-	-
2002 Bond Issue - Principal	-	-	-	#DIV/0!	-	-	-	-	-
2005 Bonds - Telluride Conference Center - (refunding portion of 1998)									
2005 Bond Issue - Interest	-	-	-	#DIV/0!	97,000	97,000	-	-	-
2005 Bond Issue - Principal	-	-	-	#DIV/0!	615,000	615,000	-	-	-
2006B/2014 Bonds - Heritage Parking									
2014 Bond Issue - Interest	-	-	-	#DIV/0!	298,416	298,416	-	-	-
2014 Bond Issue - Principal	-	-	-	#DIV/0!	230,000	230,000	-	-	-
2007 Bonds - Water/Sewer (refunding 1997)									
2007 Bond Issue - Interest	-	-	-	#DIV/0!	244,800	244,800	-	-	-
2007 Bond Issue - Principal	-	-	-	#DIV/0!	1,555,000	1,555,000	-	-	-
2009 Bonds - Telluride Conference Center (refunding 1998 bonds)									
2009 Bond Issue - Interest	-	-	-	#DIV/0!	32,900	32,900	-	-	-
2009 Bond Issue - Principal	-	-	-	#DIV/0!	290,000	290,000	-	-	-
Total Debt Service	-	-	-	#DIV/0!	3,569,391	3,569,391	-	-	-
Surplus / (Deficit)	1,442,874	1,245,174	197,700	15.88%	200,642		1,404,141	1,327,515	1,197,009
Operating Expenses									
Administrative Fees	900	900	-	0.00%	17,000	16,100	-	-	-
County Treasurer Collection Fees	42,182	39,407	2,775	7.04%	102,228	60,046	40,973	39,017	35,169
Total Operating Expenses	43,082	40,307	2,775	6.88%	119,228	76,146	40,973	39,017	35,169
Surplus / (Deficit)	1,399,792	1,204,867	194,925	16.18%	81,414		1,363,168	1,288,498	1,161,840

**Town of Mountain Village
 Monthly Revenue and Expenditure Report
 March 2015**

		2015				2014	2013	2012	
Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD	
Debt Service Fund									
Other Sources and Uses									
Transfer (To) From General Fund	(36,444)	(21,168)	(15,276)	72.17%	(81,251)	(44,807)	(37,423)	(26,220)	(25,744)
Transfer (To) From Other Funds	-	-	-	#DIV/0!	-	-	-	-	-
Bond Premiums	-	-	-	#DIV/0!	-	-	-	-	-
Proceeds From Bond Issuance	-	-	-	#DIV/0!	-	-	-	-	-
Total Other Sources and Uses	(36,444)	(21,168)	(15,276)	72.17%	(81,251)	(44,807)	(37,423)	(26,220)	(25,744)
Surplus / (Deficit)	\$ 1,363,348	\$ 1,183,699	\$ 179,649	15.18%	\$ 163	\$ 1,325,745	\$ 1,262,278	\$ 1,136,096	
Beginning Fund Balance	\$ 734,652	\$ 737,976	\$ (3,324)						
Ending Fund Balance	\$ 2,098,000	\$ 1,921,675	\$ 176,325						

ORDINANCE NO. 2015 - _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE INCREASING THE COMPENSATION OF THE MOUNTAIN VILLAGE TOWN COUNCIL AND THE MAYOR OF THE MOUNTAIN VILLAGE

RECITALS:

- A.** The Town of Mountain Village (the “Town”), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and the Town Charter.
- B.** Pursuant to the Town of Mountain Village Charter, section 3.4(a) sets the compensation of the Mayor at \$100.00 per month and section 3.4(b) sets the compensation for the Town Councilors at \$50.00 per month.
- C.** The Town Charter, section 3.4(c) further allows for Council and Mayoral Compensation to be amended or modified by an Ordinance of the Town Council, so long as such amendments or modifications do not affect the compensation of the Mayor or any Town Councilor then in office during their current term of office.
- D.** The Town Charter provisions on Town Council and Mayoral Compensation have not been amended or modified by Ordinance since originally adopted.
- E.** After surveying similarly situated municipalities, the Town Council determined that an increase in the compensation to the Town Council and Mayor was appropriate to bring the Town up to the lower end of compensation for similarly situated municipalities as set forth herein.

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

Section 1. Legislative Findings.

The recitals to this Ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Mayoral Compensation.

- A.** The Mayor shall be compensated for his or her services to the Town in an amount of \$800.00 per month.
- B.** The Mayor shall also be compensated for water and sewer charges, basic cable and basic internet at his or her residence. The Town’s finance department may elect to reimburse the Mayor for such charges rather than removing the billing for such charges.

Section 3. Compensation of Town Councilors

- A. Town Councilors shall be compensated for his or her services to the Town in an amount of \$400.00 per month.
- B. Town Councilors shall also be compensated for water and sewer charges, basic cable and basic internet at his or her residence. The Town's finance department may elect to reimburse Town Councilors for such charges rather than removing the billing for such charges.

Section 4. PERA

The Public Employees Retirement Association ("PERA") of which the Town is a member, deems the Town Councilors and the Mayor as eligible to receive certain PERA benefits unless they opt out of PERA within 60 days of taking office. Therefore, the Town Councilors and Mayor shall be compensated by the Town the employer's portion of such PERA benefits.

Section 5. Additional Benefits

The Town Council may be compensated for a minor additional benefit of up to the value of a Telluride Ski Resort season pass, so long as such minor benefits are duly approved and adopted through the Town's budget Ordinance adoption process on a yearly basis.

Section 6. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions 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.

Section 7. Ordinance Effect.

Existing Ordinances or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided however, that the repeal of any Ordinance or parts of Ordinances of the Town shall not revive any other section of any Ordinance or Ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Safety Clause.

The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

Section 9. Effective Date.

This Ordinance shall take effect for those Town Council Members and Mayor entering office after the June 30, 2015 Town of Mountain Village Election.

Section 10. PUBLIC HEARING.

A public hearing on this Ordinance was held on the 21st day of May, 2015, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 23rd day of April 2015.

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

By: _____
DAN JANSEN, Mayor

ATTEST:

JACKIE KENNEFICK, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 21st day of May, 2015.

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

By: _____
DAN JANSEN, Mayor

ATTEST:

JACKIE KENNEFICK, Town Clerk

Approved As To Form:

James Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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 of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on April 23, 2015 by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor				
Martin McKinley				
Jonette Bronson				
John Howe				
Michelle Sherry				
Cath Jett, Mayor Pro Tem				
Dave Schillaci				

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 _____, 2015, in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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 May 21, 2015. 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
Dan Jansen, Mayor				
Martin McKinley				
Jonette Bronson				
John Howe				
Michelle Sherry				
Cath Jett, Mayor Pro Tem				
Dave Schillaci				

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 _____, 2015.

JACKIE KENNEFICK, Town Clerk

(SEAL)



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item #10

TO: Town Council

FROM: Chris Hawkins, Director of Community Development

FOR: Town Council Public Hearing on May 21, 2015

DATE: May 14, 2015

RE: Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the Community Development Code (CDC) at (A) Section 17.4.14(F)(3) to Revise the Criteria for Allowing Ski Lifts on Private Lots; and (B) Section 17.6.9 to Meet or Exceed San Miguel County Open Burning Regulations; (C) Section 17.3.4(F)(4) to Allow for the Re-subdivision and Rezoning of Single-Family Lots Subject to Modified Criteria; and (D) Miscellaneous Amendments to the CDC to Accomplish the Foregoing

The pending amendments to the Community Development Code (CDC) are shown in Exhibit A, with Council directed changes to-date addressed in the proposed amendments. Since the first reading, staff has made some minor changes by reorganizing the first three paragraphs, and some wording changes as highlighted in yellow based on requests from Telluride Ski and Golf.

The Council requested the changes to the ski lift conditional use permit regulations to ensure the installation of private ski lifts outside the ski resort boundary are very limited, with additional regulations added to ensure fit and compatibility. The Council directed the changes to the Open Burning Regulations are to ensure the Town's regulations meet or exceeded San Miguel County's regulations with the desire to maintain Town control on open burning within its jurisdiction. The proposed changes to the Single-family Zone District are to allow for the rezoning and resubdivision of single-family lots in limited situations as provided for in the proposed amendments since the current regulations are limited as outlined in the first reading memo.

RECOMMENDATION

Staff recommends the Town Council approve the ordinance amending the CDC with the following motion:

"I move to approve an ordinance amending the Community Development Code."

ORDINANCE NO. 2015-__

AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT CODE (CDC) AT (A) SECTION 17.4.14(F)(3) TO REVISE THE CRITERIA FOR ALLOWING SKI LIFTS ON PRIVATE LOTS; AND (B) SECTION 17.6.9 TO MEET OR EXCEED SAN MIGUEL COUNTY OPEN BURNING REGULATIONS; (C) SECTION 17.3.4(F)(4) TO ALLOW FOR THE RE-SUBDIVISION AND REZONING OF SINGLE-FAMILY LOTS SUBJECT TO MODIFIED CRITERIA; AND (D) MISCELLANEOUS AMENDMENTS TO THE CDC TO ACCOMPLISH THE FOREGOING

RECITALS

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town’s land use regulations; or to address issues or policy matters.

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

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- D. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

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

Section 4. Effective Date

This Ordinance shall become effective June 20, 2015.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 21st day of May, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 23rd day of April, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21st day of May, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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 _____, 2015, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor				
Cath Jett, Mayor Pro-Tem				
Jonette Bronson				
John Howe				
Michelle Sherry				
Martin McKinley				
Dave Schillaci				

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 _____, 2015 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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 _____, 2015. 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
Dan Jansen, Mayor				
Cath Jett, Mayor Pro-Tem				
Jonette Bronson				
John Howe				
Michelle Sherry				
Martin McKinley				
Dave Schillaci				

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 _____, 2015.

Jackie Kennefick, Town Clerk

(SEAL)

Exhibit A: CDC Amendments

SECTION 17.4.14

CONDITIONAL USE PERMIT

1. Ski Lifts (Tramways) Conditional Use Permits

a. The installation of a ski lift on a private lot outside of the ski resort **boundary** requires the issuance of a ski lift conditional use permit. In addition to other applicable requirements of the CDC, ski lift conditional use permits shall comply with the following **provisions, the general** standards, **the review authority criteria for decision, and the lift regulations**:

- i. The installation of a ski lift on a private single-family lot is strongly discouraged, and will only be permitted in situations where full compliance with the review criteria is satisfied thereby justifying the installation.
- ii. The installation of a ski lift that serves multi-family lots or three or more single-family lots are considered more appropriate as a conditional use and will be permitted in situations where full compliance with the review criteria thereby justifying the installation.

b. **General Standards.** General Standards That Must Be Met Prior to Submitting for a Conditional Use Permit

- i. One side of the lot must immediately adjoin open space that is used for ski trail purposes;
- ii. The applicant has contacted adjacent property owners within 400 feet of the proposed lift to get input on the location, design and visual impacts prior to submitting the development application for the ski lift and shall affirm to the review authority that the applicant has satisfied these criteria. Nothing contained in this criteria shall require the consent or written response of adjacent property owners;
- iii. The owner of the lot must obtain permission in writing from the ski resort operator to build a ski lift that provides access to a ski trail.

c. **Criteria for Decision**

- i. The property owner has demonstrated that special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions cause a hardship that necessitates the installation of a lift;
- ii. Visual impacts caused by the ski lift are minimized and mitigated, with the location and design carefully located and planned so that a ski lift is not readily visible to surrounding properties. In the event that a ski lift cannot be located and planned on a specific site so as to satisfy this criteria such ski lift shall not be permitted by the review authority. A ski lift serving a multifamily lot or three or more single family lots do not require the strict application of this criteria, however, such a ski lift shall still minimize the visual impacts to surrounding properties;
- iii. Noise impacts are minimized and mitigated;
- iv. Wildlife impacts are minimized and mitigated so as to not unreasonably impact wildlife habitat and movement; and

~~ii-v.~~ The length of the proposed lift is the -minimum possible length with longer lift lines strongly discouraged unless they are serving a multifamily lot of three or more single family lots.

~~b.d.~~ **Lift Regulations.** Upon issuance of a ski lift conditional use permit, the lot owner will be required to abide by the following ~~rules and~~ regulations:

- i. ~~The review authority can limit the operation time for a lift on a case-by-case basis to coincide with the operation of the ski resort. The use of the ski lift before the first day of the ski season or after the last day of the ski season is prohibited, and the ski lift may only be used between the hours of 9:00 a.m. to 4:30 p.m.~~
- ii. If the ski lift generates decibels in excess of the limitation placed on the ski lift conditional use permit, the use of the ski lift shall cease until the noise level is reduced.
- iii. The owner of the ski lift will be responsible for maintaining the appropriate liability coverage for the ski lift and shall provide evidence of same to the Town.
- iv. Appropriate safety and instructional signage must be maintained.
- v. The ski lift must be operated in compliance with the operation plan submitted to and approved by the Town as a part of the conditional use permit that describes the operating, repair, maintenance and safety procedures for the ski lift.
- vi. The ski lift shall be used solely by the owner(s) and guests of the lot(s) where the lift is located, and shall not be used for commercial purposes.
- vii. The tramway shall be reviewed and approved by the Colorado Passenger Tramway Safety Board or its successor pursuant to applicable state regulations.

17.1.9

OPEN BURNING REGULATIONS

~~A.~~ Open burning of wood or slash in piles is strongly discouraged and will only be permitted in limited situations where the use of a curtain burner is not feasible.

~~A.B.~~ Open burning of wood or slash in piles without the use of a curtain burner or similar enclosed burning device is limited to land zoned as open space unless approved as provided for herein. Such open burning shall only be allowed by the Town for fire mitigation and/or forestry management projects, or ski resort improvements pursuant to the class 15 development application process subject to meeting the Open Burning Regulations.

1. Open burning is prohibited on all lots that are not zoned as open space unless the ~~Town Council~~ review authority grants a specific approval for a lot that is larger than five (5) acres and the requirements contained herein are met.

~~B.~~ Burning of slash /brush with the use of an air curtain burner or similar enclosed burning device may be approved for all lots in the town as part of a Town approved fire mitigation and/or forestry management project pursuant to the class 1 development application process subject to meeting the Open Burning Regulations.

C. An applicant for open burning shall submit the following:

- ~~1. San Miguel County Burn Permit, issued by San Miguel County, Colorado.~~
- ~~2.1. Proof of ~~W~~written notice of intent to conduct an open burn specifying the location and nature of the proposed open burn shall be sent ~~approval of the to the~~ Telluride Fire Protection District. Such notice shall be submitted at least ten (10) days prior to applying for an open burn to the Town, ~~to conduct an open burn.~~ In the even the Telluride Fire Protection District objects to the open burn within ten (10) days after being provided notice, such open burn shall not be approved by the Town.~~
- ~~2. A written fire management plan must accompany an open burning permit request specifying the dates on which open burning is proposed to occur, time of the day and duration of burning, and a site plan showing the location of the proposed open burning and materials to be burned. The plan must also include an estimate of quantities and measures to be implemented to provide for protection of the public from any risk associated with the open burning. Such plan must also be accompanied by documentation evidencing the need for open burning, a description of why the open burning would be in the public interest.~~
- ~~3. A site plan showing the area and size of wood and slash pile(s) to be burned.~~
- ~~4.3. A control plan showing how the burn will be monitored and the duration of the burn.~~
- ~~5.4. Technical specification for a curtain burner or similar enclosed device when such a device is proposed for the open burn.~~
- ~~6.5. Fire protection measures the applicant will use to control the burn.~~
- ~~7.6. A Town approved indemnification, holding the Town harmless from any loss or damage caused by the open burn.~~
- ~~8.7. A certificate of general commercial liability insurance in a form satisfactory to the Town, in the amount of not less than five million dollars (\$5,000,000) ~~in aggregate per occurrence,~~ naming the Town as an additional insured. The amount and type of insurance required by this section may be increased by a resolution of the Town Council.~~

D. The review authority shall issue a burn permit if, in its sole and absolute discretion, it finds that:

1. All of the submittal requirements have been fulfilled;
2. Fire protection and air quality measures provide sufficient safeguards to the community;
- ~~3. Weather and forest fuel conditions are predicted to allow the open burn without adverse impacts to air quality, or the spread of wildfire;~~
- ~~3.4. The review authority determines that the impact to regional air quality will be insignificant.~~
- ~~4.5. The TFPD or other referral agencies haveand San Miguel County have not objected to approved the proposed burn permit;~~
- ~~6. For open pile burning, the review authority determines that no other method, including the use of curtain burners or hauling of materials can be effective in achieving the goal of the overall project for which the open pile burn is requested, given the specific circumstances of each application. the use of a curtain burner is infeasible.~~
- ~~5.7. Any other referral agency comments on the open burn have been addressed;~~
- ~~8. Indemnification and insurance have been provided to the Town prior to the issuance of the open burn permit.~~
- ~~6.9. The approval includes a condition that the applicant is required to notify and obtain approval from Mountain Village Police Department for each individual day on which open burning will occur.~~
- ~~7.10. The applicant has notified the public of the time and place for which the burn will take place using the Town approved manner for such notification.~~

Ski Lift: Is a Passenger tramway that is device used to transport passengers uphill on skis, or in cars on tracks, or suspended in the air by the use of steel cables, chains, or belts, or by ropes, and usually supported by trestles or towers with one or more spans. "Passenger tramway" includes, but is not limited to, fixed-grip lifts, detachable-grip lifts, funiculars, chair lifts or surface lifts as defined in CRS 25-5-702.

17.3.4(F)(4)

4. **Further Subdivision ~~Prohibited~~ Limited.** Single-family lots may not be further subdivided to create additional lots and additional density may not be transferred onto a single-family lot; provided, however, a ~~s~~Single-family lot may be further subdivided and additional density may be transferred onto a single-family lot by the Rezoning Process in limited situations only if:
- a. The density is currently permitted on a lot; or
 - b. The Comprehensive Plan envisions higher density; or
 - c. A PUD is approved pursuant to the PUD Regulations; ~~and~~or
 - d. The Town Council determines that the rezoning is exceptional and meets ~~specific~~ conditions to mitigate the upzoning, such as but not limited to clustered development, the provision of additional open space, or other community benefits; and, separation and buffering from other lots.
 - ~~d.e.~~ The rezoning is compatible and fits with surrounding area development.



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item No. 12

TO: Town Council
FROM: Chris Hawkins, Director of Community Development
FOR: Meeting of May 21, 2015
DATE: May 14, 2015
RE: Conceptual Worksession to Discuss a Proposed Rezoning, Density Transfer and Replat for Lots 376R and Lot 387R

PROJECT GEOGRAPHY

Legal Description: Lot 376R & Lot 387R
Address: 127 & 129 Rocky Road
Applicant/Agent: Law Offices of Thomas G. Kennedy
Owner: Yellow Brick Road CO, LLC
Zoning: Single-family Zone District
Existing Use: Vacant
Proposed Use: Single-family, open space, equestrian
Lot Area: Approximately 59.8 acres
Adjacent Land Uses:

- **North:** Single-family
- **South:** USFS/Ski Resort
- **East:** Single-family
- **West:** Ski Ranches Subdivision, Single-family

ATTACHMENTS

Exhibit A: Applicant Narrative
Exhibit B: Conceptual Plan Set

RECORD DOCUMENTS

- Town of Mountain Village Community Development Code (as adopted March 2013)
- Town of Mountain Village Home Rule Charter (as amended on June 28, 2005)
- Design Review Application as maintained by the Community Development Department.

BACKGROUND

The owner of the property is proposing a unique clustered development where the two existing single-family lots are rezoned and replatted as shown in the conceptual plans, with the following main planning elements:

- Two single-family areas that are approximately 2.3 and 7.5 acres in size.
- Maximum of three single-family dwellings and one accessory dwelling.

- The larger single-family lot is proposed to be split into two single-family lots (Lots 387R-A & Lot 387R-B), with the primary home on one of the lots and large guest house on the other lot (Please refer to discussion below).
- The smaller single-family lot, Lot 376A-R, would initially contain a small home that can become an accessory dwelling unit per the CDC limitations if and when a larger primary home is constructed on the lot.
- Three passive open space tracts with approximately 34 acres in size.
- Three active open space tracts with approximately 10 acres.
- One right-of-way active open space tract with approximately 5.6 acres
- Workforce housing and maintenance facility by recently built bridge on proposed Tract 387-1.
- An equestrian stable most likely on Tract 387-1, with a forested pasture area on Tract 387-4. It may that to optimize site planning, the equestrian stable could be placed on Tract 387-3.

The clustered plan would create a development with approximately 83% open space.

The applicant is proposing that the 7.5 acre single-family area on Lot 387R be subdivided to have a primary home on one lot and a guest home on the other lot. The owner has agreed to tie the guest home lot to the primary home lot by a covenant or other legal instrument so as to ensure that both lots are owned by the same entity and cannot be sold or conveyed separately from the primary home lot. The owner originally explored the provision of an accessory dwelling unit versus this plan, but desires a larger guest dwelling which is only permitted through a rezoning and density transfer process. Staff is supportive of this unique approach for allowing a larger guest home since the increase in density requires a density transfer of one single-family dwelling to the site, and the lot cannot be conveyed separately from the adjacent primary home.

The owner also desires to have a caretaker and maintenance facility and equestrian stable located by the recently built bridge on Tract 387-1. The development is also seeking approval for equestrian stables on Tract 387-1 and a small pasture area on Tract 387-4. The workforce housing and equestrian uses will necessitate future conditional use permit applications based on the proposed Full Use Active Open Space zoning.

A pending amendment to the CDC establishes the following key policies for the Town Council's consideration:

17.3.4(F)(4)

1. **Further Subdivision Limited.** A single-family lot may be further subdivided and additional density may be transferred onto a single-family lot by the Rezoning Process in limited situations only if:
 - a. The density is currently permitted on a lot; or
 - b. The Comprehensive Plan envisions higher density; or
 - c. A PUD is approved pursuant to the PUD Regulations; or
 - d. The Town Council determines that the rezoning is exceptional and meets conditions to mitigate the upzoning, such as but not limited to clustered development, the provision of additional open space, or other community benefits; and.
 - e. The rezoning is compatible and fits with surrounding area development.

The applicant is proposing the rezoning dues to the following exceptional considerations:

1. Clustered development with 83% open space.
2. Forestry management/fire mitigation across the whole 59 acres.
3. Construction of workforce housing.
4. Reconstruction of a new water line, which will replace the existing, failing waterline, for the town. As part of this work, the applicant will assist the town in placing a conduit in the trench which would enable the town to extend other utility services to the Ski Ranches, such as Mountain Village Cable Television and potentially broadband internet.

The Town approved and the owner has constructed a bridge across the ski run to the currently platted lots. The owner has also been working on implementing a forest management plan for the property. In addition, the owner has been working with the Town on designing and planning the first driveway segment from the bridge leading to the proposed single-family lots, with a Design Review Process application pending.

The property owner has reached an agreement with Ski Ranches to relocate a trail route through the property that provides access to trails heading east and southeast from the property. The current trail is the route for a water and gas line that the owner has agreed to relocate, with the Town and Source Gas working closely with the applicant's team on plans.

DRB Review

The DRB conducted a conceptual worksession on the proposal on May 7th, and provided the following general, non-binding direction:

1. Provide a forested buffer to the Marmot Ski Run for development on Tract 387-1.
2. Provide conceptual plan for Tract 387-1 to ensure all uses fit and are not crammed onto the site.
3. Explore covenant or other legal instrument that ties all open space tracts to the single-family lots to ensure they cannot be sold off separately.
4. Explore trailhead parking on the easterly side of the access bridge on Access Tract A1-F26 or other locations in the area for public to access the trail running up the Marmot Ski Run (Old Wagon Road).

RECOMMENDATION

Staff is very supportive of the rezoning because we believe it provides for the community benefits outlined above, while also being very compatible with surrounding area development. Staff recommends that the Town Council provide general comments and direction on the proposal. As outlined in CDC Section 17.4.6.E, any comments or general direction by the Council shall not be considered binding or represent any promises, warranties, guarantees and/or approvals in any manner or form. A conceptual worksession shall not be construed as a comprehensive review of the proposal under discussion, and as such, additional issues and/or concerns will most likely arise as part of the formal development review process.

CONCEPTUAL WORKSESSION REPLAT/REZONE/DENSITY TRANSFER

NARRATIVE

April 20, 2015

Owner: Yellow Brick Road CO LLC

YBR Property: Lots 376RA, 387R and Access Tract A-376R

The Owner has requested that the Town schedule a worksession with the Town Design Review Board (DRB) and the Town Council to review and provide guidance on certain development plans being proposed by on the YBR Property. Of particular note, the Owner plans to submit a formal application with the Town seeking to replat/rezone and transfer density to the YBR Property to accommodate certain single-family development and related uses and activities as outlined in this narrative. This narrative describes the Owner's proposed development goals and objectives to be discussed by the Town as part of the requested worksession.

A draft of a Replatting and Rezoning map for the YBR Property consistent with development plan outlined in this Narrative is being submitted with the worksession application. In addition, an existing conditions map is likewise being submitted with the worksession application.

YBR Property Description

The YBR Property is located along the southwesterly edge of the Mountain Village, adjoining the Marmot ski run to the east, the Telluride Ski Ranches subdivision (located outside of the municipal boundaries of the Town and within the unincorporated boundaries of San Miguel County) to the west, USFS land to the south and Lot 388, Mountain Village to the north. A vicinity map is appended as Exhibit "A".¹

The YBR Property cumulatively consists of approximately 59.774 acres (mol) and is currently platted as follows:

- Lot 376RA (15.04 acres and zoned for single-family residential)
- Lot 387R (44.449 acres and zoned for single-family residential)
- Access Tract A-376R (0.285 acres)

The YBR Property is heavily forested. A Forest Management Plan has been prepared for the YBR Property and was reviewed and accepted by the Town. The Forest Management Plan is being implemented by the Owner and will take several seasons to complete.

¹ The YBR Property was not part of the originally platted boundaries of the Mountain Village. The Telluride Company acquired certain lands from the USFS as part of a land exchange that was completed in the early 1990's. The acquired property was subsequently annexed into the Mountain Village and platted as four large lots, including the two lots that constitute the YBR Property and Lots 388 and 420R to the north. At the time that the USFS land exchange was being completed and its development in the Mountain Village was being considered, to address concerns introduced by the Ski Ranches and the Goodman family (owners of a lot in the Ski Ranches), The Telluride Company, the Ski Ranches and the Goodman family entered into an agreement establishing certain use restrictions on portions of the YBR Property ("**Ski Ranches/Goodman Agreement**"). The Ski Ranches/Goodman Agreement also established certain usage rights for certain recreational trails on the YBR Property. At the outset the Owner wishes to acknowledge the use restrictions established in the Ski Ranches/Goodman Agreement and confirm that the proposed development of the YBR Property conforms to those restrictions.

The topography of the YBR Property experiences a variety of undulations, with a high point in its southerly portion and along both sides of the Skunk Creek riparian area, which runs in a north/south alignment generally in the westerly half of the YBR Property. An area of wetlands is located along a portion of the middle easterly edge of the YBR Property near the access bridge.

The YBR Property is currently unimproved, although a certain existing road/trail is present on the YBR Property, which accommodates an existing waterline and gasline for the benefit of the Telluride Ski Ranches and crosses a portion of the YBR Property in an east-west direction. The waterline road/trail also accommodates certain private recreational uses (hiking, biking, equestrian, cross-country skiing) by members of the Telluride Ski Ranches and Goodman Family, consistent with easement agreements between the parties that were contained in the Ski Ranches/Goodman Agreement. A recent modification to the Ski Ranches/Goodman Agreement allows Yellow Brick to relocate the trail. The existing and relocated waterline/gasline/Goodman-Ski Ranch trail is being accounted for in the Owner’s development plans for the YBR Property.

Development Goals/Objectives

The YBR Property is currently platted as two lots and zoned single-family residential. As currently platted and zoned, the Owner has the right to develop a main residence, an accessory dwelling unit (up to 1500 sf) and accessory buildings and structures on each of the two lots, as the same are allowed by the Mountain Village Community Development Code (CDC). Development of these improvements would be accessed from Rocky Road, over Access Tract A1-F26 and access easement AE-376. The Owner constructed an access bridge within access easement AE-376 to serve the YBR Property last year. The Owner will construct an internal access road to serve its allowable development. Utilities will be extended to the YBR Property from various corridors adjacent to the YBR Property.

The Owner seeks to cluster its development activities within the southeasterly portion of the YBR Property. The remainder of the YBR Property will be platted and zoned as private open space parcels in the areas that development is not occurring.

Proposed Land Uses and Activities

The particular land use activities proposed by the Owner are as follows:

- Re-subdividing the YBR Property into a total of three single-family lots, an access tract and a series of open space parcels
- Providing for the construction of a total of three main residential structures and one Accessory/Guest House
- Constructing a pod near that entry to the YBR Property that would accommodate a Workforce Housing Unit, secured entry area and equipment/vehicle storage structure
- Constructing a private equestrian stable for use by the Owner and guests

The proposed land use allocation/break down of the YBR Property contemplated by the Owner in its development plan is as follows:

Land Use	Acreage	Percentage of Yellow Brick Road YBR Property
Access Tract for shared driveway	5.57	9.33%
Active Open Space Parcel	10.01	16.76%
Passive Open Space Parcel	34.31	57.44%
Residential Lots	9.84	16.46%

As noted, less than 10% of the YBR Property would be allocated to residential development. About 6% for a shared road and utility corridor and the balance allocated to open space. 74% of the YBR Property will be placed in open space. 57% of the YBR Property will be zoned as passive open space. The low density, clustered development will result in compatible development for the uses and activities occurring in the area.

The clustering will reduce the overall impact of development on the YBR Property, by creating the need for only one corridor for a shared driveway and one corridor for shared utilities. Areas proposed for development will be located away from important environmental zones. The Owner is placing the Skunk Creek riparian area, certain wetland areas and other wildlife corridors into undeveloped Passive Open Space.

Implementation - Replatting/Rezoning/Density Transfer. To authorize these land uses, the Owner proposes to proceed with a replat/rezone/density transfer application for the YBR Property, which is a two-step process, with a review/recommendation by the Design Review Board and an action/decision by Town Council, both at noticed, public meetings.

- **General Provisions**

- The Owner seeks to replat the two existing lots into a series of three smaller residential lots, an access tract and various privately owned open space parcels. A draft of a Replatting and Rezoning map is being submitted with the worksession application illustrating this proposed division of land.
- As described above and depicted on the Replatting and Rezoning map, development would be concentrated within the southeasterly portion of the YBR Property.
- Within this southeasterly quadrant of the YBR Property, the residential development would generally occur in two pods, one is referred to as the “upper area” and the other is referred to as the “lower peninsula area”

- **Development within Upper Area**

- Within the upper area, the Owner proposes to create two residential lots (namely Lot 387R-A and Lot 387R-B). One lot (Lot 387R-A) will accommodate a main residential structure and the other lot (Lot 387R-B) would accommodate a second residence that would effectively serve as a supporting residence subordinate in size to the main residence on Lot 387R-A but important in location, use and functionality to the main residence. Since this supporting residence is larger than the 1500 sf lot that is allowed for an accessory dwelling unit under the CDC, the Owner is proposing to: (i) plat a separate lot, which would be zoned single-family residential and (ii) buy and transfer a single-family density right to support its platting and zoning. Lot 387R-A and Lot 387R-B would each be zoned single-family residential. The area for both Lot 387R-A and Lot 387R-B is shown on the draft Platting/Zoning Plan for the YBR Property. This area contains approximately 7.50 acres. The Owner is still working on finalizing the siting for residences in this area, so the final lot boundaries, dimensions and size will need to be established with the filing of Owner’s formal application for replat/rezone/density transfer. These lots would be of varying shapes and sizes to be determined, but probably in the range of about 3-4 acres.
- In recognition of overall massing concerns that could occur with this replatting, the Owner is proposing a series of restrictions, which would be placed on namely Lot 387R-

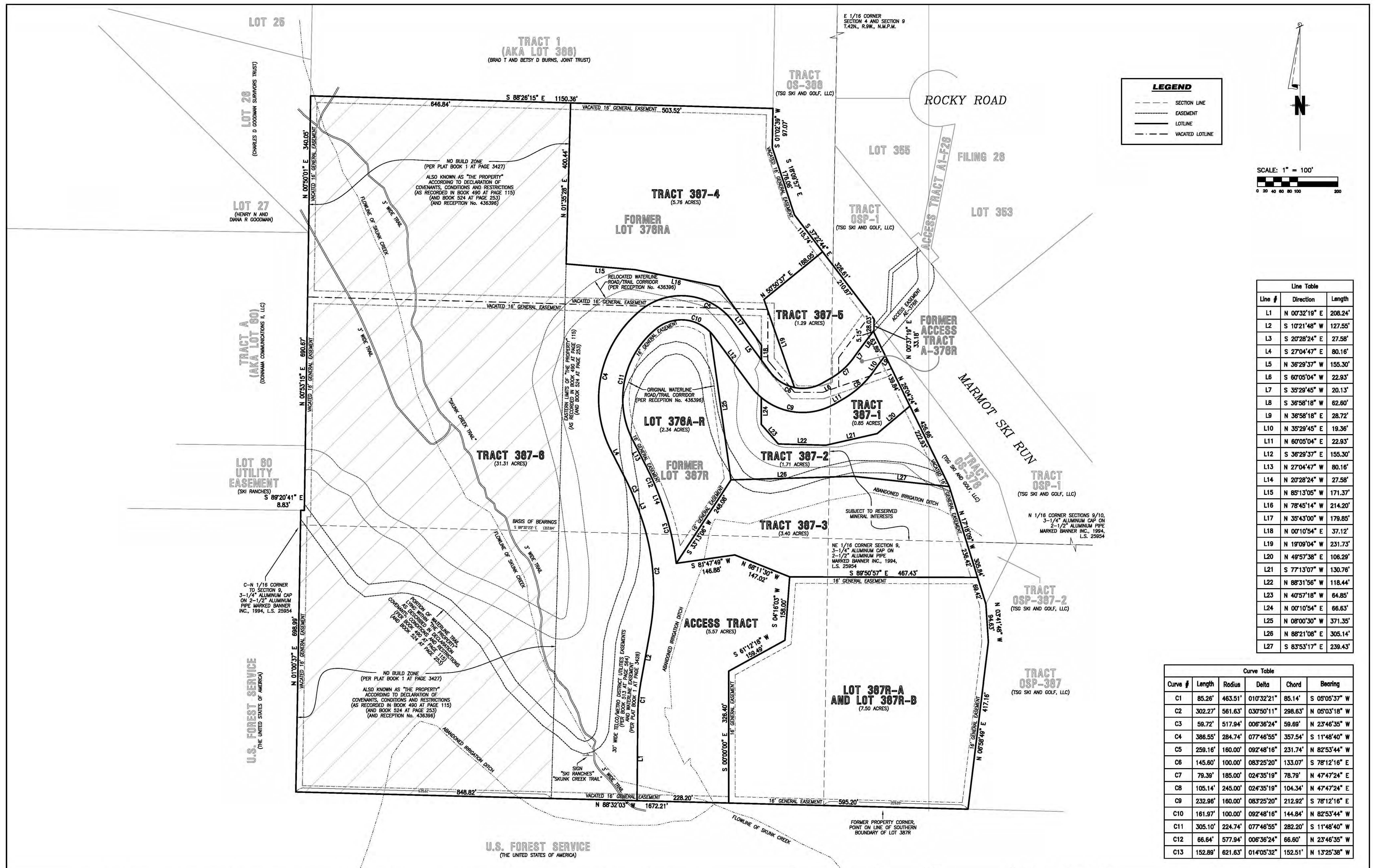
A and Lot 387R-B, which would be enforceable by and would run to the benefit of the Town.

- Lot 387R-A and Lot 387R-B would be required to be owned together and could not be separately owned or conveyed.
 - Lot 387R-A would be restricted to only a main residence, an Accessory Dwelling/Guest House would not be allowed on Lot 387R-A
 - The supporting residence on Lot 387R-B would be restricted to a maximum size not to exceed 5000 sf of livable space. No other residence would be allowed to be constructed on Lot 387R-B. The Owner has acquired a single-family density unit from an owner in the density bank, which will be included on and applied to Lot 387R-B as part of a replat/rezone/density transfer application.
- **Development Within The Lower Peninsula Area.** Within the lower peninsula area, the Owner proposes to create one lot, namely Lot 376R-AR, which would accommodate a main residence and typical an Accessory/Guest House. Lot 376R-AR would contain 2.34 acres. Lot 376R-AR would be zoned single-family residential. The Owner does not envision constructing the main residence on Lot 376R-AR at this time, rather, the focus of the development would be a small cabin that would not exceed the 1500 sf maximum size allowed by the CDC.
 - **Access Tracts.** The Owner will plat an Access Tract connecting the newly constructed bridge to each of the lots, insuring that each lot will have frontage on and access to the Access Tract. A shared driveway serving all development contemplated on the YBR Property will be located within the Access Tract.
 - **Open Space Parcels.**
 - Within the southeasterly portion of the YBR Property where the upper and lower residential pods have been identified, the Owner will plat three open space parcels, namely Tract OS 387-1, Tract OS 387-2 and Tract OS 387-3.
 - Tract OS 387-1 and Tract OS 387-3 would be zoned Full Use Active Open Space to allow the placement of a workforce housing unit to house an onsite employee of Owner,² a maintenance/equipment structure and a modest private equestrian boarding facility to accommodate horses of the Owner. A tubing hill is also contemplated on these parcels. The Owner would place a covenant on the YBR Property running to the benefit of the Town, which would preclude these parcels from being used for other more expansive uses that are otherwise allowed in the Full Use Active Open Space zone. The CDC requires that the Owner apply for and obtain a Conditional Use Permit to allow the placement, use and operation of a workforce housing unit and the equestrian operation on Tract OS 387-1 and Tract OS 387-3. These applications would either be run simultaneously with the replat/rezone/density transfer or follow thereafter, depending on design and siting considerations of the workforce housing unit, maintenance/equipment structure and equestrian boarding facility. A Conditional Use Permit is a two-step review process by the DRB and Town Council following notice and a public hearing.
 - Tract OS 387-2 would be zoned as Passive Open Space and would accommodate the relocated Goodman/Ski Ranch Trail and portions of the relocated waterline and gasline.

² The Owner would own the Workforce Housing Unit and lease it to its full time employee. Owner understands that it will need to seek an exemption to the Town's Workforce Housing regulations to be able to own and lease the unit as described.

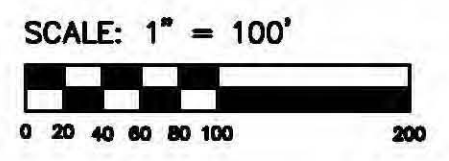
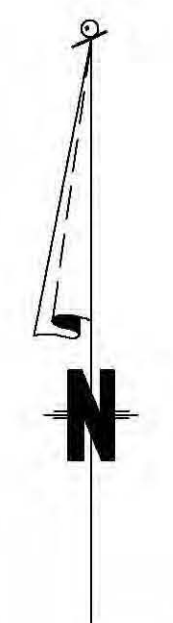
- The Owner will plat Tract OS 387-4 in an area to the north of the development area, which adjoins Tract OS 387-1 and the equestrian stabling area. Tract OS 387-4 will serve as a pasturing area for the Owner's horses and will require the need for the placement of wildlife friendly fencing to contain the area. Because this usage requires the same zoning designation that would accommodate the equestrian stabling area, Tract OS 387-4 will be zoned Full Use Active Open Space, but will be subjected to the same covenants proposed for similarly zoned Tract OS 387-1 and Tract OS 387-3
- The balance of the YBR Property, some 32.5 acres, will be platted as Tract OS 387-5 and Tract OS 387-6 and will zoned Passive Open Space. Portions of Tract OS 387-5 and Tract OS 387-6 will accommodate the balance of the relocated Goodman/Ski Ranch Trail and portions of the relocated waterline and gasoline. It is contemplated that of Tract OS 387-5 and Tract OS 387-6 will largely undisturbed, other than for forest management, underground utilities and private recreational trails.
- **Justification for the Rezoning/Density Transfer.**
 - The platting/zoning plan will result in the creation and placement of some 44 acres of land (mol) as open space, which is roughly 70% of the YBR Property. The portions of the newly created open space parcels that will be platted as passive open space embrace important environmental areas such as the Skunk Creek riparian area, wetland areas located on the YBR Property and wildlife corridors that align with these riparian areas.
 - The designation of these open space parcels for Passive Open Space likewise conforms to the use covenants provided for in the Ski Ranches/Goodman Agreement.
 - The clustering will concentrate development of the 60 acre YBR Property holdings into a designated area and reduce overall impacts associated with development to much smaller portion of the YBR Property. The clustering will enable the construction of one shared road serving the development, thus eliminating the need for multiple road corridors and utility corridors. This will reduce the overall need for clearing/grading and tree removal
 - Owner has generated a table showing the size of nearby platted lots in the Mountain Village, see attached **Exhibit "B"**. The average size of these nearby lots is 1.33 acres, with two larger lots, namely Lot 351 being 2.675 acres and Lot 352R, which is a replat of Lots 348 and 352 being larger at 5.8 acres. As such, the lots being proposed for the YBR Property are in keeping with the scale of other platted residential lots in the Mountain Village. Lot 388 to the north was platted and annexed into the Town with the YBR Property, contains 39.317 acres. Lot 388 and the YBR Property were part of the same land exchange in the early 1990's that was completed by The Telluride Company with the USFS. Four large lots were platted and annexed into the Town at that time.
 - The development includes the construction and use of a workforce housing unit, which would be occupied by employees of the Owner.
 - The implementation of the Forest Management Plan for the YBR Property, which undertaking will greatly exceed the requirements and expectations by the Town under the provisions of the CDC which govern forest management. The implementation of the plan will substantially improve the overall health of the forest and greatly reduce fire hazards at this important location at the edge of the Mountain Village.

The Owner looks forward to presenting this information to the Town Council and DRB during the worksession.



LEGEND

- SECTION LINE
- - - EASEMENT
- LOTLINE
- - - VACATED LOTLINE



Line Table

Line #	Direction	Length
L1	N 00°32'19" E	208.24'
L2	S 10°21'48" W	127.55'
L3	S 20°28'24" E	27.58'
L4	S 27°04'47" E	80.16'
L5	N 36°29'37" W	155.30'
L6	S 60°05'04" W	22.93'
L7	S 35°29'45" W	20.13'
L8	S 36°58'18" W	62.60'
L9	N 36°58'18" E	28.72'
L10	N 35°29'45" E	19.36'
L11	N 60°05'04" E	22.93'
L12	S 36°29'37" E	155.30'
L13	N 27°04'47" W	80.16'
L14	N 20°28'24" W	27.58'
L15	N 85°13'05" W	171.37'
L16	N 78°45'14" W	214.20'
L17	N 35°43'00" W	179.85'
L18	N 00°10'54" E	37.12'
L19	N 19°09'04" W	231.73'
L20	N 49°57'38" E	106.29'
L21	S 77°13'07" W	130.76'
L22	N 88°31'56" W	118.44'
L23	N 40°57'18" W	64.85'
L24	N 00°10'54" E	66.63'
L25	N 08°00'30" W	371.35'
L26	N 88°21'08" E	305.14'
L27	S 83°53'17" E	239.43'

Curve Table

Curve #	Length	Radius	Delta	Chord	Bearing
C1	85.26'	463.51'	010°32'21"	85.14'	S 05°05'37" W
C2	302.27'	561.63'	030°50'11"	298.63'	N 05°03'18" W
C3	59.72'	517.94'	006°36'24"	59.69'	N 23°46'35" W
C4	386.55'	284.74'	077°46'55"	357.54'	S 11°48'40" W
C5	259.16'	160.00'	092°48'16"	231.74'	N 82°53'44" W
C6	145.60'	100.00'	083°25'20"	133.07'	S 78°12'16" E
C7	79.39'	185.00'	024°35'19"	78.79'	N 47°47'24" E
C8	105.14'	245.00'	024°35'19"	104.34'	N 47°47'24" E
C9	232.96'	160.00'	083°25'20"	212.92'	S 78°12'16" E
C10	161.97'	100.00'	092°48'16"	144.84'	N 82°53'44" W
C11	305.10'	224.74'	077°46'55"	282.20'	S 11°48'40" W
C12	66.64'	577.94'	006°36'24"	66.60'	N 23°46'35" W
C13	152.89'	621.63'	014°05'32"	152.51'	N 13°25'38" W

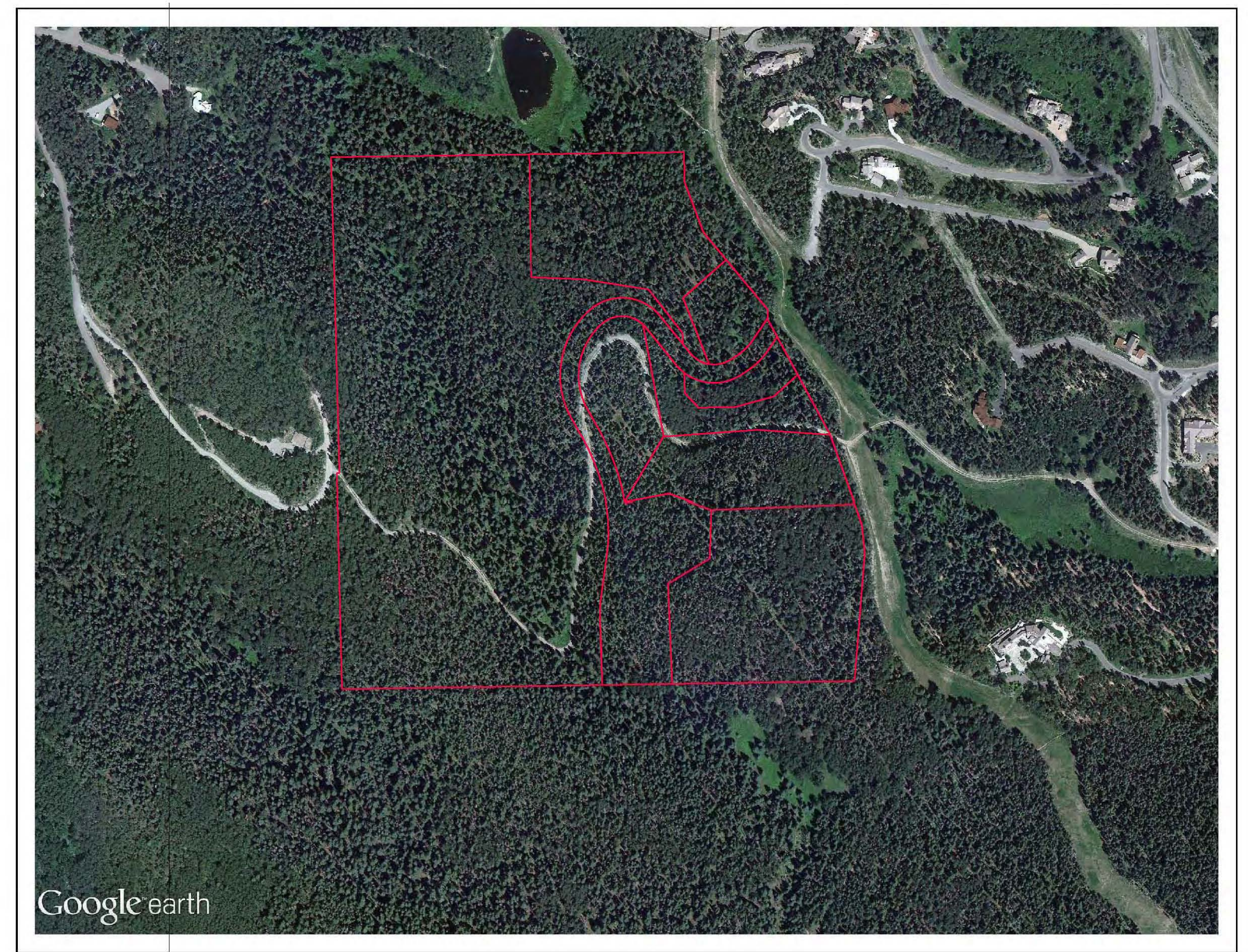
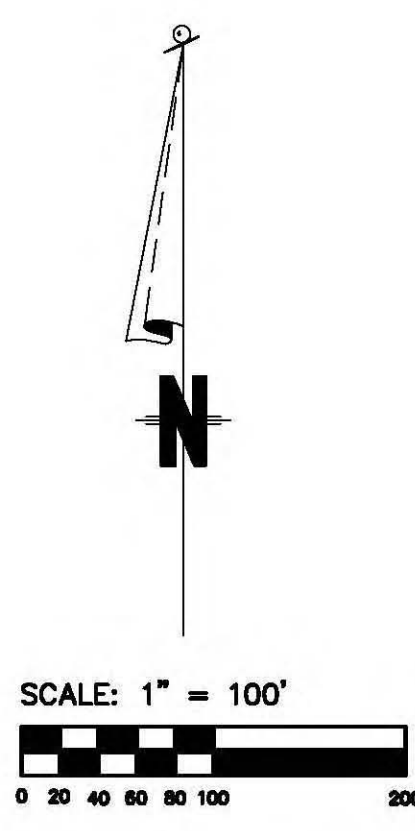
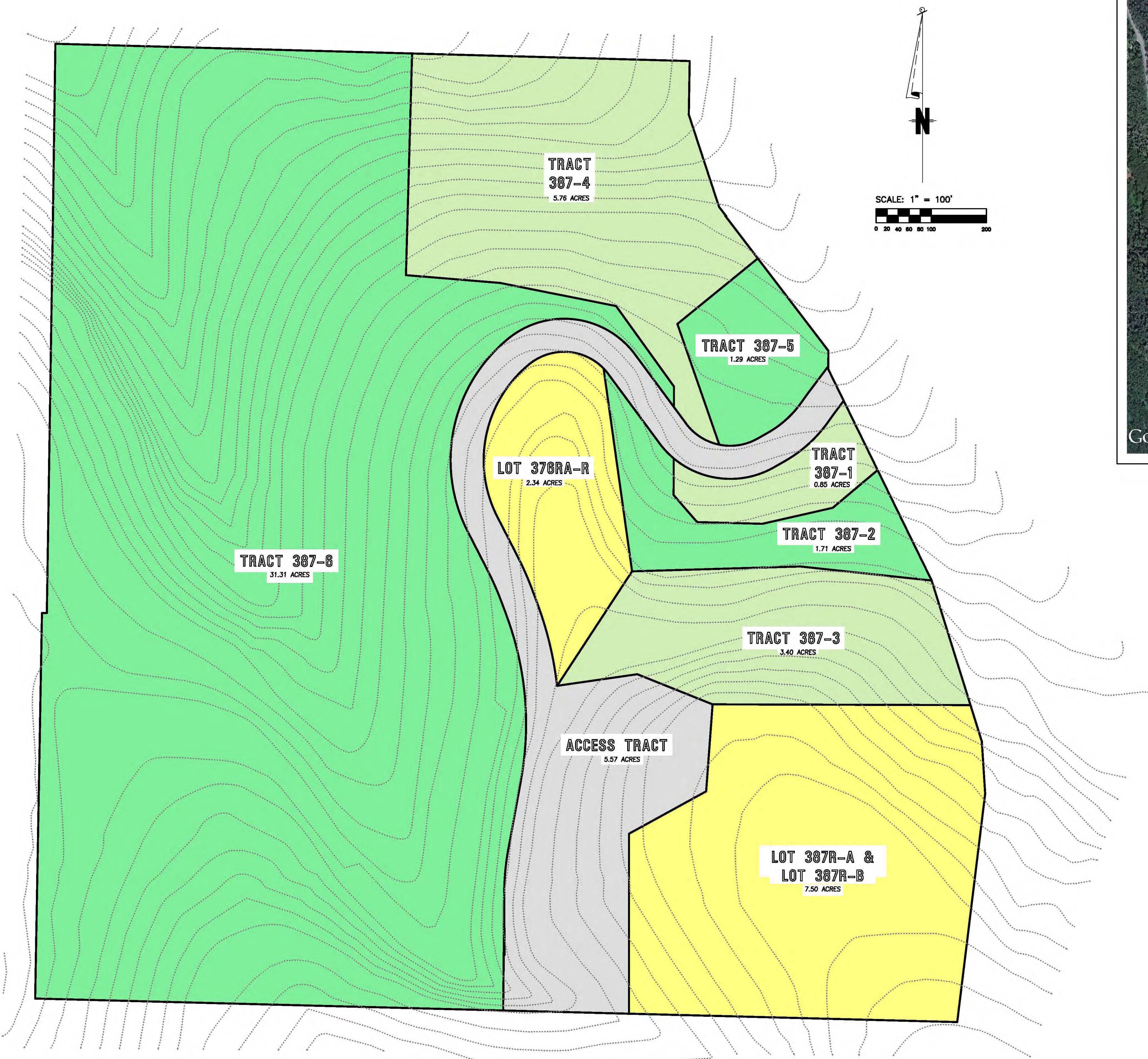
DRAFT Replat of Lot 376R, Lot 387R, and Access Tract A-376R, Town of Mountain Village, situated in the NE 1/4 of Section 9, T.42N., R.9W., N.M.P.M, San Miguel County, Colorado.

Project Mgr:	DB
Technician:	MC
Checked by:	
Start date:	04/08/2015



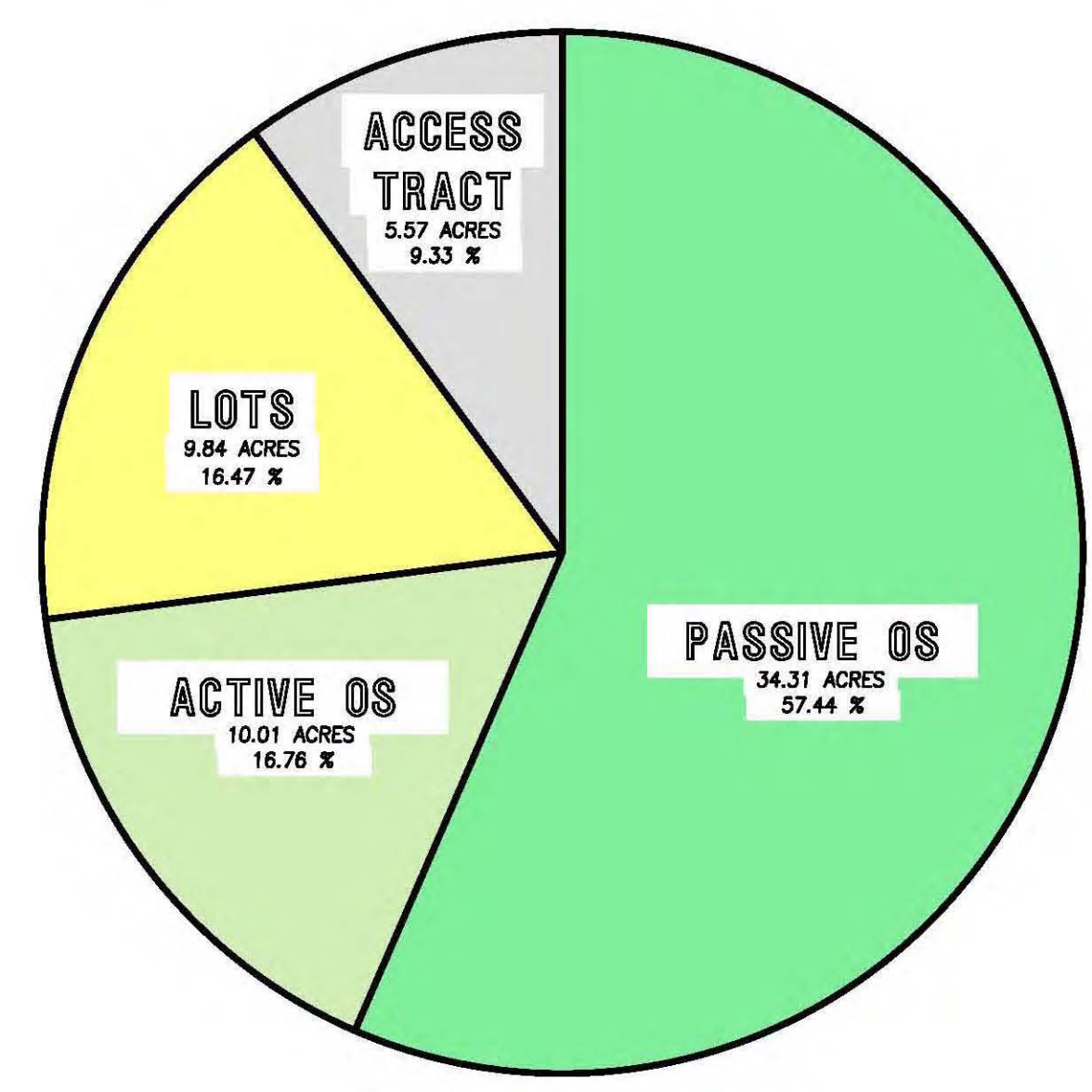
970-728-6153 970-728-6050 fax
 P.O. BOX 1385
 125 W. PACIFIC, SUITE B-1
 TELLURIDE, COLORADO 81435

Drawing path: dws\Replat 4-15\REPLAT 04-15.dwg Sheet2 of 2 Project #: 95155



YBR REPLAT VICINITY

YBR REPLAT LAND USE SUMMARY

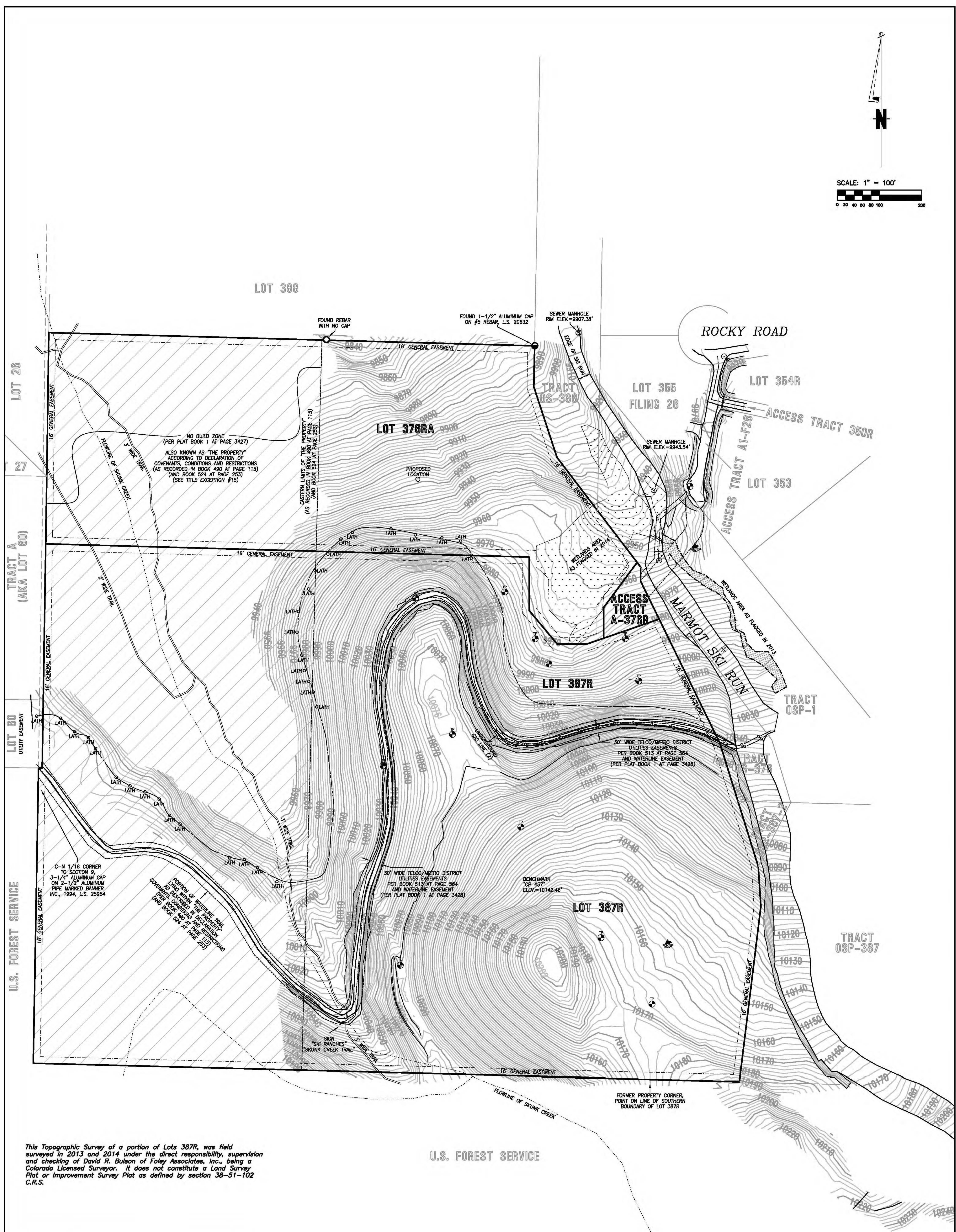
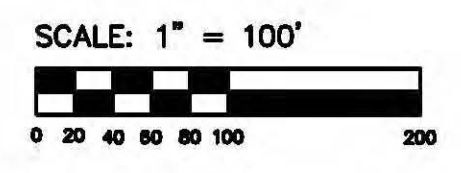
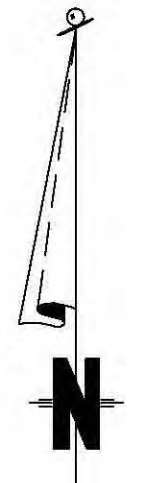


ZONING OVERLAY FOR THE REPLAT OF LOT 376RA, LOT 387R AND ACCESS TRACT A-376R, TOWN OF MOUNTAIN VILLAGE, SITUATED IN THE NE 1/4 OF SECTION 9, T.42N., R.9W., N.M.P.M., COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Rev.	description	date	by



970-728-6153 970-728-6050 fax
 P.O. BOX 1385
 125 W. PACIFIC, SUITE B-1
 TELLURIDE, COLORADO 81435



This Topographic Survey of a portion of Lots 387R, was field surveyed in 2013 and 2014 under the direct responsibility, supervision and checking of David R. Bulson of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

P.L.S. NO. 37662 _____ Date _____

- NOTES:**
1. This survey does not constitute a title search by Foley Associates, Inc. to determine the ownership of this property or easements of record.
 2. Benchmark: CP 457, being an 8" spike driven flush with the ground having an elevation of 10142.46 feet.
 3. Contour interval is 2 feet.
 4. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Topographic Survey
a portion of Lots 387R and 376RA and surrounding areas,
Town of Mountain Village, San Miguel County, Colorado.

Project Mgr:	DB	Rev.	description	date	by
Technician:	MC				
Checked by:					
Start date:	11/2013				



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item #15

TO: Town Council
FROM: Chris Hawkins, Director of Community Development
FOR: Meeting of May 21, 2015
DATE: May 14, 2015

RE: First Reading, Setting of Public Hearing and Council Vote for a Major PUD amendment to allow for: (A) the combination of a maximum of nine (9) lodge units to be rezoned into five (5) condominiums; (B) five (5) hotel condominiums to be rezoned as lodge units; (C) the combination of seven (7) condominium units into three (3) condominium units; and (D) a density transfer as needed to accomplish the foregoing.

PROJECT GEOGRAPHY

Legal Description: Lot 38-50-51R and OS-1-MVB, Mountain Village Filing No. 1
Address: 568 Mountain Village Blvd.
Applicant/Agent: Dylan Henderson
Owner: Madeline Property Owner, LLC, dba Northview Hotel Group
Zoning: Village Center Zone District
Existing Use: Mixed Use Development
Proposed Use: Outlined in Memo
Adjacent Land Uses:
➤ **North:** Franz Klammer Lodge
➤ **South:** Meadows Ski Run & Granita
➤ **East:** Plaza Condos and Columbia Condos
➤ **West:** Courcheval & Heritage Parking Garage Entry
Lot Size:
➤ OS-1-MVB: 0.092 acre (3,996 sq. ft.)
➤ Lot 38-50-51R: 1.892 acres

ATTACHMENTS

1. Exhibit A. Applicant Narrative and Plans

RECORD DOCUMENTS

- Town of Mountain Village Community Development Code (as amended)
- Town of Mountain Village Home Rule Charter (as amended)
- Design Review Application as maintained by the Community Development Department.

BACKGROUND

The applicant is proposing a PUD amendment to allow for the combination of units as follows:

Existing Condo Unit Number	Hotel Unit Number	Existing Designation	Existing Person Equivalent Density	Proposed Unit Number	Proposed Designation	Proposed Person Equivalent Density
RC-403	1403	Lodge	0.75	1404	Condominium	3
RC-404	1404	Lodge	0.75			
RC-405	1405	Lodge	0.75	1405	Condominium	3
RC-406	1406	Lodge	0.75			
RC-407	1407	Lodge	0.75	1407	Condominium	3
RC-408	1408	Lodge	0.75			
RC-502	1502	Lodge	0.75	1502	Condominium	3
RC-503	1503	Condominium	3	1503	Condominium	3
RC-504	1504	Lodge	0.75	1504	Condominium	3
RC-505	1505	Lodge	0.75	1505	Lodge	0.75
RC-506	1508	Eff. Lodge	0.5			
HC-329	328	Eff. Lodge	0.5	HC-329	Lodge	0.75
HC-419	419	Eff. Lodge	0.5	HC-419	Lodge	0.75
HC-518	520	Eff. Lodge	0.5	HC-518	Lodge	0.75
HC-519	519	Eff. Lodge	0.5	HC-519	Lodge	0.75
HC-521	525	Eff. Lodge	0.5	HC-521	Lodge	0.75
Total Density			12.75			22.5
Density to Transfer			9.75			
Total Units		16			12	

The proposal is to convert the 16 units into 12 units as outlined above due to poor architectural design and due to the fact that two and three bedroom units have an approximate 10% higher occupancy rate than one-bedroom units. The applicant is also seeking to clean up a situation where five efficiency lodge units were designed and constructed as two room spaces, which is a lodge unit per the following definitions of the Community Development Code (CDC):

Efficiency Lodge: A zoning designation that allows for a habitable, one-room space with separate bath and limited kitchen facilities used primarily for short-term accommodations. Limited kitchen facilities may include a sink, microwave, two-element burner, and six (6) cubic foot (maximum) refrigerator. These units may be in a condominium community.

Lodge: A zoning designation that allows for a two (2) room space plus a mezzanine with up to two separate baths and a full kitchen. These units may be in a condominium community.

Thus the PUD amendment is allowing for the future conversion of five efficiency lodge units to five lodge units for the Hotel-Condominium (HC) units as outlined in the table above. It is very important to note that the hotel deed restriction will remain on these five units when the owner converts them to lodge units.

The proposed unit combinations results in the need to transfer 9.75 person equivalents of density. The applicant is proposing that the density be transferred from either (1) an allowance to combine up to seven condominium units on the top floor of the 50-51 Building into three

condominiums (a decrease of 12 person equivalents); or (2) a density transfer from the density bank. Staff is supportive of this approach since it provides the Madeline Hotel with flexibility and options, with the revised PUD agreement requiring a minor amendment to reflect the final density transfer and any on-site unit combinations.

The PUD agreement will specify the conditions and procedures to combine and convert units for the future unit reconfigurations and to convert the efficiency lodge hotel condominiums to lodge units such as:

1. A condition to obtain a building permit to combine units;
2. A condition to amend the condo map to combine units;
3. A condition to submit a minor PUD amendment to revise the density permitted by the PUD based on either a combination of up to seven condo units into three condos or by transferring density from the density bank.
4. For the conversion of the efficiency lodge hotel condominiums to lodge hotel condominiums, the need to transfer density by combining the seven condo units or by transferring density from the density bank.

The specific conditions and procedures will be outlined in a new amended and restated PUD development agreement that will be presented to the Council at the second reading and public hearing.

The PUD amendment is also seeking to vary the following CDC limitation in Section 17.4.9(E)(7)(f):

“Lodge, efficiency lodge, hotel and hotel efficiency zoning designations may not be rezoned to condominium zoning designations.”

Staff believes this CDC provision was established to prevent the loss of hotbed units over time. The PUD Regulations allow for the creation of unique policies for a site to allow for creativity and flexibility in development. Staff is supportive of this change since it appears that most of the proposed condominium units will be placed in the Madeline Hotel’s rental pool, with several of the non-hotel deed restricted units that have been purchased within the property placed into the rental program even though there is no legal requirement. Moreover, several of the units are poorly designed and would create a negative guest experience if they are not allowed to combine the units. Last, the unit combinations allow the applicant to create attractive, functional units that can be better marketed and sold.

DRB Recommendation

The DRB passed a motion recommending the Town Council approve the PUD amendment with the following conditions:

1. The PUD agreement will be amended to require density to be transferred from either within the property or from the density bank, with minor PUD amendment development applications in the future to account for unit combinations and density transfers.
2. The PUD agreement will allow for the conversion of lodge and efficiency lodge units only in the Lot 38 Building to condominium units in order to create attractive, functional and higher occupancy units.
3. The PUD agreement will allow for the combination of only the condominium units only on the top floor of the Lot 50-51 Building.

4. The PUD agreement will require the Town to be notified of a proposed unit combination and the associated, required density transfer prior to or concurrent with the required building permits.
5. Unit combinations shall require an amendment to the condo map and declaration prior to the issuance of a certificate of completion for such combinations.
6. The hotel deed restriction shall remain in place for the five (5) efficiency lodge units that are allowed to be converted to lodge units.
7. The length of validity to reconfigure rooms and convert the five (5) efficiency lodge units shall be five (5) years.

Staff did not raise the community benefit matter with the DRB since it typically does not weigh in on such matters for PUDs and rezoning applications.

CRITERIA FOR DECISION

The criteria for decision for a PUD amendment are the same as for the creation of a PUD:

1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;
2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;
3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;
4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
5. The PUD meets the PUD general standards;
6. The PUD provides adequate community benefits;
7. Adequate public facilities and services are or will be available to serve the intended land uses;
8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

MAJOR PUD AMENDMENT ANALYSIS

The applicant is not proposing an additional community benefit for the PUD amendment, so staff does not believe that the PUD is providing adequate community benefits. PUDs are created as a balance between the variations sought and the community benefits proffered, with the goal to create proportional variations and community benefits.

Staff informed the applicant that shading the other half of the Reflection Plaza ice rink would provide a good public benefit in exchange for the variations and unit combinations sought. The recent PUD amendment approval for the porte cochere addition included a condition to shade one-half the ice rink since, at that time, staff believed that would allow for the operation of the ice rink through March. Since then, Staff determined that full shading of the ice rink is needed to allow for ice skating until the end of March. Thus, staff proposed that the applicant consider full shading as the community benefit for this PUD amendment. The cost for shading one-half of the ice rink is estimated to not exceed \$110,000 so the cost for full shading would not exceed \$220,000.

The applicant would like to discuss the community benefit with the Town Council for the following reasons:

1. The conversion of the five efficiency lodge hotel condos to lodge condos is to match how these units were approved to be constructed by the Town, so this is not a benefit to the developer.
2. The combined lodge units into condominiums make for a more complementary guest experience to match the four diamond rating required on the property, with the applicant indicating that this creates a mutual benefit to the Town and the Madeline Hotel due to better experience, higher occupancy, etc.

Staff concurs that the unit combinations of the lodge units will have mutual benefits, however, the combination of the seven condos into three condos is only a benefit to the owner with such units likely cold bed units. In addition, the unit combinations will create more attractive and marketable units that can be sold for a higher value, thus providing the applicant with a significant financial benefit. More importantly, staff is very concerned about the precedence of granting a major PUD amendment approval without a normal community benefit. For example, the recent Madeline Hotel major PUD amendment approved a porte cochere and pool addition that provides mutual benefits to the developer and the community. However, several public benefits are required by the current, effective PUD, including the upgrade to the ice chilling system and shading one-half the ice rink. So staff believes that the Council should require a community benefit, with shading the ice rink a good option for consideration.

RECOMMENDATION

Once the Council determines the appropriate community benefit, staff recommends the Town Council approve the first reading of the major PUD amendment with the following motion:

"I move to approve the first reading of an ordinance for a major PUD amendment to the Madeline Hotel PUD, with the following community benefits to be included in the new PUD agreement _____, with direction to the Town Clerk to set the public hearing on June 25, 2015.

ORDINANCE NO. 2015-__

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A MAJOR PUD AMENDMENT TO ALLOW FOR: (A) THE
COMBINATION OF A MAXIMUM OF NINE (9) LODGE UNITS TO BE REZONED INTO
FIVE (5) CONDOMINIUMS; (B) FIVE (5) HOTEL CONDOMINIUMS TO BE REZONED AS
LODGE UNITS; (C) THE COMBINATION OF SEVEN (7) CONDOMINIUM UNITS INTO
THREE (3) CONDOMINIUM UNITS; AND (D) A DENSITY TRANSFER AS NEEDED TO
ACCOMPLISH THE FOREGOING ON LOT 38-50-51R**

RECITALS

- A. Madeline Property Owner, LLC, (“**Owner**”) has submitted to the Town a detailed Major Planned Unit Development Amendment development application (“**Application**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. The Owner owns at least sixty seven percent (67%) of the Property which allows the Owner to apply for an amendment to the Lot 38-50-51R PUD.
- C. The Owner received approval for a Planned Unit Development Plan from the Town on March 18, 2004 by Resolution No. 2004-0318-02 recorded at Reception No. 366172 in the records of the San Miguel County Clerk and Recorder (“**Public Records**”) as amended by Resolution No. 2005-1108-27 recorded at Reception No. 379630 in the Public Records as memorialize in the Development Agreement for Lots 50 and 51 Mixed Use Development Agreement (the “**Original Development Agreement**”) as recorded at Reception Number 379631 in the Public Records (collectively, the “**Original PUD**”).
- D. The Original PUD was amended by Resolution No. 2006-0227-01 and by the First Amendment to the Original Development Agreement as recorded at Reception Number 384823 in the Public Records (“**First Amendment**”).
- E. The Original PUD was amended by Resolution No. 2006-0613-6A and by the Second Amendment to the Original Development Agreement as recorded at Reception Number 402009 in the Public Records (“**Second Amendment**”).
- F. The Original PUD was amended by a Town Council action at the February 5, 2009 special meeting and by the Third Amendment to the Original Development Agreement as recorded at Reception Number 405663 in the Public Records (“**Third Amendment**”).
- G. The Original PUD was amended by a Town Council action at the May 21, 2009 meeting and by the Fourth Amendment to the Original Development Agreement as recorded at Reception Number 407360 in the Public Records (“**Fourth Amendment**”).
- H. Lot 38 received approvals for the development which currently sits on the location of former Lot 38. Lot 38 was replatted into the Lot 38-50-51R by a replat recorded February 2, 2009 at reception number 405678 in the Official Records (“**Replat**”), which combined Lot 38 with Lots 50/51 into one Lot 38-50-51R. The density and permitted uses on the former area of Lot 38 are set forth in Resolution No. 2001-0814-11 (“**Lot 38 Resolution**”). Lot 38 and the Lot 38 Resolution were formally incorporated into the 38-50-51 PUD by the Ordinance 2015-01 and Amended and Restated Development Agreement, defined below.

- I. The Town approved a rezoning and major PUD amendment for the Property by Ordinance Number 2015-01 as recorded at Reception Number 437365 (“**Ordinance 2015-01**”).
- J. The Owner and Town entered into the First Amended and Restated Development Agreement for Lot 38-50-51R Planned Unit Development as recorded at Reception Number 436898 (“**Amended and Restated Development Agreement**”) that establishes the following density on the Property:

Lot No.	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
38-51-51RR	Condominium	38	3	114
	Efficiency Lodge	102	0.5	51
	Lodge	20	0.75	15
	Employee Condo	10	3	30
	Commercial	Permitted on first floor plaza level spaces and for the spa		

- K. The public hearings referred to below were preceded by notice as required by the CDC Public Hearing Noticing Requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the applicable agendas.
- L. The DRB considered the Application, testimony and public comment and recommended to the Town Council that the Application be approved with conditions pursuant to the requirement of the CDC at a public hearing held on May 7, 2015.
- M. The Town Council considered the Application, testimony and public comment and approved the Application with conditions pursuant to the requirement of the CDC at a public meeting held on May 21, 2015 and at a public hearing held on June 25, 2015.
- N. The Application approval and the Second Amended and Restated PUD Development Agreement attached hereto as Exhibit A (“PUD Development Agreement”) permits unit reconfigurations as follows:

Existing Condo Unit Number	Hotel Unit Number	Existing Designation	Existing Person Equivalent Density	Proposed Unit Number	Proposed Designation	Proposed Person Equivalent Density
RC-403	1403	Lodge	0.75	1404	Condominium	3
RC-404	1404	Lodge	0.75			
RC-405	1405	Lodge	0.75	1405	Condominium	3
RC-406	1406	Lodge	0.75			
RC-407	1407	Lodge	0.75	1407	Condominium	3
RC-408	1408	Lodge	0.75			
RC-502	1502	Lodge	0.75	1502	Condominium	3
RC-503	1503	Condominium	3	1503	Condominium	3
RC-504	1504	Lodge	0.75	1504	Condominium	3
RC-505	1505	Lodge	0.75	1505	Lodge	0.75
RC-506	1508	Eff. Lodge	0.5			
HC-329	328	Eff. Lodge	0.5	HC-329	Lodge	0.75
HC-419	419	Eff. Lodge	0.5	HC-419	Lodge	0.75
HC-518	520	Eff. Lodge	0.5	HC-518	Lodge	0.75
HC-519	519	Eff. Lodge	0.5	HC-519	Lodge	0.75
HC-521	525	Eff. Lodge	0.5	HC-521	Lodge	0.75
Total Density			12.75			22.5
Density to Transfer			9.75			
Total Units		16			12	

- O. The PUD Development Agreement attached hereto in Exhibit A requires density transfers to come from either combining Condominium Units in the 50-51 Building or by transferring density to the Property from the density bank subject to specific procedural process and conditions as set forth in the PUD Development Agreement.
- P. The Town Council approved the Application with the following findings:
1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan because, without limitation:
 - a. The room configuration will create more usable and attractive units that are more likely to be included into the Madeline Hotel rental pool.
 - b. The room reconfigurations will make for a more complimentary guest experience with the four diamond rating required for Madeline Hotel under the PUD.
 - c. The proposed room configurations will infuse vibrancy into the Mountain Village Center.
 2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site because, without limitation:
 - a. The uses are permitted in the Village Center Zone District.
 - b. The proposed rezoning complies with the zoning designations on the Property; the density limitation; platted open space requirements; and lot coverage requirements outlined in the Zoning Regulations.
 - c. The zoning designations on the site are established by the Town's approval of resolutions 2004-0318-02, 2005-1108-27 and 2001-0814-11 and Ordinance 2015-01.

- d. The reclassification of the five (5) hotel-condominium Efficiency Lodge Units to Lodge Units cleans up the zoning designation of these units since the units were originally built with two rooms, thus meeting the appropriate definition of a Lodge Unit.
3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general because, without limitation:
 - a. The current unit configurations in the 38 Building are not rentable or marketable units for a four star rated hotel due to poor layout and design.
 - b. The reconfiguration creates more usable and attractive units that are more likely to be included in the Madeline Hotel rental pool.
 - c. The reconfiguration creates more attractive, usable and marketable units that are more likely to be sold and occupied.
 - d. The PUD amendment is a very creative way to create attractive, usable and marketable units that meet a four star hotel standard required under the PUD.
 - e. The improvements would not be possible without amending the PUD.
 - f. The PUD will continue to provide for the community benefits for the general public as outlined in the PUD Agreement.
 4. The proposed PUD is consistent with and furthers the PUD purposes and intent because, without limitation:
 - a. It will allow for flexibility, creativity and innovation in land use planning and project design.
 - b. The original PUD public benefits will continue to be provided.
 - c. The proposed unit configurations will benefit the community because it will allow more attractive, usable, marketable and rentable units with a higher occupancy rate than the existing Lodge and Efficiency Lodge Units.
 - d. The amendment furthers the land use principles of the Comprehensive Plan.
 - e. Efficient land use is being encouraged through a creative unit reconfiguration and density transfer.
 - f. The PUD development continues to allow for integrated planning for all of the Hotel Madeline property in order to achieve the PUD purposes.
 5. The proposed PUD amendment meets the PUD general standards contained in CDC section 17.4.12(I), including but not limited to the authority to initiate a PUD amendment, landscaping and buffering and adequate infrastructure.
 6. The PUD will continue to provide adequate community benefits, such as public parking, additional employee units, improved Village Core pedestrian and vehicular access and a public ice rink.
 7. Adequate public facilities and services are available to serve the intended land uses because, without limitation:
 - a. Police protection and water and sewer services will be provided by the Town.
 - b. Fire protection will be provided by the Telluride Fire Protection District.
 8. The proposed rezoning will not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
 9. The proposed PUD meets all applicable Town regulations and standards except for the variation noted herein.

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves the Application and the draft PUD Development Agreement as set forth in Exhibit A attached hereto), subject to the conditions set forth in Section 1 below.

Section 1. Conditions of Approval

1. The Mayor is authorized to review and approve the final PUD Development Agreement and other legal instruments which may be required to be amended concurrently with the PUD.

Section 2. Ordinance Effect

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

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

Section 4. Effective Date

This Ordinance shall become effective on July ____, 2015.

Section 5. Public Hearing

A public hearing and second reading of this Ordinance was held on the 25th day of June, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of May 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,
Colorado this 25th day of June, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Dan Jansen, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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 _____, 2015, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor				
Cath Jett, Mayor Pro-Tem				
Jonette Bronson				
John Howe				
Michelle Sherry				
Martin McKinley				
Dave Schillaci				

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 _____, 2015 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 _____, 2015. 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
Dan Jansen, Mayor				
Cath Jett, Mayor Pro-Tem				
Jonette Bronson				
John Howe				
Michelle Sherry				
Martin McKinley				
Dave Schillaci				

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 _____, 2015.

Jackie Kennefick, Town Clerk

(SEAL)

April 1, 2015

Town of Mountain Village Town Council and Design Review Board Members,

Affiliates of Northview Hotel Group (“Northview”), in partnership with a fund (the “Partnership”) managed by an affiliate of Apollo Global Management, LLC (NYSE:APO) purchased Madeline Hotel and Residences (the “Property”), on August 22, 2014. Northview is operating the Property on behalf of the Partnership, and overseeing multiple capital improvements projects totaling approximately \$15mm, and the sale of 60 Residences and 11 Hotel Condominiums.

The Partnership and Mountain Village have much to gain from the successful (i) sale of the Property’s Residences (the Property’s bed base will more than double), and (ii) implementation of improvement projects, which will grow the value of the Residences as well as allow the Property to compete globally for high-end business.

The Property was intended to be Town of Mountain Village’s premier, luxury resort property. The Partnership would like to ensure this becomes our new reality, collectively. While the Property is Virtuoso®-preferred, a member of The Leading Hotels of The World®, and AAA four-diamond rated, the Property has considerable flaws and falls short of its full potential.

MADELINE BUILDING 38 RESIDENCE RECONFIGURATIONS

One of the considerable flaws is the design of certain Residences in the 38 Building. Due to the roof lines, certain Residences are severely compromised.



The image to the left is of the living/dining room in Residence 1403, a one-bedroom Residence. As you can see, the roof line terribly compromises the Residence, from an ownership and guest enjoyment standpoint. This is a Residence that would need to sell for a very low price, yet in the end, filling it with guests that assume they are staying in Telluride’s finest hotel would be a disaster. If Residence 1403 were combined with the adjacent

Residence 1404, MPO could create a very nice three-bedroom Residence, with great high-ceiling living room and mountain views, and 75% of the space in the photo above would be converted into a kids’ media/bunk room.

The attached floor plates depict the changes MPO would like to make to ten Residences in the 38 Building.

Residences 1403 and 1404. These two one-bedroom Residences would be combined into one three-bedroom Residence. The combination solves the challenge of the roof line which destroys Residence 1403. A draft Residence reconfiguration plan is included with the floor plates and these drawings will be more detailed and included in the final PUD Amendment Application ASAP. To achieve this design, MPO would combine two

lodge units (0.75 persons of density each) into one condominium unit (3.0 persons of density required), requiring an additional 1.5 persons of density.

Residences 1405 and 1406. These two one-bedroom Residences are a mirror image of Residences 1403/1404, and the same scope is proposed. To achieve this design, MPO would combine two lodge units (0.75 persons of density each) into one condominium unit (3.0 persons of density required), requiring an additional 1.5 persons of density.

Residences 1407 and 1408. As shown in the floor plates, Residence 1407 is severely impacted by the roof line. These two one-bedroom Residences would be combined into one two-bedroom Residence. To achieve this design, MPO would combine two lodge units (0.75 persons of density each) into one condominium unit (3.0 persons of density required), requiring an additional 1.5 persons of density.

Residences 1502 and 1505/1508. As shown in the floor plates, the living/dining space in Residence 1502 is significantly larger than in Residence 1505/08, yet Residence 1502 is a one-bedroom Residence and 1505/1508 is a one-bedroom Residence with a very large loft space above. MPO is proposing Residence 1502 assume the upstairs loft space of Residence 1505/08 to make a great two-bedroom Residence. To achieve this design, MPO would rezone one lodge unit (0.75 persons of density each) into one condominium unit (3.0 persons of density required), requiring an additional 2.25 persons of density.

Residences 1503 and 1504. As shown in the floor plates, the living spaces of these Residences are identical, yet Residence 1503 is a three-bedroom Residences and Residence 1504 is a one-bedroom Residence. MPO is proposing Residence 1504 assume the third bedroom of Residence 1503 to make two great two-bedroom Residences. To achieve this design, MPO would rezone one lodge unit (0.75 persons of density each) into one condominium unit (3.0 persons of density required), requiring an additional 2.25 persons of density.

MPO is requesting the option to perform these Residence reconfigurations in the future, provided it has the necessary density. In total, MPO would need 9.0 persons of density to achieve these designs, it would be adding two bedrooms in total, and it would be converting (the attached table includes more detail):

1. On the fourth floor, six one-bedroom lodge units into three condominium units.
2. On the fifth floor, two one-bedroom lodge units into two condominium units.

All of the reconfigurations are proposed in order to make the Residences sellable, as well as to ensure the enjoyment by the guests of Telluride’s finest hotel.

LODGE UNIT VS RESIDENCE DEMAND

Madeline Hotel and Residences has been operating a residence rental management program for at least two years, including approximately 20 of the 60 residences. The table below highlights the 2013 performance:

	AVAILABLE	OCCUPANCY	AVG DAILY RATE
One-Bedroom Residence	4	34%	\$347
Two-Bedroom Residence	7	44%	\$443
Three-Bedroom Residence	8	44%	\$567
Four-Bedroom Residence	1	38%	\$900

Even with double the available inventory of two- and three-bedroom Residences vs. one-bedroom Residences, the occupancy of the two- and three-bedroom Residences is 30% higher than the one-bedroom Residences. This is a trend MPO has experienced throughout the industry – larger accommodations are in higher and higher demand each year, given the growing size of the guest party, including multiple generations.

By combining these one-bedroom Residences into two- and three-bedroom Residences, MPO firmly believes overnight transient demand will increase, not decrease. Moreover, with these reconfigurations, the guest experience and loyalty will increase significantly.

MADLINE HOTEL CONDOMINIUM SUITES

One of the other flaws in the project is the zoning of the larger hotel condominium units, including HC 329, HC 419, HC 519, HC 520 and HC 525. For reference, the average size of these larger hotel condominium units is 1,182 square feet; the average size of a Madeline one-bedroom Residence (zoned Condominium units) is 990 square feet. The floorplans of these hotel condominiums are attached and show that these units include a two (2) room space, yet they are zoned Efficiency Lodge units.

Per the CDC, Efficiency Lodge is “a zoning designation that allows for a habitable, one-room space with separate bath.” Per the CDC Table 3-2, Efficiency Lodge units are 0.5 persons of density.

Per the CDC, Lodge is “a zoning designation that allows for a two (2) room space plus a mezzanine with up to two (2) separate baths.” Per the CDC Table 3-2, Lodge units are 0.75 persons of density.

MPO plans to sell these hotel condominium to individual purchasers, yet this inaccuracy has been causing significant hurdles for potential purchasers. To clear up the confusion, **MPO is requesting that these five hotel condominiums be rezoned as Lodge units, which would require 1.25 persons of density in total. This request is not intended to change the Hotel Deed Restriction or Unit Reconfiguration Restrictions associated with these hotel condominiums.**

DENSITY REQUIREMENTS

As proposed, 10.25 persons of density would be required to achieve the proposed reconfigurations and rezonings. MPO is proposing two options to obtain the necessary density.

The first is MPO would combine seven Residences (condominium units) on the seventh floor of the 50/50 Building, to create three Penthouse Residences (condominium units). This would make available 12.0 persons of density. MPO will be testing the market feasibility of this option this summer. The second is MPO would purchase the necessary density.

If the necessary density was not obtained, MPO would not have the ability to move forward with the proposed reconfigurations or rezonings.

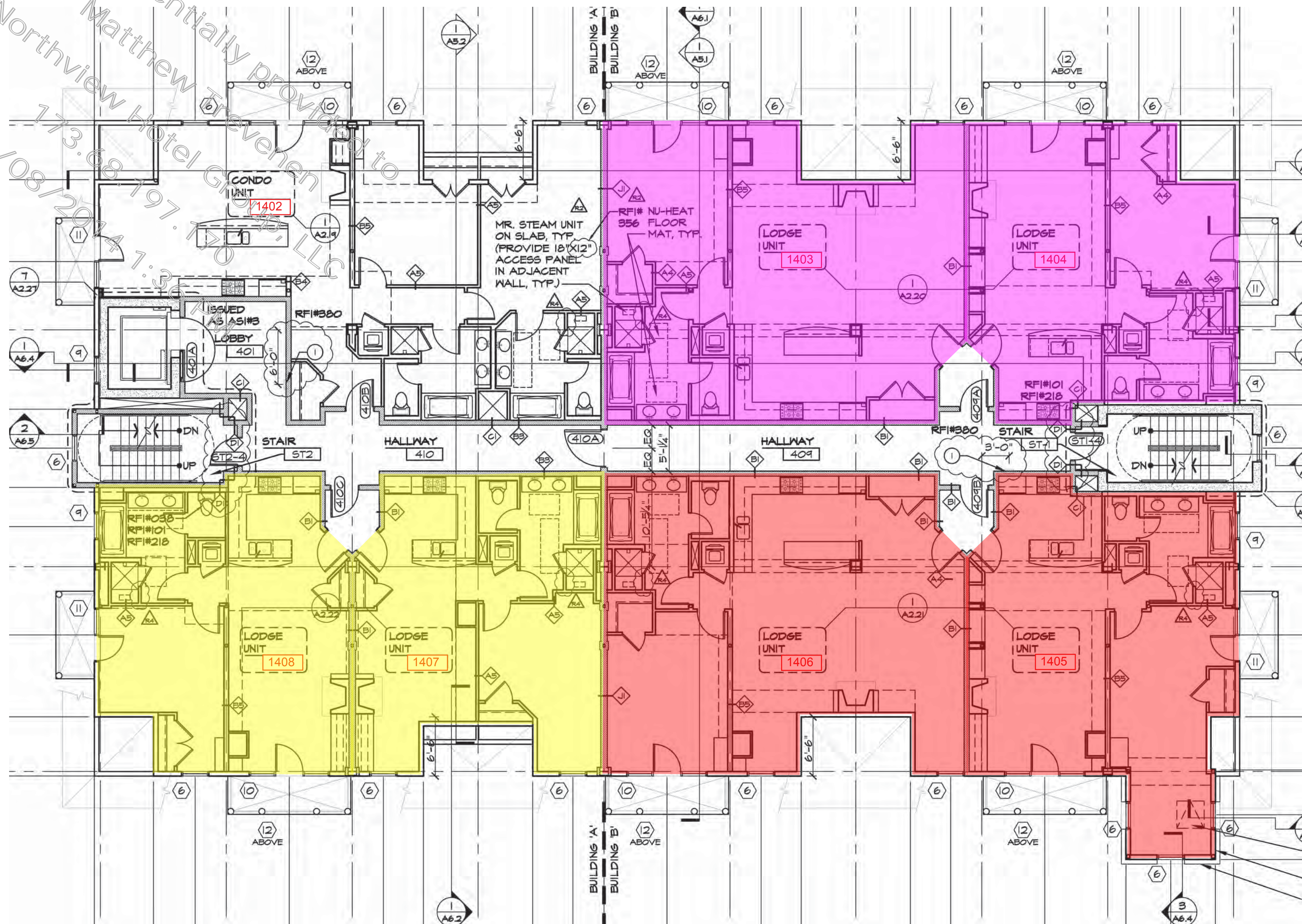
It is time the Property achieve its potential, and I truly appreciate you your time and consideration.

Sincerely,

Brent P. McLean
Senior Vice President – Real Estate
Northview Hotel Group

RESORT VIEW

Confidentially provided to
Matthew Trevenen
Northview Hotel Group, LLC
173.68.197.3
06/08/2014

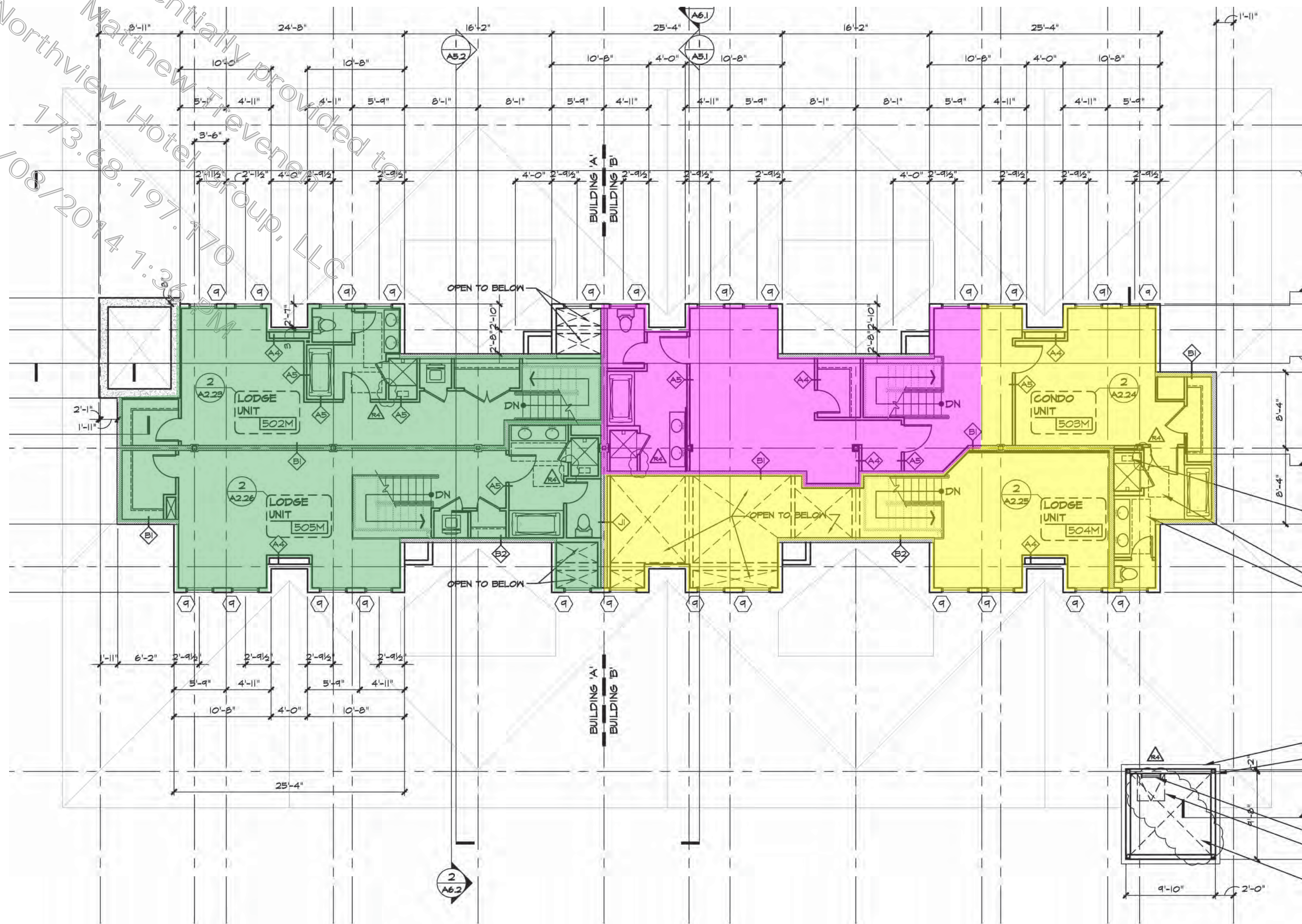


CHONDOLA

HOTEL MADELINE TELLURIDE
38 BLDG - FORTH FLOOR PLAN

RESORT VIEW

Confidentially provided to
Northview Hotel Group, LLC
Matthew Teveney
173.68.197.170
06/08/2014 1:36 PM

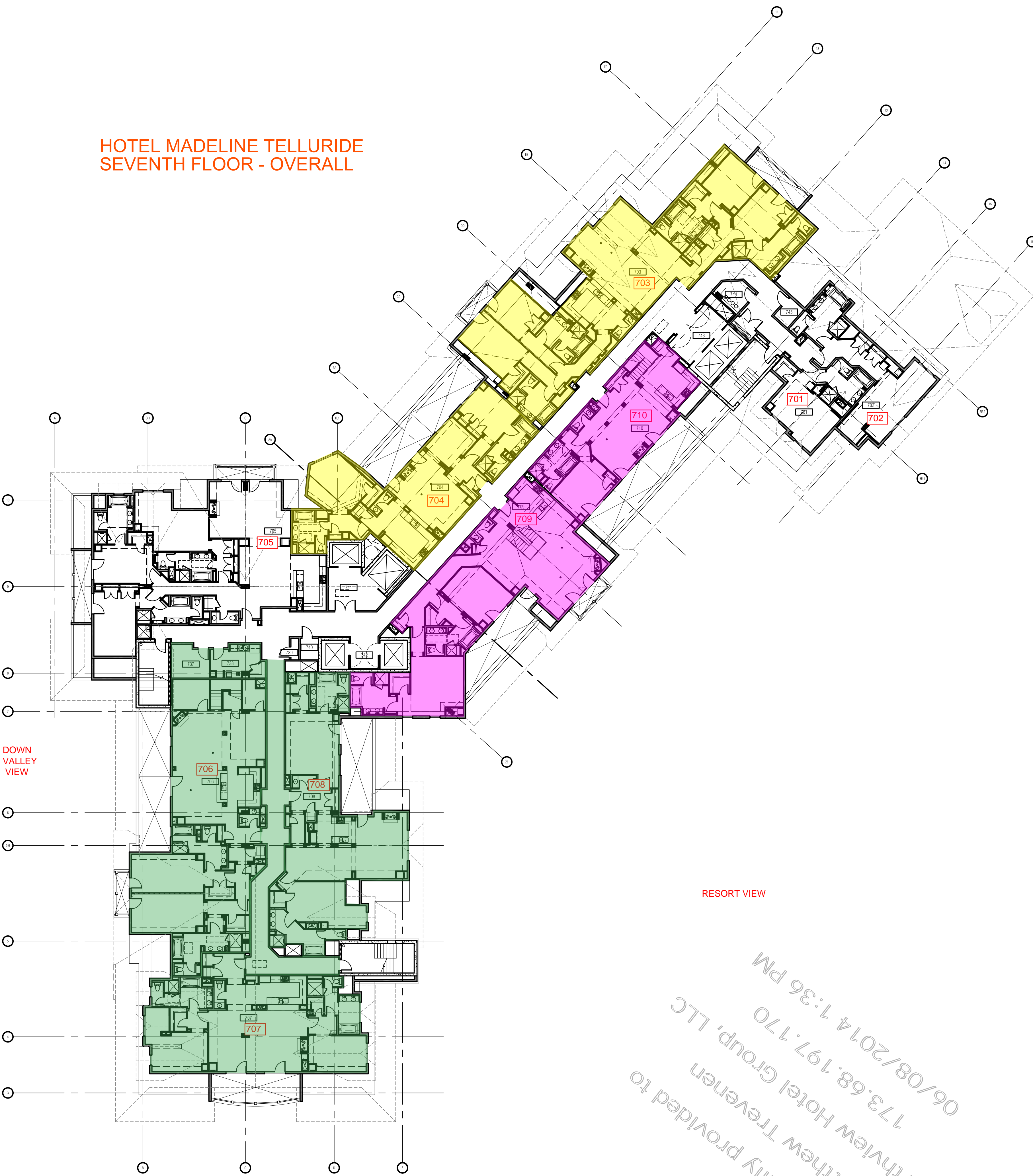


CHONDOLA

HOTEL MADELINE TELLURIDE
38 BLDG - SIXTH FLOOR PLAN

PEAKS VIEW

HOTEL MADELINE TELLURIDE SEVENTH FLOOR - OVERALL



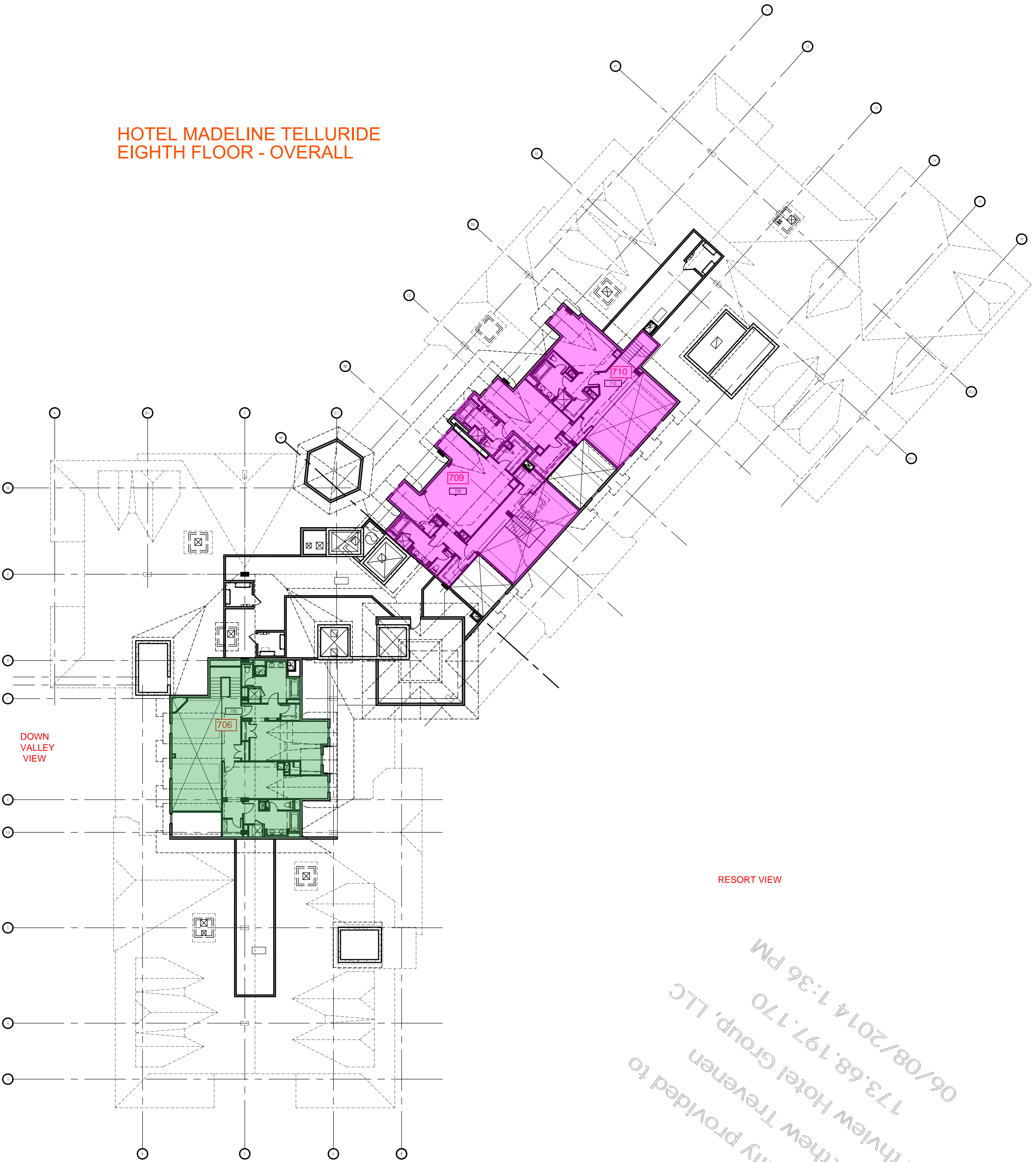
DOWN VALLEY VIEW

RESORT VIEW

Confidentially provided to
Mathew Treveren
Northview Hotel Group, LLC
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PEAKS VIEW

HOTEL MADELINE TELLURIDE
EIGHTH FLOOR - OVERALL



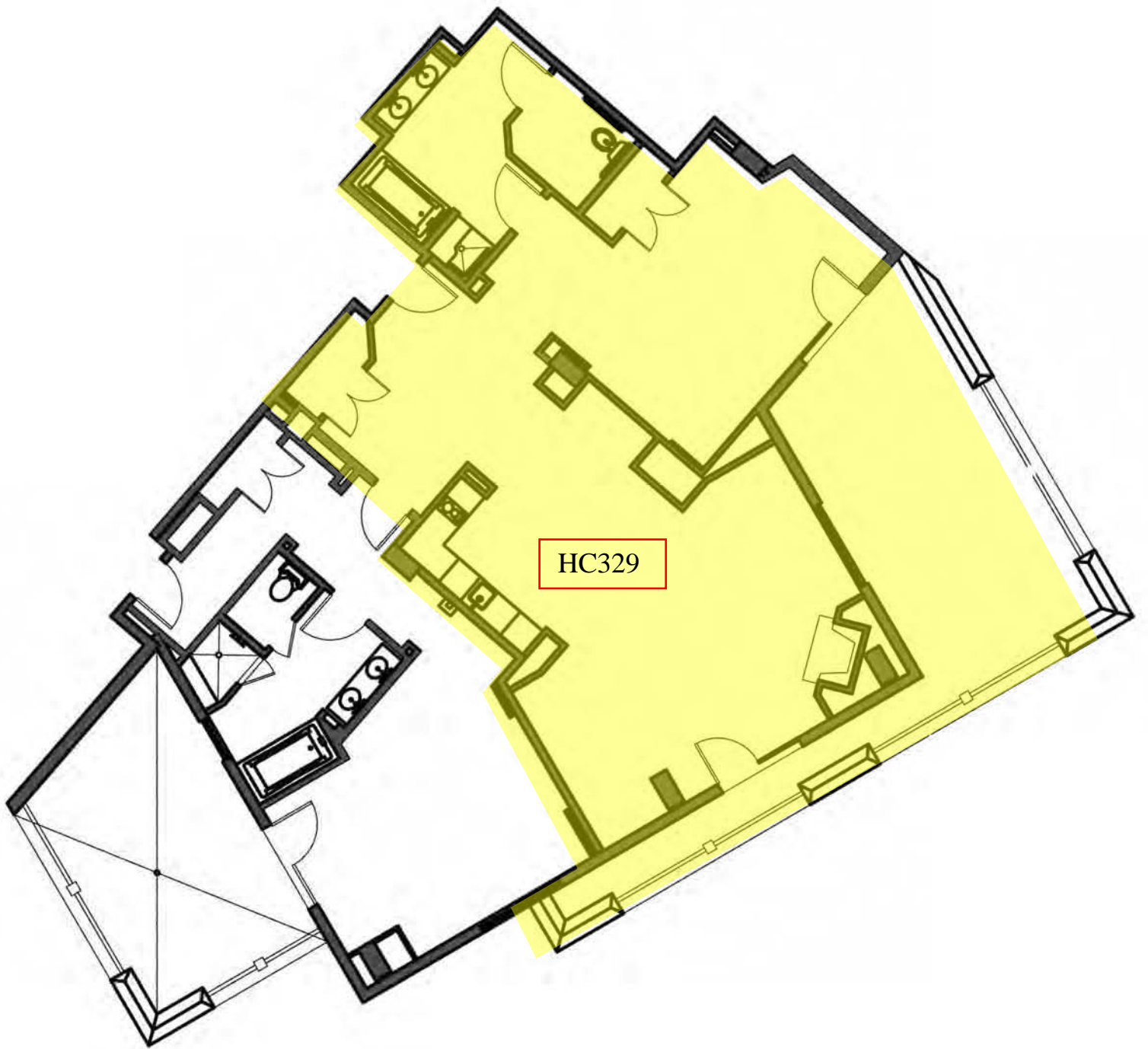
DOWN
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VIEW

RESORT VIEW

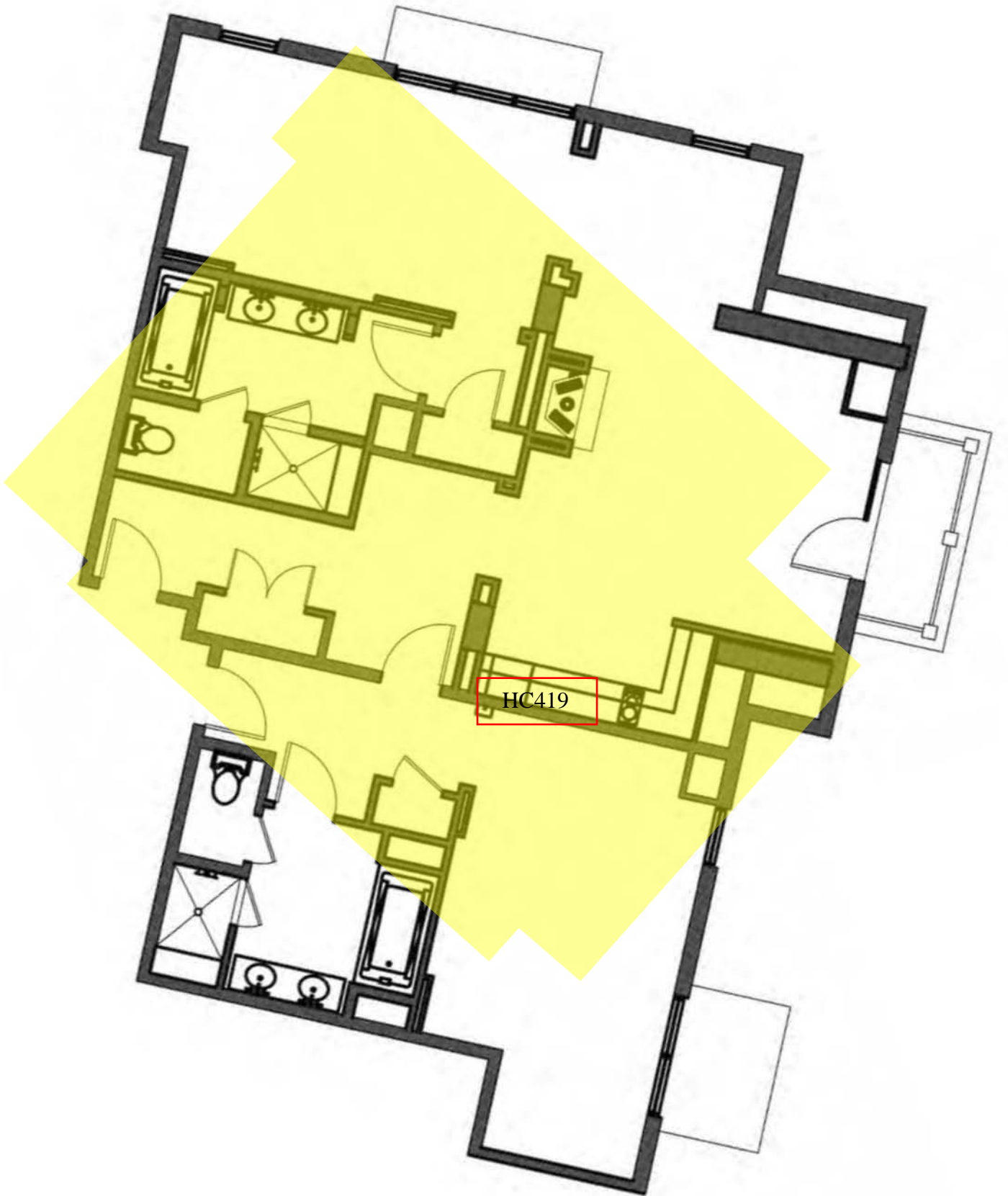
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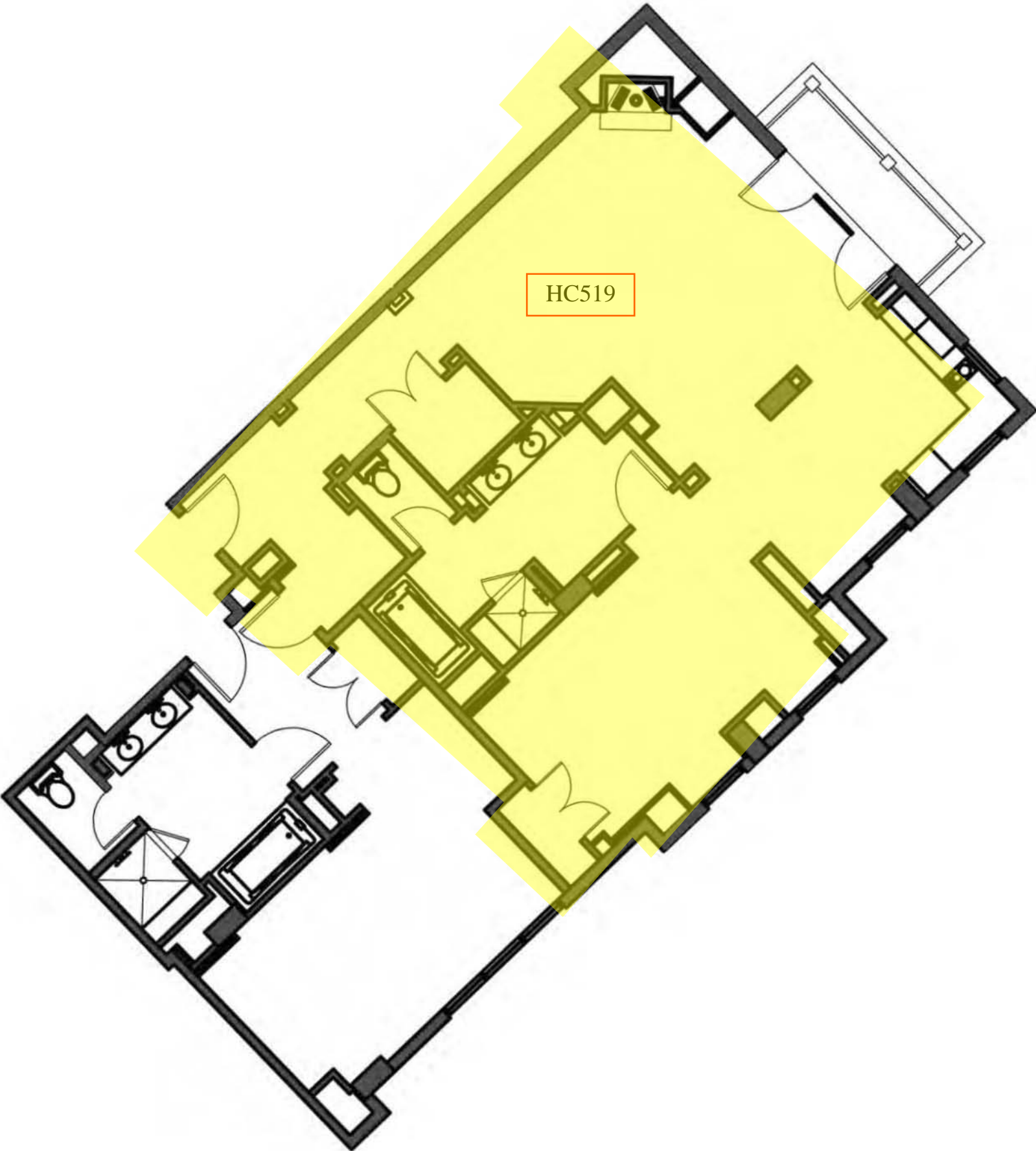
MADELINE PROPOSED RESIDENCE RECONFIGURATIONS

Hotel Unit	Condo Map Unit	Bldg	Zoning	Persons of Density	Net Density	Beds	Baths	SF	Deck SF	Note
1403	RC-403	38	Lodge	0.75		1	1	1,151	99	<i>Very dark residence due to roof lines</i>
1404	RC-404	38	Lodge	0.75		1	1	820	98	
Sub-Total				1.5		2	2	1,971	197	
1403/1404 Reconfigured			Condo	3	(1.50)	3	2.5	1,971	197	
<i>Variance</i>										
1405	RC-405	38	Lodge	0.75		1	1	929	98	<i>Very dark residence due to roof lines</i>
1406	RC-406	38	Lodge	0.75		1	1	1,150	57	
Sub-Total				1.5		2	2	2,079	155	
1405/1406 Reconfigured			Condo	3	(1.50)	3	2.5	2,079	155	<i>An offer is in for these units, with the buyer looking to complete the work</i>
<i>Variance</i>										
1407	RC-407	38	Lodge	0.75		1	1	771	0	<i>Very dark residence due to roof lines</i>
1408	RC-408	38	Lodge	0.75		1	1	789	98	
Sub-Total				1.5		2	2	1,560	98	
1407/1408 Reconfigured			Condo	3	(1.50)	2	2.0	1,560	98	<i>Lowest priced two-bedroom residence in the project</i>
<i>Variance</i>										
1502	RC-502	38	Lodge	0.75		1	1.5	980	56	<i>Takes over 1505 upper loft as second bedroom This is an estimate of the SF</i>
1502 Reconfigured			Condo	3	(2.25)	2	2.5	1,480	56	
<i>Variance</i>										
1503	RC-503	38	Condo	3		3	3	2,022	93	<i>Gives up third bedroom to 1504 This is an estimate of the SF</i>
1503 Reconfigured			Condo	3	0.00	2	2	1,517	93	
<i>Variance</i>										
1504	RC-504	38	Lodge	0.75		1	1	1,280	93	<i>Takes over 1503 third bedroom to become two bedroom + loft residence This is an estimate of the SF</i>
1504 Reconfigured			Condo	3	(2.25)	2	2	1,786	93	
<i>Variance</i>										
1505	RC-505	38	Lodge	0.75		1	1.5	1,038	56	<i>Gives up loft space to 1502 No change - will be sold with 1505</i>
1508	RC-506	38	E Lodge	0.5		0	0	312	39	
Sub-Total				1.25		2	2	1,350	95	
1505/1508 Reconfigured			No Change	1.25	0.00	1	1.5	850	95	<i>This is an estimate of the SF</i>
<i>Variance</i>										
Total					(9.00)					



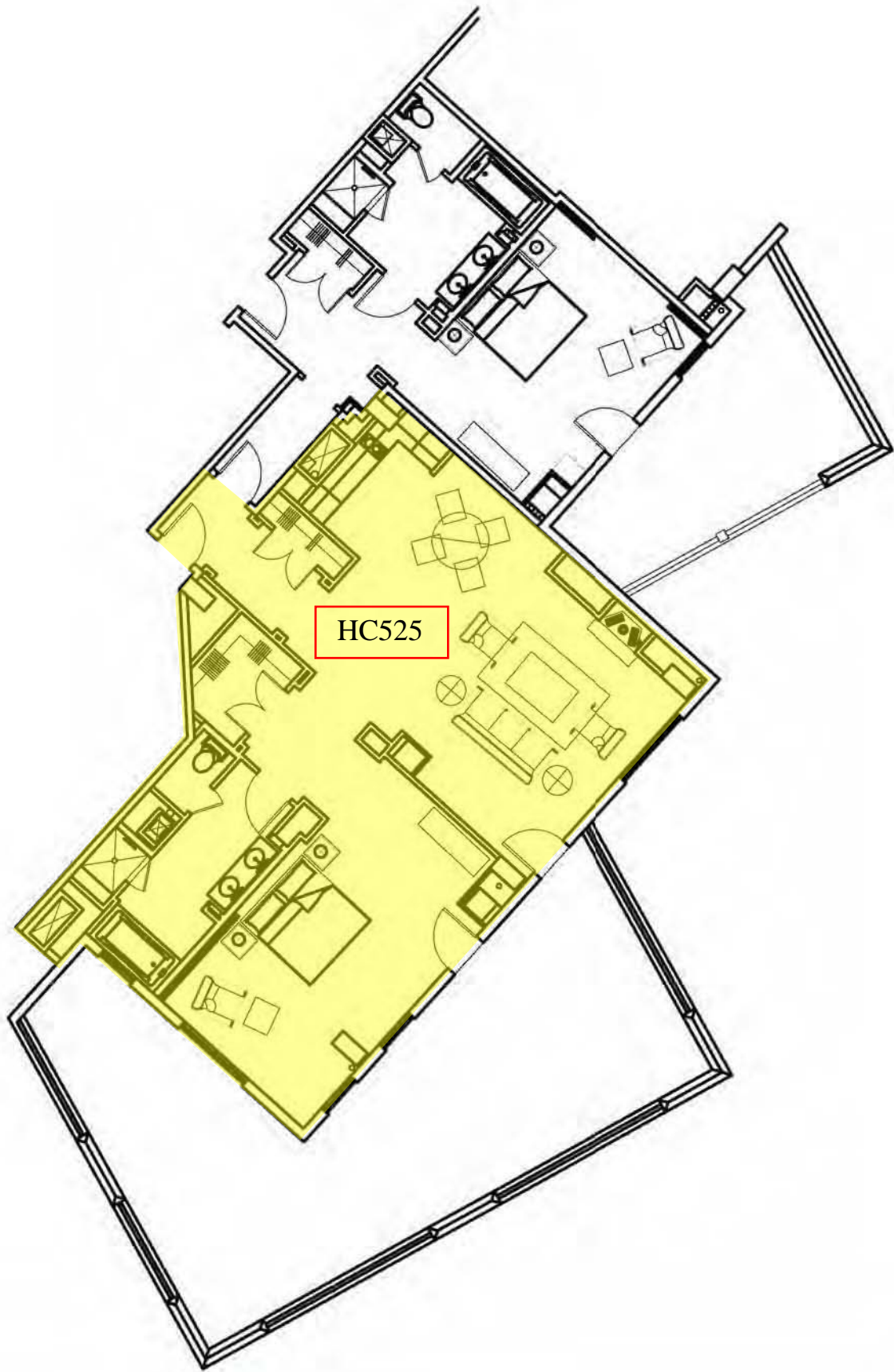
HC329



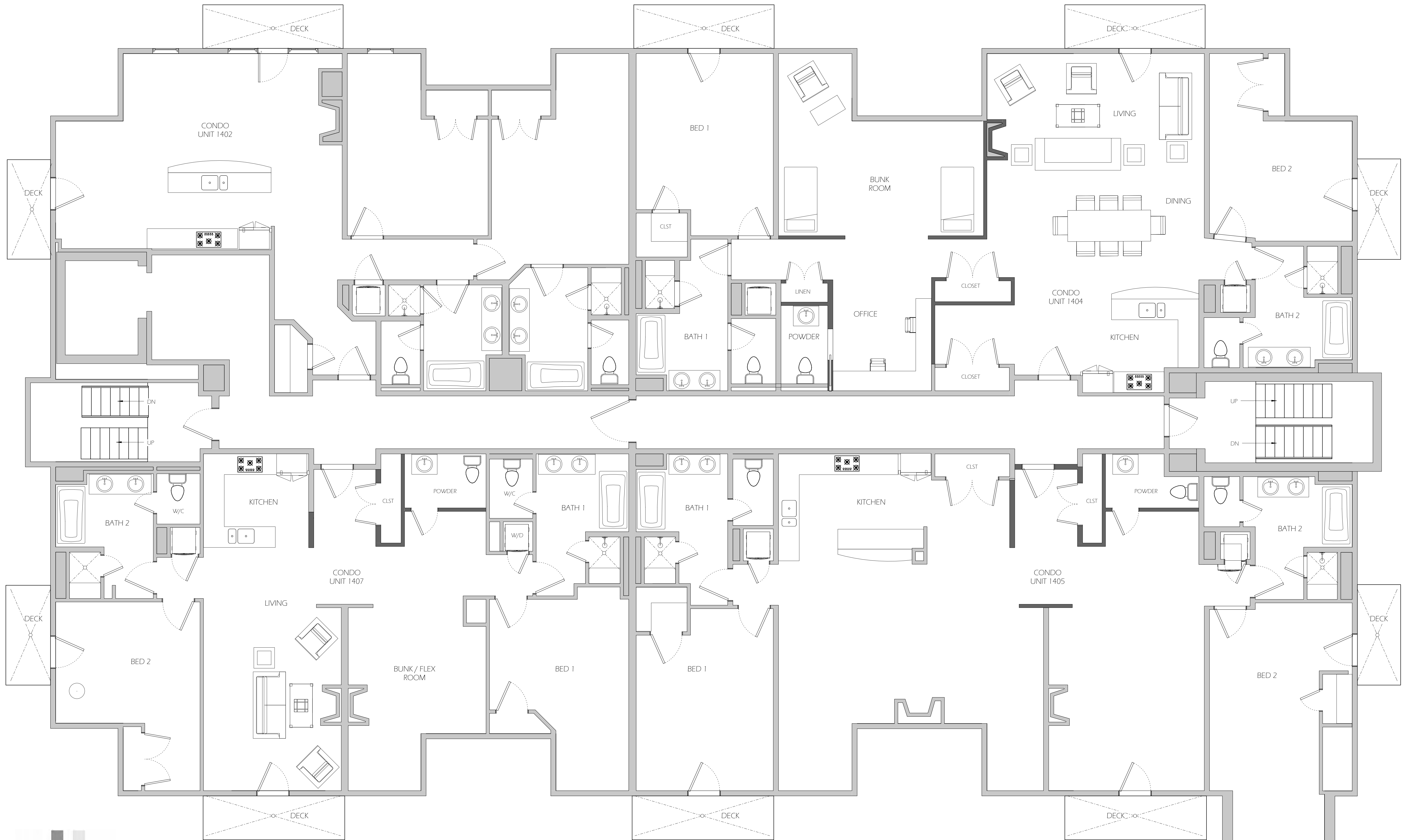




HC520



HC525



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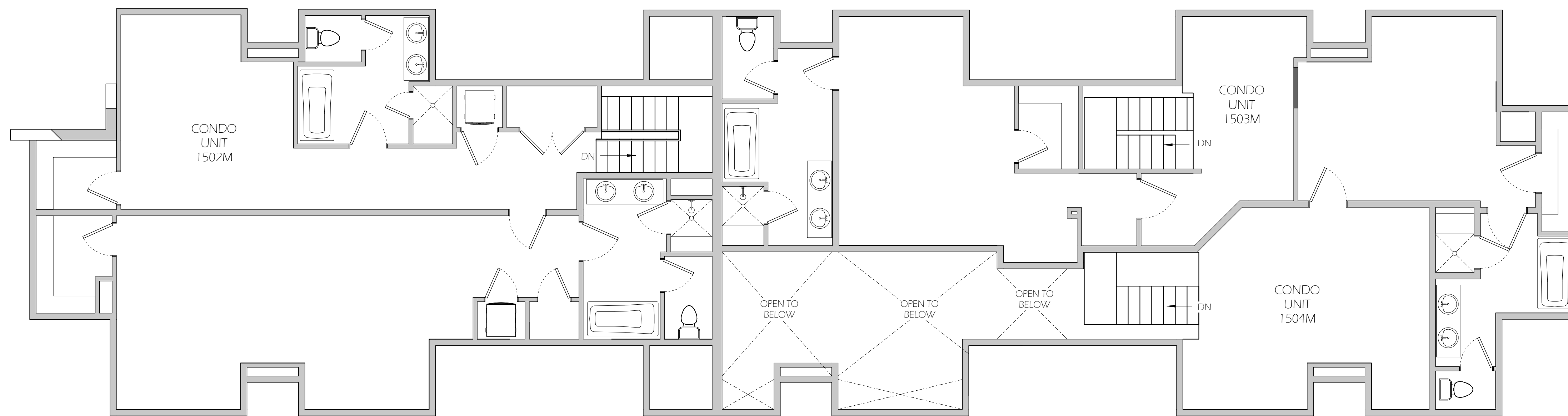
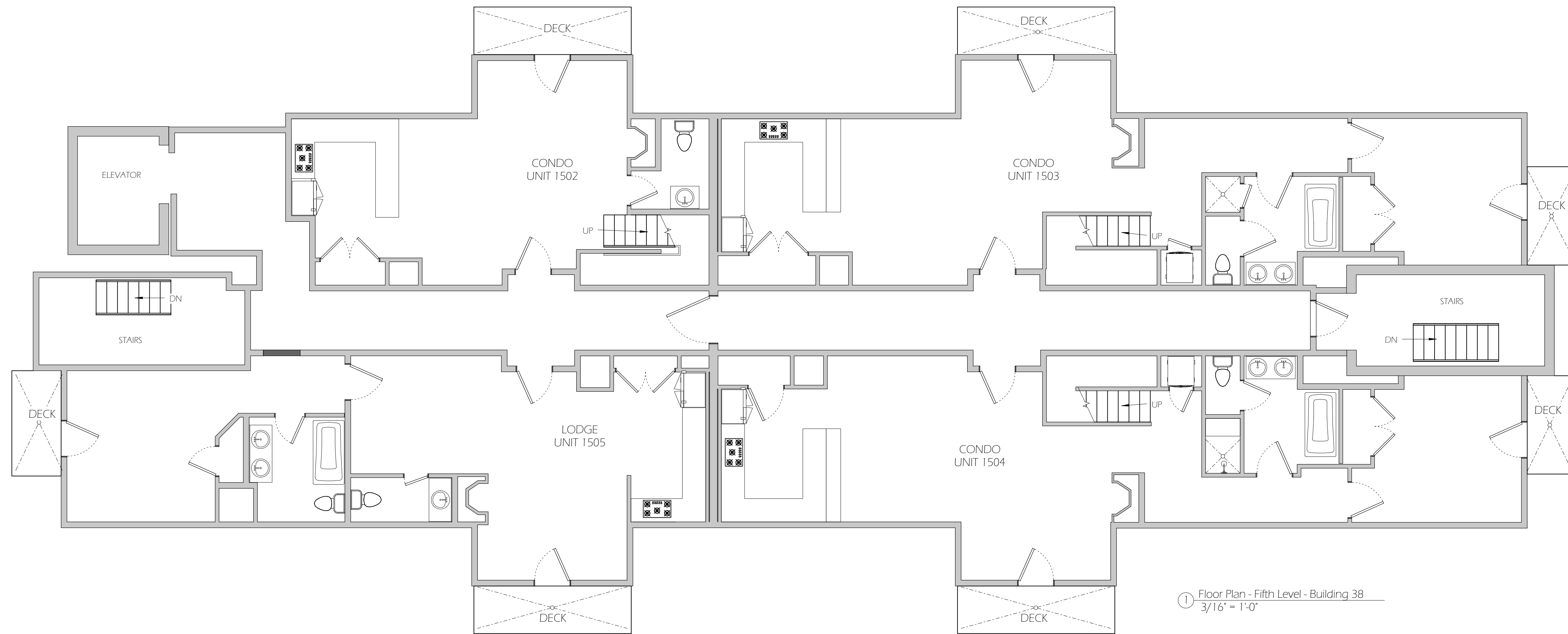
Hotel Madeline

Phase 1 Remodel
 Building 38 - Fourth Level Floor Plans

Sheet: A.P. 2.4.1

- NEW WALL
- EXISTING WALL TO REMAIN
- DEMOLISHED WALL
- Wall Type Legend
 $3/8" = 1'-0"$

① Floor Plan - Fourth Level
 $1/4" = 1'-0"$



Hotel Madeline
 Phase 1 Remodel
 Building 38 - Fifth & Sixth Level
 Floor Plans
 Sheet: A.P. 2.4.2

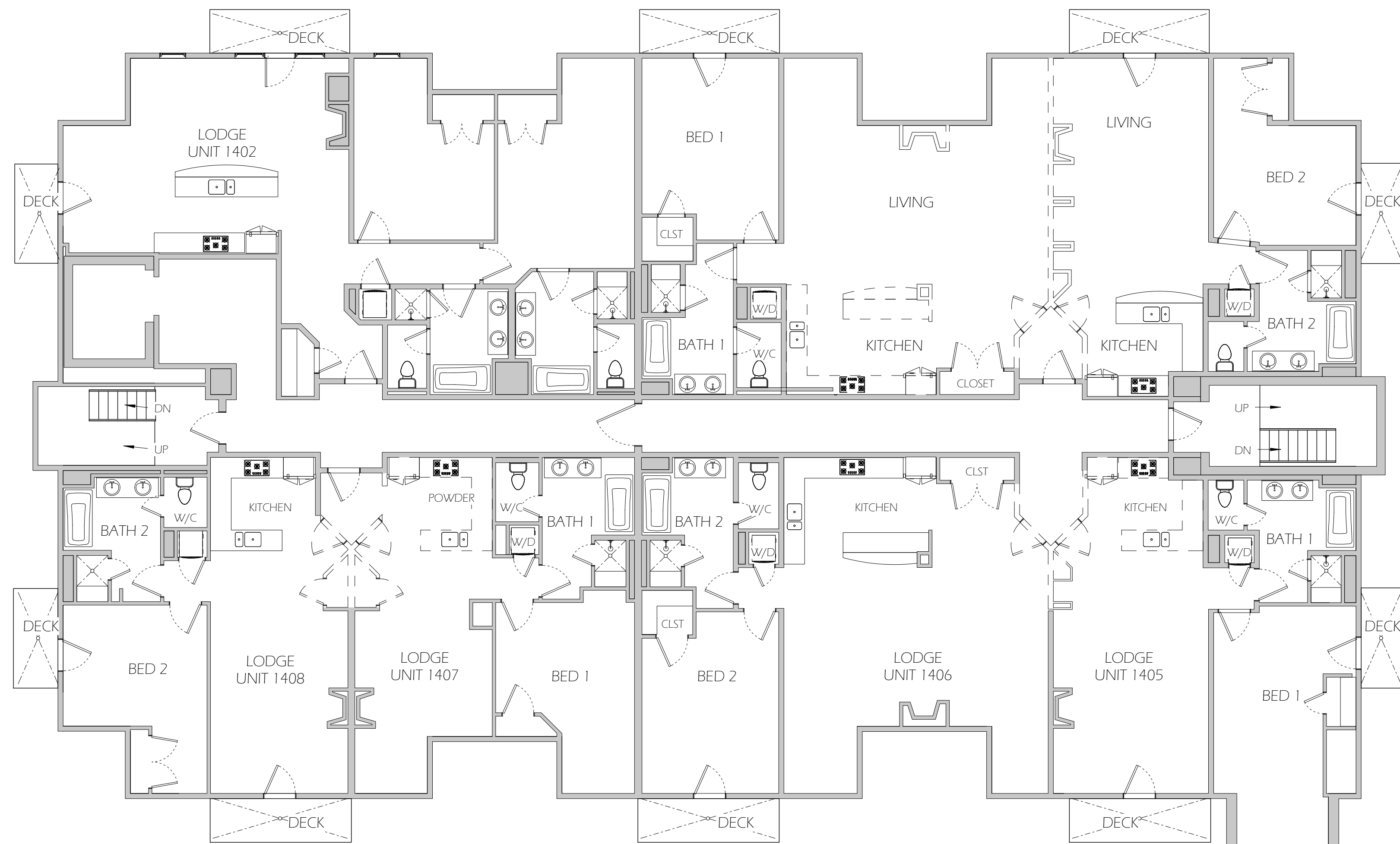


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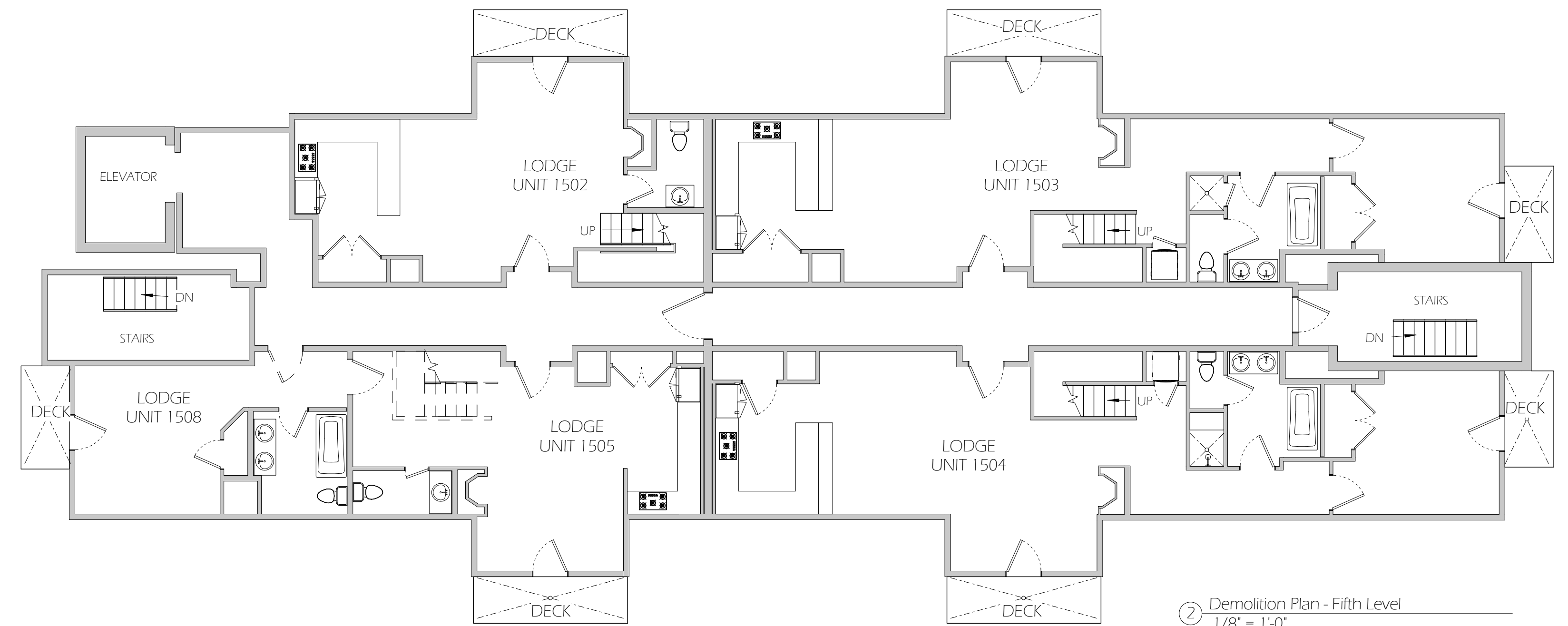
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2 Floor Plan - Sixth Level - Building 38
 3/16" = 1'-0"

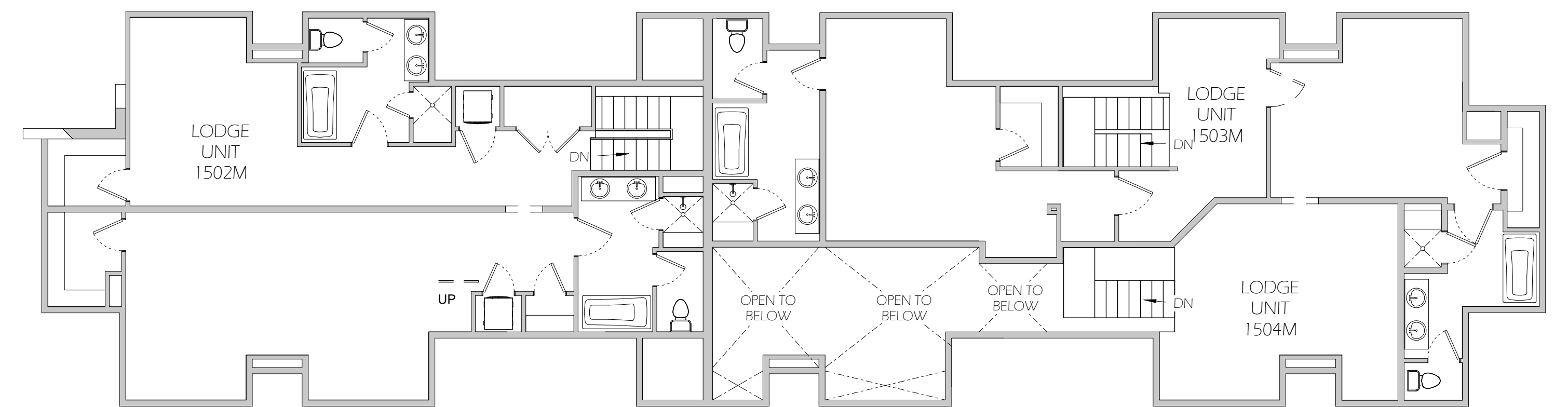
1 Floor Plan - Fifth Level - Building 38
 3/16" = 1'-0"



① Demolition Plan - Fourth Level
1/8" = 1'-0"



② Demolition Plan - Fifth Level
1/8" = 1'-0"



③ Demolition Plan - Sixth / Mezzanine Level
1/8" = 1'-0"

Hotel Madeline

Phase 1 Remodel

Building 38 - Fourth, Fifth, & Sixth Level Demolition Plans



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Sheet: A.P. 2.4.3



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item #17

TO: Town Council

FROM: Chris Hawkins, Director of Community Development

FOR: Public Hearing on May 21, 2015

DATE: May 14, 2015

RE: Amendments to the Town of Mountain Village Comprehensive Plan's Meadows Subarea Plan

The Town Council requested that this worksession be scheduled as a follow up to last month's meeting where an overall amendment to the Meadow's Subarea Plan was discussed. The primary direction at the April meeting was to initiate an amendment to the Meadow's Subarea Plan to reflect the following changes as discussed at the meeting.

Table 9. Meadows Development Table

Parcel Designation	Target Max. Bldg. Height	Zoned Units	Target Hotbed Mix	Target Condo Units	Target Deed Restricted Units	Target Rest.-Comm. Area	Total Target Units
Parcel A Prospect Plaza	35-54	7 DRU	NA	NA	68 15	NA	68 15
Parcel B Town Shops	35	0	NA	NA	70 NA	NA	70 NA
Parcel C Lot 644	54	54 41 DRU	NA	NA	53 41	NA	53 41
Parcel D Lot 651-A	54	20 15 condos	NA	NA	53 15	NA	53 15
Parcel E Big Billie's Apartments (three-star hotel minimum)	58	150 (dorm units)*	77	10	2 (dorm units)*	5,000	89
Parcel F Meadows Run Parking Lot	33	0	NA	NA	NA	NA	NA
Parcel G Telluride Apartments	48	30 DRU	NA	NA	94 60	NA	94 60
Total Units		243 264	77		337 131	5,000	424 220

Staff also indicated that the Meadows Improvement Plan could also be incorporated into the Meadows Subarea Plan if the Council directed a plan amendment.

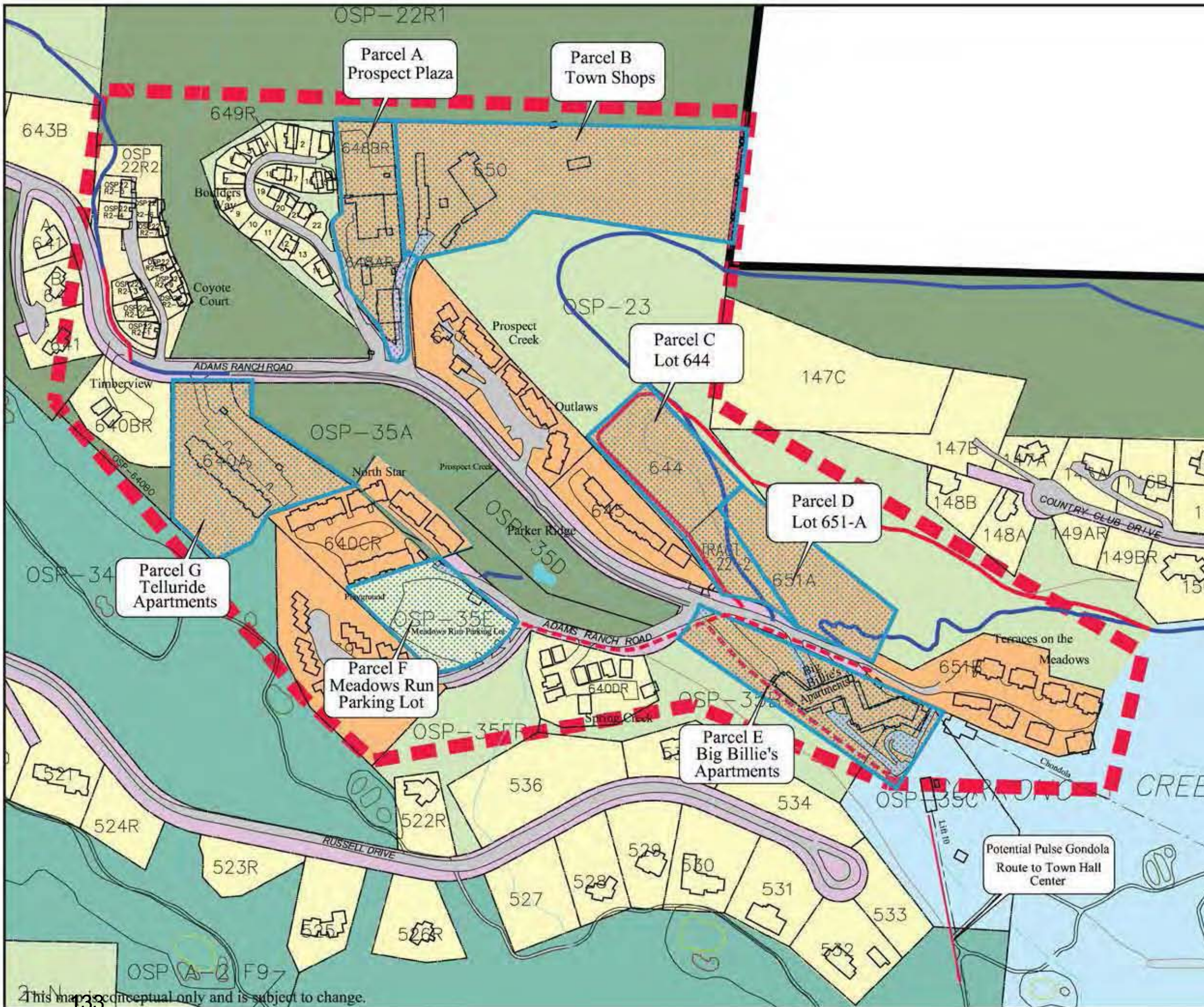
The April proposal was to reduce the overall Meadows' workforce housing density envisioned in the Comprehensive Plan from 337 to 131, a decrease of 206 units. Staff believes that this proposal was put on the table to support the proposed ordinance to limit density on Lot 640A (Telluride Apartments site) to 60 units. Now that the upcoming election has two ordinances on the ballot, with one for 45 units and the other for 60 units on Lot 640A, staff is not sure if Council desires to move forward with an amendment to the Comprehensive Plan.

Even with the reduction of 206 units, Mountain Village will provide housing mitigation for approximately 45% of the employee generation including on-mountain ski resort employees. The amount of mitigation jumps to 51% of employee housing mitigation if you count half of the on-mountain ski resort employees. The economic impact of eliminating 206 employee units can only be derived if the Town updates the Comprehensive Plan economic model that will take several months if directed by the Council.

STAFF RECOMMENDATION

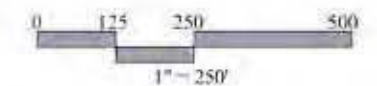
Staff recommends that the Council determine if the Comprehensive Plan amendment proceed or wait until after the election, with direction to staff on next steps.

Meadows Subarea Plan Map



Legend

- Subarea Parcel Boundary
- Civic
- Mixed-Use Center
- Multiunit
- Municipal Public Works
- Single-Family and Duplex
- Passive Open Space
- Limited Use Golf Course Active Open Space
- Full Use Ski Resort Active Open Space
- Limited Use Ski Resort Active Open Space
- Resource Conservation Active Open Space
- Right-of-Way and Access Active Open Space
- Existing Trail
- Proposed Trail
- Existing Sidewalk
- Proposed Sidewalk
- Subarea Boundary



This map is conceptual only and is subject to change.

Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

The Department investigates all complaints alleging a violation of law.

Additional guidance, provisions, changes or additions may be contained in the collective bargaining agreement or policy set by the Town Department of Human Resources.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a Department supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of a rank greater than the accused employee or referred to the Deputy Chief depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Deputy Chief, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.1.2 DEFINITIONS

Definitions related to this policy include:

Complainant - A person claiming to be the victim or witness of misconduct by an officer.

Investigation - An administrative investigation, conducted by the Department, of alleged misconduct by an officer that could result in punitive action.

Mountain Village Police Department

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Personnel Complaints

Punitive action - A disciplinary suspension, indefinite suspension, demotion in rank, reprimand, termination or any combination of those actions.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby and on the Mountain Village Police Department website. Forms may also be available at other government offices and facilities. Personnel complaint forms in languages other than English may also be provided as determined necessary or practicable.

Each Supervisor shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Deputy Chief any suggestions for improvement or changes.

1020.2.2 SOURCE OF COMPLAINTS

Complaints will be accepted from:

- (a) An employee of this department who becomes aware of alleged misconduct, who shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

All formal complaints will be documented. Informal complaints do not need to be documented on a personnel complaint form.

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Department and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact of the complainant, shall complete and submit the personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Supervisor determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the implementation of Department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later

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time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original personnel complaint.

Formal complaints of alleged misconduct that are not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document informal complaints as a supervisor or Supervisor log entry.

1020.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor was involved in or witnessed the alleged incident. The Chief of Police or the authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Supervisor, Deputy Chief and Chief of Police are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then be directed to the Deputy Chief of the accused employee, via the chain of command, who will forward a copy of the complaint to the Chief of Police, take any appropriate action, and/or forward the complaint to the Deputy Chief for further action.
 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Deputy Chief or the Chief of Police, who will initiate appropriate action.

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- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to the collective bargaining agreement, state and federal law.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief of Police for direction regarding his/her role in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may temporarily assign the accused employee to administrative leave pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapons and any other Department equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation. The employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Deputy Chief and the Chief of Police.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this Department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request that a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

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An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release limited information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee's supervisor, provided the supervisor was not involved as a witness or was an alleged participant in the incident. More serious complaints will be assigned to the Deputy Chief for investigation. Whether conducted by a supervisor or an assigned member of the Deputy Chief, the following procedures shall be followed with regard to the accused employee:

- (a) The investigator should not be a person who is the complainant, the ultimate decision-maker regarding disciplinary action or a person who has any personal involvement regarding the alleged misconduct.
- (b) Not less than 48 hours before an investigator begins an interview to obtain facts and statements, the Department should:
 1. Provide the name and rank of the officer in charge of the investigation and the officers who will conduct any interviews.
 2. Provide the date, time and place of the interview and the names of all who will be present.
 3. Provide the officer a written summary of the alleged misconduct and a description of the nature of the investigation.
- (c) Interviews of accused employees should be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated.
- (d) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors when time is of the essence.
- (e) An investigator should not interview an officer at that person's home without the officer's prior permission.
- (f) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.
- (g) All interviews shall be for a reasonable period or duration and the employee's personal needs shall be accommodated.
- (h) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (i) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record interviews. If the employee

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has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.

- (j) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively, regardless of whether the employee was advised of these rights during any separate criminal investigation.
- (k) An employee subjected to interviews that could result in punitive action shall have the right to have a representative of his/her choosing during any interrogation. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.
- (l) All employees shall provide complete and truthful responses to questions posed during interviews.
- (m) An employee may not be compelled to submit to a deception detection device examination.
- (n) Within three days after assignment, the complainant should be informed of the handling investigator's name and the complaint number.
- (o) Interviews of the complainant should be conducted during reasonable hours.

1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, if the employee is assigned to or being considered for a special assignment, or to determine if the employee is engaged in unlawful activity.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces should only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other Department areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary of allegations - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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Evidence as to each allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve Department personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within three months of the date the department becomes aware of the allegation. The Chief of Police may extend the period to six months if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the end of the period, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Chief of Police or the authorized designee in writing and a copy provided to the accused employee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employees need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

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Upon completion, the report should be forwarded to the Chief of Police through the chain of command of the involved employee. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any, that was imposed. The complaining party should also be provided with a copy of his/her original complaint.

Any complaining party who is not satisfied with the findings may contact the Department or the authorized designee to discuss the matter further.

1020.8.1 WITHDRAWN COMPLAINTS

If the complainant withdraws his/her complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete and assigned an appropriate disposition.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal and assigned an appropriate disposition.

1020.9 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and protected employee personnel files. The contents of such files shall not be revealed to anyone other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All records of investigations shall be securely maintained for no less than the 10 years required by the state records retention schedule and for any additional period required by the organization's records retention schedule.

1020.9.1 SUSTAINED COMPLAINTS

Before being placed in the employee's file, the employee will have an opportunity to read and initial the comment or document. If the employee submits a written response, the response will be attached to the comment or document.

The employee will receive a copy of any comment or document placed in the employee's file.

A copy of the disposition of the allegation of misconduct and a copy of the notice or adjudication of any punitive or remedial action will be the only documents related to the investigation which will be placed in the employee's file.

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the department that relates to the investigation, including any recordings, notes, transcripts of interviews and documents.

Mountain Village Police Department

Policy Manual

Personnel Complaints

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints that are unfounded, exonerated or not sustained shall be maintained by the Deputy Chief apart from the employee's personnel file, in a file created for this purpose.

1020.9.2 REMOVAL OF A COMPLAINT

Upon request, an employee may review any administrative file that does not relate to a current investigation.

If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee will write a memorandum specifically asking for the item to be removed and the reasons for removal.



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

Agenda Item #19

TO: Town Council
FROM: Dave Bangert, Town Forester
FOR: Town Council meeting on May 21, 2015
DATE: May 13, 2015

RE: Consideration of a Resolution to Approve a Revocable Encroachment Agreement for the proposed installation of landscaping in the Steven's Drive Road Right-of-Way Adjacent to Lot 204

PROJECT GEOGRAPHY

Legal Description: Lot 204, Telluride Mountain Village
Address: 108 Steven's Drive, Mountain Village, Colorado
Applicant/Agent: Bruce Derrick
Owner: Bruce Derrick
Zoning: Single Family
Existing Use: Single Family
Proposed Use: Single Family
Lot Area: 0.841 acres

Adjacent Land Uses:

- **North:** Single Family
- **South:** Single Family
- **East:** Single Family
- **West:** Active Open Space

ATTACHMENTS

- Exhibit A: Narrative
- Exhibit B: Plans and site photos

BACKGROUND

The applicant has submitted a Design Review Process development application in accordance with the Community Development Code (CDC). The applicant is proposing the approval of landscaping with a non-mortared dry stack stone boarder in the Steven's Drive Right-of-Way in front of the single family home on Lot 204. At the May 7, 2015 Design Review Board meeting this application received approval from the Board to allow for a General Easement encroachment for the installation of monument and landscaping in the eastern GE.

The Town owns the Steven's Drive Road Right-of-Way, with the Council allowed to grant revocable encroachments at it sole discretion. Staff would note that the Public Works Department believes that the landscaping will not be adversely affected by snow plowing

activities over the winter, with the encroachment agreement protecting the Town from any damages to all landscaping and hardscape installed in the Road Right-of-Way.

RECOMMENDATION

Staff recommends the Town Council approve the requested encroachment into the Steven's Drive Road Right-of-Way, with the following proposed motion:

"I move to approve an a resolution for a revocable encroachment agreement into the Steven's Drive Road Right-of-Way for a stone boarder and new plantings for the adjacent single family residence located on Lot 204"

**RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO TOWN COUNCIL
APPROVING A REVOCABLE ENCROACHMENT AGREEMENT INTO THE STEVEN'S
DRIVE RIGHT-OF-WAY FOR A STONE BORDER AND NEW PLANTINGS FOR THE
ADJACENT SINGLE FAMILY RESIDENCE LOCATED ON LOT 204**

RESOLUTION NO. 2015-0521-__

RECITALS:

- A. The Town of Mountain Village (“Town”) is the owner of record of real property described as the Steven’s Drive Right-of-Way; and,
- B. Bruce Derrick (“Owner”) is the owner of record of real property described as Lot 204, Town of Mountain Village, CO;
- C. Right-of-way encroachments are a discretionary allowance of the Town Council; and
- D. The proposed revocable encroachment is needed to allow for the new stone border and new plantings; and,
- E. The Town Council conducted a public meeting on May 21, 2015.

Now, Therefore, Be It Resolved that the Town Council hereby approves a revocable encroachment in the Steven’s Drive Right-of-Way as set forth in Exhibit A with a condition that the Planning Division staff prepares a revocable encroachment agreement for execution by the Town Manager and the Owner.

Section 1. Resolution Effect

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 2. Severability

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

Section 3. Effective Date

This Resolution shall become effective on May 21, 2015 (the “Effective Date”) as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 21st day of May, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Mountain Village Town Council at a public meeting on May 21, 2015.

Town of Mountain Village, Town Council

By: _____
Dan Jansen, Chair

Attest:

By: _____
Jackie Kennefick, Town Clerk

Approved as to form:

By: _____
James Mahoney, Assistant Town Attorney



**NEW ADDRESS
MONUMENT**



April 24, 2015

Mr. Dave Bangert
Associate Planner/Forrester
Town of Mountain Village
455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435

Re: DRP Application for 108 Stevens Drive

Dear Dave:

In connection with the above application I have submitted, I am writing to offer a few thoughts on my request for the additional address monument.

While the placement of the address monument will involve a minor encroachment into the General Easement and the RROW, I feel strongly it is warranted for several reasons:

-Though I would really prefer gates, TMV does not allow those. Aesthetically, as evidenced by the photo super-imposing the monument, the new monument will provide visually appealing symmetry to the drive entrance.

-It will also allow me to mirror the existing boulder wall (on the north side of the drive) which will further beautify the drive entrance.

-Further, I believe this will not impose on my neighbors to the south (the Perez's – 112), since the berm along our common P/L and GE is so high this monument will not be visible from their property.

Regards,

A handwritten signature in blue ink, appearing to read 'Bruce W. Derrick', written in a cursive style.

Bruce W. Derrick

Cc: file



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
455 Mountain Village Blvd.
Mountain Village, CO 80135
(970) 728-1392

Agenda Item #20

TO: Town Council
FROM: Dave Bangert, Town Forester
FOR: Town Council Public Hearing on May 7, 2015
DATE: May 21, 2015
RE: Consideration of Approval of a Proposed TSG OSP-2S Forest Thinning Demonstration Project to remove dead and hazardous trees

OSP-2S Demonstration Project

This proposed project site is located on OSP-2S that contains 7.38 acres and is owned by Telluride Ski and Golf. This site is along the south side of Mountain Village Blvd. between Touchdown Dr. and Victoria Dr. Telluride Ski and Golf has signed a letter of consent and authorization to allow this project to move forward and be presented to Town Council for their review. If Council approves of this project then a signed license agreement between TSG and the Town must be fully executed prior to marking of the trees and issuance of the Request For Quotes.

The priority of the forest thinning demonstration project shall be to safeguard the road right of way along Mountain Village Blvd. and the Boulevard Trail from potential hazard trees to protect the public, removal all standing dead and declining aspen trees (leaving 1 to 2 wildlife snags per acre). All healthy Engelmann spruce and Douglas fir will left on site and released from competition. The project is consistent with the Town Council adopted Mountain Village Forest Management Plan.

Staff Recommendation

Staff recommends the Council pass a motion to proceed with the OSP-2S Forest Thinning Demonstration Project with the following motion:

"I move to direct staff to proceed with the OSP-2S Forest Thinning Demonstration Project."

OWNER/AGENT CONSENT AND AUTHORIZATION

I have reviewed an exhibit of TSG parcel OSP-2S, prepared by Dave Bang Bangert, Associate Planner/Forester at the Town of Mountain Village ("Town") and hereby authorize the Town to act as my designated representative and represent, conduct, manage and process all aspects of a demonstration project for forest thinning/wildlife mitigation in 2015 on OSP-2S ("Forest Mitigation Demonstration"). The Forest Mitigation Demonstration will be funded by the Town with possible grant funding. The priority of the Forest Mitigation Project shall be to safeguard the road right of way along Mountain Village Boulevard and the Boulevard Trail from potential hazard trees to protect the public, remove all standing dead and declining aspen trees (leaving 1 to 2 wildlife snags per acre) and thin sub alpine fir throughout the site, keeping almost all Engelmann spruce and Douglass fir intact.

This Consent is only to allow the Town to move forward and present the concept of the Forest Mitigation Demonstration to Town Council, with the understanding that a signed license agreement between TSG and the Town must be fully executed prior to the Forest Mitigation Demonstration. TSG shall not bear any costs and expenses related to the Forest Mitigation Demonstration. TSG must review and approve the final plan for the Forest Mitigation Demonstration.

TSG SKI & GOLF, LLC

By: _____

Greg Pack, President and General Manager

Date: _____

1-20-15

Request for Quotes, Scope of Work, Price, Cost and Payment Provisions

JUNE, 2015

Project Name:

Town of Mountain Village Forest Thinning Demonstration Project on TSG OSP-2S

Project Showcase Date/Location:

TBD, 2015 at 1:00 PM Touchdown Dr., Town of Mountain Village

Project Administrator:

Dave Bangert

Town Forester

Town of Mountain Village (“TOMV”)

Community Development Dept.

970-369-8203

970-417-1789

dbangert@mtnvillage.org

Acreage of Project:

OSP-2S, 7.38 acres

Background:

The following treatments are prescribed by the TOMV Forester to address hazardous trees, forest health and wildfire mitigation on OSP-2S. This parcel runs along the south side of Mountain Village Blvd. from Touchdown Dr. to Victoria Dr.

Purpose:

The priority of the Forest Thinning Demonstration Project shall be to safeguard the road right of way along Mountain Village Boulevard and the Boulevard Trail from potential hazard trees to protect the public, remove all standing dead and declining aspen trees (leaving 1 to 2 wildlife snags per acre) while keeping almost all Engelmann spruce and Douglass fir intact.

Operational Period:

Work can commence once a contract has been signed between the TOMV and the selected contractor. The Boulevard Trail will have to be closed from Touchdown Dr. to the 68 bridge that crosses the Galloping Goose ski trail during this project.

Contracting:

The chosen contractor will enter into a contract with the TOMV. This contract will be administered by the project administrator.

Subcontracting:

All subcontractors must be submitted in writing with bid response and approved by the TOMV and project administrators.

Invoicing and Payment for Contracting: Invoices are to be submitted to the TOMV. **Payment will be made in full by the TOMV (to the contractor) upon final inspection by the Project Administrator.**

General Description of Work:

A mandatory Project Administrator-guided project orientation meeting is required with all selected operators/sawyers on the project before any work begins. Treatments by the selected contractor are expected to be completed to the standards stated below as well as on all project maps provided (attached).

OSP-2S, 7.38 acres, TBD, trees marked

The harvest method for all marked trees will be hand felling with chainsaws. Any trees with the potential to fall into Mountain Village Blvd. will require a road closer permit and/or directional felling with a tag line. All material greater than 6 inches will be removed as saw logs or firewood. All material less than 6 inches will be either burned in an air curtain burner, chipped and spread on site to a depth no greater than 3 inches or lopped and scattered. All down material that is not imbedded in the soil will be removed as well. Access to the site will be by atv using the Boulevard Trail. Temporary parking and staging will be allowed along Touchdown Dr.

Additional Performance Standards:

- Soil disturbance will be as minimal as possible. Ruts and/or depressions in the soil caused by Contractor equipment will be less than 3 inches deep. In areas where machines have used a path repeatedly, water-bars will be installed by the Contractor if the Contract Administrator deems necessary.
- The Contract Administrator may suspend or limit operations if excess damage is occurring due to mud, snow, extreme fire danger, or due to the following situation(s): failure to meet contract specifications or at the recommendation of the project administrator.
 - Fuel, hydraulic fluid or other chemical spills will be reported to the Project Administrator immediately. Soil contaminated by loss of fuel, oil, grease, hydraulic fluid, coolant, or other fluids shall either be removed and placed in covered drums or other acceptable containers for proper disposal by the Contractor or left in place and mixed with an encapsulating product such as RamSorb I, depending on the amount of contamination.
 - All vehicles and motorized equipment must utilize effective manufacturer-certified spark arresters and muffler systems.

- Any fire started or observed on the project site will be immediately reported to 911.
- In order to quickly request assistance in the event of a fire or medical emergency, each crew working on the site will be required to have immediate access to a cellular phone.
- Refueling areas will have a minimum dimension of five by five feet, and will be cleared of all combustible material to mineral soil – preferably utilizing the gravel driveways and roads in and around the project site. No chainsaw or other motorized equipment will be started within 15 feet of any refueling area.
- Contractor shall notify the Contract Administrator prior to moving any equipment into the project area and also prior to the start of work. No work will begin without the presence of the Project Administrator.
- Damage by the Contractor will be repaired to a like or better condition, or replaced by the Contractor, at the discretion and with coordination by the Project Administrator.
- Smoking will only be allowed in vehicles. Each vehicle must have a properly serviced Class A, 10 pound fire extinguisher and a minimum of one fire tool per cutting crew member. All vehicles and motorized equipment must utilize effective manufacturer-certified spark arresters and muffler systems.
 - ⑩ All access roads will be kept passable at all times. Any significant accumulations of mulch on the access roads and trails will be removed by the Contractor at the end of the project.
 - ⑩ Neither trash nor litter will be left by the Contractor anywhere on the property, access route, or vicinity. Daily hauling of any trash generated by the Contractor is the Contractor's responsibility.
- When working within 100 feet of any road, the contractor shall post signs at least 100 feet in advance of the work area on each direction of travel. Such signs shall have a minimum dimension of two feet by two feet. If necessary, flagmen will be placed along the road to control or stop traffic if there is any danger to motorists, recreationists or neighbors.

PLEASE SUBMIT THE FOLLOWING TO DAVE BANGERT BY TBD, 2015

A. QUALIFICATIONS AND EXPERIENCE:

- 1 List past projects similar in nature.
- 2 Provide pictures and/or samples, if applicable.
- 3 Provide resumes and qualifications of key personnel.
- 4 Provide proof of required insurance (One Million per occurrence, Two Million in aggregate).
- 5 Provide references from the past complete projects with completion dates, company contact person and telephone number.

B. COST PROPOSAL

- 1 Per Acre Bid Price for OSP-2S.
- 2 Detailed Narrative Describing Harvest Method and Machinery to be Utilized
- 3 Include any guaranteed maximum fee, if applicable.
- 4 Only lump sum for bid will be accepted. An itemized list must be broken out for all factions of the work.

C. WARRANTY

Provide proposed terms of warranty for completed work if any.

PROPOSAL DEADLINES

- 1 Mandatory Site Walk date TBD, 2015 on the site at 1:00 p.m.
- 2 Proposal deadline is TBD , 2015
- 3 Proposal will be awarded TBD, 2015
- 4 Term of project: 90 days after project funding and notice to commence
- 5 Mail or email proposals to:

Town of Mountain Village, 455 Mountain Village BLVD, Suite A

Mountain Village, CO 81435

Attn: Dave Bangert

dbangert@mtnvillage.org

EVALUATION AND SELECTION:

The Town will judge the merits of proposals received in accordance with the criteria discussed below. The bidder is responsible for providing all information requested in this RFP and failure to do so may result in disqualification of the proposal. During the evaluation process, the Town may contact the interested parties to discuss any items that may need further clarification. After the notice of bid selection, the Town shall contact the contractor and negotiate the contract.

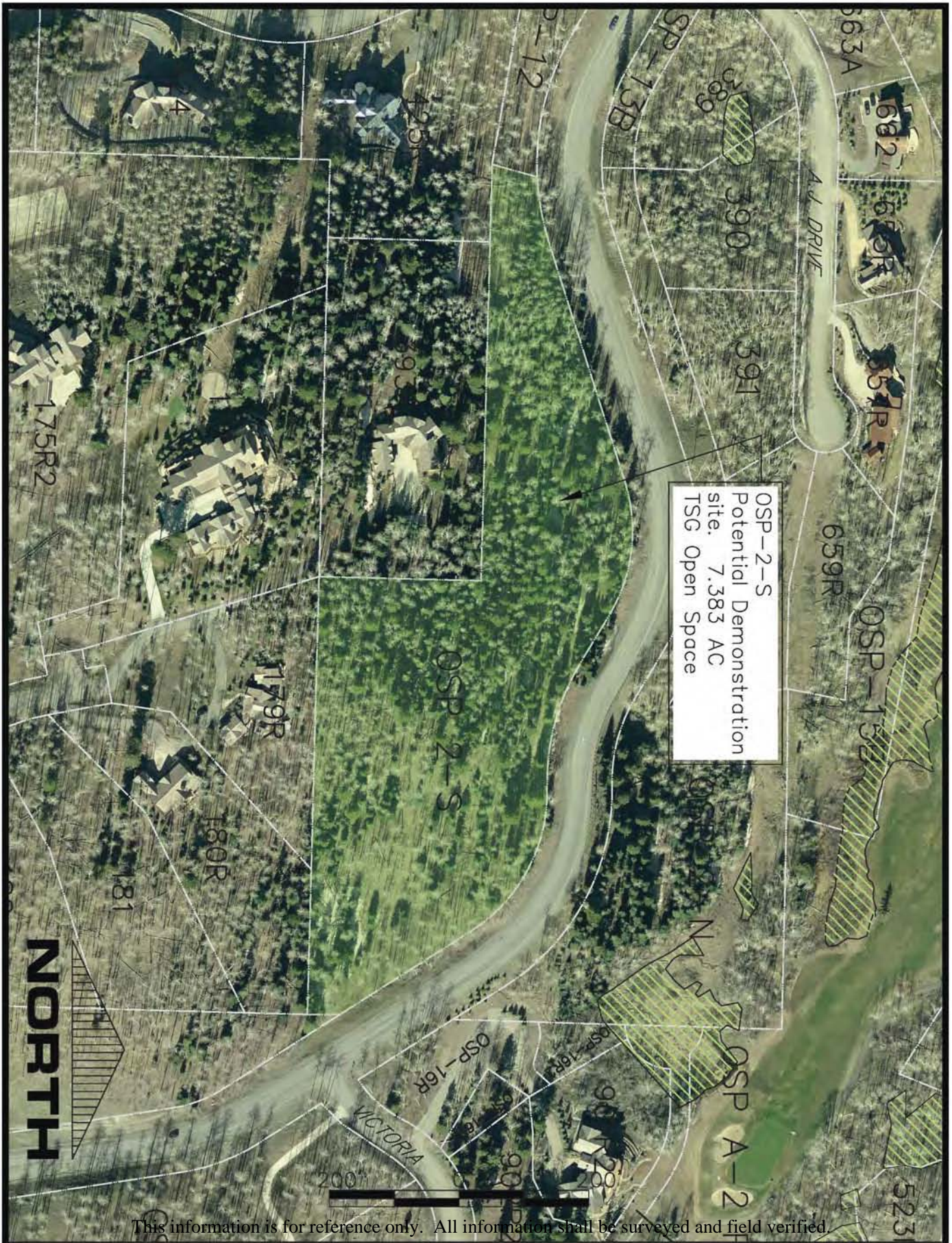
Criteria:

1. The contractor is deemed to be reputable in the industry for the work to be performed
2. The adequacy and completeness of the proposal
3. The experience of the contractor
4. The proposed cost of the project
5. Best interest of the Town

Right to Reject:

The Town reserves the right to reject any or all proposals and accepts no responsibility for the cost of proposal preparation. The Town also reserves the right to waive any minor bid irregularities and to make the award in the best interest of the Town.

*Call if you have questions. Remember, this project is surrounded by homes and vacant lots. How would you want your lot to look post treatment?



OSP-2-S
 Potential Demonstration
 site. 7.383 AC
 TSG Open Space

NORTH

This information is for reference only. All information shall be surveyed and field verified.

**Potential Demonstration Site
 Lot OSP-2-S**



**Town of Mountain Village
 Geographical Information System
 & CAD Design Office**
 411 Mountain Village Blvd.
 Mountain Village, CO 81435
 ph (970) 896-8201
 Rcheroske@mtnvillage.org

1" = 200'
 4-10-14



Mountain Village Police Department Semi Annual Report to Town Council WINTER: Oct 2014 - Mar 2015

DASHBOARD

SUMMARY

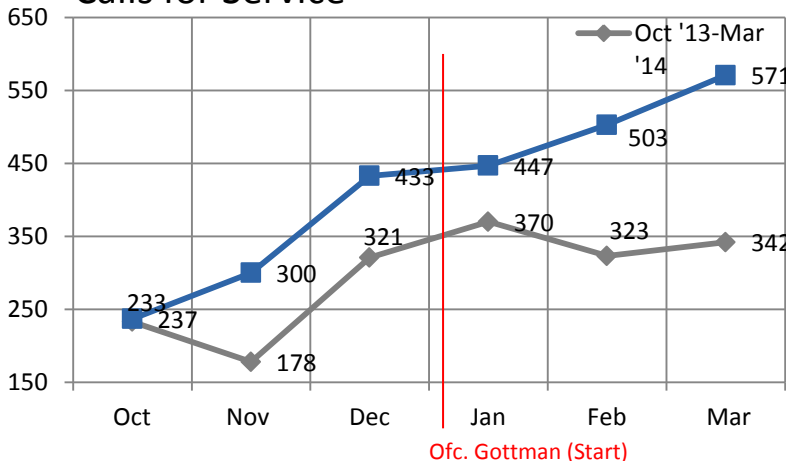
- Overall service calls up (41%) vs prior winter, with case load (formal reports), investigations, and arrests decreasing.
- Several complex investigations; involving assault(s), burglary, fraud, sexual assault, and domestic violence
- Completed multiple personnel training
 - Developed training schedule to achieve POST mandatory annual training hours.
 - Focus and update on policies and standard operating procedures during new hire training phases.
- One less patrol officer for 3-months (Oct – Dec)
 - 63 gap days: number of days that either Chief or Lieutenant covered patrol to ensure coverage
 - 25 days required outside shift contracting
 - One officer on light duty during a two week period

KEY METRICS & COMPARISONS

	CHANGE	OCT '14 - Mar '15	Oct '13 - MAR '14	KEY TAKE-AWAYS
Calls for Service	↑ 724	2491	1767	<ul style="list-style-type: none"> ▪ 41% Increase in overall calls
Mix		<ul style="list-style-type: none"> ■ 76 (4%) ■ 226 (11%) ■ 1,696 (80%) 	<ul style="list-style-type: none"> ■ 64 (3%) ■ 671 (32%) ■ 1,032 (49%) 	<ul style="list-style-type: none"> ▪ Overall increase primarily driven by officer initiated calls. ▪ Down 1 FTE (Oct - Dec)
Avg Response Time (mins)	↑ 00:05	6:47	6:42	<ul style="list-style-type: none"> ▪ Maintained consistency
Investigations	↓ 41	95	136	<ul style="list-style-type: none"> ▪ Harassment and Fraud complaints ▪ Intoxication calls increased
Arrests	↓ 4	9	13	<ul style="list-style-type: none"> ▪ 2 Warrant, 2 Domestic Violence, 3 Protective Custody
Traffic Contacts	↑ 12	67	55	<ul style="list-style-type: none"> ▪ Speeding and Stop sign Violations were complaint driven (27/25) ▪ 17 total citations issued (10 speeding/4 stop sign)

MONTHLY TRENDS

Calls for Service



- Seasonal trends (winter vs winter) illustrate the relatively consistent monthly directionality of calls for service
- Officer initiated calls (pro-active stewardship) increased 64% (664) vs prior winter
- Increases in Dec – Mar correspond closely with start date of full time police officer.

Mountain Village Police Department
Semi Annual Report to Town Council
WINTER: October 2014 thru March 2015

KEY POINTS

- Increased officer initiated calls, more proactive enforcement.
 - Dec 2014 – Mar 2015;

 - Complex investigations
 - With no assigned investigator, officers are responsible for their own investigations.
 - Lieutenant called to testify before a Grand Jury seated in the 1979 disappearance of a teenager in Routt County.
 - Municipal Court trials and appearances increased during this reporting period.

 - **Training**
 - 377 hours of training from October to March – most training is funded by Peace Officer Standards and Training Board (POST) training surcharge
 - Two officers attended week long patrol in-service program
 - Two officers attended the Advanced Roadside Impaired Driving Enforcement (ARIDE) certification program. Includes detection of driving under the influence of drugs or marijuana.
 - Firearms simulator hosted at the MVPD with Telluride Marshal's Office and one resident participating.
-

POLICE DEPARTMENT PROGRAM NARRATIVE

The delivery of quality service, both timely and courteous, shall be the mandate that guides the members of the Mountain Village Police Department, always with the intent of solving problems for those who ask for assistance. The Mountain Village Police pledge is to embrace all the citizens in solving problems, both routine to law enforcement and those unique to the community. Mountain Village Police will solicit citizen input, ideas and guidance, for it is only through this relationship that we truly meet or exceed their needs.

DEPARTMENT GOALS

- A. Maintain a high level of public trust and confidence with the community
- B. Maintain a high level of visibility while on pro-active police patrols
- C. Maintain a high level of community policing by conducting quality foot patrols
- D. Respond to calls for service in a courteous, professional, and timely manner

PERFORMANCE MEASURES

- A. Through regularly scheduled community surveys, score an average satisfactory approval rating of 75% with no individual category rated below 60%
- B. Officers are to patrol by vehicle no less than 30 miles per shift with all roads patrolled as least once per 10 hour shift
- C. Officers should patrol the business areas on foot an average of 2 hours per shift
- D. Calls for service are to be handled within 15 minutes of origination and with generation of little or no complaints

Mountain Village Police Department
Semi Annual Report to Town Council
WINTER: October 2014 thru March 2015

PERFORMANCE REPORT

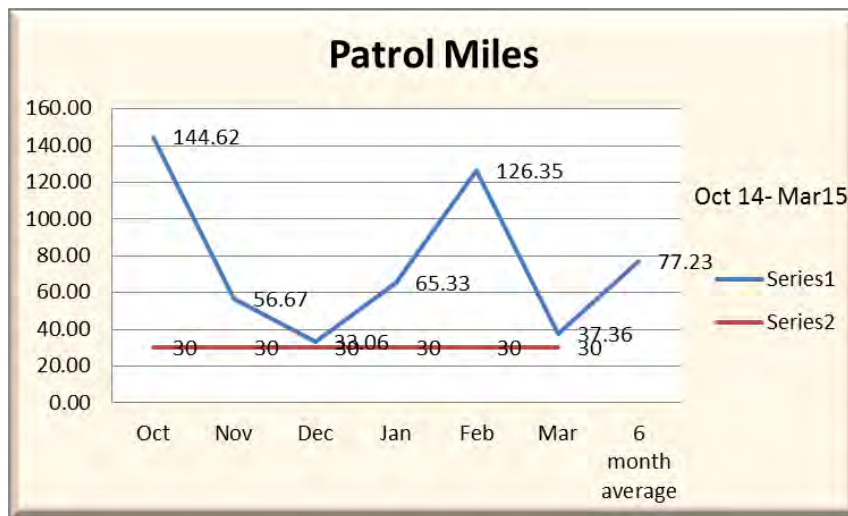
A. Regularly scheduled community surveys

- We are working with the Community Relations Department as they roll out the new website to include a survey to engage our year round citizens, second home owners and visitors / guests that police department staff has interacted with.

B. Patrol no less than 30 miles per shift

- As discussed before, December was a very investigations heavy month, with one officer in training and the gap coverage days by command staff we continued to exceed the goal for the entire reporting period, as indicated in Chart 1.

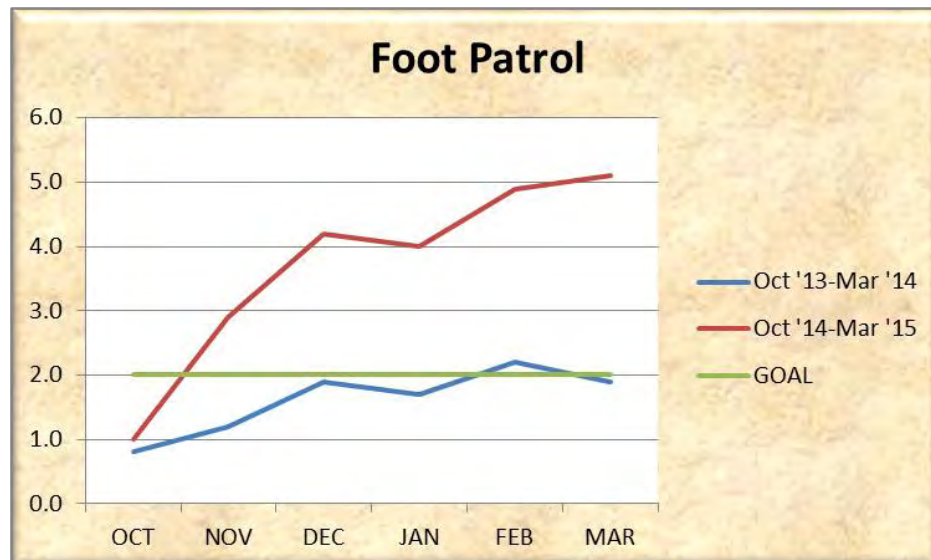
▪ Chart 1



C. Patrol on foot as average of 2 hours per shift

- Foot patrols in the core areas were higher than the goal in this period! This is largely attributed to staff being in the populated areas during peak hours making themselves available to residents and visitors alike.

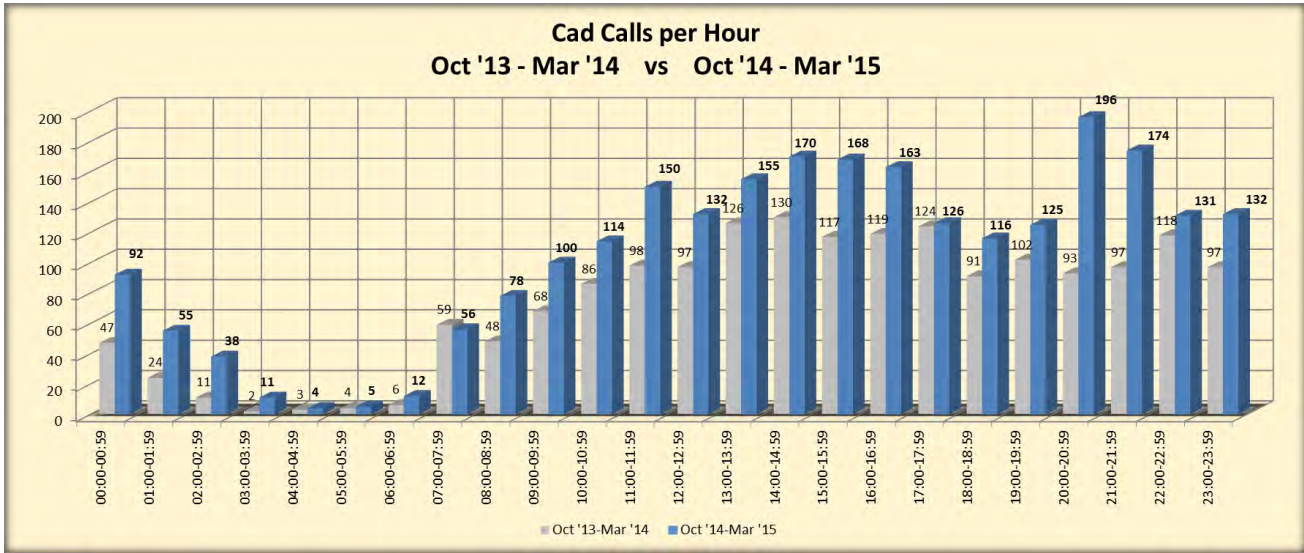
▪ Chart 2



Mountain Village Police Department
Semi Annual Report to Town Council
WINTER: October 2014 thru March 2015

D. Calls for service, within 15 minutes, little or no complaints

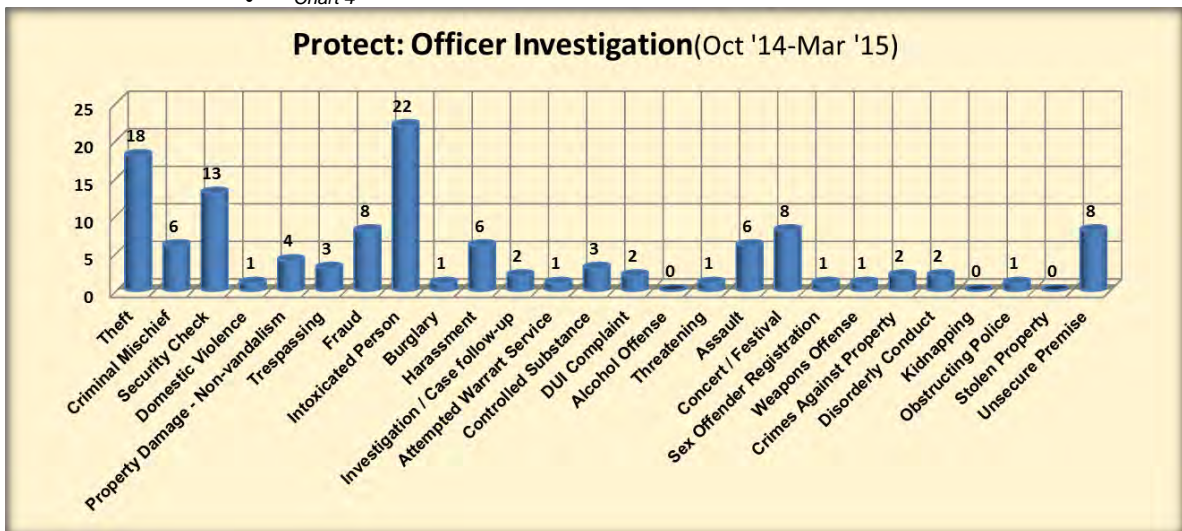
- The average response time is **6 minutes 47 seconds** from the time an officer receives the call from dispatch until the officer arrives on scene. Last reporting period this was **6 minutes 14 seconds**. This reported response time is for criminal activity / priority response calls. Other calls for service response may be to 20 minutes depending on officer availability and type of call.
- Chart 3 below shows call volumes by hour vs prior period.
 - *Chart 3*



- Charts 4 and 5 below shows call types for this period. So as not to skew graphs, high and lows categories are listed in table format.

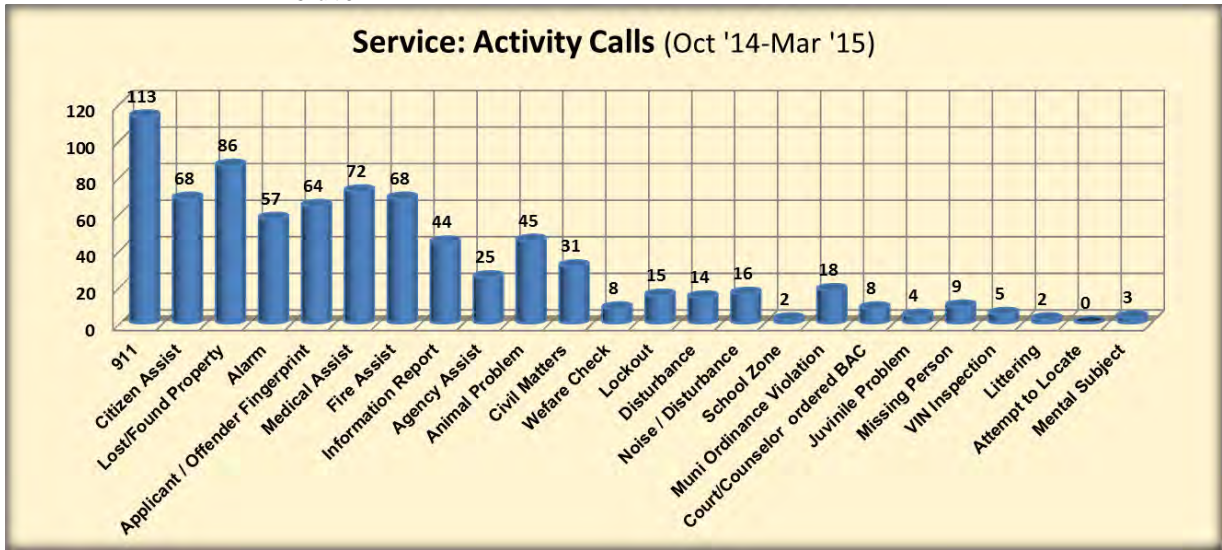
Directed Patrol	691	Disorderly Conduct	2
Bar Checks	534	DUI Complaint	2
Weapons Offense	1	Juvenile Problem	4
Assault	6	Crimes Against Property	2
Burglary	1	Property Damage - Non-vandalism	4
Obstructing Police	1	Juvenile Problem	4

• *Chart 4*



**Mountain Village Police Department
Semi Annual Report to Town Council
WINTER: October 2014 thru March 2015**

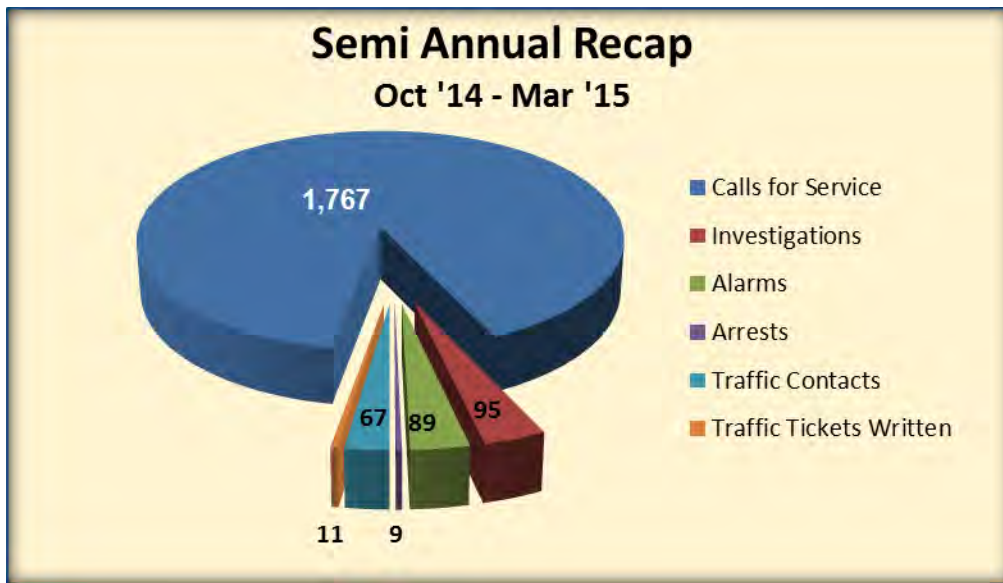
• Chart 5



LAW ENFORCEMENT ACTIVITY

- The activity that is reported monthly to Town Council is compiled in Chart 6, for this six month reporting period.

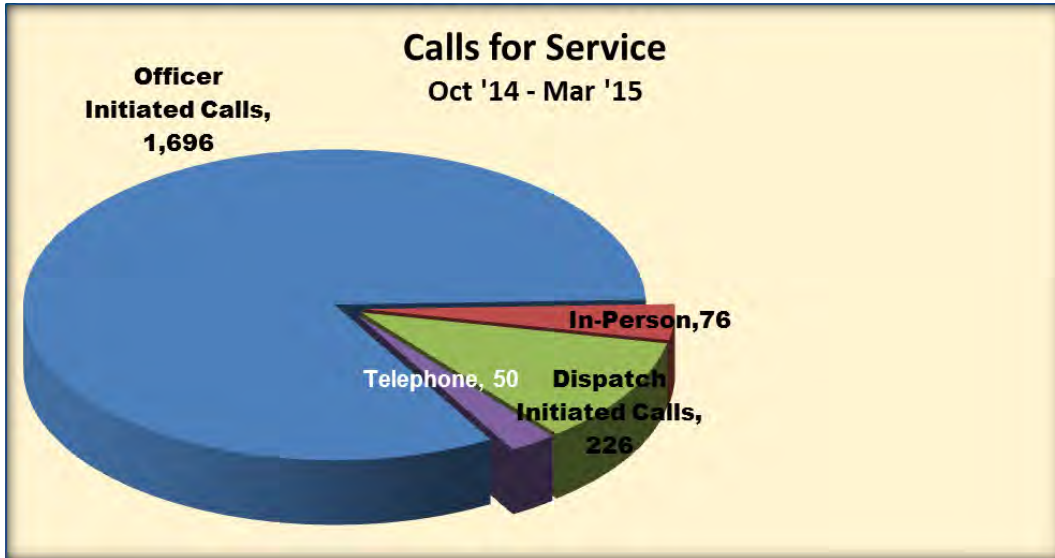
▪ Chart 6



Mountain Village Police Department
Semi Annual Report to Town Council
WINTER: October 2014 thru March 2015

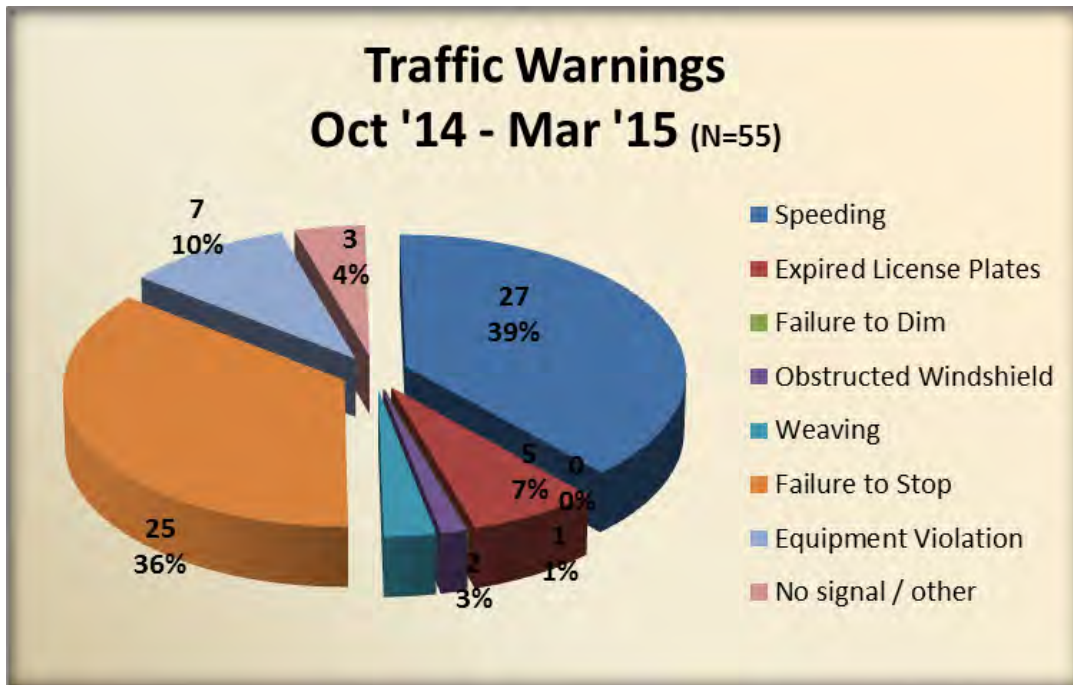
- Chart 7 is a comparison of “self-initiated” calls meaning what the officers are finding and addressing on their own – not from citizen calls or requests.

▪ Chart 7



- Chart 8 shows the reason for the traffic contacts previously reported in chart 6. Officers spend approximately 10% of their shift doing directed traffic patrols. This involves the officer running stationary radar along all streets, but may not result in any contacts during this time.

▪ Chart 8



Respectfully submitted,


 Chris G. Broady
 Mountain Village Chief of Police



To: Honorable Mayor Jansen and Mountain Village Town Council
From: Chris Colter, Transit & Recreation Director
Date: May 13, 2015
Re: Transit & Recreation Semi-Annual Report

The Transit Department currently is comprised of four functions with budgets in the Gondola Fund, General Fund, and Parking Services Fund:

1. Gondola Operations & Maintenance
2. Municipal Bus services
3. Commuter Shuttle program
4. Parking Services

The Transportation Department management team includes:

- Jim Loebe, Gondola Maintenance Manager
- Rob Johnson, Transit Operations Manager (Gondola Ops, Municipal Bus, Commuter Shuttles and Parking)

The Parks & Recreation Department operates within the General Fund and is staffed by four full time year round employees and two FTE seasonal employees.

Town of Mountain Village

GONDOLA OPERATIONS & MAINTENANCE

Winter Season 2014-15

VISION

To make every guest's experience as unique and unparalleled as the services we provide so they want to return. Our mission is: ride by ride, courteous, friendly, safe, and reliable transportation to meet the needs of the community. Undertake a comprehensive maintenance program to ensure the highest degree of safety and reliability for system users and employees.

DEPARTMENT GOALS

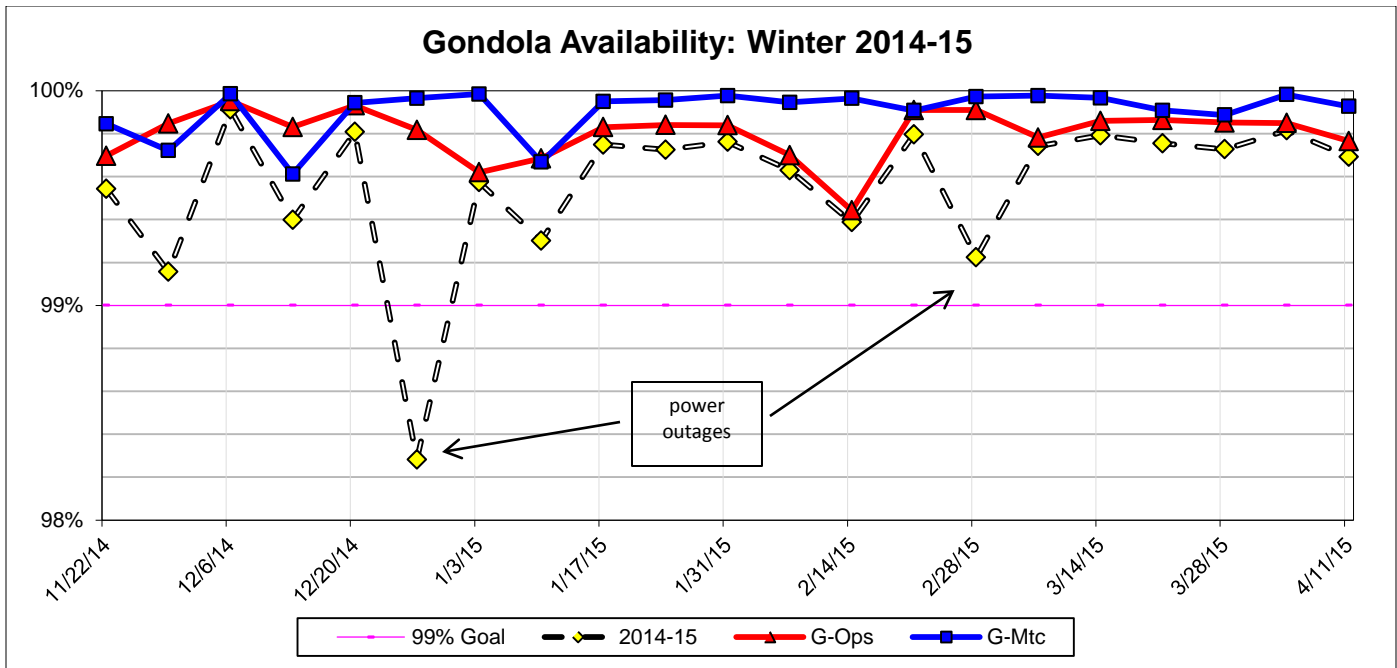
1. Keep gondola downtime to a minimum through training and teamwork.
2. Safely transport all guests and employees by attending to every cabin and every guest.
3. Provide excellent guest services by interacting with every guest in a professional manner.
4. Control costs by performing routine audits of the department's financial performance.
5. Provide a clean, trash free environment at the gondola terminals.
6. Keep up with all mandated maintenance procedures and inspections in order to be in compliance with all applicable rules and regulations.

PERFORMANCE MEASUREMENTS

- 1a. Operations availability: SUMMER > 99.67% and WINTER > 99.75% of operating hours.
- 1b. Maintenance related availability > 99.75% of operating hours.
- 1c. Total gondola availability > 99.0% of operating hours (includes weather and power outage events)
- 2a. The number of riders are tallied and the data is tracked and reported.
- 2b. There are no (0) passenger injuries from operating incidents.
- 2c. There are no (0) employee injuries from operating incidents.
3. Customer satisfaction: score above 4.0 rating on customer surveys.
4. The department operates at or below budget.
5. Provide > 36 man-hours per year labor allocated to trash and litter pick-up at the terminals.
6. CPTSB Inspection Results and Reporting Requirements: Licenses received and maintained in good standing and zero (0) late or failure to report incidents.

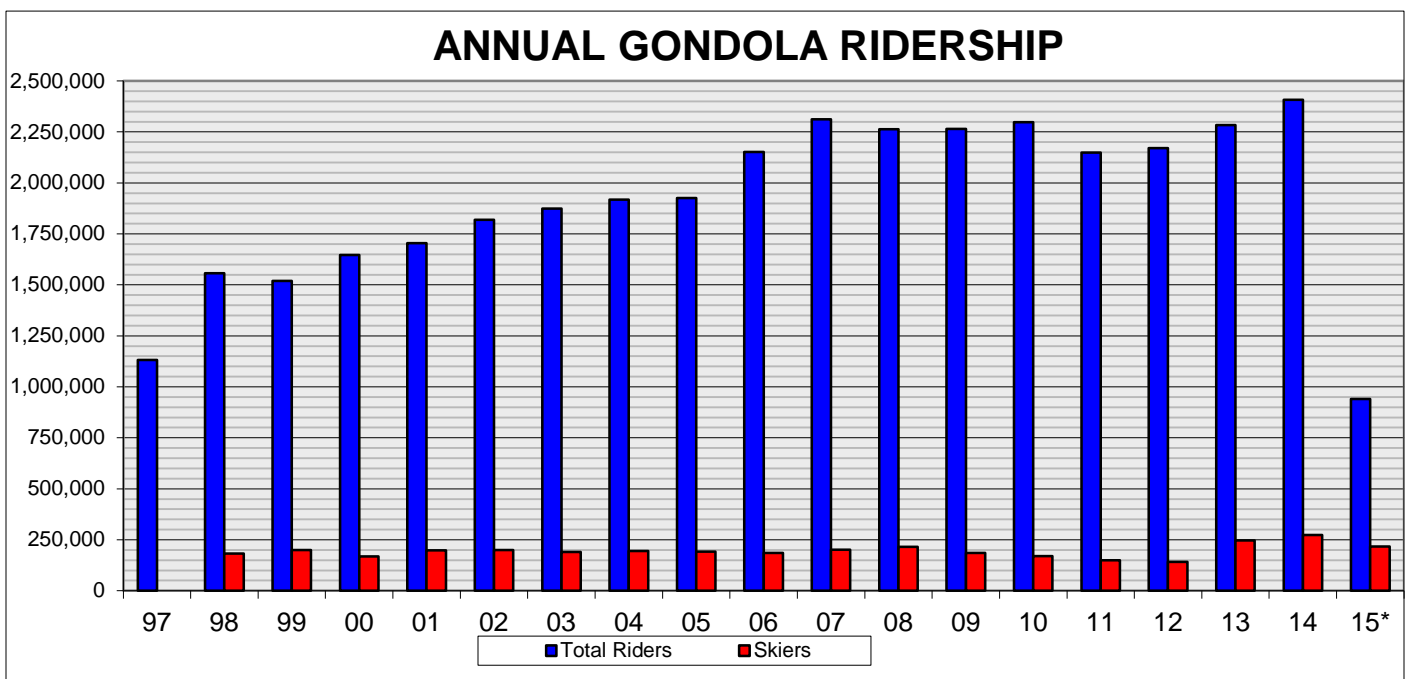
PERFORMANCE REPORT

- 1a. Operations Availability: The Gondola Operations department met the 99.75% WINTER availability goal 16 of the 21 operating weeks during the winter season, with an overall achievement of 99.81%.
- 1b. Maintenance Availability: The Gondola Maintenance department met the 99.75% WINTER availability goal 18 of the 21 operating weeks during the winter season, with an overall achievement of 99.91%.
- 1c. Overall Gondola Availability: Total Gondola availability exceeded the 99.0% availability goal (including operations, maintenance, weather and SMPA related downtime) 20 of the 21 operating weeks, with an overall achievement of 99.55% for the winter season. There were significant regional power outages during the holidays and at the end of February.



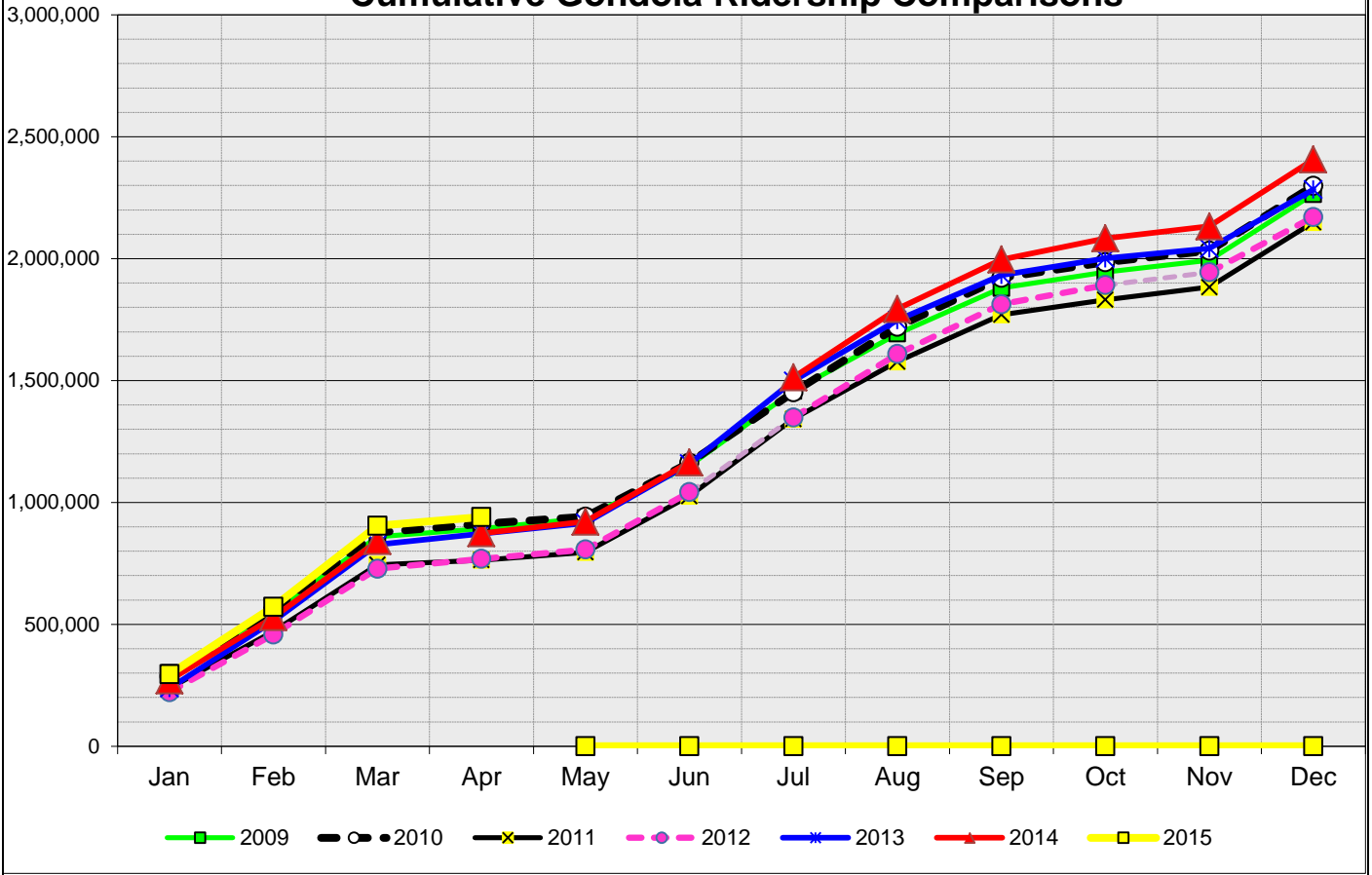
2a. Ridership: Gondola 2014-15 winter season ridership was up by 9.3% over the previous winter season; this puts us on the track to being ahead of the 2014 FY record ridership of 2.4 million passenger trips. It is interesting to note that skier usage of the gondola is also increasing which can in part be attributed to TSG's shortened operating hours for the Oak St Lift 8.

	Winter 2014/15	Winter 2013/14	DIFF	YTD %
Gondola Total	1,263,870	1,156,353	107,517	9.3%
Skier use	285,395	262,239	23,156	8.8%
Chondola	122,258	110,686	11,686	10.5%

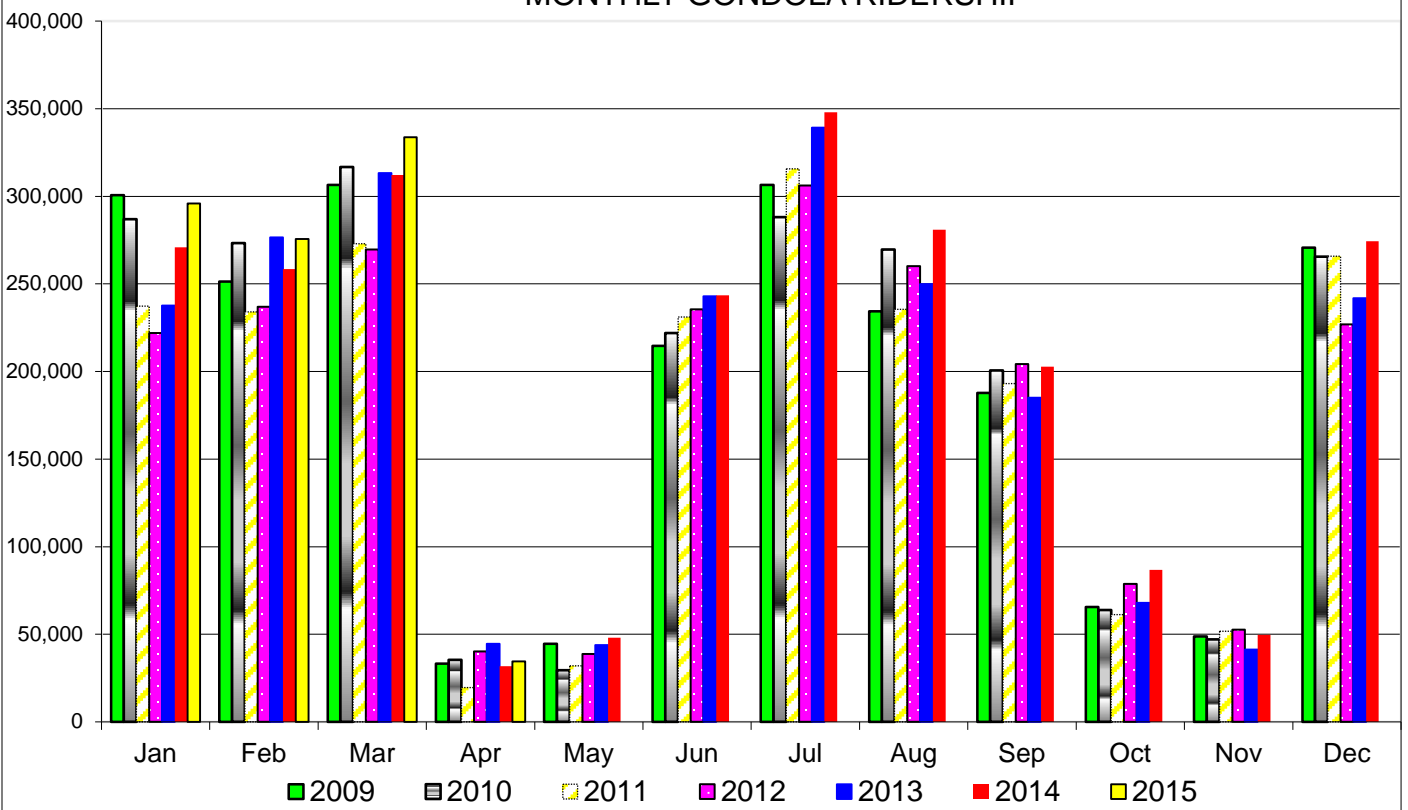


* YTD > April 30th

Cumulative Gondola Ridership Comparisons



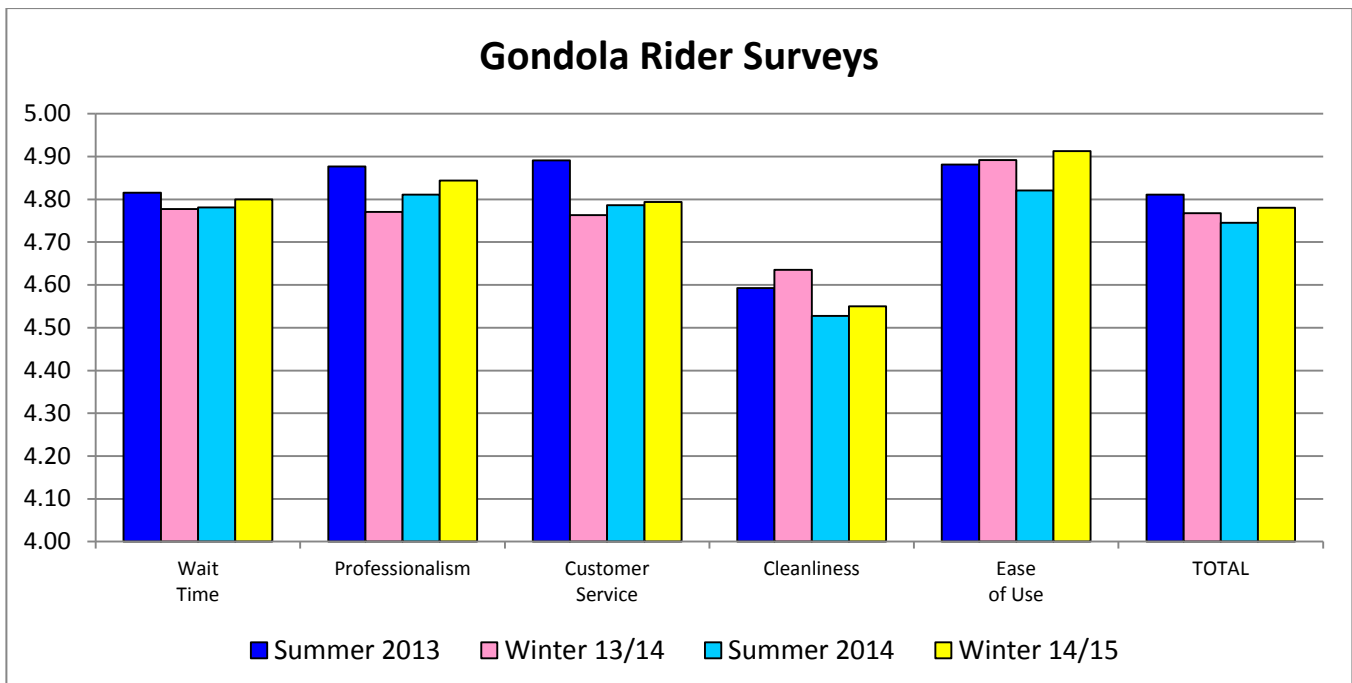
MONTHLY GONDOLA RIDERSHIP



- 2b. Passenger injuries: There were zero (0) passenger injuries during the winter season.
- 2c. Employee injuries: The G-Ops and G-Mtc Departments each incurred one worker's comp claim that resulted in an expense to the TMV during the winter season.
3. Customer satisfaction: The Gondola rated an overall 4.35 on the 2013 Community Satisfaction Survey.

COMMUNITY SURVEY	2010	2013
Gondola Operators:		
Attentiveness	4.5	4.4
Friendliness	4.5	4.4
Helpfulness	4.5	4.4
Gondola Cabins:		
Cleanliness	3.9	3.9
Safety	4.5	4.5
Capacity	4.5	4.5

GONDOLA RIDER SURVEYS	Winter 14/15 Visitors	Winter 14/15 Residents	Winter 14/15 Total
# of rider surveys taken	425	375	800
Wait time to load cabin	4.92	4.67	4.80
Operator professionalism	4.85	4.84	4.84
Operator customer service	4.82	4.76	4.79
Cabin cleanliness	4.75	4.32	4.55
Ease of use	4.95	4.87	4.91
TOTAL	4.86	4.69	4.78



4. **Budget:** The Gondola Fund ended 2014 under budget for total expenses. YTD (4/30/15), the Gondola Fund expenses are tracking under budget.
5. **Terminal Clean-up:** Gondola Ops allocated 18 man-hours to terminal cleanup during the winter season; this puts the department on track to meet or exceed the 36 man-hour goal for FY-2015.
6. **CPTSB Compliance:** All required licenses have been received and maintained in good standing and there have been zero (0) instances of late or failure to report incidents.

CUSTOMER CONTACTS:

- Compliments – “Love your crew; your operators work very hard and are always friendly.” The Gondola received 60 posts on Trip Advisor during the first quarter 2015. The Trip Advisor posts rate a service on a scale from one to five with one being terrible and five being excellent. The Gondola received 54 posts rating it a five and six posts rating it a four. Comments on the Trip Advisor posts included “Perfect Mode of Transportation,” “Free and breathtaking,” and “The staff are friendly and helpful with big smiles.”
- Complaints – “The operators should load our skis.” “The operators should not touch our skis.” Why aren’t there enough blankets for everyone? There was a Facebook post on Telluride Sweet Rants that mentioned an operator by name as one who grabbed guest’s skis without asking. Operator rudely hustled guest into cabin and berated guest. Operator rudely told guest to leash her dog while in the terminal. Gondola attendant was downright rude yelling at our group of 5 people carrying equipment to "scoot over" shoving 3 more people in the cabin. Operator did not “bump cabin” on the Chondola resulting in a very awkward load for a guest. Operator was rude to patrons at Angle (guests had entered a cabin and threw a pile of blankets out on the terminal floor).

COST PER RIDE:

2014 ANNUAL COST PER PASSENGER TRIP

Cost per Ride:	# passenger trips	2014 O&M \$ /passenger trip	2014 Fully Loaded \$ /passenger trip
Gondola Rider	2,407,193	\$1.33	\$1.49
Chondola Rider	118,232	\$2.75	-

*Gondola \$ /passenger trip = (G-Ops + G-Mtc + FGOC + MARRS) ÷ total riders..... [Capital & Major Repairs not included]
 Gondola Fully Loaded \$ /passenger trip = (O&M costs + capital & major repairs 15-year amortized expenses) ÷ total riders
 Chondola \$ cabin passenger trip = (Chondola \$\$ x 2) ÷ total riders..... [Chondola costs split 50 /50 with TSG*

OTHER:

- **Extended Gondola Hours:** The gondola operated for 9 extra hours on 5 days for New Year’s Eve, a TCC event, and the Lifestylez Group during the winter season.
- **Operating Schedule:** The gondola closed for the winter season on 4/5/15, concurrent with the closing of the Telluride Ski Area. The gondola is scheduled to reopen for the summer season on Thursday, May 21, 2015. Extended hour dates currently scheduled for the summer season include Mountain Film, Bluegrass, The Ride, Pretty Lights, Telluride Film Festival, Blues & Brews, and a private wedding party on 9/11/15 (gondola and Meadows bus services are open to the public during all extended hour events).
- **Operator Recruitment & Retention:** Operator starting wages were increased to \$14.00 plus a \$1.00 per hour “stay bonus” for seasonal employees and \$15.00 per hour for FTYR staff as of January 1st. Full ski passes were also offered to all seasonal operators and the wellness benefit for FTYR staff was increased to level commensurate with the cost of an employee ski pass. Employee retention for the winter season was at 84% which is comparable to what we experienced the previous winter. The new benefit package helped attract applicants in the early portion of the winter season when we were experiencing difficulties in recruiting employees for open positions. We anticipate that this trend will continue as compared to last summer when the fall-off in qualified applicants impacted our operations and ability to keep fully staffed.

Town of Mountain Village

MUNICIPAL BUS

Winter Season 2014-15

VISION

To make every guest's experience as unique as the services we provide so they want to return. Our mission is: ride by ride, courteous, friendly, safe, and reliable transportation to meet the needs of the community.

DEPARTMENT GOALS

1. Safely transport all guests and employees without incidents/accidents.
2. Provide excellent guest services by interacting with every guest in a professional manner.
3. Operate a fiscally responsible department through auditing, inventory management and scheduling management.
4. Provide a clean, trash free natural environment at the Meadows and Town Hall parking lots.

PERFORMANCE MEASUREMENTS

- 1a. Number of vehicle accidents: no vehicle accidents
- 1b. Number of worker's comp claim: no worker comp claims
- 2a. Number of rides: track ridership data
- 2b. Customer satisfaction: score above 4.0 on customer service surveys
- 2c. On-Time bus stop departures > 90.0%
3. The department operates at or below budget
4. Allocate > 12 man-hours per year to trash and litter pick-up at the Meadows and Town Hall parking lots

PERFORMANCE REPORT

1a. NUMBER OF VEHICLE ACCIDENTS: The Municipal Bus program had zero (0) vehicle accidents during the winter season.

1b. NUMBER OF WORKER'S COMP CLAIMS: The Municipal Bus program had zero (0) worker's comp claims during the winter season.

2a. RIDERSHIP DATA:

WINTER SEASON BUS RIDERSHIP: Nov 1 – Apr 30

	2014/15	2013/14	DIFF	% DIFF
Meadows Bus	1,199	579	620	107.1%
Village Ctr	7	16	-9	-56.3%
Telluride Loop*	6,141	6,101	40	0.7%
TOTAL RIDERS	7,347	6,696	651	9.7%

* Telluride's Galloping Goose bus service also operated on the TMV – Telluride loop; Goose ridership data not included.

2b. **CUSTOMER SATISFACTION:** The most recent community survey was conducted in 2013. Supervisory staff conducts periodic rider surveys; rider surveys for winter 2014/15 received a 4.29 overall score.

Winter Season: Nov 1 – Apr 30

MUNICIPAL BUS SURVEYS	Community Surveys		Rider Surveys	
	2010	2013	Summer 14	Winter 14/15
Timely, punctual service	4.0	3.98	3.35	4.07
Driver courtesy	4.1	4.07	3.66	4.74
Location of stops & routes	3.9	3.95	-	4.44
Driver skill			3.54	4.52
Vehicle cleanliness			3.11	3.85
Overall satisfaction			3.69	4.26
Composite Score	4.0	4.0	3.47	4.29

2c. **ON-TIME BUS DEPARTURES:** TMV bus service is scheduled to operate on the Telluride loop in the spring and fall shoulder seasons and the Meadows loop during the summer gondola operating season. The bus does not run during the winter months when the Chondola is open for public operations. The November on-time departure rate was 83.6% due primarily to a major snow event which occurred on November 23rd and 24th. The April on-time departure rate was 86.1% due to rock fall mitigation delays on Highway 145. The composite on-time departure rate for the period November 1 through April 30 was 84.69%.

3. **BUDGET:** FY-2014 bus expenses were under budget. YTD 2015 bus expenses are tracking under budget.

4. **CLEAN-UP:** The Municipal bus crew spent 7 man-hours cleaning up trash and litter at the bus stops and Meadows parking lot during the winter season; this puts the department on track to exceed the 12 man-hour goal for FY-2015.

CUSTOMER CONTACTS:

- **Compliments:** “All drivers are very friendly and punctual.” “Thank you so much for this service. Wish it were year round.” “Thanks for the great service.” “It’s a good deal. I moved here in November. Anyone that complains should try the bus in Baltimore or Honolulu.” “Thanks. Without the offseason bus I could not get to work without walking.”
- **Complaints:** “Some buses are a bit dirty.” “The offseason bus frequently runs behind in the morning.” “One morning bus passed me standing at stop by Conoco.” “The bus needs to be more clean.” “The bus surely helps during the offseason, though on more than one occasion I’ve waited long and was out early, realizing my particular bus didn’t show.” “The last bus at night has too many riders from the bars.” “I went to go get a bus schedule at the meadows stop and noticed there were none. Just the master copy on the wall. During the 2 week break the bus was never on time anyway. ...The schedules were so wacked out that both buses were literally chasing each other a minute or so behind one another, oops. All that needed to happen was to get a Transit supervisor out there to inform people of the new times or a sign and take one offline till the timing is reestablished. ...It was easier to find the bus schedule on the town of T-ride website than ours.”

OTHER TRANSIT NEWS:

- The municipal bus service between Telluride and Mountain Village began on October 20, 2014 for the fall shoulder season and continued until the gondola opened on November 21st. The Meadows route service then operated until the Chondola opened for public operation on November 26th. The municipal bus began Telluride loop operations for the spring shoulder season on April 6, 2015.
- The Meadows bus will begin running for the summer season when the gondola opens on May 21st.

Town of Mountain Village
COMMUTER SHUTTLE PROGRAM
Winter Season 2014-15

Vision

It is the intent of the Town of Mountain Village to provide safe and reliable transportation for Town employees and the general public. The shuttle program was initially implemented for groups of three (3) or more Town employees who work similar shifts and who commute in similar directions from the same location or on the same general route. In an effort to offset costs associated with the program and as a result of the need for regional transit services, the program is also available to the public. This service is considered a significant privilege for those who are able to use it. This privilege is subsidized by the Town and is partially offset by a per-ride charge to the riders.

Department/Program Goals

1. Provide Town employees with a regional public transportation service that meets employees and town scheduling requirements.
2. Operate the Town commuter shuttle program to maximize cost effectiveness.
3. Emphasize driver training to provide safe commuter shuttle services.
4. Departments shall stay within budget.

Performance Measures

1. Route and Ridership statistics: track ridership data.
2. a. Percent of capacity utilization per route greater than 50%.
b. Cost per rider metrics less than the \$2.50 per rider Town subsidy.
3. a. Driver training records: 100% driver training compliance
b. Vehicle accidents: No vehicle accidents.
4. Department year end expenditure totals do not exceed the adopted budget.

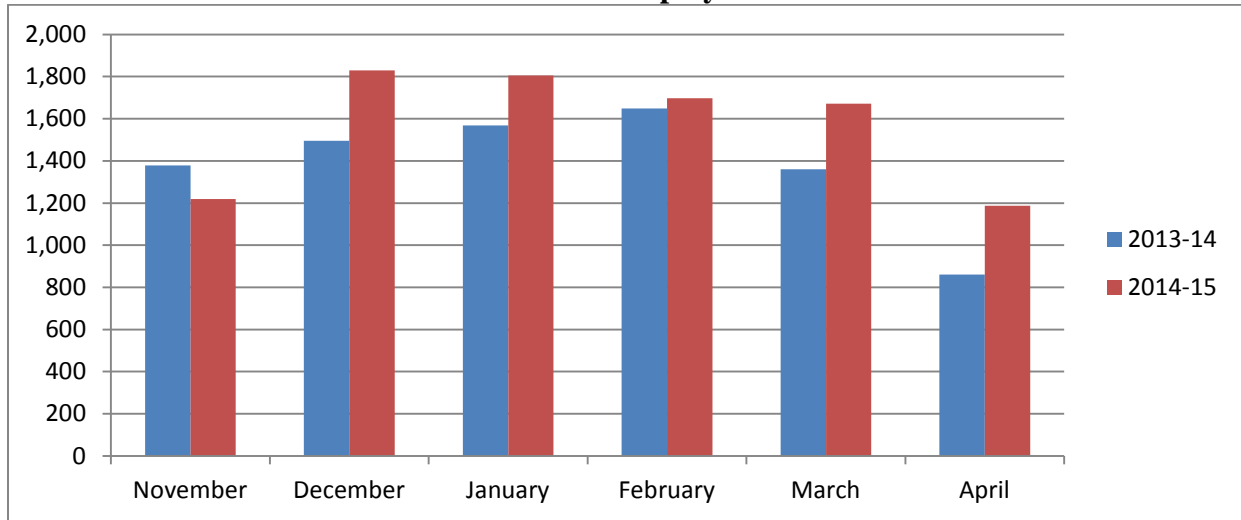
Performance Measure 1: Ridership

During the 2014-2015 winter season, the number of vehicle trips increased by 11.55%, the number of seats available for passengers increased by 30.14%, and the number of passengers transported increased by 13.21% compared to the 2013-2014 winter season. The increase in vehicle trips and number of passengers transported can be attributed to more Town employees being hired that do not live in the local area. The increase in passenger seats available results from the delivery and utilization of the new 15 passenger vans placed on line in the fall of 2014.

Commuter Shuttle Ridership

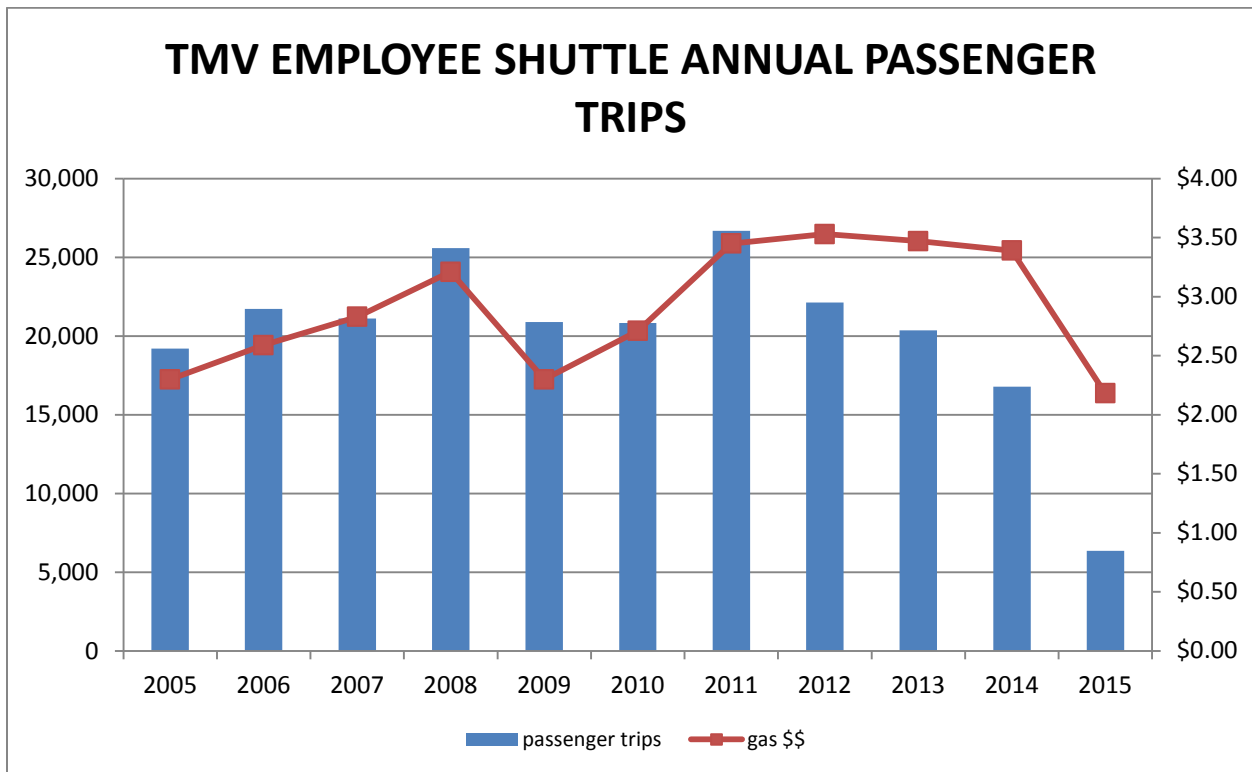
Period	# of Trips	# of Seats	# of Passengers	Utilization
Nov. 2013 – Apr. 2014	1,784	13,257	8,311	62.69%
Nov. 2014 – Apr. 2015	1,990	17,252	9,409	54.54%
Difference	206	3,995	1,098	-8.15%
% Difference	11.55%	30.14%	13.21%	-13.00%

Shuttle Ridership by Month



Shuttle ridership by month is impacted by several factors including number of Town employees living locally, the number of seasonal Town and public riders, and the cost of fuel. Other things being equal, higher gasoline costs equate to higher shuttle passenger numbers.

TMV EMPLOYEE SHUTTLE ANNUAL PASSENGER TRIPS

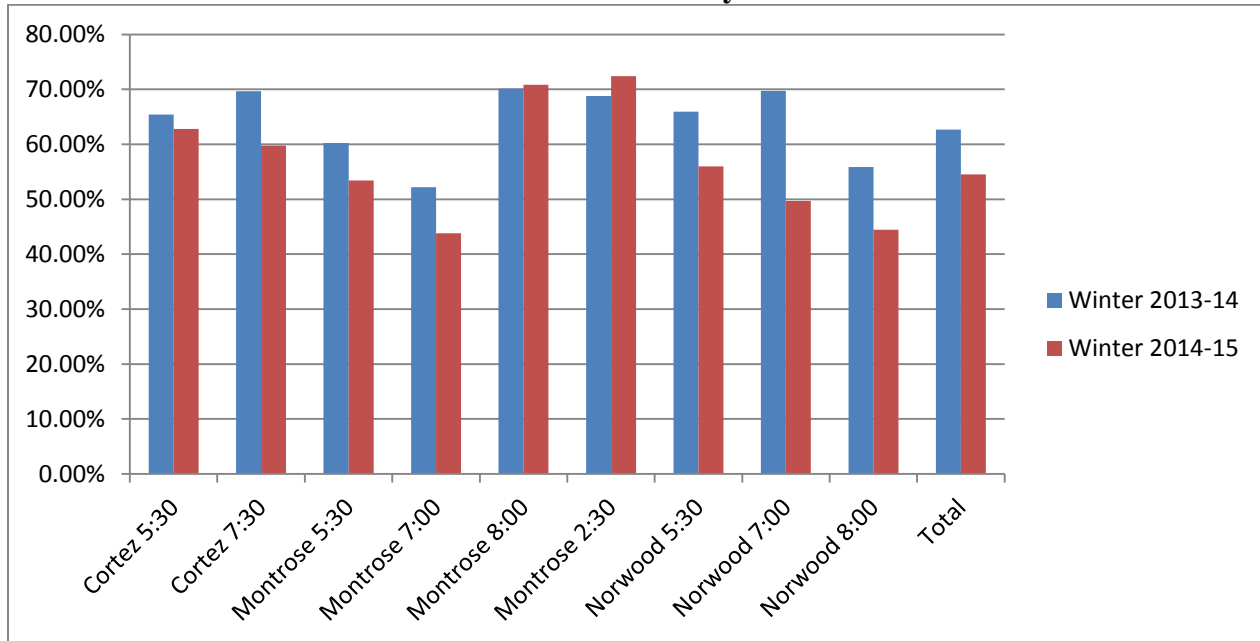


Note: Colorado All Grades All Formulations Retail Gasoline Prices (Dollars per Gallon)

Performance Measure 2a: Shuttle Utilization by Route

Overall shuttle utilization for the 2014-2015 winter season was 54.5% compared to overall shuttle utilization for the 2013-2014 winter season of 62.7%. Overall utilization dropped as the result of the increased seating capacity provided by the new vans placed into service. Higher capacity shuttles are allocated to the routes with the most passengers. Lower capacity shuttles are allocated to the routes with the fewest passengers to realize the highest effective shuttle utilization by route.

Shuttle Utilization by Route



Performance Measure 2b: Cost of Per Rider Subsidy

The total cost per passenger trip for the 2014-2015 winter season was \$3.17 (this analysis does not include vehicle depreciation or vehicle maintenance labor costs). After factoring in van rider revenues, TMV's gross subsidy comes to \$1.29 per passenger trip. TMVOA's contribution for Gondola employee ridership costs are based on the percentage of shuttle riders employed on the Gondola. Gondola employees were 19.75% of shuttle riders for the winter season. After TMVOA's contribution, TMV's net subsidy is \$1.04 per rider. Total cost per passenger trip for the 2014 summer season was \$4.47 and the net TMV subsidy per rider was \$1.75. The decrease in costs per passenger trip is primarily the result of lower fuel costs and lower maintenance expenditures associated with newer vehicles.

(Nov 1 – Apr 30)

COST PER RIDER	Winter Season Total
Expenditures	29,838
Van Rider Revenue	17,695
Net Expenses	12,143
Passenger Trips	9,409
Total Cost Per Passenger Trip	\$3.17
Gross TMV Subsidy/Rider	\$1.29
Net TMV Subsidy/Rider*	\$1.04

*Net TMV subsidy is less TMVOA's contribution for 19.75% of total ridership.

Performance Measure 3a: Training

All new TMV employee shuttle participants who elect to drive are required to complete shuttle driver training prior to driving. Semi-annual refresher training is completed by all shuttle drivers. Training is typically completed before June 1 and December 1 of each year.

Performance Measure 3b: Vehicle Accidents

The shuttle program had zero accidents during the 2014-2015 winter season.

Performance Measure 4: Budget

Total Commuter Shuttle expenses were under budget for fiscal year 2014 and are tracking under budget YTD for fiscal year 2015.

TOWN OF MOUNTAIN VILLAGE
PARKING SERVICES SEMI-ANNUAL REPORT
Winter Season 2014-15

DEPARTMENT MISSION

Provide excellent parking services to the residents, guests and employees of the Mountain Village.

DEPARTMENT GOALS

1. Manage HPG, surface lots and GPG to minimize on-street overflow parking
2. Maximize parking revenues
3. Provide user friendly parking opportunities
4. Continue moving towards self-sustainability
5. Provide a clean, trash free natural environment at the GPG and HPG parking lots.

DEPARTMENT PERFORMANCE MEASURES

- 1a. Track parking usage at all lots and on-street overflow
- 1b. Track % utilization of parking spaces used to capacity
2. Operate within adopted budget
3. Respond to all complaints and call center reports within 24-hours
4. Each year, the enterprise operates with a reduced transfer from the General Fund
5. Allocate > 36 man-hours per year to trash and litter pick-up at the GPG and HPG.

Summary:

Total noon parking counts were down by 3% this winter as compared to winter 2014. However, winter season revenues were up 20% from the same period last year primarily due to pre-purchased bulk rate overnight GPG sales, regaining lost revenue at HPG at the end of March and April 2014 (old T2 exit pay-station equipment failure), and generally improved fee collection by the pay-and-display meter system. Overall parking utilization remains relatively low at 32% of total capacity for the winter season; the GPG accounts for the majority of the available parking space.

WINTER SEASON NOON PARKING COUNTS (Nov 1 – Apr 30)

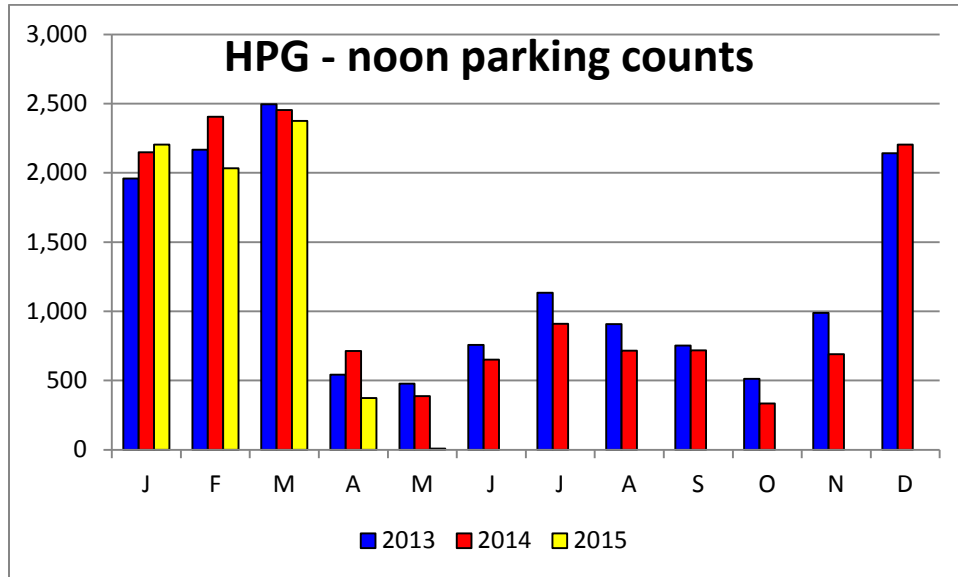
	HPG	GPG	STREET	UMVB	NVCP	THP	SVC	Meadows	TOTAL
2015	9,877	12,506	0	3,911	2,547	4,800	1,478	12,920	48,039
2014	10,775	12,779	0	4,232	2,505	4,616	1,600	12,830	49,337
diff	-898	-273	0	-321	42	184	-122	90	-1,298
%	-8%	-2%	-	-8%	2%	4%	-8%	1%	-3%
capacity	106	460	-	40	25	60	18	110	819
utilization %	51%	15%	-	54%	56%	44%	45%	65%	32%

WINTER SEASON PARKING REVENUE (Nov1 – Apr 30)

	HPG	GPG	NVC	permits	event fees	TOTAL
2015	\$97,919	\$93,104	\$4,749	\$9,215	\$0	\$204,987
2014	\$88,707	\$67,177	\$5,469	\$8,560	\$0	\$169,913
diff \$\$	\$9,212	\$25,927	\$-720	\$655	\$0	\$35,074
%	10.4%	38.6%	-13.2%	7.7%	-	20.6%

Heritage Parking Garage:

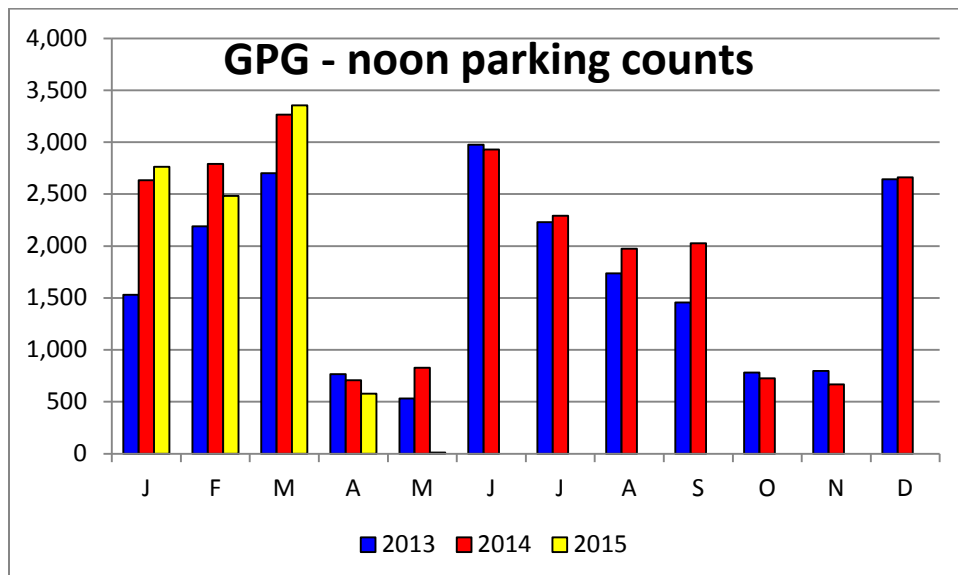
The Heritage Parking Garage (HPG) daily noon parking counts decreased by 8% but revenues were up by 10% from the previous winter season. Some of the decreased usage can be attributed to the ebb and flow of usage patterns between the HPG, GPG, and NVC lots. The net yield for winter 2015 at the HPG was \$9.91 per parked car as compared to \$8.23 for the same time period during the winter of 2014.



Gondola Parking Garage:

Winter season noon parking counts at the GPG decreased by 2% from the same time period last year. Revenues however were up by 39% with a \$7.44 yield per parked vehicle as compared to \$5.26 for the same time period 2013. Revenues were up this winter primarily due to the timing of pre-purchased bulk rate overnight parking tickets.

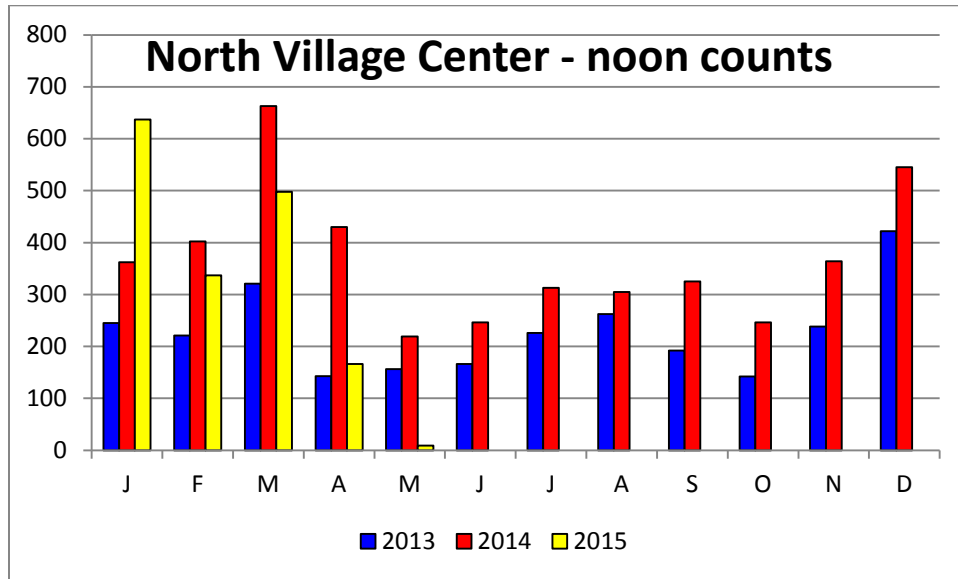
Residential permit holders continue to enjoy free, day-use parking anywhere at the GPG, with six stalls dedicated for their use adjacent to the elevators on the top level.



North Village Center Surface Lot:

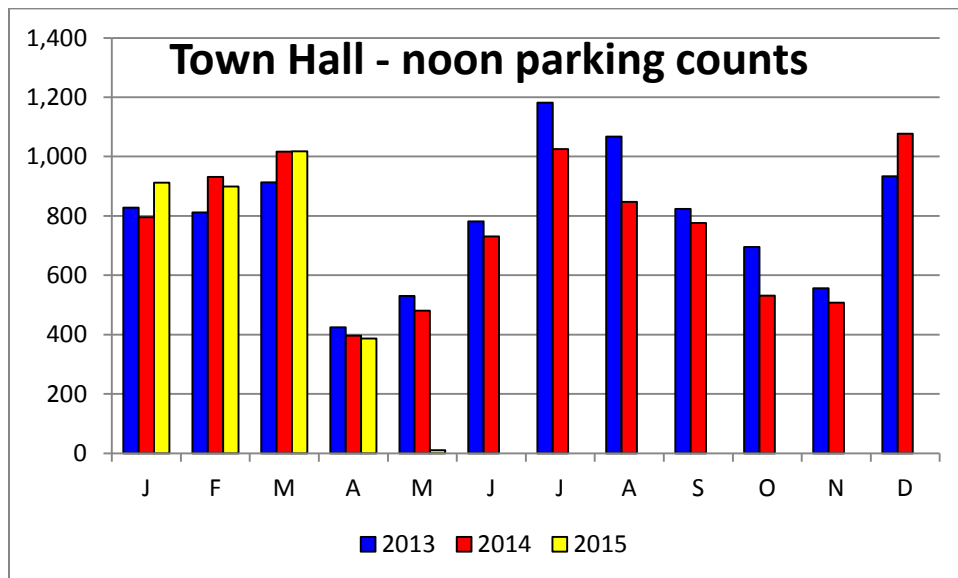
Overall noon parking counts were up 2% from the previous winter season at the NVC and gross revenues were down by 13%. The yield per parked vehicle for the 2014 summer season was \$1.86 as compared to \$2.18 for the same time period 2013. The spikes in usage of the NVC lot in March-April 2014 and January 2015 correlate to when meter problems prevented revenue collection and free parking was offered until the problems were resolved.

Residential parking permit holders use this lot free of charge.



Town Hall Parking:

Winter parking usage at the Town Hall surface lot increased by 4% from the previous year. Free, day-use residential permit parking continues to be provided along the rock wall.



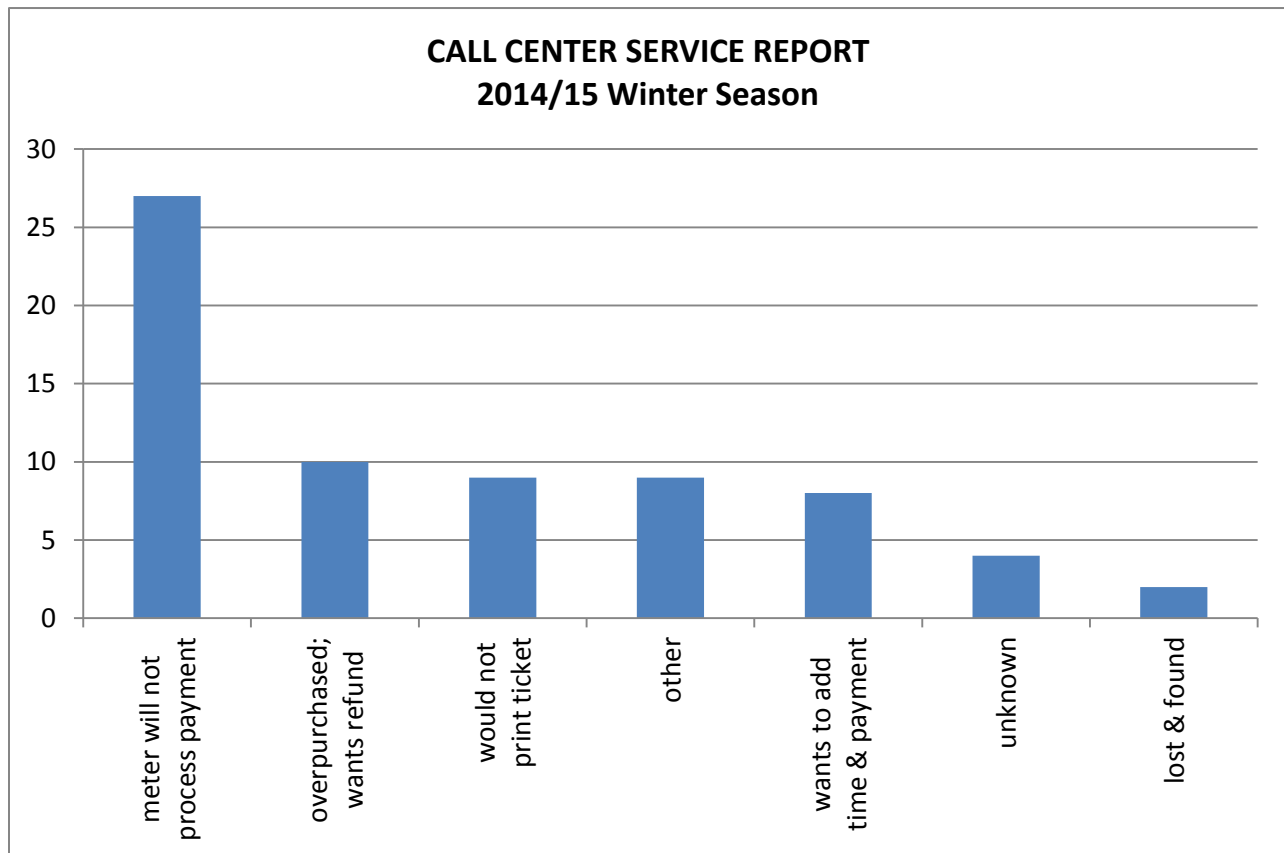
Meadows Parking:

Winter parking usage at the Meadows lot remained flat from the previous winter. This lot fills up on prime ski days with regional skiers opting for the free day parking alternative.

Calls for Service:

User complaints with the meters at the GPG, HPG and NVC lots through the winter season were generally due to the meter performance issues and the user education process with the pay and display system. Challenges with the meter non-performance have largely been corrected by a Parkeon technician site visit in January to perform repairs and maintenance.

Best Connections answering service handles customer complaint calls for service. During the winter season *BC* logged 69 calls received and resolved by the service center with the 29,207 meter transactions for a 0.24% trouble call ratio.



Parking Services Budget:

2015 YTD parking revenue is ahead of budget projections primarily due to the pre-purchase of bulk rate overnight tickets for the GPG and improved revenue collections at the HPG and GPG metered lots. Parking related YTD expenses are tracking under budget.

PARKING SERVICES FUND: Year End Net General Fund Transfer: to = surplus / (from) = (deficit)

	2010	2011	2012	2013	2014
Total revenues	195,690	273,323	297,222	323,395	397,500
Total expenses	(339,115)	(351,062)	(259,665)	(281,338)	(328,928)
Subtotal surplus / (deficit)	(143,425)	(77,738)	37,557	42,057	68,572
Overhead & asset sales	4,808	(36,827)	(33,458)	(30,777)	(31,821)
Transfer to / (from) G.F.	(138,617)	(114,565)	4,099	11,280	36,751

Parking Rate Plan:

The Parking Committee’s vision is to manage a comprehensive parking plan that provides consistent and fair parking options to guests, residents, business owners and employees of the Mountain Village. TMV parking services are generally well received in that overflow parking is avoided (except Bluegrass), HPG is better utilized providing convenient customer access to MV Center businesses, and revenues are collected at GPG and HPG to help offset Parking Services O&M expenses.

The following parking rate schedule continues to be in effect:

	GPG	HPG	NVC	Short Term (Wells Fargo)	SVC (Blue Mesa)	Town Hall	Meadows
Day Rate \$:	\$7 /day	1 hr free, then \$2 /hr; \$35 max per 24-hr period	1 hr free, then \$2 /hr (MV resident permit - free)	Free	Free	Free	Free
Limit:	14 days	7 days	7 am – 2 am	30 minutes 7 am – 2 am	30 minutes 7 am – 2 am	60 minutes 7 am – 2 am	8 am – 8 pm 14 day max
Overnight	\$25.00 valid for 24 hrs	same as day rate	NO	NO	NO	NO	BY PERMIT ONLY 8 pm – 8 am

Parking Lot Trash:

Town staff participated in 16.5 hours of trash and litter pick-up at the GPG and HPG during the winter season; this puts the department on track to meet or exceed the 36 man-hour goal for FY-2015.

**TOWN OF MOUNTAIN VILLAGE
PARKS & RECREATION
Winter Season 2014-15**

VISION

The Mountain Village Parks and Recreation Department provides accessible, affordable and diverse recreational opportunities to all Mountain Village residents and visitors.

DEPARTMENT GOALS

1. Establish effective relationships with stakeholders for recreation venues.
2. Manage a fiscally responsible department by balancing expenses with revenue and grant acquisitions to remain within budget.
3. All recreation venues are prepared by the beginning of their respective seasons.
4. Perform departmental operations with attention to safety.
5. Provide a clean, weed free natural environment along the hike and bike trails.

DEPARTMENT PERFORMANCE MEASURES

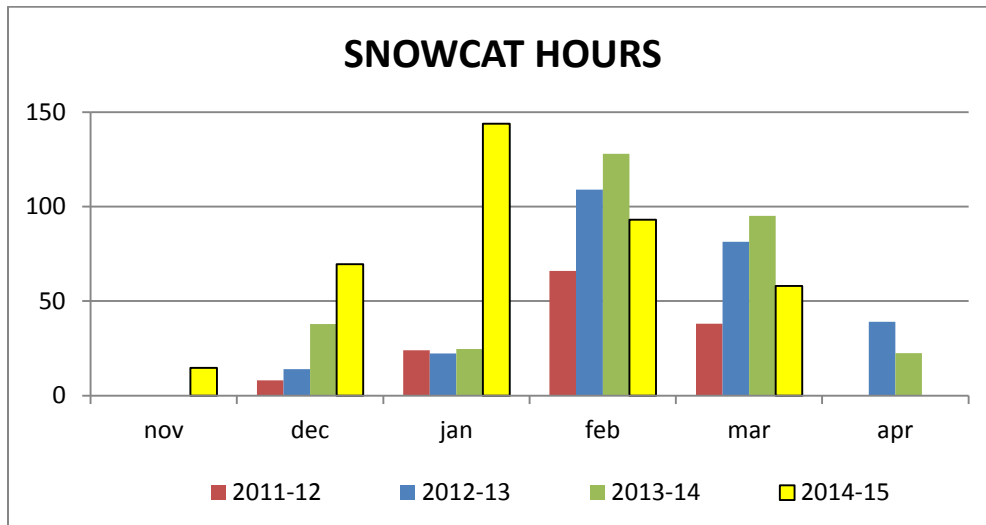
1. Manage stakeholder agreements with TSG, TMVOA & USFS.
2. Perform department functions within adopted budget.
3. 100% of recreational venues operational at the beginning of their respective seasons.
4. No worker comp claims.
5. Allocate > 20 man-hours of weed control activities along the hike and bike trails.

WINTER 2014-15 PARKS & RECREATION ACHIEVEMENTS

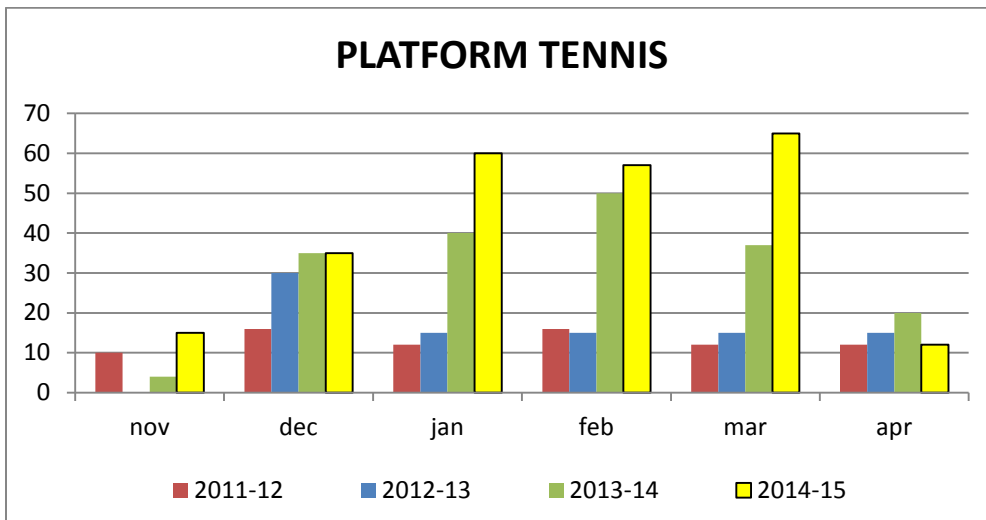
1. Stakeholder relations:
 - o Coordinated with TSG with winter trail opening and closings.
 - o Attended regional Nordic stakeholder meeting facilitated by Snow Engineering.
 - o Provided Nordic grooming for Town of Telluride on the Valley Floor per continuing IGA.
 - o Coordinating with USFS for trail maintenance on public lands.
 - o Working with TSG to open new Russell Trail along the golf course access road.
 - o Working with residential lot owners to locate the proposed Russell trail in the GE of their lots.
2. The 2014 year-end expenses were under budget. YTD 2015 expenses are tracking towards year end on budget.
3. All winter venues were ready to open at beginning of their respective season. The ice rink opened before Thanksgiving. Winter trail grooming occurred with snowmobile and snowcat earlier than in previous years due to early season snowstorms. Snowshoe trail packing occurred after each snow event throughout the winter season.
4. No Workers Compensation claims YTD resulting in TMV costs.
5. No weed control was conducted during the winter season. Weed control is typically performed in July - September.

OTHER WINTER VENUE OBSERVATIONS

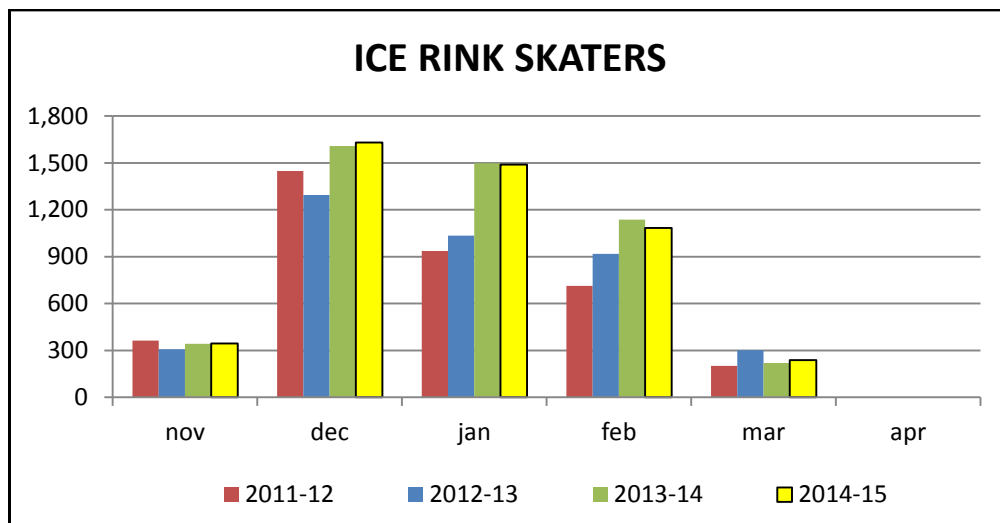
- Snowcat Grooming: Snowcat hours were up significantly over previous winter seasons due to early season storms that developed enough of a base to allow for continuous grooming December through February.



- Paddle Tennis: Paddle court usage was up over previous winter seasons primarily due to formation of a club with weekly play schedule.



- Ice Rink Activity: Ice rink usage was similar to the previous winter season.



UPCOMING PARKS & REC PROJECTS

- Summer Venue Schedule: All summer venues (Disc Golf, Adventure Rock, Reflection Plaza AstroTurf, hike & bike trails) are projected to be available upon the opening of the Gondola on May 21st except for the Bike Park which is scheduled to open on Wednesday, June 17th. The USFS cross country trails in Prospect Basin will remain closed for elk calving until July 1st. The TMV waterline construction project may cause temporary closures of trails along the construction route.
- Ice Rink Skate Center Concession: The Hotel Madeline was the only bidder for the Ice Rink Skate Center concession RFP. Staff is working with the HM to develop and execute a new lease agreement for management of the ice rink area during the summer season and operating the retail space during both the summer and winter seasons.
- Ice Rink Chiller System: The conversion from Freon R-22 to Freon R-507 refrigerant (which is the standard replacement product for industrial systems like the one at the ice rink) is scheduled for this summer.
- Russell Trail: The 2015 Capital Projects budget includes the widening and leveling of one shoulder along Russell Drive to provide a mineral surface trail along the side of the roadway from MV Blvd to the cul-de-sac and tie-in with TSG golf course access tract providing trail connectivity from the Meadows to the Blvd Trail. Work on this project is scheduled to commence in July.
- Paddle Courts: Two more sub-court level walls are scheduled for replacement this summer at the paddle courts; the old walls have been becoming unstable and pose a potential safety hazard which we are taking steps to mitigate.
- Sidewalk Repairs: On-going concrete sidewalk repair in the Meadows and along the Blvd Trail is scheduled for this summer; some of the problem areas pose trip hazards that will be addressed with this project.
- Bike Park: The TMV is operating the Bike Park again this summer season with a one-year extension to the license agreement that expired last year. TSG has requested that we lower the bermed-curve features located out in the ski trails at the end of the bike season so as to reduce impacts to their snowmaking efforts. This could result in a delayed opening of the Bike Park the following summer 2016 to reconstruct the berms, if the TMV continues to operate the venue in future years.

PUBLIC WORKS DEPARTMENT

SEMI-ANNUAL REPORT TO TOWN COUNCIL

NOVEMBER 1ST 2014 - APRIL 30TH 2015

PUBLIC WORKS

Director: Finn Kjome, Managers: Robert Haining, Water; Dink Davis, Vehicle Maintenance; Nolan Merrill, Road & Bridge; Steven Lehane, CATV

ROAD AND BRIDGE

Road and Bridge is responsible for the care and maintenance of twenty (20) miles of road, 20 bridges and 8 parking areas as well as inspecting and maintaining 9 miles of sewer lines, 231 manholes and 3 lift stations.

Department Goals

1. Provide snow and ice removal for all the Town's roadways and parking areas to ensure the safest conditions possible in all weather conditions.
2. Complete the initial plow routes within the proscribed time limits; the grader route within 3 hours on light to normal snow days (<6") and 3.25 hours on heavy days (>6"); the snowplow/sand truck route within 1 3/4 hours on light to normal days and 2 hours on heavy days.
3. Provide safe roadways by maintaining quality pavements, shoulders and drainage at a cost advantageous to the Town.
4. Provide quality, cost effective maintenance to all Town facilities as directed.
5. Perform all tasks in the safest possible manner.
6. Perform snow removal procedures and sensitive area mitigation as per the Wetlands Protection Plan.
7. Operate the department within budget.

Performance Measures

1. Track man hours for snow removal compared to snow fall totals and customer satisfaction as measured by survey.
2. Track the number of snow days that meet or exceed the initial snow route time limits with a goal of 80% or better.
3. Annually track the cost of asphalt patching and pavement repair with the goal of keeping costs below commercial prices.
4. Annually track the cost of facility maintenance with the goal of keeping costs below commercial prices.
5. Track work time lost to injury with zero injuries the goal.

6. Annually inspect and document improvement of wetland protection systems as per the Wetlands Protection Plan.
7. Department year end expenditure totals do not exceed the adopted budget.

Performance Report

1. We used 3043.25 man hours for snow removal with 207 inches of snow fall; No new survey was taken this winter.
2. Snow route completion times were met; 83% on light to normal and 83% on heavy days for the grader route, 77% on light to normal and 67% on heavy days for snow plow/sand truck.
3. Crack filling operations consisted of sealing cracks in the road throughout the Village; 268.5 hrs. with our labor cost at \$7247.54 compared to \$13,425 in contractor prices.
4. We had street sweeping costs of \$11,207.30 compared to \$17,860 in potential contractor cost.
5. There was 0 hours lost due to on the job injury.
6. Mitigation of snow storage and wetland areas has started with debris cleanup and drainage check dams cleaned out. With the light snow total the storage sites were not impacted as much as in normal snow years so sites look very good this year.
7. Department year end expenditures to be calculated in the fall.

Staffing

A normal staffing level of 7 operators was maintained for the winter. We are currently at 7 operators.

Training

We had the opportunity to send the road crew to a 2 day seminar on road maintenance in Grand Junction classes focused on asphalt repair and maintenance. Nolan took a continuing education class to maintain his sewer license. Dave took a class on drainages and another on storm water management. Daniel took a class on welding.

Department Projects and Issues

This winter we saw lower snow totals compared to last year where we received snow totals of 207 inches of snow for this season compared to 257 inches last year. The number of days of measurable snow was only down slightly over last year, 43 days this year compared to 47 days last year. For snow removal operations this season the crew spent 3043 man hours compared to 3269 last year and the Water Dept. spent 303.75 hours compared 270.75 last winter at GPG and the trail to the Mountain Village Core. The total snow removal labor costs compare at \$84,787.98 this year to \$89,477.67 last year.

This summer the crew will be concentrating on in-house patching and pavement maintenance in anticipation of the upcoming asphalt overlays, ongoing repairs to the

sewer system, sensitive area mitigation, hazard tree removal and other maintenance projects.

The Meadows Improvement Project has been put out to bid, with bids being due on the 20th of May. Other roads scheduled to be overlaid with asphalt this summer are Polecat, Autumn Lane, Lower Russell from the cart path to the cu-de-sac and Larkspur. These roads are slated for a 1 ½ "overlay of new asphalt following the 2015 Road Improvement Plan.

WATER

The Water Department is responsible for the operation and maintenance of the water systems of the Mountain Village; systems include Mountain Village, Ski Ranches and West Meadows. The water department staff also serves as the operators for the Elk Run subdivision's water system. The water department is also responsible for snow removal at the Gondola Parking Garage and the trail from Town Hall to the Blue Mesa parking lot.

Department Goals

1. Provide clean and safe drinking water to the customers of the Mountain Village Water system.
2. Provide prompt and courteous service to all customers, timely locates and inspections on system installations and response to system problems.
3. Maintain the system to a higher level than the industry standard of 10% water loss due to leakage.
4. Maintain regulatory compliance according to all applicable rules and laws that apply to public water systems.
5. Perform an effective maintenance program to reduce costs and lessen severity of breakdowns.
6. Provide service to residents and guests by the timely and cost effective removal of snow from GPG and walkways.
7. Operating the enterprise does not require general tax subsidy.

Performance Measures

1. Water consumption with 100% of water sample tests results are without deficiencies.
2. A. Track times for response and resolution of customer service issues and contractor's requests and system emergencies with the objective of same day service.
B. Track time for response to emergency situations with the goal of one to two hours response.
3. Perform monthly water audit tracking percent of water loss with the objective of less than 10% loss.
4. 100% regulatory compliance.

5. a. Track maintenance costs on hydrants, valves and meters and compare with industry standards.
- b. Reduce down time due to system failures compared with industry standard of no customers without water.
6. Perform snow removal tasks at GPG by 8AM on light to normal (<3") snow days and 9AM (>3") on heavy days with a goal of 90% or greater.
7. Department year end expenditures do not exceed the adopted budget.

Performance Report.

1. Water consumption was 126.3 million gallons (Nov.-April) with zero deficiencies for the system.
2. a. There was 100% response time to customer issues, contractor requests and system emergencies within 24 hours.
- b. There was 100% response time to emergency situations within 2 hours.
3. The water audits indicated 3.34% of water loss.
4. We had zero regulatory violations.
5. a. Maintenance costs will be tracked annually. Cost comparisons will be available in the November report.
- b. We had no incidents with customers out of water.
6. The snow removal goals at GPG were met on 31 of 33 days a 94% success rate.
7. Department year end expenditures will be calculated in the fall.

Staffing

The Water Department staffing level is four with no changes in personnel.

Training

Cordell Cook and Sterling Spor attended a training seminar on water distribution. Robert Haining and Pat Drew attended an online water treatment course. In house training on health and safety was conducted for all employees.

Department Projects and Issues

The main projects for the water personnel this winter have been daily operations and maintenance of the water system and the snow removal at GPG and the trail from Town Hall to Blue Mesa.

The Wapiti Water Line Project is moving along. The Forest Service permit was issued in April. Williams Construction out of Norwood will be the awarded contractor. Weather and site condition will determine the actual start date, but the project is expected to start in late May or early June.

Following our plan to have backup up power for the water system a new natural gas fired generator and building will be installed at well #13. The Yellow Brick project is scheduled to relocate and upgrade the flow line between Mountain Village and the Ski Ranches. The water department will be working closely with the contractor and inspecting the installation of the new pipe. Other summer work will include routine summer maintenance, valve and meter replacement in several locations and continued mapping.

VEHICLE MAINTENANCE

The Vehicle Maintenance Department provides repair and preventive maintenance on all Town vehicles and equipment. Vehicle Maintenance staff are responsible for keeping the sidewalk in the Meadows clear of snow for the winter season. They also have duties above and beyond vehicle repair and maintenance such as fabrication for special projects for all departments, biannually changing all the plaza directories maps, servicing the backup generators for the Gondola, annual painting and maintenance of the Gondola Parking Garage and Heritage Garage as well as providing labor and support required to install and remove the Christmas decorations each year. One day a week in the winter a mechanic is a snow plow operator to fill out the schedule.

Department Goals

1. Provide high level, cost effective service to all departments for their vehicle and equipment maintenance needs while managing expenses to a level below commercial prices.
2. Provide support to all departments on special projects in a timely and cost effective manner.
3. Perform all tasks in the safest manner possible.
4. Operate the budget within budget.
5. Maintain or reduce natural gas consumption at maintenance shop.

Performance Measures

1. a. Track total cost of shop operations and compare to outside shop rates.
b. Track number of preventive maintenance work orders including safety checks and fluid levels completed within 30 minutes for vehicles; with a goal of 80% or better.
2. Special projects completed at a cost compared to any outside source.
3. Track the number of work related injuries with a goal of zero injuries.
4. Department year end expenditures totals do not exceed the adopted budget.
5. Compare current year natural gas usage to year 2013. 2013 Total Natural Gas Therms 5621

Performance Report

1. a. Maintenance costs will be tracked annually. Cost comparisons will be available in the November report.
b. There were 60 of 60 vehicle service orders completed within 30 minutes a 100% success rate.
2. One of the Vehicle Maintenances strong suits is metal fabrication and welding. The Town labor costs for metal fabrication projects were \$1952.50 compared to \$3461.25 average contracted prices.
3. Vehicle Maintenance had no time lost for a work related injury.
4. Year end expenditures to be calculated in the fall.
5. A full year has not passed since the heater upgrade so comparisons will be for November – April. In 2013 the shop used 4829 therms. In 2014/2015 the shop used 4866 therms. Vehicle Maintenance will need to continue to work on energy efficiencies in the coming year.

Staffing

Vehicle Maintenance is at its budgeted level of four mechanics.

Training

James and Caley took a class on welding and metallurgy, other training for this season focused on safety and health issues and was conducted in house.

Department Projects and Issues

Vehicle Maintenance went back to a 7 day coverage schedule for the winter season. A full time seasonal position was filled to make the schedule work. The seasonal position has been laid off and Vehicle Maintenance is once again back to a 5 day Monday- Friday schedule.

One special project worth mentioning was the construction of the projector building used in the Paint Scaping display during the Christmas holiday. This building had very specific requirements and according to the producer was the best built building they have worked with.

I want to mention we are losing one of our hardest working long time employees for Public Works Donna Bracket. Donna has been managing the Public Works office since 2005 and has been with the Town since 2004. She will be missed by all. Donna will be retiring to spend more time with her family and do some traveling with her husband. Her last day is May 28th. We will be holding a retirement potluck party on May 27th. If you get a chance please stop by and say good bye to Donna.



**TOWN OF MOUNTAIN VILLAGE
TOWN MANAGER
CURRENT ISSUES AND STATUS REPORT
MAY 2015**

1. Great Services Award Program

▪ **Nominees for April:**

- **Susan Ray**, When a software update for our water billing system caused deletion of all water account information in our system, Susan refused to accept the excuses from the software technicians. She persevered by continually requiring they find a resolution (which they finally did) preventing our staff from having to input all account information manually -**WINNER FOR APRIL**

2. Medical Center

- Continue to work on our response to the Army Corps and public comment regarding our wetland permit application. Our response is due to be delivered no later than May 29, 2015

3. Colorado Municipal League (“CML”)

- Attended a lunch meeting in Grand Junction hosted by CML to provide updates from CML staff members on issues that are currently facing Colorado municipalities including legislative updates

4. Miscellaneous

- Attended quarterly meeting between Town staff and TSG to discuss the various issues needing to be resolved between the two entities. Specifically asked for TSG to attend the special Council meeting held on May 8th (which they did) to state their position regarding the Meadows Park and the Lot 640A development
- TSG contacted AT&T and Crown Castle regarding the cell tower approved by Town Council. Both parties will be working together to ensure that the tower is installed and operational as expeditiously as possible
- Working with Crown Castle on a possible franchise agreement for the DAS cell system comprised of micro towers throughout Mountain Village to further improve cell service
- Worked with Legal and Administration to prepare for two special meetings of the Town Council relative to an ordinance to be placed on the ballot regarding Lot 640A.
- Coordinated with Legal and Administration in preparation for the upcoming June 30th election where we have 13 candidates for Town Council and two ballot issues to be decided

- Met with representatives from Hotel Madeline to award the ice skating rink operations and discussed ideas and initiatives for a more energized operation both in summer and winter. Discussed lease terms and worked with Legal and Chris Colter to get a lease drafted

Memo

Agenda Item #23

To: Mayor Jansen and Town Council
From: James Mahoney
CC: File
Date: May 14, 2015
Re: Ordinance Amending Municipal Code

The proposed Ordinance that you have before you is something our office has been working with the police department on for some time. There were two primary purposes behind the changes you see before you:

1. Adjusting criminal fines and penalties to match what our Municipal Court can issue as fines and penalties.
2. Cleaning up areas of our criminal codes to address potential holes in our municipal code.

Municipal Court: The Town's Municipal Court for criminal matters is not a court of record, which means that the maximum penalty that can be issued on criminal matters is \$300 and no jail time per Colorado State Statutes. Therefore, we have cleaned up the fines and penalties to reflect these limitations¹.

Becoming a court of record is an option, but frankly not a good option as it becomes so much more expensive and time consuming to prosecute municipal criminal violations when you are a court of record; thus, we believe that remaining as we are (a court of non-record) is adequate for handling these type of violations.

Criminal Code Clean Up: There are certain areas of our code that needed some expanding to better address issues. One of the best examples is that of unauthorized use of dumpsters. In the past there have been times where people would haul their trash from an outside area and dump in in say the VCA dumpsters; thereby filling up these dumpsters quicker and costing the Town extra money to have them dumped more frequently. We could have prosecuted these actions under "theft of services" but it made for prosecution to be more difficult; therefore, calling it out as a specific violation was advisable. Other examples are the addition of immobilization

¹ Note that for land use violations we are a court of record so fines can exceed \$300

procedures to repeat parking offenders and provisions regarding graffiti. Where we felt these provisions could be incorporated into existing code sections we did so, which is what you see in Exhibit A and where these were entirely new provisions, they are in Exhibit B.

Vagrancy and Panhandling: As you may know these two issues have been fairly hot topics in the Town of Telluride over the past year. While there haven't been as many issues in the MV the PD believes that it could be an issue that migrates to the Mountain Village as Telluride cracks down on the issue with their recent passage of panhandling laws.

What we have done is mirrored the Telluride laws, but have only taken the pieces of the Telluride laws that the ACLU has not objected to as unconstitutional (the ACLU sent a letter to Telluride regarding their law objecting to certain aspects). We believe this gives the PD at least some tools to deal with this issue should it ever come to the Mountain Village, while not inviting the ACLU to have a confrontation with the Town.

With that we would accept questions and comments.

Proposed Motion:

I move to approve on first reading the ordinance as presented and set a public hearing and second reading of the ordinance as presented at the June Town Council meeting.

ORDINANCE NO. 2015 - _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING CERTAIN SECTIONS OF THE MOUNTAIN VILLAGE MUNICIPAL CODE: TITLE 9, PUBLIC PEACE, MORALS AND WELFARE; TITLE 8, HEALTH AND SAFETY; TITLE 6 ANIMALS; TITLE 1, GENERAL PROVISIONS: AND ADOPTING NEW SECTION OF THE MOUNTAIN VILLAGE MUNICIPAL CODE; TITLE 9, PUBLIC PEACE, MORALS AND WELFARE AND TITLE 10 PARKING AND IMPOUNDMENT

RECITALS:

- A.** The Town of Mountain Village (the “Town”), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and the Town Charter.
- B.** Pursuant to Article II, Section 3.6(e) of the Town Charter the Town Council has the power to enact ordinances that promote the common good of the Town. Under the Town Charter the Town Council shall exercise its legislative power to prescribe reasonable fines, jail sentences, and other sanctions for violations of such ordinances.
- C.** Article XX, Section § 6 (h) of the Colorado Constitution grants home rule municipalities the enumerated power necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control the imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of its charter, or of any ordinance adopted in pursuance its charter.
- D.** The Town Council determines that is in the best interest of the community and the public health, safety and welfare of the citizens of the Town to amend the Town Code as provided for herein.

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

Section 1. Legislative Findings.

The recitals to this Ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment of Town Code.

The following Sections of the Town Code shall be amended as reflected on Exhibit A, attached hereto and incorporated herein:

Title 9 - Public Peace, Morals and Welfare

- 9.01.010 Petty Theft
- 9.01.020 Defacing Property; Graffiti
- 9.01.030 Criminal Mischief
- 9.01.040 Theft of Cable Television Services
- 9.01.060 Unauthorized use of a ski pass
- 9.01.070 Unauthorized use of a dumpster
- 9.04.010 Disorderly Conduct
- 9.08.030 Penalties (Provision of Alcohol to Minors)
- 9.12.050 Penalty (Possession or Consumption of Alcohol by a Minor)
- 9.16.010 Collision
- 9.17. Firearms and Weapons
- 9.18.040 Penalties (Regulate Riding Bicycles and Skateboards)
- 9.19.040 Violation/Penalty (A Chapter Prohibiting the Retail Sale, Distribution, Cultivation and Dispensing of Medical Marijuana
- 9.20.5 Penalty (Prohibiting Recreational Marijuana Businesses)

Title 8 – Health and Safety

- 8.01.180 Penalties (Garbage and Refuse [Cont.])
- 8.020.030 Refuse – handling and collection requirements
- 8.020.070 Commercial recycling collection services
- 8.020.080 Premises excluded from service
- 8.020.090 Refuse and recycling hauling requirements
- 8.020.120 Penalty (Commercial Recycling and Refuse)
- 8.08.010 Definitions (Motor Vehicle Noise)
- 8.08.030 Violations and Penalties (Motor Vehicle Noise)
- 8.12 Public Nuisance
- 8.16.050 Penalties (Fire Protection)
- 8.20.010 Spills and Disposal

Title 6 – Animals

- 6.01.010 Definitions (Title 6 Animals)
- 6.08.060 Vicious Animals
- 6.24 Penalties (Title 6 Animals)

Title 1- General Provisions

- 1.08 General Penalty

Section 3. Adoption of Additional Provisions of the Town Code

The following Sections of the Town Code shall be added as reflected on Exhibit B, attached hereto and incorporated herein:

Title 9 – Public Peace, Morals and Welfare

- 9.13 Prohibition Against Open Containers
- 9.21 Prohibition Against Vagrancy

Title 10 – Parking and Impoundment

- 10.05.010 Vehicle Immobilization Policy

Section 4. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions 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.

Section 5. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 6. Safety Clause.

The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

Section 7. Effective Date.

This Ordinance shall take effect _____.

Section 8. PUBLIC HEARING.

A public hearing on this Ordinance was held on the 18th day of June, 2015, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of May, 2015.

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

By: _____
DAN JANSEN, Mayor

ATTEST:

JACKIE KENNEFICK, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 18th day of June, 2015.

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

By: _____
DAN JANSEN, Mayor

ATTEST:

JACKIE KENNEFICK, Town Clerk

Approved As To Form:

James Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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 of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on April 23, 2015 by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
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Dan Jansen, Mayor				
Martin McKinley				
Jonette Bronson				
John Howe				
Michelle Sherry				
Cath Jett, Mayor Pro Tem				
Dave Schillaci				

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 _____, 2015, in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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 May 21, 2015. 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
Dan Jansen, Mayor				
Martin McKinley				
Jonette Bronson				
John Howe				
Michelle Sherry				
Cath Jett, Mayor Pro Tem				
Dave Schillaci				

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 _____, 2015.

 JACKIE KENNEFICK, Town Clerk

(SEAL)

EXHIBIT A

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

<u>CHAPTER</u>	<u>SUBJECT</u>
9.01	Offenses Against Property
9.04	Offenses Against Public Peace
9.08	Provision of Alcohol to Minors
9.12	Possession or Consumption of Alcohol by a Minor
9.16	Skier and Snowboarder Offenses
9.17	Prohibiting Discharge of Weapons
9.18	Regulate Riding Bicycles and Skateboards
9.19	Prohibiting the Retail Sale, Distribution, Cultivation and Dispensing of Medical Marijuana
9.20	Prohibiting Recreational Marijuana Businesses

CHAPTER 9.01
OFFENSES AGAINST PROPERTY

Sections:

- 9.01.010 Petty Theft
- 9.01.020 Defacing Property
- 9.01.030 Criminal Mischief
- 9.01.040 Theft of Cable Television Service
- 9.01.050 No Camping

9.01.010 Petty Theft

- A. A person commits theft when he or she knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, and:
1. Intends to deprive the other person permanently of the use or benefit of the thing of value; or
 2. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or
 3. Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or
 4. Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.
- B. For the purposes of this Section a thing of value is that of another if anyone other than the Defendant has a possessory or proprietary interest therein.
- C. Theft is:
1. A Class 3 Misdemeanor if the value of the thing involved is less than One Hundred Dollars (\$100); punishable by a fine of not less than Fifty Dollars (\$50) nor more than ~~Seven Hundred and Fifty Three Hundred~~ Dollars (\$750~~300~~), ~~imprisonment in jail up to six (6) months, or both; bond shall be set at Five Hundred Dollars (\$500);~~ or
 2. A Class 2 Misdemeanor if the value of the thing involved is One Hundred Dollars (\$100) or more, but less than Four Hundred Dollars (\$400); punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250) nor more than ~~Three Hundred Dollars One Thousand~~ Dollars (~~\$31,000~~), ~~imprisonment in jail between three (3) months and one (1) year, or both; bond shall be set at One Thousand Dollars (\$1,000).~~
- D. In every indictment or information charging a violation of this Section, it shall be sufficient to allege that, on or about a day certain, the Defendant committed the crime of theft by unlawfully taking a thing or things of value of a person or persons named in the indictment or information. The prosecuting attorney shall at the request of the Defendant provide a bill of particulars. (Ord. 96-38 § 1)

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9.01.020 Defacing Property: Graffiti

- ~~A. Any person who destroys, defaces, removes, or damages any historical monument commits a Class 2 Misdemeanor.~~

- ~~B. Any person who defaces or causes, aids in, or permits the defacing of public or private property without the consent of the owner by painting, drawing or writing, by use of paint, spray paint, or ink, or by any other method of defacement commits a Class 2 Misdemeanor. Any person convicted of defacing property pursuant to this section shall be ordered by the Court to personally make repairs to any property damaged, or properties similarly damaged, if possible.~~
- ~~C. A violation of this Section is a Class 2 Misdemeanor, punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250), nor more than One Thousand Dollars (\$1,000), imprisonment in jail not less than three (3) months nor more than one (1) year, or both. Bond shall be set at One Thousand Dollars (\$1,000). (Ord. 96-33 § 1)~~
- AC. As used herein, the term “graffiti and related vandalism” shall mean any unauthorized inscription, symbol, design or configuration of letters, numbers or symbols, or any combination thereof written, drawn, scribed, etched, marked, painted, stained, stuck on or adhered to any surface (public or private), including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings, and any other surface or surfaces, regardless of the material of the component.
- BD. It shall be unlawful for any person or group of persons to commit or attempt to commit any overt act resulting in the application of graffiti or engaging in or attempting to engage in any act of related vandalism. Such prohibited conduct shall include, but not be limited to, acting as a “look out,” regardless of whether the act of applying graffiti or engaging in related vandalism was actually committed or witnessed.
- CE. It shall be unlawful for any person to knowingly allow any acts of graffiti or related vandalism to occur on or to any property over which that person has control as owner, tenant or occupant without promptly reporting such acts to the police department. Any mural or work of art approved by the Town through a design review or planning process and requiring proper permits prior to its application shall not constitute graffiti for purposes of this section.
- FD. Graffiti or graffiti related vandalism which appears on property or structures (public or private) is deemed to be a public nuisance and shall be subject to abatement as herein provided. If it is determined by the city that graffiti exists on property in violation of this section, the ~~t~~Town ~~m~~Manager or designated agent shall notify the owner of the subject property, or other responsible party, in writing, through the issuance of a notice thereof in a newspaper of general circulation within the city. Such notice shall identify the property in violation, shall generally describe the location of the graffiti, and shall direct that such graffiti shall be removed or otherwise abated within ten (10) days of receipt of the notice. It shall be unlawful for any property owner to fail to remove or otherwise abate graffiti or related vandalism within the time frame set forth in the notice as herein described.

In the event that the owner or responsible party fails to remove or otherwise abate the graffiti as required by the notice of violation, the city may proceed to abate the graffiti or cause its removal and bill the owner or responsible party for the cost thereof. In the event of nonpayment, the Town attorney shall be and is hereby authorized to take appropriate measures to create a lien against the subject property for purposes of recovering such costs, together with interest, as provided by applicable law.

A violation of this Section is a Class 2 Misdemeanor, punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250), nor more than ~~One Thousand Three Hundred Dollars (\$3,000)~~, imprisonment in jail not less than three (3) months nor more than one (1) year, or both. Bond shall be set at One Thousand Dollars (\$1,000). (Ord. 96-33 § 1)

9.01.030 Criminal Mischief

- A. Any person who knowingly damages the real or personal property of one or more other persons in the course of a single criminal episode commits a Class 3 Misdemeanor where the aggregate damage to the real or personal property is less than One Hundred Dollars (\$100). Where the aggregate damage to the real or personal property is One Hundred Dollars (\$100) or more but less than Four Hundred Dollars (\$400), such person commits a Class 2 Misdemeanor.
- B. A violation of this Section that is a Class 3 Misdemeanor is punishable by a fine of not less than Fifty Dollars (\$50), nor more than ~~Seven Hundred and Fifty~~ Three Hundred Dollars (\$30750), ~~imprisonment in jail up to six (6) months, or both. Bond shall be set at Five Hundred Dollars (\$500).~~ A violation of this Section that is a Class 2 Misdemeanor is punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250) nor more than ~~One Thousand Three Hundred Dollars (\$13000)~~, ~~imprisonment in jail not less than three (3) months nor more than one (1) year, or both; bond shall be set at One Thousand Dollars (\$1,000).~~ (Ord. 96-34 § 1)

9.01.040 Theft of Cable Television Service

It shall be unlawful for any person to:

- A. Make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of any licensed or duly permitted cable television system for the purpose of enabling him or herself or others to receive any television signals, radio signal, pictures, programs, sounds or any other information or intelligence transmitted over such licensed or duly permitted cable system without payment to the owner or operator of such licensed or duly permitted cable system.
- B. Without the consent of the owner or operator, willfully to tamper with, remove, or injure

any cable, wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over such licensed or duly permitted cable system.

- C. Manufacture, distribute, sell, or offer for sale, rental, or use any decoding or descrambling device or any plan or kit for such device, designed in whole or part to facilitate the doing of any of the acts specified in this section.
- D. It shall be a Class 2 Misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250) nor more than Three Hundred One Thousand Dollars (\$1,0300), ~~or by imprisonment for a term of not less than three (3) months nor more than twelve (12) months, or both, for any person who violates any provision of this Section. (Ord. 96-19 § 1, 2)~~

9.01.050 No Camping

- A. Camping in the Town of Mountain Village is prohibited at all times. It shall be unlawful for any person to camp in the Town, including but not limited to, open air camping, tent camping and trailer or motor home camping.
- B. A violation of this Section is a Class 2 Petty Offense, punishable by a fine of not more than Three Hundred Dollars (\$300). ~~(Ord. 97-04 § 1, 2)~~

9.01.060 Unauthorized use of a ski pass

- A. Ski passes are non-transferable and cannot be resold. Re-selling or allowing another person to use your pass constitutes theft of services under Mountain Village municipal law and will result in prosecution.
- B. Anyone using a ski pass not issued to them constitutes theft of services under Mountain Village municipal law and will be prosecuted and subject to the general penalty as set forth in the Mountain Village Municipal Code.-

9.01.070 Unauthorized use of a dumpster

- A. Any person who, without authorization, dumps garbage or trash, or assists in the unauthorized dumping of garbage or trash, in a dumpster or other solid waste container which is located on the property of another person and leased or otherwise owned or maintained by another person is guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the general penalty as set forth in the Mountain Village Municipal Code. ~~(penalty section of code).~~
- B. The act of throwing isolated objects into a dumpster or other solid waste container in the prevention or elimination of litter is specifically exempted from any penalties.

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CHAPTER 9.04

OFFENSES AGAINST PUBLIC PEACE

Sections:

9.04.010 Disorderly Conduct

9.04.010 Disorderly Conduct

- A. A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:
1. Makes a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to incite an immediate breach of the peace; or
 2. Abuses or threatens a person in a public place in an obviously offensive manner;

- or
3. Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy; or
 4. Fights with another in a public place except in an amateur or professional contest or athletic skill; or
 5. Not being a Peace Officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
 6. Not being a Peace Officer, displays a deadly weapon in a public place in a manner calculated to alarm.

B. It is an affirmative defense to prosecution under subsection A(2) of this Section that the actor had significant provocation for his or her abusive or threatening conduct.

C. An offense under Subsections A(1) to A(3) of this Section is a Class 1 Petty Offense, punishable by a fine of up to ~~Five~~ Three Hundred Dollars (\$~~3500~~), ~~imprisonment in jail up to six (6) months, or both; bond shall be set at One Hundred Dollars (\$100)~~. An offense under Subsection A(4) of this Section is a Class 3 Misdemeanor, punishable by a fine of not less than Fifty Dollars (\$50) nor more than ~~ThreeSeven~~ and Fifty Dollars (~~\$75300~~), ~~imprisonment in jail up to six (6) months, or both; bond shall be set a Five Hundred Dollars (\$500)~~. An offense under Subsection A(5) or A(6) of this Section is a Class 2 Misdemeanor, punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250) nor more than ~~Three HundredOne Thousand~~ Dollars (~~\$1,3000~~), ~~imprisonment in jail not less than three(3) months nor more than one (1) year, or both; bond shall be set at One Thousand Dollars (\$1,000)~~. (Ord. 96-35 § 1)

CHAPTER 9.08

PROVISION OF ALCOHOL TO MINORS

Sections:

- 9.08.010 General Provisions
- 9.08.020 Fraudulent Identification
- 9.08.030 Penalties

9.08.010 General Provisions

It is unlawful for any person:

- A. To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving or procuring of any malt, vinous or spirituous liquor to or for any person under the

age of twenty-one (21) years, to a visibly intoxicated person or to a known habitual drunkard; or

- B. With knowledge, to permit or fail to prevent the use of his or her identification, including a driver's license, by a person who is under twenty-one (21) years of age, for the unlawful purchase of any malt, vinous or spirituous liquor; or
- C. To sell malt, vinous, or spirituous liquor to any person under the age of twenty-one (21) years, to a habitual drunkard or to a visibly intoxicated person, or to permit any malt or vinous liquors to be sold or dispensed by a person under eighteen (18) years of age, or spirituous liquors to be sold or dispensed by a person under twenty one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof; or
- D. To fail to display at all times in a prominent place a printed card with a minimum height of fourteen (14) inches and width of eleven (11) inches with each letter to be a minimum of one-half (1/2) inch in height, which shall read as follows:

WARNING

IT IS ILLEGAL TO SELL WHISKEY, WINE, OR BEER TO ANY PERSON UNDER TWENTY-ONE (21) YEARS OF AGE AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY-ONE (21) YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.

IT IS ILLEGAL IF YOU ARE TWENTY-ONE (21) YEARS OF AGE OR OLDER FOR YOU TO PURCHASE WHISKEY, WINE, OR BEER FOR A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE.

FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS. (Ord. 96-39 § 1 (1))

9.08.020 Fraudulent Identification

- A. If a licensee or his or her employee has reasonable cause to believe that a person is under twenty-one (21) years of age and is exhibiting fraudulent proof of age in an attempt to obtain any malt liquors, vinous liquors or spirituous liquors, as defined in this Chapter, the licensee or employee shall confiscate such fraudulent proof of age, if possible, and shall within twenty-four (24) hours after the confiscation, turn it over to a local law enforcement agency. The failure to confiscate such fraudulent proof of age or to turn it over to a local law enforcement agency within twenty-four (24) hours after the confiscation shall not constitute a criminal offense, notwithstanding CRS Section 12-47-130(1)(a).
- B. If a licensee or his or her employee believes that a person is under twenty-one (21) years of age and is exhibiting fraudulent proof of age in an attempt to obtain any malt liquors,

vinous liquors or spirituous liquors, as defined in this Chapter, the licensee or his or her employee or any Peace or Police Officer, acting in good faith and upon probable cause based upon reasonable grounds therefore, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of an unlawful act under this Section.

Such questioning of a person by a licensee or employee or a Peace or Police Officer does not render the licensee, his or her employee, or a Peace or Police Officer civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution, or unlawful detention, except that a licensee or employee acting willfully or wantonly shall not be immune from liability pursuant to this paragraph (3). (Ord. 96-39 § 1(2, 3))

9.08.030 Penalties

Any violation of this Chapter shall be a Misdemeanor, punishable of a fine not more than Three Hundred Dollars (\$300), ~~imprisonment for not more than six (6) months, or both~~. If a corporation is convicted a second or subsequent time, it shall be punished by a fine of not more than ~~One Thousand~~ **Three Hundred** Dollars (\$~~1,000~~**300**). The permit of any person to purchase or sell alcohol convicted a second or subsequent time shall be forfeited and none shall thereafter be granted to such person within a period of five (5) years following a second or subsequent conviction. (Ord. 96-39 § 1(4))

CHAPTER 9.12

POSSESSION OR CONSUMPTION OF ALCOHOL BY A MINOR

Sections:

- 9.12.010 Definitions
- 9.12.020 General Provisions
- 9.12.030 Evidence
- 9.12.040 Records
- 9.12.050 Penalties

9.12.010 Definitions

As used in this Chapter, unless the context otherwise requires:

- A. Establishment. Means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group or residence, and any real property including buildings and improvements connected therewith, and shall also include any members, employees and occupants associated therewith.
- B. Ethel Alcohol. Means any substance which contains ethyl alcohol.
- C. Possession of Ethel Alcohol. Means that a person has or holds any amount of ethyl alcohol anywhere on his or her person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his or her immediate presence and control.
- D. Private Property. Means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. Private Property shall not include:
 - 1. Any establishment which has or is required to have a license pursuant to Article 46, 47, or 48 of Title 12 of Colorado Revised Statutes; or
 - 2. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or
 - 3. Any establishment which leases, rents or provides accommodations to members of the public generally. (Ord. 96-31 § 1(1))

9.12.020 General Provisions

- A. Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere in the Town of Mountain Village commits illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.
- B. It shall be an affirmative defense to this Chapter that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:
 - 1. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption; or
 - 2. When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by section 25-5-410(1)(i)(II), CRS; or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion; or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes; or solely from the ingestion of a beverage which contained less than one-half of one (0.5%) percent of ethyl alcohol by weight.

- C. The possession or consumption of ethyl alcohol shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.
- D. A parent or legal guardian of a person under twenty-one (21) years of age or any natural person who has the permission of such parent or legal guardian may give or permit the possession and consumption of ethyl alcohol to or by a person under the age of twenty-one years under the conditions described in subsection C of this Section. This Subsection shall not be construed to permit any establishment which is or is not required to be licensed pursuant to Article 46, 47 or 48 of Title 12, CRS, or any members, employees or occupants of any such establishment to give, provide, make available or sell ethyl alcohol to a person under twenty-one (21) years of age.
- E. No law enforcement officer shall enter upon private property to investigate any violation of this Section without probable cause. (Ord. 96-31 § 1(2-4, 7-8))

9.12.030 Evidence

- A. *Prima facie* evidence of a violation of subsection of this Chapter shall consist of:
 - 1. Evidence that the Defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in the Town; or
 - 2. Evidence that the Defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the Town.
- B. During any trial for a violation of this Chapter, any bottle, can or any other container with labeling indicating the contents of such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as beer, ale, malt beverage, fermented malt beverage, malt liquor, wine, champagne, whiskey or whisky, gin, vodka, tequila, schnapps, brandy, cognac, liqueur, cordial, alcohol or liquor shall constitute *prima facie* evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.
- C. The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of this Chapter upon a showing that the device or devices used to conduct such a test or tests have been approved as accurate in detecting alcohol by the Executive Director of the Department of Public Health and Environment.
- D. Official records of the Department of Public Health and Environment relating to the certification of breath test instruments, certification of operators and instructors of breath test instruments, certification of standard solutions and certification of laboratories shall be official records of the State. Copies of such records, attested by the Executive Director of the Department has custody of such records, shall be admissible in all courts of record and shall constitute *prima facie* evidence of the information contained in such

records. The official seal of the Department described herein, may consist of a rubber stamp producing a facsimile of the seal stamped upon the document.

- E. In any Judicial proceeding in any Court of this State concerning a charge under this Chapter, the Court shall take judicial notice of methods of testing a person's blood, breath, saliva or urine for the presence of alcohol and of the design and operation of devices certified by the Department of Public Health and Environment for testing a person's blood, breath, saliva or urine for the presence of alcohol. This Subsection shall not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this Subsection shall preclude a Defendant from offering evidence concerning the accuracy of testing devices. (Ord. 96-31 § 1(5-6))

9.12.040 Records

Upon the expiration of one (1) year from the date of a conviction for a violation of this Chapter, any person convicted of such violation may petition the Court in which the conviction was entered for an order sealing the record of such conviction. The Court shall grant such petition if the Petitioner has not been arrested for, charged with, or convicted of any felony, Misdemeanor, or Petty Offense during the period of one (1) year following the date of such Petitioner's conviction for violation of this Chapter. (Ord. 96-31 § 1(9))

9.12.050 Penalty

A violation of this Chapter is a Class 2 Petty Offense and shall be punished by a fine of not more than One Hundred Dollars (\$100), ~~imprisonment in jail up to six (6) months or both.~~ ~~Bond shall be set at One Hundred Dollars.~~ The Court, upon sentencing a Defendant pursuant to this Section, may, in addition to any fine, order that the Defendant perform up to twenty-four (24) hours of useful public service, and may further order that the Defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program or an alcohol treatment program at such Defendant's own expense.

Nothing in this Chapter shall be construed to limit or preclude prosecution for any offense pursuant to Article 46, 47 or 48 of Title 12 CRS, except as provided in such Articles. (Ord. 96-31 § 1(2(b), 14))

CHAPTER 9.16
SKIER AND SNOWBOARDER OFFENSES

Sections:

- 9.16.010 Collision
- 9.16.020 Closed Areas
- 9.16.030 Skiing and Snowboarding While under the Influence

9.16.010 Collision

- A. No skier or snowboarder involved in a collision with another skier, snowboarder or other person in which an injury results shall leave the vicinity of the collision before giving his or her name and current address to an employee of the ski area, operator or a member of the ski patrol, except for the purpose of securing aid for a person injured in the collision; in which event the person so leaving the collision shall give his or her name and current address as required by this Section after securing such aid.
- B. A violation of this Section shall be a Class 2 Petty Offense, punishable by a fine of up to Three Hundred Dollars (\$300). ~~Bond shall be set at One Hundred Dollars (\$100).~~ (Ord. 96-30 § 1)

9.16.020 Closed Areas

- A. No person shall ski or snowboard on a ski slope or trail that has been posted as “Closed” pursuant to this Section.
- B. A sign shall be placed in such a position as to be recognizable as a sign to skiers and snowboarders proceeding to the uphill loading point of each base area lift depicting and explaining signs and symbols which the skier or snowboarder may encounter at the ski area as follows: Closed trails or slopes, designated by an octagonal-shaped sign with a red border around a white interior containing a black figure in the shape of a skier with a black band running diagonally across the sign from the upper right-hand side to the lower left-hand side and with the word “Closed” printed beneath the emblem.
- C. If a particular trail or slope or portion of a trail or slope is closed to the public by a ski area operator, such operator shall place a sign notifying the public of that fact at each identified entrance of each portion of the trail or slope involved. Alternatively, such a trail or portion thereof may be closed with ropes or fences.
- D. A violation of this Section shall be a Class 2 Petty Offense, punishable by a fine of up to Three Hundred Dollars (\$300). ~~Bond shall be set at One Hundred Dollars (\$100).~~ (Ord. 96-32 § 1)

9.16.030 Skiing and Snowboarding While Under the Influence

- A. No person shall move uphill on any passenger tramway or use any ski slope or trail while such person's ability to do so is impaired by the consumption of alcohol or by the use of any controlled substance, as defined in subsection (B) of this Section, or other drug or while such person is under the influence of alcohol or any controlled substance, as defined in Subsection (B) of this Section.
- B. As used in Subsection (A) of this Section, unless the context otherwise requires, “*controlled substance*” means a drug, substance or immediate precursor included in Schedules I to V of Part 2 of Article 18 of Title 18 of CRS.
- C. A violation of this Section is a Class 2 Petty Offense, punishable by a fine of not more

than Three Hundred Dollars (\$300). (Ord. 96-36 § 1)

CHAPTER 9.17

~~PROHIBITING DISCHARGE OF WEAPONS~~ FIREARMS AND WEAPONS

Sections:

- 9.17.010 Discharge of Weapons
- 9.17.020 Exceptions
- 9.17.030 Penalties

9.17.010 Discharge of Weapons

A. It shall be unlawful for any person to discharge any weapon of any description, including, but not limited to, revolvers, pistols, shotguns, rifles, air guns, gas-operated guns, spring guns or bows within the town limits or to cause any projectile from the discharge of any weapon to travel into or over the town limits whether or not discharged from within the town limits. (Ord. 08-08 § 1)

9.17.020 Exceptions

BA. This ~~Chapter Section~~ shall not apply to the following:

1. Any officer of the law discharging a weapon in the performance of his or her duty.
2. Any citizen discharging a weapon when lawfully defending human life.
3. Any citizen discharging a weapon upon a supervised marksmanship range approved by the Chief of Police. (Ord. 08-08 § 2)

Prohibiting firearms and dangerous weapons in Town buildings

A. The term “dangerous weapon” shall have the meaning used in C.R.S. §18-12-102 and may include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.

B. No person other than a law enforcement officer may carry or possess a firearm or dangerous weapon in any building that is owned, occupied or controlled by the Town of Mountain Village or that is jointly owned, occupied or controlled by the Town of Mountain Village.

9.17.030 Penalties

Any person who is convicted of violating this Chapter shall be punished by a fine of not less than ~~One H~~undred ~~D~~ollars (\$100.00) or more than ~~one thousand- Three Hundred d~~Dollars (\$1,0300.00), ~~imprisonment in the County Jail for not more than ninety (90) days, or both. (Ord. 08-08 § 3)~~

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CHAPTER 9.18

REGULATE RIDING BICYCLES AND SKATEBOARDS

Sections:

- 9.18.010 Definitions
- 9.18.020 Unlawful Acts
- 9.18.030 Exemptions
- 9.18.040 Penalties

9.18.010 Definitions

- A. Bicycle. Any one, two or three wheeled device designed to carry one or more riders and whose primary means of propulsion is through manual pedal action of at least one rider. For purposes of this definition, "bicycle" shall include unicycles and tricycles.
- B. Skateboard. A short board mounted horizontally on small wheels that is used for coasting and for performing athletic stunts and whose primary means of propulsion is through the application of physical energy of the rider.
- C. Careless Riding. Indifferent, unconcerned and lack of care while riding of any bicycle or skateboard, without due regard for the width, grade, curves, corners, traffic, pedestrians, fixed obstacles, and the use of roads and plazas and all other attendant circumstances shall constitute Careless Riding. (Ord. 08-03 § 1)

9.18.020 Unlawful Acts

- A. No person shall ride any bicycle in a careless manner on any pedestrian plaza, gondola plaza, sidewalk, pedestrian or bike path, roadway, public parking lot or ~~a~~ any other property or location within the Town that is open to the public.
- B. No person shall ride, travel upon, physically manipulate or attempt to ride, travel upon, or physically manipulate any skateboard or similar device in a careless manner upon any pedestrian plaza, gondola plaza, sidewalk, pedestrian or bike path or any other property or location within the Town that is open to the public.
- C. No person shall ride any bicycle in any gondola station nor shall any person ride, travel upon, physically manipulate or attempt to ride, travel upon, or physically manipulate any skateboard or similar device in any gondola station.
- D. No person shall ride, travel upon, physically manipulate or attempt to ride, travel upon, or physically manipulate any skateboard or similar device upon any roadway or public parking lot.
- E. No person shall strike, bounce, launch, jump, ricochet or otherwise physically manipulate any bicycle, skateboard or similar device off any curb, stair or stairwell, railing, bench, building, planter, or similar fixed object. (Ord. 08-03 § 1)

9.18.030 Exemptions

Properly sanctioned and authorized sporting events or demonstrations involving bicycles or skateboards may be exempted from sections of this Title as authorized and permitted by the Chapter 10.08 Special Events. (Ord. 08-03 § 2)

9.18.040 Penalties

A. Penalties for Court Conviction

1. Any person violating this Chapter, and where the violation results in a Court conviction, shall be subject to the following penalties: the first conviction shall result in a fine of not less than Fifty dollars (\$50.00) nor more than One Hundred (\$100.00) dollars; the second conviction shall result in a fine of not less than One Hundred dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00); the third conviction and each subsequent conviction thereafter shall result in a fine of Three Hundred Dollars (\$300.00), ~~imprisonment in the County Jail for not more than ninety (90) days, or both.~~

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B. Penalty Assessment for Pleading Guilty

1. Any person charged with a violation of this Chapter, may, instead of proceeding to defend against the prosecution thereof; elect to pay a penalty assessment according to the following schedule: The first conviction shall result in a fine of Fifty Dollars (\$50.00); the second conviction shall result in a fine of One Hundred Dollars (\$100.00); upon the third conviction within a single twelve (12) month period, the alleged offender shall be summoned to appear before the Municipal Judge. (Ord. 08-03 § 3)

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CHAPTER 9.19

AN CHAPTER PROHIBITING THE RETAIL SALE, DISTRIBUTION, CULTIVATION AND DISPENSING OF MEDICAL MARIJUANA

Sections:

- 9.19.010 Definitions
- 9.19.020 Medical Marijuana Prohibition
- 9.19.030 Patients and Primary Care-givers
- 9.19.040 Violation/Penalty
- 9.19.050 Safety Clause

9.19.010 Definitions

- A. Code. The Town of Mountain Village Municipal Code.
- B. CMMC means the Colorado Medical Marijuana Code C.R.S. § 12-43.3-101, *et. seq.*
- C. Marijuana. Shall have the same meaning as the term “useable form of marijuana” as set forth in Article XVIII, Section 14(1)(i) of the Colorado Constitution, or as may be more fully described in any applicable state law or regulation.
- D. Medical Marijuana. Marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII, Section 14(1)(i) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.
- E. Medical Marijuana Center. A person authorized and licensed to operate a business as described in § 12-43.3-402 of the CMMC that sells medical marijuana to registered patients or primary care-givers as defined in Section 14, or Article XVIII of the Colorado Constitution, but is not a primary care-giver.
- F. Medical marijuana-infused products manufacturer. A person licensed pursuant to the CMMC to operate a business as described in C.R.S. § 12-43.3-404 of the CMMC.
- G. Optional Premises Cultivation Operation. A person licensed pursuant to CMMC to operate a business as described in § 12-43.3-403 of the CMMC.
- H. Patient. Shall have the same meaning as set forth in Article XVII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully described in any applicable state law or regulation.
- I. Primary Care-giver. Shall have the same meaning as set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution and subject to any statutory requirements or conditions, or as addressed in any applicable Colorado Department of Revenue regulations. (Ord. 2011-03 § 2)

9.19.020 Medical Marijuana Prohibition

Medical marijuana businesses, including medical marijuana centers, optional premises cultivation and medical marijuana-infused manufacturers' operations are prohibited within the municipal limits of the Town of Mountain Village. It is unlawful for any person to operate a medical marijuana business, including a medical marijuana center, an optional premises cultivation operation, or medical marijuana infused manufacturers' operations in the Town of Mountain Village. No Town of Mountain Village license or permit for such medical marijuana business shall be issued by any Town of Mountain Village official, nor shall Town of Mountain Village approval of a state application under the CMMC be given for such business by any Town of Mountain Village official. This prohibition applies irrespectively of the form of ownership or structure of the business activity and includes cooperatives and non-profits. (Ord. 2011-03 § 3)

9.19.030 Patients and Primary Care-givers

Nothing in this Chapter shall be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients as defined by the Colorado Constitution, or the provision of medical marijuana by a primary care-giver to a patient in accordance with the Colorado Constitution and applicable statutes and regulations. (Ord. 2011-03 § 4)

9.19.040 Violation/Penalty

In addition to any other penalties that may exist under state, federal and local laws, any person charged with a violation of this Chapter, upon conviction thereof, shall be punished by a fine of not more than ~~One Thousand Three Hundred Dollars (\$1,0300.00) or by imprisonment not to exceed one (1) year, or by both such fine and penalty.~~ Each person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continues or is permitted by any such person. (Ord. 2011-03 § 5)

9.19.050 Safety Clause

The Town Council finds and declares that this Chapter is promulgated and adopted for the public health, safety and welfare of the citizens of the Town. This Chapter bears a rational relation to the legislative objective sought to be obtained. (Ord. 2011-03 § 7)

CHAPTER 9.20
PROHIBITING RECREATIONAL MARIJUANA BUSINESSES

Sections:

9.20.1 Legislative Findings

9.20.2 Imposition Of The Prohibition Marijuana Business

9.20.3 Use, Responsible Possession, Storage & Disposal Of Marijuana & Marijuana Products

9.20.4 Definitions

9.20.5 Penalty

9.20.6 Severability

9.20.7 Chapter Effect

9.20.8 Safety Clause

9.20.9 Effective Date

9.20.1 LEGISLATIVE FINDINGS

The recitals to this Chapter are adopted as findings of the Town Council in support of the enactment of this Chapter.

9.20.2 IMPOSITION OF THE PROHIBITION MARIJUANA BUSINESS

It shall be unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores or any marijuana related business within the Town of Mountain Village or within any area hereinafter annexed into the Town of Mountain Village.

9.20.3 USE, RESPONSIBLE POSSESSION, STORAGE AND DISPOSAL OF MARIJUANA AND MARIJUANA PRODUCTS

Any person in possession of marijuana or a marijuana product shall possess, store and dispose of such marijuana or marijuana product in a responsible manner that prevents minors from gaining possession of marijuana and marijuana products and prevents unknowing consumption of marijuana or marijuana products.

Due to safety hazards associated with the use of butane torches and marijuana, it shall be unlawful for any person within the boundaries of the Town of Mountain Village to combine marijuana with any form of butane torch for the purpose of creating a marijuana concentrate.

It shall further be unlawful to use marijuana or marijuana products on Town owned or leased property or in an open and public manner.

9.20.4 DEFINITIONS

- A. *Marijuana* means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stocks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- B. *Marijuana accessories* mean any equipment, products, or materials of any kind which are used, intended to use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

- C. *Marijuana cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- D. *Marijuana establishment* means a marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or retail marijuana store.
- E. *Marijuana product manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- F. *Marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and intended for use or consumption, such as, but no limited to, edible products, ointments, and tinctures.
- G. *Marijuana testing facility* means an entity licensed to analyze and certify the safety and potency of marijuana.
- H. *Retail marijuana store* means an entity licensed by the State of Colorado to purchase marijuana from marijuana cultivation facilities, and marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.
- I. *Person* means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

9.20.5 PENALTY

A violation of the provisions of this Chapter shall be punishable as follows:

- A. By a fine of not more than ~~nine hundred ninety nine~~ Three Hundred Dollars (\$300.00), or imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment;
- B. Each and every day a violation of the provisions of this Chapter is committed, exists or continues shall be deemed a separate offense;
- C. The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or removed the violation; and
- D. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

9.20.6 SEVERABILITY

| If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and, to this end, the provisions of this Chapter are declared to be severable.

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9.20.7 CHAPTER EFFECT

| Existing chapters or parts of chapters covering the same matters as embraced in this Chapter are hereby repealed and any and all chapters or parts of chapters in conflict with the provisions of this Chapter are hereby repealed, provided however, that the repeal of any chapter or parts of chapters of the Town shall not revive any other section of any chapter or chapters hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any chapter hereby repealed prior to the taking effect of this Chapter.

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9.20.8 SAFETY CLAUSE

The Town Council finds and declares that this Chapter is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

9.20.9 EFFECTIVE DATE

| This Chapter shall take effect on April 1, 2014.

TITLE 8
HEALTH AND SAFETY

<u>CHAPTER</u>	<u>SUBJECT</u>
8.01	Recycling and Refuse
8.02	Commercial Recycling and Refuse
8.04	Noise
8.08	Motor Vehicle Noise
8.12	Public Nuisance
8.16	Fire Protection
8.20	Hazardous Material
8.24	Open Burning
8.28	Emergency Alarm Systems

CHAPTER 8.01
RESIDENTIAL REFUSE and RECYCLING

Sections:

- 8.01.005 Purpose
- 8.01.010 Definitions
- 8.01.020 Removal Generally
- 8.01.030 Construction Sites
- 8.01.040 Recyclables
- 8.01.050 Handling and Collection Requirements
- 8.01.051 Residential Refuse and Recycling Materials Responsibility
- 8.01.052 Residential Refuse Collection Services
- 8.01.053 Residential Recycling Collection Services
- 8.01.054 Residential Premises Excluded from Service
- 8.01.060 Collection Charges
- 8.01.070 Delinquent Payment
- 8.01.080 Exemption from Charges
- 8.01.090 Uncontained Garbage and Compost
- 8.01.100 Accumulation and Failure to Remove
- 8.01.110 Tree Trimmings and Yard Clippings
- 8.01.120 Special Refuse
- 8.01.130 Burning Refuse
- 8.01.140 Containers Required
- 8.01.150 Wildlife-Resistant Containers

CHAPTER 8.01
GARBAGE AND REFUSE (CONT.)

Sections:

8.01.170 Dumpsters

8.01.180 Penalties

8.01.005 Purpose

On October 16, 2008, the Mountain Village Town Council adopted a resolution of meeting the goals of Zero Waste by 2025. The resolution established the Town Council's goal of reducing the placement of materials in landfills, encouraging a resource management-based economy, and to have government lead by example and establishing policies needed to eliminate waste.

An important component of meeting the goal of Zero Waste is to establish volume-based pricing for refuse disposal that encourages residents and businesses to reduce waste through increased recycling of paper products, glass, metal, plastics, and other materials as local markets develop in the future.

The Mountain Village Town Council mandates that town approved recycled materials shall not be placed in residential refuse containers.

8.01.010 Definitions

The definitions set out herein apply throughout this Section 8.01.

- A. Aluminum. Aluminum cans used to hold beverages, foil, and containers for prepared foods.
- B. Commercial Premises. Property whereon there is a building, or part thereof, which is used for purposes other than as a dwelling or a home occupation incidental to a dwelling. Including commercial buildings or commercial establishments therein, whether for profit or non profit, including but not limited to, buildings or establishments used for retail, wholesale, industrial manufacturing, dining, offices, professional services, automobile services, hotel and motels, restaurants, shipping and receiving areas, and notwithstanding the foregoing, premises whereon any single structure contains four (4) or more dwelling units. "Compost" means what would be garbage and any other decaying substance, whatever the source, but which, due to the compost owners intent to use for horticulture the residue from the decaying process, cannot be called waste.
- C. Corrugated Cardboard. Paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two (2) flat surfaces and which is commonly used to form cartons.
- D. Dwelling. A permanent building, or portion thereof, which is used as the private residence or sleeping place of one (1) or more persons, but not including hotels, motels, tourist resorts, resort cabins, clubs or hospitals.
- E. Garbage. Refuse from decay able animal or vegetable wastes resulting from the handling of food.
- F. Glass. Includes all glass products, bottles and jars.

- G. Homeowners' Association. Any covenant-controlled community containing (3) or more residential property owners, which includes a lawfully constituted and operational board or other similar entity which is empowered to enforce the community' s recorded covenants and which has the power to impose assessment for its services which, if unpaid, may be made a lien on the property.
- H. Newspaper. Newsprint-grade paper, inexpensive machine-finished paper, which is printed and distributed to the public, not including magazines, slick paper or telephone books.
- I. Nonprofit Organization. An established organization or foundation dedicated to public service or culture including, but not limited to, religious, educational and health care functions. Federal, state and local governmental establishments are considered non profit organizations for the purposes of this Chapter. This term shall include civic clubs, youth groups and extra-curricular school organizations.
- J. Non-recyclable Material. Garbage rubbish and any other materials which are not designated as recyclable materials by the Town.
- K. Poly Cart. A generic term meaning a large-volume rectangular plastic refuse container which has metal handles and wheels.
- L. Recycling Materials. Those materials, goods, and items deemed as recyclable by the Town of Mountain Village through administrative rules approved by the Town Council.
- M. Recycling. All forms of materials, goods and items that are approved for recycling by the Town of Mountain Village.
- N. Recycling Collection Services. The collection of recycling materials in a town provided recycling container(s). The collection, transport, and deposit of the recycling materials at the town' s designated recycling facility will be provided by the town, its contractor or town licensed operator.
- O. Recycling Collection Services. The collection of recycling materials in a town provided recycling container(s). The collection, transport, and deposit of the recycling materials at the town' s designated recycling facility will be provided by the town, its contractor or town licensed operator.
- P. Recycling Container. A Town of Mountain Village owned container(s) provided for residential recycling services.
- Q. Recycling Materials. Those materials, goods and items deemed as recyclable by the Town of Mountain Village through administrative rules approved by the Town Council. Residents will receive written notice of any changes in materials to be recycled.
- R. Refuse. Any form of waste material, junk, garbage, rubbish, trash, or foreign substance.

- S. Refuse Container. For those persons subject to the Town' s residential refuse collection service, a wheeled cart suitable for mechanical lifting with a lid for containing and setting out refuse for collection in sizes of approximately 32-gallons, 64-gallons, and/or 96gallons. Containers will be owned and provided by the Town of Mountain Village. For all other persons, refuse container means a metal or other non-absorbent container equipped with a tightly fitting metal or non-absorbent lid. Refuse containers shall meet industry standards for "Bear Proof".
- T. Residential Premises. Premises whereon all structures are used only for dwelling purposes and any home occupations incidental thereto.
- U. Residential Refuse Collection Services. The collection and transportation of refuse from sources other than industrial or commercial establishments, multifamily residences of three 3) or more units, or homeowners' associations which provide their residents curbside refuse and single-stream recycling collection services.
- V. Senior Citizen. Any human being who is sixty- five (65) years of age or older.
- W. Special Event. An outdoor gathering such as a concert, conference, or festival.
- X Special Refuse. The following kinds of refuse: refuse that is explosive, combustible or hazardous; refuse which is contagious; dead animals; automobiles, tires, grease, oil, hydraulic fluid; grease from a commercial restaurant; refrigerators, freezers; and wet paint.
- Y Wildlife. Any non-domestic mammal indigenous to the San Miguel Region, including but not limited to black bear, mule deer, elk, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine and fox.
- Z. Wildlife-Resistant Enclosure. A fully-enclosed structure of sufficient design and strength to prevent access by wildlife. The enclosure shall be erected only after receiving approval from the Town Design Review Board (DRB)
- AA. Wildlife-Resistant Container. A heavy duty, animal-resistant Poly Cart with an attached lid or fully-enclosed metal container (dumpster) with a metal or cage lid. The lid must have a locking mechanism that prevents access to the contents by wildlife. Containers must be approved by the Town Manager or his or her designee. (Ord. 01-07 § A(1-22), 09-06 § 2)

8.01.020 Removal Generally

Every person who produces or accumulates any refuse and the owner or any premises whereon there is refuse and or recyclable material shall remove it from the Town within a reasonable time after its production. A "reasonable time" shall not exceed two (2) weeks. (Ord. No. 01-07 § B(1))

8.01.030 Construction Sites

- A. Whenever work which requires a Building Permit is being performed on any premises, the owner of the premises and the person performing the work shall remove from the Town within seven (7) days all the refuse which is produced. Within seven (7) days after the completion of the work, the owner of the premises and the person who performed the work shall remove from the Town all refuse on the premises. "Refuse," as used in this Section includes plaster, cement or concrete, bricks, cinder blocks, stones, wood, roofing material, wire, and metal binding, sacks, or any other construction material which is not used in the construction work.
- B. The Building Department may, from time to time inspect premises whereon work is being performed pursuant to a Building Permit. If the Building Department reasonably believes that any refuse on such premises would be an unpleasant sight to a reasonable observer viewing it from any place not on the premises, or constitutes a hazard to the health or safety of any person, the Building Department shall notify, in writing, the owner and/or person generating or accumulating the refuse to remove the refuse from the Town within seven (7) days. No person so notified shall fail to remove such refuse within the time provided. Each day of such failure constitutes a separate offense. Moreover, such refuse, if not removed within seven (7) days of the receipt of the written notice, constitutes a public nuisance and will be dealt with under applicable law. (Ord. No. 01-07 § B(2), 01-07 § E(8))

8.01.040 Recyclables

- A. Town approved recycled materials shall not be placed in residential refuse containers.
- B. No refuse, compost or garbage shall be placed in any recycling receptacle provided by the Town or its designated recyclable material collection agent.
- C. Recyclable materials placed at a designated location for collection in any recycling receptacle provided by the Town are the property of the Town or its designated recyclable material collection agent.
- D. Nothing in this Section is intended to prevent any person from donating or selling recyclable materials from his or her refuse.
- E. It shall be unlawful for any person to place, locate, establish, maintain, leave or otherwise make available any recycling receptacle which is in public view in the Town for the purpose of collecting discarded recyclable materials; provided, however, that in the case of charitable undertakings by a bona-fide nonprofit organization, the Town shall be authorized to approve the temporary location and use of recycling receptacles. (Ord. Nos. 01-07 § C(11), 09-06 § 1)

8.01.050 Handling and Collection Requirements

- A. The Town may after posting notice according to the Charter, declare that the Town will provide refuse and/or recyclable material collection service commencing no sooner than fifteen (15) days from the date of notice. The Town may declare that such collection service will be provided for commercial premises only, for residential premises only or for both commercial and residential premises. The Town may proclaim, in writing, any reasonable collection regulations. The regulations shall have the force of law. The Town may after giving fifteen (15) days notice, declare a cessation of the Town's refuse and/or recyclable material collection.
- B. The Town may negotiate a refuse and/or recyclable material collection and disposal contract with any qualified person or entity so long as the contract does not give that person or entity the right to exclude other qualified persons or entities from also providing refuse and/or recyclable material collection service within the Town. Such a contract shall not become effective until ratified by the Town Council.
- C. Nothing in this Chapter shall prohibit any person from contracting for or hauling their own refuse and recycling materials provided such refuse and materials are collected and disposed of in conformity with all applicable town rules and regulations.
- D. The Town, upon seven (7) days notice, posted in accordance with the Town's Home Rule Charter, may announce the establishment of changing of refuse collection days and the number of collections per week. The Town may announce different days and numbers of collection days per week for different classes of refuse and or recyclable material collection customers (such as commercial or residential).
- E. Special Event: Outdoor Special Event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in wildlife-resistant containers or enclosures or be removed to an appropriate disposal site.
- F. Residential Refuse Handling and Collection
 - 1. Prior to being deposited for collection, all refuse shall be drained of liquid and be wrapped tightly and sealed in paper or plastic to prevent spillage. Refuse containers shall be maintained in a clean, sanitary manner.
 - 2. Refuse containers for those subject to the towns residential refuse collection services, shall be provided by the town or its contractor as described in Section 6 Town residential refuse collection services.
 - 3. Refuse containers shall be kept off the driveway, access drive, street, curb, sidewalk and all other public ways, except **for the period beginning 12:00 noon on the day prior to collection and ending 9:00 p.m. on the day of collection.** Refuse container lids shall be closed and locked when placed for collection. The town limits the time period for refuse to be placed out for collection due to the attraction of bears and other animals. (Ord. 2011-02 § 3C)
 - 4. No person shall place, leave, deposit or dispose of any refuse on any street, alley or other public place, or on any private property, unless the refuse is wholly

contained within a proper refuse container for collection. Any accumulation of refuse in violation of the ordinance is declared a nuisance and is prohibited.

5. Household hazardous waste and electronics shall be disposed of as set forth in the San Miguel County disposal guidelines.
6. It shall be unlawful for any person to bury, or burn refuse anywhere within the town.

G. Residential Refuse and Recycling Collection Services Program Supervision, Accounting and Budgeting

1. The department of public works shall be responsible for supervision of the Town's refuse and recycling program.
2. The finance director shall segregate residential refuse and recycling service expenditures and revenues from the general fund expenditures and revenues and provide a general accounting for the expenditures and revenues. For each budget cycle, a projection of residential refuse and recycling collection services expenditures and revenues shall be made as part of the town budget process.

H. Residential Recycling Handling and Collection

1. All recycling materials shall be drained of liquid before being deposited for collection.
2. Recycling containers for those subject to the towns recycling services shall be provided by the town or its contractor as described in Section 7 Town residential recycling collection services.
3. No person shall place, leave, deposit or dispose of any recycling materials on any street, alley or other public place, or on any private property, unless the recycling materials are wholly contained within a recycling container. Any accumulation of recycling materials in violation of the ordinance is declared a nuisance and is prohibited. (Ord. Nos. 01-07 § B(3-5), C(4,8,10), 09-06 § 3, 4, 9, 11)
4. Refuse containers shall be kept off the driveway, access drive, street, curb, sidewalk and all other public ways, except **for the period beginning 12:00 noon on the day prior to collection and ending 9:00 p.m. on the day of collection.** Refuse container lids shall be closed and locked when placed for collection. The town limits the time period for refuse to be placed out for collection due to the attraction of bears and other animals. (Ord. 2011-02 § 4D)

8.01.051 Residential Refuse and Recycling Materials Responsibility

- A. Refuse and recycling materials shall be gathered, deposited, disposed of, and placed in the manner provided for in this Chapter by the owner, tenant, or occupant of the property, or the agent or contractor of any of the foregoing, and each of the foregoing persons may be held jointly and severally liable for any violation of this Chapter.
- B. It shall be unlawful for any person to set out or allow to be set out, deposited, or stored for collection any refuse or recycling materials other than that which has accumulated from the regular residential use of the premises upon which such refuse or recycling materials are set out, deposited, or stored for collection. (Ord. No. 09-06 § 5)

8.01.52 Residential Refuse Collection Services

- A. The town, its contractors, or town licenses operators shall furnish residential refuse collection services as provided in this Section for all residents within the town, except those specifically excluded in Section 8.01.054.
- B. All refuse shall be placed in refuse containers as provided in Section 8.01.050 by the owners, tenant or occupant of each residence. Containers shall be placed in the driveway, access drive adjacent to the street of each residence on a schedule established by the town. For residents selecting a garage side pickup, the containers shall be placed next to the garage in a location approved by the hauler and town.
- C. Bulk refuse material not collected as part of the town's collection services, as designated by the town, shall be removed by arrangement with town's residential refuse collection services provider, another town licensed operator, or the resident in accordance with Section 8.01.050. Neither the town, or its contractors or licensed operators shall have any obligation to collect or transport any refuse not in a proper container or any containers not properly placed for collection. (Ord. No. 09-06 § 6)

8.01.53 Residential Recycling Collection Services

- A. The town or its contractors shall furnish residential recycling collection services as provided herein for all residents within the town, except those specifically excluded by Section 8.01.054.
- B. All recycling shall be placed in recycling containers as provided in Section 8.01.050 by the owner, tenant or occupant of each residence. Containers shall be placed in the driveway or access drive adjacent to the street of each residence on a schedule established by the town. For residents selecting a garage side pickup, the containers shall be placed next to the garage in a location approved by the hauler and town. (Ord. No. 09-06 § 7)

8.01.054 Residential Premises Excluded from Service

- A. Except as otherwise provided in this Ordinance, the Town shall not provide residential refuse or recycling collection services to the following sources:
 - 1. Premises requiring special equipment or containers;
 - 2. Homeowners' associations that provide their residents curbside refuse and recycling collection services. However, homeowners' associations may participate in the Town's residential refuse and recycling collection program, subject to the requirements set forth in this Ordinance. (Ord. No. 2010-23 § 8)

8.01.060 Collection Charges

- A. When the Town is providing refuse and/or recyclable material collection service pursuant to Section 8.01.050, the provisions set out in this Section are in effect.

- B. The owner of record of the premises is primarily liable to the Town for refuse and/or recyclable material collection charges. The occupant of the premises, if different from the owner, is also liable.
- C. Town Council shall, by resolution, establish the fees to be imposed for residential refuse and recycling collection services. The fees may be combined into one fee and shall be imposed on all town residents receiving town water service not excluded from this provision pursuant to Section 8.01.080 regardless of whether the town's residential refuse and recycling collection services are actually utilized by such resident. The fees shall be billed in conjunction with the charge for town water service and such fees shall be due and payable at the same time and place as the charge for water.
- D. The fees for residential refuse and recycling collection services and the charge for water service are hereby declared to be parts of one debt to the town insofar as the same affect any one owners, tenant or occupant, and the refusal or failure to pay any part of such debt for any period of service shall be sufficient cause for the town to avail itself of any or all remedies as set forth and in accordance with the provisions of Section 8.01.070 of this Chapter; provided however, that water service shall not be disconnected for nonpayment of the collection services fees, and delinquent collection services fees shall not be recorded or certified as a lien against the property except in the manner allowed to judgment creditors generally for civil judgments entered upon a civil action for collection of debt.
- E. Basic refuse and recyclable material collection charges shall be billed for a one (1) month period in advance. Any special pickups shall be billed for in the month following the special pickup. Bills are payable not more than twenty (20) days from the statement date which appears on the bill.
- F. Past due amounts shall accrue interest, compounded daily at a rate of eighteen percent (18%) Per year, beginning with the thirty-first day, the date appearing on the bill being counted as the first day. The Town Treasurers Office shall, not less than once a year, evaluate the interest rate set in this section and shall recommend to the Town council an increase or decrease in the rate. The Town Council may from time to time by resolution, alter that interest rate.(Ord. Nos. 01-07 § D(1-6), 09-06 § 10)

8.01.070 Delinquent Payments

- A. If the bill for collection services has not been paid by the due date, the Town may elect any one (1) or more of the remedies set out in this Section, as well as any others that are available under the law. The Town declares that the remedy set out in Section 8.01.070(D) below is the least desirable due to administrative costs and the potential health hazards and the detriments to aesthetics from possible accumulation of uncollected refuse.

- B. Personal Collection. The Town may proceed against the owner and or occupant of the premises, in person, for the unpaid balance plus ten percent (10%) for administrative costs plus interest.
- C. Property Lien. Unpaid delinquent charges shall constitute a lien on the real property to which collection service was made available. If ownership of the property changes the new owner shall be deemed to have had notice of the lien for all unpaid collection charges. The lien shall survive the transfer of ownership. The Town may enforce the lien by collecting those charges against the real property of the new owner. If the Town chooses to enforce the lien, it may foreclose its lien in the manner provided by Colorado law for the foreclosure of liens against real property. The lien in this Section is a first and prior lien taking priority over all other liens except pre-existing government tax liens.
- D. Service Termination. If the Town believes that termination of service will result in the prompt payment of delinquent charges and the resumption of service, the Town may proceed to terminate service as set out in this Section. The Town shall by mail or personally, give notice of termination of services to both the owner and occupant of the premises. The notice shall state:
 - 1. The amount due (plus an additional Twenty Dollars (\$20) for collection costs);
 - 2. The date of termination, which shall be fifteen (15) days from the issuance of the notice of termination; and
 - 3. That a Twenty Five Dollar (\$25) fee will be added for terminating service, and another Twenty Five Dollar (\$25) fee for recommencing service.

If by the date set for termination, the Town has not received the complete payment of amounts due, the Town may then terminate services and add the fees and surcharge mentioned above, to the outstanding bill. Refuse collection service charges shall continue to accrue during such discontinuation of service for delinquency. The Town shall promptly reinstate collection service upon the complete payment of the delinquent bill, fees, collection costs and accrued interest. (Ord. No. 01-07 § D(7-10))

8.01.080 Exemption from Charges

- A. Any person who contracts to have the refuse on specified premises collected by a professional refuse hauler other than the person providing refuse collection service under contract with the Town under Section 8.01.050, may apply to exempt the premises from refuse collection charges which would otherwise accrue by complying completely with the following requirements:
 - 1. The person shall file a notarized copy of the contract with the Town Treasurer's Office;
 - 2. The contract shall contain a full and adequate description of the premises to which the hauler will be providing refuse collection service;
 - 3. The contract shall require the hauler to collect and dispose of all refuse on the premises no less frequently than one (1) time per week;
 - 4. The contract shall contain a provision mandating notification by the applicant or hauler to the Town of the cancellation or expiration of the contract.

- B. If the Town Treasurer's Office finds that all of the requirements of Section 8.01.080(A) are fulfilled, an exemption from any Town refuse collection service charges will be issued to the premises.
- C. If for any reason the privately contracted professional refuse hauler ceases to provide collection services or commences to provide fewer than one (1) refuse collection per week to any premises having an exemption under this Section, the person who applied for the exemption, and the owner and occupant of the premises, shall immediately notify the Town Treasurer's Office of this fact. If the Town has at any time reasonable grounds, including such notice to the Town Treasurer's Office, to believe that any premises with an exemption are receiving fewer than one (1) refuse collection per week by a professional hauler, or that refuse collection from the premises is insufficient to fulfill the premises owner's responsibilities under this Chapter, the Town shall revoke the exemption by mailing notice of revocation to the owner of the premises. Such revocation shall be without prejudice to a new application for exemption. Upon such revocation, the Town Treasurer's Office shall commence billing the premises for any Town refuse collection service charges accruing. Such charges shall commence as of the first week when inadequate or no privately contracted professional refuse collection service was provided to the premises.
- D. A senior citizen, as defined in this Chapter, who has filed a notarized affidavit with the Town Treasurer's office attesting that his or her income is less than Twenty Thousand Dollars (\$20,000) per year for a single person or less than Twenty-Five Thousand Dollars (\$25,000) per year for a married couple is exempt from collection charges.
- E. There shall be no exemption option for recyclable material collection services, except as set forth in Section 8.01.080(D). (Ord. No. 01-07 § B(6))

8.01.090 Uncontained Garbage and Compost

- A. Any accumulation of garbage which is not enclosed in such a refuse container as described in Sections 8.01.130 and 8.01.140, shall be considered a public nuisance if:
 - 1. Such an accumulation is visible or can be smelled from any place not on the immediate premises, and the sight or smell of such accumulation would be disagreeable, displeasing or sickening to a reasonable observer; or
 - 2. Such an accumulation, by attracting animals, insects or vermin, or by providing conditions favorable to the propagation of disease, constitutes a hazard to the health or safety of the community.
- B. Any aggrieved citizen of the Town may commence an action to abate such a public nuisance under applicable law.
- C. No owner or occupant of any premises shall permit thereon any accumulation of garbage which constitutes a public nuisance. Each day such an accumulation is permitted constitutes a separate offense.

- D. Nothing in this section prohibits compost accumulations. If however, from any place outside of the immediate premises, the smell or sight of any decaying matter in compost would offend a reasonable person, that compost shall be deemed garbage and hence refuse under this Chapter. Any compost which is deemed to be garbage is subject to the provisions of this Chapter. (Ord. No. 01-07 § E(1,2))

8.01.0100 Accumulation and Failure to Remove

- A. No person shall cause or permit the accumulation of any refuse or any recyclable materials on any commercial or residential premises except if that refuse or recyclable material is enclosed in such a refuse container or recycling receptacle as described in this Chapter or bundled as described in this Chapter. Each day of such accumulation constitutes a separate offense. The owner of any commercial or residential premises shall be deemed to have permitted the accumulation of all refuse or recyclable material which is found thereon.
- B. No person who owns or occupies any commercial or residential premises whereon there is any refuse or recyclable material, and no actual producer of any refuse or recyclable material, shall fail to remove the refuse or recyclable material from the Town, as required by this Chapter. It is not a defense to a prosecution under this section that the refuse or recyclable material was enclosed in refuse container. (Ord. No. 01-07 § E(3,4))

8.01.110 Tree Trimmings and Yard Clippings

Persons desiring the pickup of tree trimmings or yard clippings shall place the clippings inside the refuse containers on pickup days. Residents are encouraged to compost tree trimmings and yard waste, and not dispose of them as refuse. (Ord. No. 97-15 § C(9))

8.01.120 Special Refuse

No person shall place any special refuse, as defined in Section 8.01.010, or hot ashes, in any refuse container or recycling receptacle which is placed for pickup by any refuse or recyclable material collection service. (Ord. No. 01-07 § E(6))

8.01.130 Burning Refuse

No person shall burn any refuse within the Town limits, unless the refuse is paper or wood product and is burned in a woodstove or the person has a permit from the Town to burn refuse. (Ord. No. 01-07 § E(7))

8.01.140 Containers Required

- A. When the Town is providing refuse collection service pursuant to this Chapter, the provisions set out in this Section and Sections 8.01.150 and 8.01.160 apply.

- B. Containers shall be provided by the owner or occupant of all premises on which refuse and recyclable materials are produced, unless containers are provided by the Town or its authorized collection agent.
- C. Except for the period beginning 6:00 a.m. on the day of collection and ending 9:00 p.m. on the day of collection, no refuse container or recycling receptacle which the person uses or owns shall be located on a sidewalk or within a public right of way. Violation of this section will be dealt with under applicable law.
- D. No person, other than the user or authorized collector, shall molest, remove, handle, pilfer or otherwise disturb any refuse container or recycling receptacle or any contents thereof. Each person who is provided a recycling receptacle by the Town or its authorized collector shall use due care not to damage such receptacle, and shall not remove such receptacle from the premises.
- F. No person shall fail to provide, load and maintain refuse containers as specified within this Chapter, or fail to keep them closed. (Ord. No. 01-07 § C(1-2), E(5,9-10), 09-06 § 3)

8.01.150 Wildlife-Resistant Containers

- A. Any refuse container, regardless of size, that receives refuse which is edible by bears or other wildlife, shall be either (1) an approved wildlife-resistant refuse container or (2) a refuse container that is stored within a building, house, garage, or approved wildlife resistant enclosure, either of which shall be secured with a locking mechanism except when refuse and garbage are being deposited.
- B. The Town Manager may exempt non-complying containers if he or she approves, in the alternative, a refuse removal plan which prevents the accumulation of refuse edible by wildlife.
- C. The owner and/or occupant of any premises or business shall be personally liable for any unpaid balance due for wildlife-resistant containers which may be placed in service at the premises or business by the Town, in the case of non-compliance with this Section. Any unpaid violation of this Chapter by the owner and/or occupant, and the Town may proceed against such owner and/or occupant under Section 8.01.170. (Ord. No. 01-07 § C(3))

8.01.170 Dumpsters

- A. Dumpster Standards. Every dumpster shall be:
 1. Made of metal;
 2. Tightly closeable and kept closed;
 3. Maintained in clean condition and good repair;
 4. Freely maneuverable so that the collector can empty it without unreasonable effort; and

5. Placed and kept on a concrete pad or paved refuse pad as required by Section 8.01.160(B).
- B. Every person who owns a dumpster, and every person who owns, occupies or has control over any premises whereon a dumpster is located, shall place and keep the dumpster on a refuse pad which is located as required in this Section. The refuse pad shall be a concrete or paved level surface which is large enough so that the dumpster rests entirely within its circumference.
1. Location. The refuse pad required in this Section shall be located entirely on private property, easily accessible to the nearest roadway, such that the Town's contracted refuse collector, following a collection route, can without unreasonable effort collect the refuse from the dumpster placed thereon. No such refuse pad shall be located such that any dumpster placed thereon might obstruct a passageway.
 2. Enforcement. If the Building Department or Police Department finds that any dumpster is either located so as not to be entirely on a refuse pad or so as to be on a refuse pad which is unlawfully located, that department shall affix to the dumpster a written notice requiring that the violation be corrected within forty-eight (48) hours. If the violation has not been corrected within said forty-eight (48) hours, the Town shall order removal of the dumpster from wherever it is located and to relocate it in any place specified by the Town for storage of impounded dumpsters. For every dumpster impounded under this Section a fee of Twenty-Five Dollars (\$25) shall be charged for the removal of the dumpster, and a fee of Five Dollars (\$5) shall be charged for each day or part thereof during which the dumpster remains impounded or in the Town's custody. No dumpster impounded under this Subsection shall be released from impoundment or the Town's custody until the fees set out in this Subsection have been paid in full. (Ord. No. 01-07 § C (6-7))

8.01.180 Penalties

In addition to any other fees, penalties or charges set forth otherwise in this Chapter any person that violates the provisions of this Chapter shall be punished by a fine of not less than ~~One~~ One Hundred ~~D~~ollars (\$100.00) nor more than ~~five hundred Three Hudnred e~~ Three Hundred e Dollars (~~\$3500.00~~ \$350.00) and up to ~~ten (10) days in jail.~~ (Ord. No. 09-06 § 15)

CHAPTER 8.02

COMMERCIAL RECYCLING AND REFUSE

Sections :

- 8.020.010 Purpose**
- 8.020.020 Definitions**
- 8.020.030 Refuse- handling and collection requirements**
- 8.020.040 Recycling – handling and collection requirements**
- 8.020.050 Refuse and recycling materials responsibility**
- 8.020.060 Commercial refuse collection services**
- 8.020.070 Commercial recycling collection services**
- 8.020.080 Premises excluded from service**
- 8.020.090 Refuse and recycling materials hauling requirements**
- 8.020.100 Audits and Violations**
- 8.020.110 Supervision, accounting and budgeting**

8.020.010 Purpose

The purpose of this Chapter is to establish standards including volume based pricing for refuse disposal and encourage businesses to reduce waste through increased recycling of paper products, glass, metal, plastics, and other materials as local markets develop in the future while mandating that Town approved recycled materials not be placed in refuse containers. This purpose is an important component of meeting the Zero Waste goal.

8.020.020 Definitions

For the purposes of this Chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:

- A. *Commercial Customer* (“Customer”) shall mean any premises utilizing collection services where an industrial or commercial enterprise is carried on, multifamily residences of seven (7) or more units, and homeowners’ associations.
- B. *Commercial Refuse Collection* shall mean the collection and transportation of refuse from industrial or commercial establishments, multifamily residences of seven (7) or more units, or homeowners’ associations.
- C. *Commercial Recycling Collection* shall mean the collection and transportation of recycling materials from industrial or commercial establishments, multifamily residences of seven (7) or more units, or homeowners’ associations.
- D. *Homeowners’ Association* shall mean any covenant-controlled community containing seven (7) or more residential property owners, which includes a lawfully constituted and operational board or other similar entity which is empowered to enforce the community’s recorded covenants and which has the power to impose assessment for its services which, if unpaid, may be made a lien on the property.
- E. *Notice card* shall mean a card that Providers give to customers who have included banned materials in their refuse containers or who have failed to properly sort their Recycling Materials.
- F. *Recycling Materials* shall mean all forms of materials, goods and items that are approved for recycling by local refuse and recycling collections service providers and the Town of Mountain Village and included in the Town “Recyclable Materials List”.
- G. *Recycling Collection Services* shall mean the collection and transport of recycling materials.
- H. *Recycling Container and Recycling Dumpster* shall mean a wheeled cart suitable for mechanical lifting with a lid for containing and setting out recycling for collection, or a metal or other non-absorbent and fly-tight container equipped with a tightly fitting metal or non-absorbent lid, or a specially-designed container to handle cardboard.

- I. *Recycling Materials* shall mean those materials, goods, and items deemed as recyclable by the local refuse and recycling collection service providers and the Town of Mountain Village through administrative rules approved by the Town Council. Commercial customers will receive written notice of any changes in materials to be recycled.
- J. *Refuse* shall mean any form of waste material, junk, garbage, rubbish, trash, or foreign substance.
- K. *Refuse Container and Refuse Dumpster* shall mean a wheeled cart suitable for mechanical lifting with a lid for containing and setting out refuse for collection, or a metal or other non-absorbent, bear-proof and fly-tight container equipped with a tightly fitting metal or non-absorbent lid.
- L. *Refuse and Recycling Enclosure* shall mean a Town-approved, covered area with walls to block from the public view, for storage and collection of refuse and recycling containers. Refuse enclosures shall be “animal proof” and kept closed and/or locked at all times to prevent animals and unauthorized users from entering.
- M. *Refuse Collection Services* shall mean the collection and transporting of refuse materials.
- N. *Refuse and Recycling Collection Services Provider* (“Provider”) shall mean a business that provides Commercial Refuse and Recycling Services to the Mountain Village community.
- O. *Town Plazas* shall mean Town-owned public property.

8.020.030 Refuse- handling and collection requirements.

- A. All Commercial refuse must be placed in a Refuse Container and/or a town-approved Refuse Enclosure for proper collection and transport by a Provider.
- B. Prior to being deposited for collection, all refuse shall be drained of liquid to prevent spillage. Refuse Containers and Refuse Enclosures including the area 10 feet around all such enclosures shall be maintained in a clean, sanitary manner satisfactory to Town.
- C. Transport of refuse across any Town property to the Refuse Enclosure must take place using a hard-sided container to prevent leakage onto Town surfaces.
- D. Transport and collection of refuse across pedestrian-only Town Plazas shall take place without the use of vehicles. Motorized carts or other material handling devices may be used for transport and collection of refuse across Town Plazas only if approved by the Town per the Town’s Municipal Code.
- E. Providers will provide the Commercial Customer with Refuse Containers or Dumpsters to be used for refuse disposal, and shall be responsible for emptying the contents of such

containers on a regular basis, or more frequently if needed upon timely request by the Customer to prevent a public health danger, fire danger, or inhibition of right-of-way access. Providers will repair or replace the Refuse Containers or Dumpsters as needed upon timely request of the Customer. Additional Refuse Containers or Dumpsters will be provided to Customer by Providers if determined necessary by Provider and the Fee adjusted accordingly.

- F. In the event the volume of refuse generated by the Customer is greater than the capacity of the Refuse Container, the Customer shall immediately notify Provider that pickup of excess refuse is necessary prior to overflowing the container. In the event the Town sees any Refuse Container with excess volume, the Town may notify both the Customer and Provider of such excess volume. If the Town or Provider determines that refuse pickup is needed on a more frequent basis, either temporary or permanent in nature, the Provider shall be responsible for notifying— Customer if more containers are needed to accommodate the volume of refuse being generated by the Customer. The Customer shall place refuse only in the Refuse Container(s) provided by the Provider.
- G. GREASE. If the Customer is an eating and/or drinking establishment whose business involves the production of food grease, the grease must be stored in a separate container that will adequately contain the grease therein. The grease container may be stored within the enclosure. The Customer shall provide Town proof of a contract or other arrangement by which the Customer shall contract a separate party or the Customer shall pick up and dispose of the grease in a timely manner. Any agreement the Customer shall enter into to facilitate the proper disposal of grease shall be adequate to prevent the accumulation of contained grease within the enclosure for more than one week. The Customer must follow the San Miguel County Environmental Health Department Standard Operating Procedure for storage and disposal of Fats, Oils and Grease Generated at Retail Food Establishments, including BMPS, when applicable.
- H. FLOURESCENT LIGHTS. Florescent lights contain mercury vapors and can-not be placed in a refuse container or recycled through a normal recycling process. Proper storage and disposal of florescent lights is the responsibility of the Customer. The Customer shall provide Town proof of a contract or other arrangement by which the Customer shall contract a separate party or the Customer shall pick up and dispose of the florescent lights in a timely manner. Any agreement the Customer shall enter into to facilitate the proper disposal of florescent lights shall be adequate to prevent the accumulation of florescent lights within the enclosure for more than one week.
- I. No Customer shall place, leave, deposit or dispose of any refuse on any street, alley or other public place, or on any private property, unless the refuse is wholly contained within a proper refuse enclosure for collection. Any accumulation of refuse in violation of the Chapter is declared a nuisance and is prohibited.
- J. Household hazardous waste and electronics shall be disposed of as set forth in the San Miguel County disposal guidelines.

- K. It shall be unlawful for any person to bury, or burn refuse anywhere within the town.
- L. No person transporting refuse within the Town shall allow any to fall or be blown from the container or vehicle.
- M. It shall be unlawful for a Customer to place Refuse in a Recycling Container. All Refuse must be properly separated and placed in a Refuse Container for collection.

8.020.040: Recycling – handling and collection requirements.

- A. All commercial recycling must be placed in a Recycling Container and/or a Town-approved Refuse Enclosure for proper collection and transport by a Provider.
- B. All recycling materials shall be drained of liquid and properly prepared before being deposited for collection. Recycling Containers and Enclosures including the area 10 feet around the enclosure shall be maintained in a clean, sanitary manner satisfactory to Town.
- C. Transport of recycling across any Town property to any Recycling Enclosure must take place using a hard-sided container to prevent leakage onto Town surfaces.
- D. Transport and collection of recycling across pedestrian-only Town Plazas shall take place without the use of vehicles. Motorized carts or other material handling devices may be used for transport and collection of recycling across Town Plazas only if approved by the town per the Town's Municipal Code.
- E. Providers will provide the Commercial Customer with Recycling Containers or Dumpsters to be used for recycling disposal, and shall be responsible for emptying the contents of the containers on a regular basis, or more frequently if needed upon timely request by the Customer, to prevent a public health danger, fire danger, or inhibition of right-of-way access. Providers will repair or replace the recycling containers or dumpsters as needed upon timely request of the Customer. Additional containers or dumpsters will be provided to Customer by Providers if determined necessary by Provider and the Fee adjusted accordingly.
- F. In the event the volume of recycling generated by the Customer is greater than the capacity of the Recycling Container, the Customer shall immediately notify Provider that pickup of excess recycling is necessary prior to overflowing the container. If the Customer determines that recycling pickup is needed on a more frequent basis, either temporary or permanent in nature, the Customer shall be responsible for notifying Provider if more containers are needed to accommodate the volume of recycling being generated by the Customer. The Customer shall place recycling materials only in the containers provided by the Provider.
- G. No Customer shall place, leave, deposit or dispose of any recycling on any street, alley or other public place, or on any private property, unless the recycling is wholly contained

within a Recycling Enclosure for collection. Any accumulation of recycling in violation of the Chapter is declared a nuisance and is prohibited.

- H. It shall be unlawful for any person to bury, or burn Recycling Materials anywhere within the town.
- I. No person transporting recycling within the Town shall allow any to fall or be blown from the container or vehicle.
- J. It shall be unlawful for a Customer to place Recycling Materials in a Refuse Container. All Recycling Materials must be properly separated and placed in a Recycling Container for collection.
- K. Incentives to increase the amount of recycling materials collected (such as lower fees, rebates, etc.) by the Customer shall be offered from the Provider when possible.

8.020.050 Refuse and recycling materials responsibility.

- A. Refuse and recycling materials shall be gathered, deposited, disposed of, and placed in the manner provided for in the Chapter by the Commercial Customer, or the agent, operator or contractor of any of the foregoing, and each of the foregoing Customers may be held jointly and severally liable for any violation of this Chapter.
- B. It shall be unlawful for any Commercial Customer to set out or allow to be set out, deposited, or stored for collection any refuse or Recycling Materials other than that which has accumulated from the regular commercial use of the premises upon which such refuse or Recycling Materials are set out, deposited, or stored for collection.

8.020.060 Commercial refuse collection services.

- A. Providers shall furnish Commercial Refuse Collection Services as provided in this Chapter for all Commercial Customers within the Town, except those specifically excluded in Section 8 Premises excluded from service.
- B. All refuse shall be placed in Refuse Containers and/or Refuse Enclosures as provided in Section 3 hereof. All Refuse Enclosures must be pre-approved by Town and locked or secured in a bear-proof manner at all times to prevent entry by animals or unauthorized users.
- C. Bulk refuse material not collected as part of the Regular Refuse Collection services shall be removed by arrangement with a Provider or another Town license operator, in accordance with Section 9 hereof. Neither the Town nor Provider shall have any obligation to collect or transport any refuse not in a proper container or enclosure not properly placed for collection.

- D. All charges for Refuse shall be based upon units of specific units of volume; the charge for the second unit shall be no less than the charge for the first unit of volume, the charge for each subsequent unit of volume shall be no less than the charge for the first unit of volume.

8.020.070 Commercial recycling collection services.

- A. A Provider shall furnish Commercial Recycling Collection services as provided in this section for all Commercial Customers within the Town, except those specifically excluded in Section 8 Premises excluded from service.
- B. All recycling shall be placed in Recycling Containers and/or within Recycling Enclosures as provided in Section 4 hereof. All Recycling Enclosures must be pre-approved by Town and locked or secured in a bear-proof manner, at all times to prevent entry by animals or unauthorized users.
- C. Bulk Recycling Material not collected as part of the regular Recycling Collection Services shall be removed by arrangement with a Provider or another town-licensed operator, in accordance with Section 9 hereof. Neither the Town, nor the Provider shall have any obligation to collect or transport any Recycling Materials not in a proper container or enclosure not properly placed for collection.
- D. All charges for Recycling shall be based upon units of specific units of volume; the charge for the second unit shall be no more than the charge for the first unit of volume, the charge for each subsequent unit of volume shall be no more than the charge for the first unit of volume. Incentives to increase the amount of recycling materials collected (such as lower fees, rebates, etc.) by the Customer shall be offered from the Provider when possible.

8.020.080. Premises excluded from service.

Except as otherwise provided in this Chapter, the town shall not mandate Commercial Refuse and Recycling Services for the following sources:

- A. A. Any Commercial Customer or agent thereof who transports refuse or recycling directly to the landfill or recycling station, provided he or she proves he or she transports his or her refuse and recycling to a local facility. Such exemption shall be granted upon satisfactory demonstration to the Town that the said Customer is not allowing Recycle Materials to be placed in Refuse Containers.
- B. Any Commercial Customer who proves that complying with the requirements of this Chapter would be unduly burdensome to the Customer. Financial burdens alone shall not be considered in considering whether a Customer has been unduly burdened by complying with this Chapter. The Town reserves the right to make the determination under this provision in its sole and absolute discretion.

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8.020.090 Refuse and recycling materials hauling requirements.

Nothing in this Chapter shall prohibit Commercial Customer from hauling their own Refuse and Recycling Materials provided such refuse and materials are collected and disposed of in conformity with all applicable town, county, state and federal rules and regulations.

- A. No person shall operate as a Provider within the town without first obtaining a business license from the Town. In order to receive a Town business license, a Provider must comply with the requirements of this Chapter.
- B. Except for customers exempt from the provision pursuant to Section 8 above, Providers providing Refuse and Recycling Collection Services in the Town shall include in the base rate for refuse pickup service the pickup of Recycle Materials as designated by the Town Manager in the Recyclable Materials List. It shall be unlawful for Providers to provide a separate line item for the cost of Recycling Services on any invoice, contract or other document that is delivered to the customer, or to deduct any amount from a customer's rate if the Recycling Services are not used unless the customer has received an exemption from the Town.
- C. Providers shall provide collection of refuse and Recyclable Materials for Commercial Customers as often as necessary to prevent the overflow of the Refuse and Recycling Containers and to permit the Customer to use the Refuse and Recycling Containers without causing an overflow.
- D. Any person licensed to operate as a Provider within the Town shall charge all Commercial Customers on the basis of volume of refuse and recycling collected, which shall be measured by the volume capacity of the container used by the Customer. All charges for Refuse shall be based upon units of specific units of volume; the charge for the second unit shall be no less than the charge for the first unit of volume, the charge for each subsequent unit of volume shall be no less than the charge for the first unit of volume. Incentives to increase the amount of recycling materials collected (such as lower fees, rebates, etc.) by the Customer shall be offered from the Provider when possible.
- E. In offering or arranging for services, a Provider shall provide reasonable notice of the full range of container sizes or levels of service offered by the Provider, and shall provide to each Customer that Customer's requested container size or level of service.
- F. Each Provider shall submit a bi-annual report to the Town, which shall include a list of all Commercial Customers within Town and the weight of Refuse and Recyclable Materials (as determined by Town in the Recyclable Materials List) collected from those Commercial Customers within the Town. For loads that contain refuse and recycling originating in part from within the limits of the Town, and in part from outside the limits of the Town, the reported quantity may be estimated by the Provider but must use a standardized formula approved by Town which shall include the use of both the scale tickets and customer route sheets, and reported as an estimate.

Quarterly reports shall be submitted by January 31, April 31 and July 31, and October 31 using a form or forms approved by the Town. Included in this form shall be a standardized formula for volume estimations, a description of the approved data collection methods and a section for the Provider to describe any assumptions used in the data collection process. All reports shall be treated as confidential commercial documents under the provisions of the Colorado Open Records Act.

- G. Nothing in this Section shall be construed as prohibiting any Provider from providing separate pricing for special collection of bulky items, compostables, yard waste, contaminated recyclables, unscheduled pick-up of refuse, extra volumes of refuse, such as bags, boxes or bundles or more than what was subscribed with a Provider for refuse.
- H. Except for materials that customers have not properly prepared for recycling and so are grossly contaminated as to jeopardize the ability to recycle such materials, Providers may not dispose of Recyclable Materials set out by recycling customers by any means other than at a recycling facility that sorts, packages and otherwise prepares Recyclable Materials for sale.

- 1. Providers must notify Customers and Town of any grossly contaminated Recyclable Material or of improper separation of Refuse and Recycling using a Notice Card with wording approved by the Town. During Noticing, the Provider will determine if Recyclable Material may be separated and picked up as recycling, or is determined to be trash, which the Provider may refuse to pick up until properly separated or choose to pick up at the next scheduled pickup and which may incur a charge for an extra trash pickup. Provider may refuse to pick up Recycling or Refuse that has not been properly separated. Provider will inform the Customer of refusal to pick up Refuse or Recycling until properly separated on the Notice card.

- I. Providers shall notify customers of the provisions of this Chapter by a letter reasonably acceptable by the Town ~~of Mountain Village~~ upon the initial provision of refuse and recycling collection services to new customer,

Providers will also provide within the above reference letter information on the materials designated for recycling collection pursuant to this Chapter and such rules and regulations as established by the Provider for the orderly collection of Recyclable Materials as authorized pursuant to this Chapter. Such notice shall further include for Commercial Customers the notification of the variable rate system employed by the Provider, and shall be in a form reasonable acceptable to the Town to ensure that customers are fully informed of the availability of recycling and level of service options.

For group accounts, the notices required herein may be sent to the group representative for said account, provided that such notice shall further notify said representative of its

obligation to notify all individual customers or users of the service within the group of the availability of refuse and recycling services.

- J. A hauler that exclusively hauls compostable material, no refuse or recycling, that has been prepared by the generator for the purpose of separate collection and that is collected in a separate vehicle or compartment of a vehicle than that used for trash collection, is exempt from the above provisions of this Chapter, except that all compost providers shall comply with the Town Municipal Code regarding the hauling of compostable material.
- K. The Recyclable Materials that Providers are required to pick up shall be set forth in the Town's Recyclable Materials List, which shall be amended from time to time by the Town. The Recyclable Materials List shall be developed after consultation with the local Recycling Collection Services Providers, as well as the public, and shall be available for review on the Town's website.
- L. Providers will produce an educational piece regarding recycling, not to exceed one (1) sheet of paper in length, for distribution at least once a year to Town and all their customers. The Town will consult with the Providers about the educational flyer prior to distribution.

8.020.100 Audits and Violations.

- A. Each Provider shall maintain accurate and complete records of the services provided to all customers, the charges to such customers and payments received, the form and recipients of any notice required pursuant to this Chapter, and any underlying records, including any books, accounts, contracts for services, written records of individual level of service requests, invoices, route sheets or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each Provider to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records, except for paper records of route sheets, which may be discarded one (1) year after the end of the calendar year of such route sheets.
- B. If requested, each Provider shall make its records available for audit by Town during regular business hours in order for the Town to verify Provider and Customer compliance with the provisions of this Chapter. All such information shall be treated as confidential commercial documents under the provisions of the Colorado Open Records Act.
- C. Violation of any provision of this Chapter by any person, firm or corporation, whether as Provider or Customer, shall be unlawful and subject to the penalty provisions of this Chapter

8.020.110. Supervision, accounting and budgeting.

- A. The Town building department and property maintenance department shall be responsible for supervising the Town's Commercial Refuse and Recycling Collection Services program.

8.020.120 Penalty: Any person that violates the provisions of this chapter shall be punished by a fine of not less than one hundred dollars (\$100.00) not more than ~~five~~Three ~~h~~Hundred ~~D~~Dollars (~~\$5~~300.00) per occurrence.

CHAPTER 8.04

NOISE

Sections :

8.04.010 Noise

8.04.010 Noise

- A. It shall be unlawful for any person to make, cause to be made or continued, or to allow any unreasonable noise which could have the effect of annoying, injuring, endangering or interfering with the comfort, health, peace or safety of others.
- B. Unreasonable noise is hereby declared to be a nuisance and may be abated in accordance with the law.
- C. It shall be a rebuttable presumption that any sound that is broadcast from a motor vehicle by way of speakers or similar equipment, that is audible in another motor vehicle or structure that has its windows closed constitutes unreasonable noise for the purposes of this Chapter.
- D. Notwithstanding the provision set forth herein, this Ordinance shall not apply to operations reasonably necessary to the maintenance and operation of the Ski Area, the Town of Mountain Village, Mountain Village Metropolitan District, Mountain Village Owners Association and construction within the Town of Mountain Village during the hours of permitted construction activities as stated in Section 20.2 of the Town of Mountain Village Design Regulations.
- E. A violation of this Section is a Class 2 Petty Offense, punishable by a fine of not more than Three Hundred Dollars (\$300). (Ord. No. 06-06 § 1)

CHAPTER 8.08
MOTOR VEHICLE NOISE

Sections:

8.08.010 Definitions

8.08.020 Prohibited Motor Vehicle Noise

8.08.030 Violations and Penalties

8.08.040 Disposition of Fines

8.08.050 Severability

8.08.010 Definitions

- A. Dynamic Braking Device or Engine Break. (commonly referred to as Jacobs brake, Jake brake or Dynatard Brake) Any device or engine retarder used primarily on trucks for the conversion of the power plant from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- B. Public Property. Any street, avenue, boulevard, highway, alley, mall, or similar place, which is owned or controlled by a public governmental entity.
- C. Motor Vehicle. Any vehicle, propelled or drawn by mechanical power, including, but not limited to automobile, truck, bus, motor home, motorcycle, all-terrain recreational vehicle, trail bike, dirt bike, mini-bike, go-cart, scooter, snowmobile or any other vehicle which is ~~self-propelled~~ self-propelled. “Motor Vehicle” shall not include any school bus, any vehicle engaged in manufacture, maintenance, movement, or grooming of any natural or man-made snow, any farm tractor or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.
- D. Exhaust Muffler. An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus. (Ord. No. 02-02 § 1)

8.08.020 Prohibited Motor Vehicle Noise

- A. Engine Brakes. The operation of any motor vehicle on public property while engaging, applying, or operating any dynamic braking device or engine brake is declared to cause excessive noise and is a violation of this ordinance and is prohibited, except for the aversion of imminent danger. Also, the operation of any authorized emergency vehicle when responding to a call or acting in time of emergency shall be exempt from this Section.
- B. Exhaust Mufflers. The operation of any motor vehicle on public property when such vehicle is not equipped with an exhaust muffler or is equipped with an exhaust muffler that has been disabled or is otherwise non-functional is declared to cause excessive noise and is a violation of this Section and is prohibited.
- C. Engine Idling. The idling of the motor of any stationary motor vehicle of any kind whatsoever for a prolonged and unreasonable period of time determined herein to be in excess of twenty (20) minutes in any hour, within the Town limits at anytime of the day or night is declared to cause excessive noise and is a violation of this ordinance and is

prohibited. However, the idling of any authorized emergency vehicle when acting in time of emergency shall be exempt from this Section. (Ord. No. 02-02 § 3)

8.08.030 Violations and Penalties

Any person who violates any of the provisions of this Chapter commits a Petty Offense. The penalty assessment procedure specified in C.R.S. § 16-2-201 shall be followed by the arresting law enforcement officer for any such violation of this notice. Pursuant to C.R.S. § 31-16-101, any person who is convicted of a violation of any of the provisions of this Chapter shall be punishable by a fine of One Hundred Dollars (\$100) for each separate violation, plus customary court costs when applicable. A graduated fine schedule for repeat offenses by the same individual within one (1) year shall apply: a One Hundred Dollar (\$100) increase for each recurring offense, starting at One Hundred Dollars, to a maximum of ~~Three Hundred One Thousand~~ Three Hundred One Thousand Dollars (\$~~1,030~~030). (Ord. No. 02-02 § 4)

8.08.040 Disposition of Fines

Pursuant to CRS 31-16-109, all fines collected under authority of this Chapter shall be paid into the Treasury of the Town. (Ord. No. 02-02 § 5)

8.08.050 Severability

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional by any court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of this Chapter. The Town Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. (Ord. No. 02-02 § 6)

CHAPTER 8.12
PUBLIC NUISANCE

Sections:

- 8.12.005 Purpose
- 8.12.010 Definitions
- 8.12.020 Storage of Litter and Keeping of Junk
- 8.12.030 Storage of Items on Open Space
- 8.12.040 Nuisances Prohibited
- 8.12.050 Liability of Owner for Nuisance Violations Committed by Tenant
- 8.12.060 Authority of Town to Declare Nuisances
- 8.12.070 Nuisances Declared
- 8.12.080 Complaints
- 8.12.090 Inspections; Right of Entry; Emergencies
- 8.12.100 Abatement of Nuisances; Failure to Comply
- 8.12.110 Responsibility for Costs of Abatement; Collection; Failure to Pay
- 8.12.120 Remedies Cumulative and Nonexclusive
- 8.12.130 Violations and Penalties

8.12.005 Purpose

The purpose of this Chapter is to prohibit the existence of nuisances within the Town in order to protect the public health, safety and welfare. (Ord. 2010-20 § 1)

8.12.010 Definitions

- A. Emergency. Any situation where there is imminent danger of loss of life, limb and/or property.
- B. Inoperable Vehicle. Any motor vehicle parked or left standing on any lot, tract or parcel anywhere within the Town which (a) is incapable of moving under its own power, or (b) has a license plate which has been expired for more than ninety (90) days. A motor vehicle which is completely enclosed within a building in a lawful manner so as to not be visible from a street or other public or private property is not an inoperable vehicle. (Ord. 2010-20 § 3)
- C. Junk. Including but not be limited to, discarded, unusable or broken machinery, appliances, furniture, furnishings or sporting equipment; used building or construction materials; motor vehicles without current license plates or safety inspection sticker; and all other items commonly known as junk.
- D. Litter. All rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid of every form, size, kind and description.
- E. An item may be both junk and litter as defined in this Chapter. (Ord. 96-29 § 1, 96-40 § 1)
- F. Motor Vehicle. A motor vehicle as defined in the Town of Mountain Village Model Traffic Code as amended from time to time, and any trailer or recreational vehicle.
- G. Municipal Judge. The Municipal Judge or any associate judge of the Mountain Village municipal court.
- H. Nuisance. Any substance, act, occupation, condition or use of property that is:
 - 1. Declared to be a "nuisance" by this Chapter;
 - 2. Declared to be a "nuisance" by any other provision of this Code;
 - 3. Declared to be a "nuisance" by the laws of the state, or by any court or agency thereof;
 - 4. Known as a "nuisance" at common law; or
 - 5. Which is of such nature and duration as to:

- i. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- ii. In any way render the public insecure in life or in the use of property; or
- iii. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way. (Ord. 2010-20 § 3)

I. Open Space. The area defined from time to time on the Town maps which shall be divided into two categories of use (Active and Passive).

- 1. Active Open Space. Including but not be limited to, the following: golf course, golf clubhouse, golf halfway houses, riding stables, equestrian facilities, tennis courts, ski slopes, ski trails, ski lifts, snow making facilities, ski mountain restaurants, ski racing structures, ski patrol facilities, ski mountain maintenance facilities, non-commercial refueling facilities, explosive storage, gondola structures, lift structures, water wells, water storage tanks, water reservoirs, water treatment plants, communication receiving station, communication transmitting station, drainage ditches, draining swales, draining structures, access roads, service roads, maintenance roads, utility transmission lines, pedestrian trails, equestrian trails and vehicular recreation trails, transportation system, parking lots, sewage collection system, storm drainage system, retaining walls, benches, snow storage, landscaping, cross country skiing trails, golf car access, snow-cat access and all buildings and incidental or accessory facilities related to any of the above described uses.
- 2. Passive Open Space. Including, but not be limited to, land intended to preserve land within flood plains, wetlands, riparian areas and wildlife habitats in their natural character; walking trails, hiking trails, land in its undisturbed and natural state and subsurface facilities. (Ord. 96-29 § 1, 96-40 § 1)

8.12.020 Storage of Litter and Keeping of Junk

- A. It shall be unlawful for any person to keep, store, or deposit litter, except within a trash can or container which has a tight fitting lid, or a trash bag, or unless the litter is totally enclosed within a building.
- B. It shall be unlawful for any person to keep, throw or deposit junk, unless junk is totally enclosed within a building, or is screened by a fence or other enclosure from view off of such person's property, or is kept within a receptacle for such purpose with a tight fitting lid.
- C. A violation of this section is a Class 2 Petty Offense, punishable by a fine of not more than Three Hundred Dollars (\$300). (Ord. No. 96-29 § 2)

8.12.030 Storage of Items on Open Space

- A. It shall be unlawful for any person to place or deposit junk and litter upon open space within the Town.
- B. It shall be unlawful for any person to place or deposit construction material or any other material upon open space within the Town unless authorized by the owner.
- C. A violation of this Section shall be a Class 2 Petty Offense punishable, upon conviction, by a mandatory fine of not less than Twenty Dollars (\$20) nor more than Five Hundred Dollars (\$500) upon a first conviction, by a mandatory fine of not less than Fifty Dollars (\$50) nor more than One Thousand Dollars (\$1000) upon a second conviction and by a mandatory fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000) upon a third or subsequent conviction. Any violation of this section shall result in the confiscation of the materials in question.
- D. It is in the discretion of the Court, upon the conviction of any person and the imposition of a fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person gather and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon, or upon the condition that he convicted person pick up litter at a time prescribed by and a place within the jurisdiction of the court for not less than eight (8) hours upon a first conviction or for not less than sixteen (16) hours upon a second or subsequent conviction. (Ord. 96-40 § 2)

8.12.040 Nuisances Prohibited

No person who is the owner, agent or occupant of any building, lot, premises or unimproved real estate within the limits of the Town, or who has the same under such person's control, shall maintain or allow any nuisance to be or remain therein or thereon. The violation of this Section is unlawful and shall subject the owner to the penalties set forth herein. (Ord. 2010-20 § 4)

8.12.050 Liability of Owner for Nuisance Violations Committed by Tenant

The owner of real property shall be liable under this Chapter for a nuisance committed on the owner's property by a tenant in lawful possession of the property if the Town notifies the property owner and the tenant of the nuisance before a fine or other liability is imposed and the property owner or tenant does not abate the nuisance within five (5) days of the date of such notice. (Ord. 2010-20 § 5)

8.12.060 Authority of Town to Declare Nuisances

Any act, condition, substance, occupation or use of property which substantially meets the criteria of a "nuisance" as defined in section 3(E) of this Chapter, may be declared to be a nuisance by the Town Council, and nothing in the enumeration of declared nuisances in Section 8.12.070 of this Chapter shall be construed to limit the power of the Town to make such declaration. (Ord. 2010-20 § 6)

8.12.070 Nuisances Declared

The following are declared to be nuisances:

- A. Junkyard and Dumping Grounds: All places used or maintained as junkyard or dumping grounds of or for: 1) the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind; 2) the storage or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats, house trailers, manufactured housing or machinery of any kind or of any of the parts thereof; or 3) the storage or leaving of any machinery or equipment used by contractors, builders or by other persons outside of an active permitted construction site or on a lot zoned and/or approved by the Town for such use, which placement interferes with the comfortable enjoyment of life or property by others.
- B. Noxious Liquids/Toxic Substances or Carcinogens: The discharge out of or from any place within the Town of fluids, noxious liquids, toxic substances or carcinogens of any kind whatsoever into or upon any adjacent ground or lot or upon any street, alley or public place.
- C. Stale Matters: The accumulation of any stale, putrid or stinking fat, grease or other matter, other than in approved containers or receptacles, or in areas zoned for and granted a specific approval for such storage. The storage of landscaping compost (grass, tree clippings and mulch type materials), which are in an appropriately zoned or approved lot shall not be considered stale matters.
- D. Sewage: Any article or materials accumulated in any sewer, sewer inlet or privy vault that shall have a sewer connection, which cause or might cause such sewer, sewer inlet or privy vault to become noxious or offensive to others or injurious to public health.
- E. Dead Animals: The body of any domesticated animal that has died and which is undisposed of twenty-four (24) hours after death.
- F. Contaminated or Impure Wells And Cisterns: A contaminated or impure well or cistern when the water therein is used or intended for use for human consumption.
- G. Unused Appliances: Any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half (1 ½) cubic feet or more that is no longer in use and has not had the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door. This Subsection shall not apply to any vendor of such appliances who keeps or stores them for sales purposes in a showroom or salesroom, which is ordinarily watched or attended by sales personnel during business hours and which is locked to prevent entry when not open for business, or if the vendor takes reasonable precautions to effectively secure the door of any such appliance so as to prevent entrance by children small enough to fit therein.

- H. Dangerous Buildings: Any building declared to be a dangerous building by the Uniform Code for the Abatement of Dangerous Buildings, as adopted by the Town.
- I. Transportation of Garbage or Manure: The transporting of manure, garbage, swill or offal upon any street in the Town in a vehicle which is not fitted with a substantially tight enclosed box thereon, allowing no portion of such filth to be scattered or thrown into such street is hereby declared a nuisance.
- J. Inoperable Vehicles: Any inoperable vehicle.
- K. Violation of LUO or Design Regulations: It shall be unlawful and shall constitute a public nuisance for any person to maintain any property or building or any other structure in the Town of Mountain Village in a condition that is in violation of any Building Code adopted by the Town, the Town's Land Use Ordinance or a specific approval granted pursuant to the Town's Land Use Ordinance. Uses consistent with the Town's Land Use Ordinance or a specific approval granted pursuant to the Town's Land Use Ordinance shall not constitute a nuisance.
- L. Snow and Ice Buildup: It shall be unlawful and shall constitute a public nuisance for any person to permit or suffer the accumulation of ice and snow upon any sidewalk, sidewalk area, street, alley or public way for periods longer than 12 hours, in such manner as to impede normal vehicular or pedestrian traffic or emergency access without having obtained prior authorization from the Town.
- M. Storage of Junk: It shall be unlawful and constitute a public nuisance to keep, store or provide for the collection of junk within the Town and that the keeping, storage or collection of junk within the Town is hereby declared to be a nuisance and is detrimental to the health, safety, convenience and general welfare of the citizens thereof. Junk is hereby defined to be any old, used or secondhand materials of any kind, including, without limitation, cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, tires, brass, copper or other metal, furniture, refrigerators, freezers, all other appliances, the parts of used motor vehicles, machines, apparatuses and contrivances and parts thereof, which are no longer in use, any used building material, boards or other lumber, cement blocks, bricks or brick bats or other secondhand building material, or any discarded machinery, tractors, trucks or automobiles or any other article or thing commonly known and classified as junk. The keeping, storage or collection of junk shall not be deemed unlawful or a nuisance when and if same is kept, stored or collected in completely enclosed buildings or on a lot zoned or granted a specific approval for such use and does not produce any unpleasant odors.
- N. Storage of Vehicles: It shall be unlawful and constitute a public nuisance to keep or store, permanently or temporarily, including parking of any vehicle in violation of the Town of Mountain Village Land Use Ordinance or a specific approval as it is detrimental to the health, safety, convenience and general welfare of the Town and its citizens. (Ord. 2010-20 § 7)

8.12.080 Complaints

Complaints of nuisances may be made to the Town Manager, Community Development Department, Building Department or the Police Department or any of their designees. Whenever possible, any complaint shall state the nature of such nuisance, the location, including street address, name of the owner, agent or occupant of the building or lot, if known, and the name and address of the complainant. (Ord. 2010-20 § 8)

8.12.090 Inspections; Right of Entry; Emergencies

A. A. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized representative of the Town shall have reasonable cause to believe that there exists in any building or upon any premises any condition constituting a nuisance hereunder, the Town Manager or designee, building official or designee, any police officer or any community service officer may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on any of them. If such building or premises is occupied, such person shall first present proper credentials and demand entry; and if such building or premises is unoccupied, such person shall first make a reasonable effort to locate the owner, occupant or other person having charge or control of the building or premises and, upon locating said owner, occupant or other person having charge or control, shall present proper credentials and request entry. If entry is refused, such person shall give the owner, occupant or person in charge or control (or, if said owner or occupant cannot be located after a reasonable effort, he shall leave at the building or premises) a twenty-four (24) hour written notice of intention to inspect. The notice given shall state that the property owner, occupant or person in charge or control has the right to refuse entry, and that in the event that such entry is refused, inspection may be made only upon issuance of a search warrant by the Municipal Judge or a judge of any other court having jurisdiction.

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1. Whenever any of the persons enumerated in this Subsection A has reasonable cause to believe that a motor vehicle is an inoperable vehicle, such person may, upon the presentation of proper credentials, lawfully request the owner or person having charge or control of such vehicle to demonstrate if the vehicle is capable of moving under its own power. The owner or person having charge or control of such vehicle may lawfully refuse the request. If the request is refused, the person making the request shall give the owner or person having charge or control of the vehicle a twenty-four (24) hour notice of intention to inspect in accordance with this Subsection A.

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B. After the expiration of said twenty-four (24) hour period from the giving or leaving of the notice, the Town Manager or designee, building official or designee, police officer or community service officer, or any of them, may appear before the Municipal Judge and, upon a showing of probable cause, obtain a search warrant entitling such person to enter the building or motor vehicle or go upon such premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied

building or premises, said person may enter into said building or motor vehicle or go upon said premises using such reasonable force as may be necessary to gain entry. If the search warrant authorizes the entry into a motor vehicle for the purpose of determining whether it is an inoperable vehicle, the person executing such warrant may lawfully inspect the vehicle to determine if it is capable of being operated under its own power.

- C. For the purposes of subsection B of this Section, a determination of probable cause shall be based upon reasonableness, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in issue in order to obtain a search warrant.
- D. Whenever there is probable cause that an emergency exists, the Town Manager or designee, building official or designee, police officer, or community service officer upon presentation of proper credentials or identification in the case of an occupied building or premises, or possession of said credentials in the case of an unoccupied building or premises, may enter into any building or go upon any premises within the jurisdiction of the Town. In an emergency, such persons may use such reasonable force as may be necessary to gain entry into said building or upon said premises.
- E. It shall be unlawful for any owner, occupant or person in charge or control of said building or premises to resist reasonable force used by the Town Manager or designee, building official or designee, or any police officer acting pursuant to this Section. (Ord. 2010-20 § 9)

8.12.100 Abatement of Nuisances; Failure to Comply

- A. The Town Manager or Chief of Police or their designee are hereby authorized, in their discretion, to cause any nuisance which is found to exist on private property within the Town to be abated in accordance with the provisions of this Chapter. If any nuisance is found to exist upon public property, it shall be the duty of the Town to abate such nuisance immediately.
- B. Any nuisance found to exist within the Town presenting such an imminent danger to life, limb, property or health as to require immediate abatement, may be summarily abated by action of the Town Manager or designee, Chief of Police, police officer or building official.
- C. In the case of any nuisance not requiring summary abatement, the Town Manager or Chief of Police or their designee may cause a notice to be served upon the person responsible under this Chapter for any nuisance which may be found. Such notice shall require such person to abate the nuisance in a reasonable time and in such reasonable manner as may be prescribed. Such notice may be given or served by any police officer or community service officer. The reasonable time for abatement shall not exceed fourteen (14) days, unless: 1) it appears from the facts and circumstances that compliance could not reasonably be made within fourteen (14) days; 2) the nuisance involves an

inoperable vehicle which is dismantled or partially dismantled for maintenance or repairs; or 3) that a good faith attempt at compliance is being made. In the case of a nuisance involving an inoperable vehicle which is dismantled or partially dismantled for maintenance or repairs, the reasonable time for abatement shall not exceed thirty (30) days. Such notice shall be in writing, signed by the Town official issuing the same, and shall be personally served upon the owner, occupant or person in charge or control of the premises upon which said nuisance exists or, if not occupied, then by posting the same prominently at some place on the premises upon which said nuisance exists. If service is by posting, then a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of San Miguel County, Colorado, at the address of such owner as therein shown. For good cause, the person who issued the notice described in this Subsection may extend the time for abatement.

D. If, after notification as provided above, a nuisance is not voluntarily abated, the following procedures shall apply:

1. ~~1.~~ If the person notified in accordance with Subsection C of this Section, shall neglect or refuse to comply with the requirements of the notice to abate within the time specified, such person shall be guilty of a violation of this Ordinance, and the Town Manager or designee, Chief of Police or Town attorney, may proceed at once to commence appropriate legal action to cause such nuisance to be abated; provided, however, that, if the owner of the property upon which the nuisance exists is unknown or cannot be found, the Town Manager or the Chief of Police or their designee may proceed to abate such nuisance at the end of the time period provided for voluntary abatement of the nuisance in the notice described in Subsection C of this Section, and such persons shall have no liability in connection therewith.

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2. ~~2.~~ When any owner has responsibility for a nuisance and such owner fails to abate the nuisance within the time limit provided in the notice described in Subsection C of this Section, or as extended, then the Town attorney is authorized to institute proceedings in a court of competent jurisdiction to obtain a judicial determination that such nuisance exists, to abate such nuisance, to enjoin the nuisance and for such other and further relief as may seem necessary or proper, including, but not limited to, recovery of the costs and expenses of abatement, including the Town's reasonable attorneys' fees incurred in connection with such proceeding.

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3. ~~3.~~ Upon a judicial determination that a nuisance exists, the police department may be authorized by the court to abate said nuisance, or cause the same to be abated, employing such force and persons as may be necessary to abate the nuisance, including the employees of the Town or by contract or otherwise. All other Town officials and employees are hereby authorized and directed to render such assistance to the police department as may be required for the abatement of the nuisance as ordered by the court.

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4. Any officer or employee of the Town who shall be authorized herein to abate any nuisance specified in this Chapter shall have authority to engage the necessary assistance and incur the necessary expenses therefor. In any case where a nuisance is to be abated by the Town, it shall be the duty of such authorized person to employ such assistance and adopt such means as may be necessary to effect abatement of the nuisance. It shall also be the duty of the Town, or any of its representatives, to proceed in all abatement cases with due care and without any unnecessary destruction of property. (Ord. 2010-20 § 10)

8.12.110 Responsibility for Costs of Abatement; Collection; Failure to Pay

- A. The person or persons responsible for any nuisance within the Town shall be liable for and shall pay and bear all costs and expenses of the abatement of such nuisance. Such costs and expenses may be collected by the Town in any action at law, in connection with any criminal proceeding in the municipal court, in connection with any civil action to abate the nuisance, and/or they may be assessed against the property as hereinafter provided.
- B. The notice to abate required by this Ordinance shall, in addition to other requirements set forth herein, specifically describe the property where the nuisance is alleged to exist and shall state that if the nuisance is not abated within the time stated in the notice, the costs of such abatement may be assessed pursuant to the terms of this Chapter as a lien against the property on which the nuisance is located, plus an additional thirty three percent (33%) assessment for administrative costs and the reasonable attorneys' fees incurred by the Town in abating the nuisance as set forth below and that such sums may be collected in the same manner as real estate taxes against property. If the owner of the property is not personally served with a copy of such notice, then a true copy of such notice shall be mailed by registered or certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of San Miguel County, Colorado, at the address of such owner as therein shown.
- C. If, after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town in connection with the abatement of the nuisance, and such costs are not otherwise collected, the finance director may thereafter certify to the Town Clerk the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of San Miguel County, Colorado, and a statement of the work performed, the date of performance and the costs thereof.
- D. Upon receipt of such a statement from the Finance Director the Town Clerk shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by first class mail, postage prepaid, notifying such owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work, and demanding payment of the costs thereof (as certified by the Finance Director), together with thirty three percent (33%) assessment for administrative expenses, and the reasonable attorneys' fees incurred by the Town in abating the

nuisance. Such notice shall state that if the total amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and lien against the property of the owner, describing the same, and will be certified as an assessment against said property, together with ten percent (10%) of the whole amount for costs of collection, and that the whole amount will be collected in the same manner as a real estate tax upon the property.

- E. If the Clerk shall not receive payment within the period of thirty (30) days after mailing the notice, the Clerk shall inform the Town Council of such fact, and the Council shall thereupon enact a resolution assessing the whole cost of such work, including a charge of thirty three percent (33%) of said whole cost for administrative expenses and the Town's reasonable attorneys' fees incurred in the abatement of the nuisance, upon the lots and tracts of land upon which the nuisance was abated, together with ten percent (10%) of the whole amount for costs of collection.
- F. Following the passage of such resolution, the Clerk shall certify the same to the County Treasurer, who shall collect the assessment in the same manner as other taxes are collected.
- G. Each assessment made pursuant to this Chapter shall be a lien against each lot or tract of land described in such assessment until paid and shall have priority over other liens and assessments, except general taxes and prior special assessments. (Ord. 2010-20 § 11)

8.12.120 Remedies Cumulative and Nonexclusive

- A. No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this Chapter in the municipal court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.
- B. Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and, when applicable, the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law. (Ord. 2010-20 § 12)

8.12.130 Violations and Penalties

~~A. A.~~ Whenever in any Section of this Chapter, the doing of any act is required or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, such violation of this Chapter shall be considered an infraction and any person who shall be found liable for a violation of any such Section shall be subject to the following penalties:

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1. A violation of this Ordinance shall be punished by a fine of ~~not less than Five Hundred Dollars (\$500) and~~ not to exceed ~~On Three Thousand Hudnred~~ Dollars (\$~~31,000.00~~) ~~or imprisonment for a period of up to one (1) year or both such fine and imprisonment at the discretion of the court.~~ Each day of any violation of this Ordinance shall constitute a separate offense.

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~~2. A second violation of this Ordinance by previously convicted violator shall be punished of a fine of Once Thousand Dollars or imprisonment for a period of up to one (1) year or both such fine and imprisonment at the discretion of the court. Each day of any violation of this Ordinance shall constitute a separate offense.~~

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~~2.~~ 3. The Municipal Judge is empowered in his discretion to assess court costs in a reasonable amount against any defendant who pleads guilty or nolo contendere, or who enters into a plea agreement or who, after trial, is found guilty of a violation of this Ordinance.

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~~4.~~ 3. In addition to other remedies available to the Town, the Town may commence an action pursuant in a court of competent jurisdiction to enjoin the alleged violation of this Ordinance. (Ord. 2010-20 § 13)

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CHAPTER 8.16
FIRE PROTECTION

Sections:

8.16.010 Adoption of Fire Protection Resolution

8.16.020 Administration

8.16.030 Notice of Modifications to Resolution

8.16.040 Modifications of Resolution

8.16.050 Penalties

8.16.070 Validity

8.16.010 Adoption of Fire Protection

- A. Subject to the exceptions, limitations and conditions set forth herein below, the Town Council of the Town hereby adopts by reference "The Telluride Fire Protection District Resolution 98-1," save and except portions or sections of said resolution that may be superseded by administrative order of the Town Manager or by resolution passed by the Town Council, based on the incompatibility any such provisions have with the special circumstances or conditions which may, from time to time, exist within the Town, or based on any conflict with the general public policy of the Town as expressed, from time to time, by the Town Council.
- B. All administrative orders executed by the Town Manager under this Chapter shall be subject to appeal to the Town Council by the Telluride Fire Protection District, hereafter referred to as the District, within thirty (30) days after the date of such orders. (Ord. No. 98-02 Art. I)

8.16.020 Administration

This Fire Protection Chapter shall be administered by the Fire Marshal of the District in accordance with the policies and directives promulgated by its Board of Directors, hereafter referred to as the Board. (Ord. No. 98-02 Art. II)

8.16.030 Notice of Modifications to Resolution

Any and all modifications made to aforesaid Resolution 98-1, as expressly authorized herein, shall be made by formal administrative order issued by the Office of the Town Manager, or by a formal resolution adopted by the Town Council. Copies of all such modifications shall be kept in the Office of the Town Clerk as part of the Town's public records; copy of such modification shall be sent by the Town Clerk to the Fire Marshal, to the Board, to the Building Official for the Town of Mountain village, and to any applicant or interested party requesting a copy of the same. (Ord. No. 98-02 Art. III)

8.16.040 Modifications of Resolution

- A. Exemptions. Any and all buildings, and other man-made and natural conditions and circumstances presently existing within the Town of Mountain Village which may be in conflict with any of the provisions of the aforesaid Resolution 98-1, shall be exempt therefrom.
- B. Sections 1003.2.2 and 1003.2.9.1 of San Miguel County Colorado Telluride Fire Protection District Resolution 98-1 shall be deleted in their entirety. (Provision for single Family Residents, Group R-3, 3600 sq. ft. and greater.)
- C. Special Permits Required. Permits shall be required prior to the installation of all fire alarm and automatic fire extinguishing systems. Permit fees shall be based on the total square footage of the structure or occupancy times a multiplier, as determined by and paid to the District.
- D. Any reference to San Miguel County Land Use Code shall be deleted, and hereafter shall be referred to as the Town of Mountain Village Land Use Code. (Ord. No. 98-02 Art. IV)

8.16.050 Penalties

- A. Any person who violates any of the provisions of the Uniform Fire Code, as revised and adopted by this Chapter and as may be modified as herein provided by the Town Manager and Town Council, or who fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no successful appeal has been taken, or who fails to comply with any final appeal order issued by either the Board, the Office of the Town Manager or the Town Council, within the required time, shall, for each and every such violation and on compliance, respectively, be guilty of a misdemeanor, punishable by a fine ~~not to exceed of not less than Five Hundred Dollars (\$500) nor more than Three Five Thousand Hundred Dollars (\$50300) or by imprisonment of not more than ninety (90) days or by both such fine and imprisonment.~~
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- C. The imposition of the above penalties shall not be deemed to prevent the enforced removal of any prohibited conditions if such removal appears reasonably required. (Ord. No. 98-02 Art. V)

8.16.070 Validity

The Town Council of the Town of Mountain Village hereby declares that should any section, paragraph, sentence or work of this Chapter be declared for any reason to be invalid, it is the

intent of the Town Council that it would have passed all other portions of this Chapter independent of the elimination here, from any such portion as may be declared invalid. (Ord. No. 98-02 Art. VII)

CHAPTER 8.20
HAZARDOUS MATERIAL

Sections:

8.20.010 Spills and Disposal

8.20.010 Spills and Disposal

- A. It shall be unlawful for any person or entity to dispose of any characteristic or listed hazardous material, as defined by federal law, regardless of volume, on any property, public or private, within the Town of Mountain Village.
- B. It shall be unlawful for any person or entity responsible for the spill of any characteristic or listed hazardous material, as defined by federal law, regardless of volume, on any property, public or private, within the Town of Mountain Village, to fail to immediately report such spill to the Mountain Village Police Department.
- C. It shall be unlawful for any person to fail to provide adequate clean up and reclamation of any property, public or private, within the Town of Mountain Village, affected by a spill of characteristic or listed hazardous material, as defined by federal law, regardless of volume.
- D. A violation of this Chapter is a Class 2 Petty Offense, punishable by a fine of not more than ~~One Thousand~~ Three Hundred Dollars (\$~~34~~000).
- E. In addition to any fine assessed pursuant to this Chapter, any person convicted of a violation of this Chapter shall also be required to pay for all cost related to the clean up and/or reclamation of property affected by a hazardous material spill or disposal, as may be determined by the Court. (Ord. No. 99-05 § 1)

CHAPTER 8.24
OPEN BURNING

Sections:

8.24.010 General Provisions

8.24.020 Emergency Fire Ban

8.24.030 Authority to Impose

8.24.040 Applicability

8.24.050 Consultation and Coordination

8.24.060 Penalties

8.24.010 General Provisions

- A. Whereas, the Town Council of the Town of Mountain Village acknowledges that from time to time fire conditions resulting from extended hot, dry and windy weather within the Town of Mountain Village, Colorado area make it prudent to impose a ban on campfires, charcoal, paper and wood outdoor grills, fireworks and other types of open fires as described herein within the incorporated area of the Town; and
- B. Whereas, the Council specifically finds that in certain fire conditions, a restriction is in the best interest of the citizens and residents of the Town and it may be necessary to impose fire restrictions in order to preserve the health, safety and welfare of the citizens and residents; and
- C. Whereas, the Council recognizes that from time to time fire conditions may necessitate an open fire restriction be imposed before the next regularly scheduled meeting of the Council; and
- D. Whereas, the Council is authorized to enact a code or ordinance to ban open fires to a degree and in manner that the Council deems necessary to reduce the danger of wildfires within the incorporated limits of the Town where the danger of forest or grass fires is found to be high, based on competent evidence. (Ord. No. 02-04)

8.24.020 Emergency Fire Ban

When existing conditions pose an extreme fire danger to the Town, the Council authorizes the Police Chief to impose an emergency open fire restriction for designated areas within the incorporated limits of the Town, for a time period not to exceed thirty (30) days, and to publicize notice of such restriction to the news media and the public. The Chief may exercise such authority only upon his/her finding that the criteria developed by the Colorado State Forest

Service regarding the existence of extreme fire conditions have been satisfied. The Chief's determination shall be set forth in writing, with a copy to the Council. (Ord. No. 02-04 § 1)

8.24.030 Authority to Impose

In the event the Chief finds it prudent to impose an open fire restriction for longer than thirty (30) days, he/she shall request to Council to impose such a ban. Council may only impose such an extended fire ban or restriction based upon competent evidence received at a duly noticed regular or special meeting of the Council. The Council may exercise such authority upon its determination that the criteria developed by the Colorado State Forest Service regarding the existence of extreme fire conditions have been satisfied. (Ord. No. 02-04 § 2)

8.24.040 Applicability

This Chapter shall apply to all open fires within the incorporated limits of the Town, as further specified herein, but shall not apply to approved, permanent gas fireplace locations within a residential or commercial building:

- A. Building, maintaining, attending or using any fire to burn trash, debris, or vegetation, any campfire, warming fire, and charcoal, paper or wood grills;
- B. Smoking; except within an enclosed vehicle or building or an area at least three (3) feet in diameter cleared of all flammable material and all smoking debris shall be disposed of properly in an enclosed container;
- C. Fireworks of any kind;
- D. Operation of a chainsaw or a chop saw for cutting steel without USDA or SAE approved spark arresting device property installed and in effective working order, and a chemical pressurized fire extinguisher of not less than eight (8) ounces capacity by weight, and one size zero (0) or larger round pointed shovel with an overall length of at least thirty-six (36) inches. The extinguisher shall be with the chainsaw operator. The shovel may be kept with the fueling supplies but readily available for quick use;
- E. Welding or operating acetylene or any other torch with an open flame; except within an area that is barren or cleared of all flammable material at least ten (10) feet on all sides from the equipment;
- F. Using explosives requiring fuses or blasting caps.

The following shall be considered exempt from such open fire restrictions:

- A. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty;
- B. Any fires contained within liquid fueled or gas fueled stoves and fireplaces;

- C. Campfires or bonfires required in religious ceremonies for which the Chief has granted a valid written permit in advance. (Ord. No. 02-04 § 3)

8.24.050 Consultation and Coordination

The Chief shall consult with various state and federal land management agencies and obtain their recommendation to impose an emergency open fire restriction in the Town prior to the imposition of an emergency fire restriction. Upon implementation of an open fire restriction, the Chief or his/her designee shall coordinate and cooperate with these agencies to enforce the restriction. (Ord. No. 02-04 § 4)

8.24.060 Penalties

- A. Any person found violating the restriction commits a Class 2 Petty Offense. This Chapter specifically authorizes the penalty assessment procedure as provided for in CRS section 16-2-201, as amended. A surcharge of Ten Dollars (\$10) shall be assessed for each violation, in addition to the penalties set forth below.

- B. For each separate offense the penalty for any person found to have violated this Chapter shall be:

First Conviction	One Thousand Dollars (\$1000)
Second Conviction	Two Thousand Dollars (\$2000)
Third Conviction and each Subsequent Conviction	Three Thousand Dollars (\$3000) (Ord. No. 02-04 § 5)

CHAPTER 8.28
EMERGENCY ALARM SYSTEMS

Sections:

- 8.28.010 Registration of Emergency Alarms
- 8.28.020 Public Nuisance
- 8.28.030 Fee for Response

Chapter 8.28.010 Registration of Emergency Alarm

- A. The owner of any emergency alarm system shall register the system with the Town's Police Department. For the purpose of this section, the term, "emergency alarm system" shall be defined to mean any burglar, holdup, police, fire or other emergency alarm or device arranged to signal the occurrence of an activity requiring urgent attention to which police are expected to respond. The installer of any existing system shall register such installation with the Town's Police department within three (3) business days of installation.
- B. The owner of an emergency alarm system already installed at the time of the adoption of this Ordinance shall register the system within thirty (30) days from the effective date of this Ordinance. Such registration shall be on a form prepared by the Town's Police Department, including such information as the location and nature of the alarm system, the expected responses to the alarm system, the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises, and any other information required by the Town's Police Department to protect the health, safety and welfare of the community. (Ord. 08-09 § 1)

Chapter 8.28.020 Public Nuisance

- A. False alarms transmitted to any agency which responds to emergencies involving danger to life or property, are a public nuisance. (Ord. 08-09 § 1)

Chapter 8.28.030 Fee for Response

- A. The Town's Police Department is authorized to collect a reasonable service charge for responding to any false alarm in the Town. Such charges shall be established from time to time by resolution of the Town Council.

- B. Any property owner who fails to pay the service charge within thirty(30) days of any response to a false alarm shall be liable to the Town for interest at the rate of one and one-half percent (1.5%) per month, and costs of collection, including reasonable attorneys' fees.
- C. Response to any further alarms by the police department shall be suspended until any fees determined to be in arrears are paid in full.
- D. The Town's Police Department is authorized to collect a reasonable service charge for responding to any false alarm in the Town. Such charges shall be established from time to time by resolution of the Town Council. Any property owner who fails to pay the service charge within thirty (30) days of any response to a false alarm shall be liable to the Town for interest at the rate of one and one-half percent (1.5%) per month, and costs of collection, including reasonable attorneys' fees. In addition, response to any further alarms by the police department shall be suspended until any fees determined to be in arrears are paid in full. (Ord. 08-09 § 1)

TITLE 6
ANIMALS

<u>CHAPTER</u>	<u>SUBJECT</u>
6.01	Definitions
6.04	Care and Treatment
6.08	Control
6.12	Licensing
6.16	Impoundment and Reclamation
6.20	Enforcement
6.24	Penalties

CHAPTER 6.01

DEFINITIONS

Sections:

6.01.010 Definitions

6.01.010 Definitions

The following words, terms and phrases, when used in this Title, shall have the meanings ascribed to them in this Section:

- A. Animal. Any live, vertebrate creature, domestic or wild.
- B. Animal Control Officer. Any person commissioned by the Chief of Police as a special officer who is qualified to perform Animal Control duties and enforce the laws of the Town pertaining to Animals.
- C. Animal Shelter. The facility operated by the Town of Telluride or any facility constructed in the Town or County for the purpose of impounding or caring for Animals held under the authority of the laws, regulations or ordinances of the State, County, or Town.
- D. At Large. shall mean outside of a fence or other enclosure which restrains the Animal to a particular premises, whether on public or private property, and not under the control, by Leash or Lead, or by Demonstrable Voice Command if outside the Village Center area and Town Hall Plaza, of the Owner or Keeper. Animals tethered to a stationary object for a period longer than sixty (60) minutes are deemed to be "At Large". However, Animals remaining within the boundaries of their owner's or keeper's private property shall not be deemed "At Large".
- E. Leash or Lead. Any durable material not exceeding six (6) feet in length. The Leash or Lead must be attached to the Animal and held by the Owner or Keeper.
- F. Demonstrable Voice Command. Voice and sight control over an Animal exercised by the Owner or Keeper, such that the Animal is within the Owner's or Keeper's sight and responds promptly to voice command.
- G. Keeper. A person who has custodial or supervisory authority or control over an Animal.
- H. Owner. Any person having control or purporting to have control over any Animal, the person named on the licensing records of any Animal as the Owner, the occupant of the premises where the Animal is usually kept if such premises are other than the premises of the Owner as shown on the licensing record, or any person in possession of, harboring or allowing any Animal to remain about their premises for a period of three (3) consecutive days or more. The parent or guardian of an Owner under eighteen (18) years of age shall be deemed the Owner, as defined herein. If an Animal has more than one (1) Owner, all such persons are jointly and severally liable for the acts or omissions of an Owner under this Title even if the Animal was in the possession of or under the control of a Keeper at the time of the offense.
- I. Police Officer. Any member of the Police Department of the Town of Mountain Village commissioned as a Peace Officer.
- J. Town Hall Plaza. All of Lot 1003 and includes Gondola Station 6, Town Hall Building, Post Office Building, and their attached Parking Lot.

- K. Village Center. Those lots as listed in the most recently adopted Town of Mountain Village Land Use Ordinance and includes all open space/public areas/roads within the designated area. (Ord. 07-11 § 1-1)

CHAPTER 6.04

CARE AND TREATMENT

Sections:

6.04.010 Improper Care or Treatment

6.04.020 Possession, Feeding and Enticement of Wild or Exotic Animals

6.04.010 Improper Care or Treatment

- A. No Owner or Keeper of an Animal shall fail to provide that Animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering and humane care and treatment.
- B. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse or kill an Animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between Animals or between Animals and humans.
- C. No Owner of an animal shall abandon such Animal.
- D. Under no circumstances shall any person intentionally, knowingly or carelessly subject any animal to poisoning by any commercially available poison such as Coumadin (rat poison) or similar product, nor through the tainting of any food or water by means of Ethylene Glycol (antifreeze) or similar product. (Ord. 07-11 § 2-1)

6.04.020 Possession, Feeding and Enticement of Wild or Exotic Animals

- A. No person shall own, keep or feed any Animal for which licensing through the State of Colorado is required unless such person possesses the appropriate license from the Colorado Division of Wildlife.
- B. No person shall own, harbor, keep, provide shelter for or feed any wild or exotic Animal including, without limitation, the following:
 - 1. Bears;
 - 2. Any species of feline other than ordinary domesticated house cats;
 - 3. Skunks;
 - 4. Poisonous or dangerous reptiles;
 - 5. Raccoons, except as permitted under a state wildlife rehabilitation license;
 - 6. Deer or Elk; or
 - 7. Any species of nonhuman primate, but excluding animals imported under authority of state or federal law.
- C. For the purposes of this Section to feed shall mean all provision of edible or drinkable material, including without limitation, bones, salt licks and water.
- D. No person shall knowingly leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement of wildlife. Between the dates of April 15 and November 15 of any calendar year, all bird feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below the feeders must be kept free from accumulation of seed debris. (Ord. 07-11 § 2-2)

CHAPTER 6.08

CONTROL

Sections:

- 6.08.010 Animals at Large
- 6.08.020 Animals at Construction Sites and Public Parking Areas
- 6.08.030 Disturbance of Peace and Quiet
- 6.08.040 Public Nuisance
- 6.08.050 Disposal of Animal Waste
- 6.08.060 Vicious Animals
- 6.08.070 Harassment of Wildlife

6.08.010 Animals at Large

- A. All Animals are to be kept under restraint. It shall be unlawful for the Owner or Keeper of any Animal to permit such Animal to be At Large in the Town. If an Animal is found to be At Large in the Town, the Owner or Keeper shall be presumed to have violated this Section.
- B. It shall be unlawful for the Owner or Keeper of any Animal to permit such Animal to not be under control, by Leash or Lead, in the Village Center or Town Hall Plaza. If an Animal is found to be At Large in the Village Center or Town Hall Plaza, the Owner or Keeper shall be presumed to have violated this Section. (Ord. 07-11 § 3-1)

6.08.020 Animals at Construction Sites and Public Parking Areas

- A. Animals are prohibited under all circumstances at any and all construction sites prior to issuance of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO), whether public or private property, within the Town of Mountain Village.
- B. Animals shall not be left unattended in any vehicle in any public parking area except for Village Center South and Town Hall Plaza nor shall any animal be tethered to any stationary object, including motor vehicles, in any public parking area. (Ord. 07-11 § 3-2)

6.08.030 Disturbance of Peace and Quiet

No Owner or Keeper of an Animal in the Town shall permit such Animal to disturb the peace and quiet of any person by barking, whining, howling or making any other noise in an excessive, continuous or untimely fashion. If any Animal disturbs the peace and quiet, its Owner or Keeper shall be deemed guilty of a violation of this Section, provided that, no such Owner or Keeper shall be charged with a violation of this Section unless they or a member of their household over the age of eighteen (18) years has received a warning from the Town of a previous complaint at least once within the preceding twelve (12) months. (Ord. 07-11 § 3-3)

6.08.040 Public Nuisance

It shall be unlawful for any Owner or Keeper to fail to exercise proper care and control of his or her Animal to prevent it from becoming a public nuisance. For the purposes of this Section, a public nuisance includes an Animal which is a safety or health hazard, damages or destroys the property of another, creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home or business, or defecates on public or private property not owned or leased by the Owner or Keeper, if said Owner or Keeper fails to dispose properly of such defecation. (Ord. 07-11 § 3-4)

6.08.050 Disposal of Animal Waste.

- A. The owner or keeper of any domestic animal shall not permit the animal to defecate, without immediately removing, upon any public property within Town.
- B. The owner or keeper of any domestic animal shall not permit the animal to defecate upon

the common areas of any condominium, townhouse, apartment, resort, hotel, or any other publicly accessible private property without the express permission of the property owner.

- C When any domesticated animal defecates without permission upon any private property other than that of the owner, it shall be the duty of the owner or keeper of such animal to immediately remove and properly dispose of such feces in a due and proper manner. (Ord. 07-11 § 3-5)

6.08.060 Vicious Animals

- A. It shall be unlawful for any person to own or keep any vicious Animal. A vicious Animal is one that bites, claws or attempts to bite or claw any person, bites another animal or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.
- B. It is a defense to the charge of owning or keeping a vicious Animal that the person or Animal that was bitten, clawed or approached by the vicious Animal was:
 - 1. Other than in ~~self-defense~~ self-defense or defense of its young, attacking the Animal or engaging in conduct reasonably calculated to provoke the Animal to attack or bite;
 - 2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the Animal was lawfully kept or upon a portion of the premises where the Animal was lawfully restrained by Leash or Lead;
 - 3. Unlawfully engaging in entry into or in or upon a vehicle in which the Animal was confined;
 - 4. Attempting to assault another person;
 - 5. Attempting to stop a fight between the Animal and any other Animal;
 - 6. Attempting to aid the Animal when it was injured; or
 - 7. Attempting to capture the Animal in the absence of the Owner or Keeper.
- C For the purposes of this Section, a person is lawfully upon the premises of an Owner or Keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent. (Ord. 07-11 § 3-6)

6.08.070 Harassment of Wildlife

- A. It is unlawful for any person to knowingly or negligently allow or direct a dog which he owns or which is under his control to harass wildlife, whether or not the wildlife is actually injured by such dog.
- B. An Animal Control Officer or Police Officer may capture or kill any dog he determines to be harassing wildlife. The provisions of this subsection (2) shall not apply to dogs that are under the direct personal control of a person. (Ord. 07-11 § 3-7)

CHAPTER 6.12

LICENSING

Sections:

6.12.010 Licensing

6.12.010 Licensing

- A. The owners of dogs residing within the Town of Mountain Village shall be required to obtain an annual License issued by the Mountain Village Police Department, for a fee which shall from time to time be determined by Resolution of the Town Council.
- B. Evidence of up-to-date rabies vaccination will be required to obtain said License. (Ord. 07-11 § 4-1)

CHAPTER 6.16

IMPOUNDMENT AND RECLAMATION

Sections:

- 6.16.010 Authorization for Capture and Impoundment
- 6.16.020 Notice of Impoundment
- 6.16.030 Minimum Time for Impoundment of Unclaimed Animals
- 6.16.040 Reclamation of Certain Animals Restricted or Prohibited
- 6.16.050 Reclaiming Fees
- 6.16.060 Adoption or Disposal of Unclaimed Animals

6.16.010 Authorization for Capture and Impoundment

- A. Animal Control Officers and Police Officers are hereby authorized to take or capture Animals deemed by them to be included in the categories listed below and impound them at the Animal Shelter or other appropriate location where the Animals will be confined in a humane manner. Such Officers may utilize a tranquilizer dart if necessary in order to capture an Animal which appears to be vicious or destroy such Animal if necessary to avoid a physical threat to human beings.
1. Animals At Large, Animals at construction sites prior to issuance of TCO or CO, Animals confined or tethered in any public parking area, vicious Animals, Animals creating a disturbance, maltreated Animals and nuisance Animals;
 2. Wild or exotic Animals kept in violation of Section 6.04.020;
 3. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the Animal as a result of the accident and there is no responsible person present to take possession of the Animal;
 4. Animals which will apparently be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the Owner or Keeper. (Ord. 07-11 § 5-1)

6.16.020 Notice of Impoundment

If, by tags or other identification attached to the Animal or any other information given to the Animal Shelter, the Owner of an impounded Animal can be identified, an Animal Control Officer or other Animal Shelter representative shall, immediately upon impoundment, notify the Owner of such impoundment by telephone or mail. (Ord. 07-11 § 5-2)

6.16.030 Minimum Time for Impoundment of Unclaimed Animals

Unclaimed Animals shall be kept at the Animal Shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the Animal Shelter personnel. (Ord. 07-11 § 5-3)

6.16.040 Reclamation of Certain Animals Restricted or Prohibited

- A. The following restrictions or prohibitions shall apply to the reclamation of the following impounded Animals:
1. No Animal impounded as a vicious Animal shall be released prior to a hearing and determination by the Municipal Court that the Owner of the Animal can and will exercise sufficient control over the Animal so that the Animal presents no danger to persons or companion animals. If the Court determines that the Owner

of the Animal cannot exercise sufficient control over the Animal, the Court may order the Animal banished from the Town or may order the Animal humanely euthanized.

2. If an Animal was impounded on the basis of a violation of any provision of Section 6.16.010, then the notice required by section 6.16.020 shall include a statement, in writing, that the Animal will be disposed of if the Owner or Keeper does not request a hearing with the Municipal Judge within seven (7) days of the date of the notice. If a hearing is requested, the Municipal Judge shall schedule it to occur within three (3) Town business days and shall give notice of same to the person requesting the hearing. If the Municipal Judge determines that the Animal was being kept in violation of any provision of Section 6.16.010, the Municipal Judge may order the Animal disposed of in the manner provided in Section 6.16.040 and not returned to its Owner or Keeper, or may order it returned to its Owner or Keeper upon payment of impoundment, boarding or veterinary fees and any other expenses incurred by the Town or the Animal Shelter in connection with the impoundment of the Animal and its subsequent care if the Municipal Judge determines that, due to changed circumstances, the Animal's health, safety and welfare will not be endangered thereby. If the Municipal Judge determines that the Animal was wrongfully impounded, the Municipal Judge shall order the Animal returned without payment of such fees or expenses. If no hearing is requested, the Municipal Judge may order the Animal disposed of in the manner provided in Section 6.16.060. (Ord. 07-11 § 5-4)

6.16.050 Reclaiming Fees

- A. An Owner or Keeper reclaiming an impounded Animal shall pay an impound fee plus a daily boarding fee, both as established by the Town Manager upon recommendation of the operator of the Animal Shelter. The amount of the impound fee may depend upon the type of Animal involved, its age, its licensing status and whether it has been impounded more than once in a twelve (12) month period.
- B. An Owner or Keeper reclaiming an impounded dog or cat which does not have a current rabies tag shall present a current rabies vaccination certificate for such dog or cat issued by a Licensed veterinarian or the Owner or Keeper may place a cash deposit of fifty dollars (\$50.00) with the Animal Shelter to be refunded upon presenting, within five (5) days thereafter, proof of current rabies vaccination. (Ord. 07-11 § 5-5)

6.16 060 Adoption or Disposal of Unclaimed Animals

Any Animal not reclaimed by its Owner within five (5) days shall become the property of the Town and shall be placed for adoption in a suitable home or humanely euthanized. (Ord. 07-11 § 5-6)

CHAPTER 6.20

ENFORCEMENT

Sections:

- 6.20.010 Personnel
- 6.20.020 Interference with Animal Control Officers
- 6.20.030 Right of Entry Granted

6.20.010 Personnel

The civil and criminal provisions of this Title shall be enforced by those persons designated by the Town. (Ord. 07-11 § 6-1)

6.20.020 Interference with Animal Control Officers

No person shall knowingly interfere with, impede or obstruct any Animal Control Officer who is attempting to discharge or is in the course of discharging an official duty or fail to obey the lawful order of an Animal Control Officer. (Ord. 07-11 § 6-2)

6.20.030 Right of Entry Granted

Animal Control Officers and Police Officers are hereby authorized to enter upon any premises, excluding a dwelling unit, in the Town for the purpose of impounding animals which they are authorized hereunder to impound, or for any other purpose authorized by this Title. (Ord. 07-11 § 6-3)

CHAPTER 6.24

PENALTIES

Sections:

- 6.24.010 Court Conviction
- 6.24.020 Assessment for Pleading Guilty
- 6.24.030 Use of Revenue

6.24.010 Court Conviction

Any person violating Title Six (6) of the Municipal Code, which results in a court conviction shall be subject to the following penalties: The first conviction shall result in a fine of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100); the second conviction shall result in a fine of not less than One Hundred Dollars (\$100) nor more than Three Hundred Dollars (\$300); the third conviction and each subsequent conviction thereafter shall result in a fine of Three Hundred Dollars (\$300); ~~imprisonment in County Jail for not more than ninety (90) days, or both.~~ (Ord. 07-11 § 7-1)

6.24.020 Assessment for Pleading Guilty

Any person charged with a violation of Title Six (6) of the Municipal Code, may, instead of proceeding to defend against the prosecution thereof, elect to pay a penalty assessment according to the following schedule: The first conviction shall result in a fine of Fifty Dollars (\$50); the second conviction shall result in a fine of One Hundred Dollars (\$100); upon the third conviction within a single twelve (12) month period, the alleged offender must appear before the Municipal Judge. (Ord. 07-11 § 7-2)

6.24.030 Use of Revenue

Penalties collected in connection with this Title, shall be used in part to provide pet waste clean-up stations within the Mountain Village. (Ord. 07-11 § 7-3)

EXHIBIT B

CHAPTER 9.13 PROHIBITION AGAINST OPEN CONTAINERS

Sections:

9.13.010 Open Container

9.13.020 Penalties

9.13.010 Open Container

- A. No person shall knowingly consume any intoxicating beverage, nor shall any person knowingly carry or have in his or her possession an open container of any intoxicating beverage in either of the following places:
1. In a moving, standing or parked motor vehicle which is in any public place; or
 2. In any public place which has not been explicitly exempted from the applicability of this Section by resolution of the Town Council. If the exemption is requested by a person who is sponsoring an artistic, cultural, recreational or other event or festival which has been officially sanctioned or scheduled by the Town's Commission for Community Assistance, Arts and Special Events, or which has received a grant or funding from the Town, then the exemption may be granted by written order of the Mayor. Any such resolution or order shall identify the organization and the special event for which the exemption is requested, the boundary of the public place to be exempted and the duration of the exemption. To protect the public health, safety and welfare, the Town Council or the Mayor may impose conditions of exemption, including but not limited to perimeter security, clean-up bond, general liability and/or liquor liability insurance, and an endorsement thereof identifying the Town and its officers, agents and employees as additional insureds.
- B. The provisions of this Section shall not apply to a person in possession of one (1) opened but released container or partially consumed vinous liquor which was lawfully removed pursuant to C.R.S. § 12-45-411(3.5), and any agency regulations promulgated concerning the means of transportation of a partially consumed bottle of vinous liquor once it is resealed and removed from the licensed premises of an establishment holding a motel and restaurant liquor license.

9.13.020 Penalties

A violation of this Chapter shall be a Petty Offense punishable as general penalty as set forth in the Mountain Village Municipal Code.

CHAPTER 9.21
PROHIBITION OF VAGRANCY AND PANHANDLING

Sections:

- 9.21.010 Obstructing public streets, places and buildings prohibited.
- 9.21.020 Occupying or sleeping in certain places prohibited
- 9.21.030 Panhandling Defined
- 9.21.040 Prohibited Panhandling Activities
- 9.21.050 Penalties

9.21.010 Obstructing public streets, places and buildings prohibited.

- A. It shall be unlawful for any person, whether alone or with others, without legal privilege to do so, to obstruct vehicular or pedestrian movement on any street, alley, sidewalk, mall, way, place or doorway or entrance into or out of any building which is open to the public.
- B. Obstruction means the interference with or prevention of, convenient or reasonable passage or use of the public street, alley, sidewalk, mall, way, place or building or entrance or doorway into or out of any building which is open to the public by any individual or group of individuals.
- C. For purposes of this section, the following acts will constitute a violation of this Code:
 - 1. When one (1) person, whether alone or with others, intentionally causes or creates an obstruction; or
 - 2. When one (1), whether alone or with others, causes, creates or contributes to causing or creating an obstruction where a reasonable man in the same circumstances would be aware that he or she was causing, creating or contributing to causing or creating an obstruction.

9.21.020 Occupying or sleeping in certain places prohibited

- A. It shall be unlawful for any person to occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure without owning the same or without permission of the owner or person entitled to the possession of the same or sleep in any vacant lot or any public place whatsoever during the hours of darkness.

- B. It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property in question.
- C. For purposes of this section:
 - 1. “Camp” means to reside or dwell temporarily in a place, with shelter. The term “shelter” includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.
 - 2. “Reside or dwell” includes, without limitation, conducting such activities as eating, sleeping or the storage of personal possessions.
 - 3. “Public property” means, by way of illustration, any street, alley, sidewalk, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings or other facilities owned or leased by the Town or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

9.21.030 Definition of Panhandling

For the purposes of this Section, Panhandling shall be defined as soliciting people in public for money, food or other goods.

9.21.040 Prohibited Panhandling Activities

- A. It shall be unlawful for any person to Panhandle if such Panhandling involves the following prohibited conduct:
 - 1. If the person Panhandling engages in conduct toward the person solicited that is aggressive, intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety
 - 2. If the person Panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace.
 - 3. If the person Panhandling touches or grabs any person being solicited.
 - 4. If the person Panhandles in such a manner to intentionally obstruct or block a Town Sidewalk, as defined in the Town of Mountain Village Municipal Code, doorway, entryway or other passage way in a public place used by pedestrians or obstructs the passage of a person solicited or requires the person solicited to take

evasive action to avoid physical contact with the person Panhandling or with any other person.

5. If the person Panhandles on a public transportation vehicle, or alternative method of public conveyance, including the Telluride-Mountain Village Gondola.

9.21.050 Penalties

A violation of this Chapter shall be a Petty Offense punishable as general penalty as set forth in the Mountain Village Municipal Code.

CHAPTER 10.5 PARKING AND IMPOUNDMENT

Sections:

10.05.010 Vehicle Immobilization Policy

10.05.010 Vehicle Immobilization Policy

A. Eligibility for Immobilization

1. Any vehicle having three or more outstanding parking citations and/or which has accrued One Hundred Dollars or more in unpaid fines shall be subject to immobilization.
2. Notwithstanding subsection (1), a vehicle will not be subject to immobilization if the vehicle owner has an installment agreement for the payment of parking fines with the Town of Mountain Village under which all payments are current.

B. Immobilization List

1. Once a vehicle is found to be eligible for immobilization pursuant to Section A(1), the Town Police Department shall send an Immobilization Eligibility Notice to the registered address of the vehicle owner.
2. If there is no corrective action taken by the vehicle owner within ten (10) days of the date of mailing the Notice, the state registration number of the vehicle shall be placed on the immobilization list.
3. A vehicle on the immobilization list shall remain on the list until the amount of fines assessed to the vehicle for unpaid parking tickets and any other applicable fees is paid in full or the owner of the vehicle enters into an installment agreement with the Town of Mountain Village for the payment of such fines and fees.

C. Immobilization Procedure

1. If a vehicle on the immobilization list is parked on a public street or other right of way, or public parking facility, whether or not the vehicle is legally parked, the vehicle may be immobilized by means of an immobilization device. Such immobilization may be conducted by the Town of Mountain Village or its designated agent.
2. At the time of immobilization, a notice shall be conspicuously placed on the driver's side window of the vehicle and shall contain the following information:
 - a. That the vehicle has been immobilized;
 - b. A caution not to move the vehicle;
 - c. A statement that payment of the fines is required for removal of the device;
 - d. City contact information for payment of the fines;
 - e. A warning that if the vehicle remains immobilized for more than seventy two (72) hours, it may be subject to impoundment; and
 - f. A notice of the owner's right to an immobilization hearing.
3. Upon immobilization, a One Hundred Dollar (\$100) fee will be assessed for the installation and removal of the immobilization device.

D. Removal of Immobilization Device

1. In order to have the immobilization device removed from a vehicle, the vehicle owner must pay all outstanding fines and any applicable fees to the Town Police Department, or the vehicle owner must enter into an installment agreement with the Town to pay all outstanding fines on terms established and approved by the Police Department.
2. Upon payment in full or signing an installment agreement, the immobilization device will be removed from the vehicle. In order to have the immobilization device removed on the day of payment, payment must be made by 4:00 p.m.

E. Impoundment

1. In the event the vehicle remains immobilized for more than seventy two hours, the vehicle may be tagged as an “abandoned motor vehicle” by the Town Police Department pursuant to C.R.S. § 42-4-1802 and may be subject to impoundment under C.R.S. §41-4-1803.

F. Tampering, Removal, or Destruction of Immobilization Device; Attempt to Drive Immobilized Vehicle

1. Any person who tampers with, removes or attempts to remove, or damages the immobilization device, or who attempts to drive a vehicle that is immobilized by an immobilization device, shall be subject to civil and/or criminal prosecution under any applicable local ordinance or state law.



LOT 109R MAJOR PUD AMENDMENT

Town Council Meeting

5/21/2015

Site Orientation



Approved PUD Density

➤ 66 Efficiency Lodge Units

➤ 38 Lodge Units

100 Hotbed Units

➤ 20 Condominium Units

➤ 1 Employee Apt.

➤ 29,164 sq. ft. Commercial

Approved PUD Variations

1. Variation/waiver to LUO Section 2-416 to allow Lot 109 and 110, Building Footprint Lots, to expand by more than 25%.
2. Variation/waiver to LUO Section 4-308-9 to allow an increase in maximum to 88' - 9" and maximum average height of 65' - 2.9".
3. Variation/waiver to LUO Section 4-308-2 to allow for permitted uses (parking, pedestrian paths, etc. as shown in plans) in Active Open Space as shown on the Final PUD Plans to be approved pursuant to the PUD process and not the special use permit process.

Approved PUD Variations

4. Variation/waiver to LUO Section 4-308-2(f) to allow for conference and meeting space on the plaza level.
5. Variation/waiver to LUO Section 2-466 to allow for the proposed lockoff unit configuration as shown in the Final PUD Plans.
6. Variation/waiver to LUO Section 4-609-5 to extend the PUD vesting period from three (3) to five (5) years.
7. Variation/waiver to LUO Section 9-13 through 9-16 to allow for the "festoon" lights over the plaza area.

Specific Approval

1. Specific approval from the Town Council to allow residential occupancy on the plaza level for an Employee Housing Apartment (LUO Section 4-308-4).
2. Specific approval from the DRB to allow tandem parking to be included as required parking (Design Regulations Section 7-306-2).
3. Specific approval from the DRB to allow for modification of the tile roofing material, not design (Design Regulations Section 8-211-5).
4. Specific approval from the DRB to allow for 2:12 roof pitch (Design Regulations Section 8-202)

PUD Public Benefits

1. 40 hotbed units subject to specific condo-hotel requirements:
 - a. Owned by Hotel Operator
 - b. Short-term Occupancy
 - c. Full Service Hotel Operator with Significant Experience, Brand and Marketing
 - d. Amenities and Services
 - e. Rental Management Program
 - f. Standard Furnishing (Also applies to Lodge and Efficiency Lodge Units.

PUD Public Benefits

1. 40 Hotbed Units Subject to Specific Condo-hotel Requirements:

- a. Owned by Hotel Operator
- b. Short-term Occupancy
- c. Full Service Hotel Operator with Significant Experience, Brand and Marketing
- d. Amenities and Services
- e. Rental Management Program
- f. Standard Furnishing (Also applies to all Lodge and Efficiency Lodge Units; 104 hotbed units total).

PUD Public Benefits

- 2. Mitigation Payment of \$996,288:** To Offset a Portion of Housing, Parking and Transit Needs of Project Employees.
- 3. Employee Mitigation:** \$4,018.52 per any employee over the original 90 estimated employees.
- 4. Employee Housing Unit**

PUD Public Benefits

5. Public Restroom

6. Plaza Improvements

7. Public Parking: 16 additional spaces + 32 existing spaces in new underground parking garage.

8. Westermere Breezeway Improvements.

Town and Developer Have Received Benefits from the PUD

- ✓ Town received Lot 644 in the Meadows: Cost the Developer \$700,000 for 1.6 acres
- ✓ Developer received 0.50 acre from the Town that was part of OS 3-BR-1.
- ✓ 0.50 acre is now part of Lot 109R.
- ✓ Density permitted by the PUD has been transferred to the site.

Approved PUD Plan

CAP FILE: P:\Projects\081311_Mountain Village Hotel\081311_01_Landscape_Paving
 PLOTTED: 18-Feb-2020 08:48



LEGEND

QTY. 52 **3"** 3" MIN. CALIPER FOR SINGLE STEM TREES
 3" MIN. CALIPER FOR MULTI-STEM TREES
 DECIDUOUS TREE SIZE IN CALIPER INCH

QTY. 34 **14"** 14" MIN. CALIPER FOR SINGLE STEM TREES
 14" MIN. CALIPER FOR MULTI-STEM TREES
 DECIDUOUS TREE SIZE IN CALIPER INCH

EVERGREEN TREES
 70% OF TOTAL EVERGREEN TREES SHALL BE A MIN. OF 10' HEIGHT OR LARGER
 30% OF TOTAL EVERGREEN TREES SHALL BE A MIN. OF 14' HEIGHT OR LARGER
 EVERGREEN TREE SIZE SHOWN AS A HEIGHT

3,742 SF **PERENNIALS AND GROUNDCOVER BED**
 ALL SHRUBS TO BE MIN. 5 GAL. SIZE
 PERENNIALS AND GROUNDCOVERS TO BE 1 GAL. SIZE

15,204 SF **NATIVE SEED AREA**

EVERGREEN TREES TO REMAIN

DECIDUOUS TREES TO REMAIN

TREES TO BE REMOVED

LANDSCAPE BOULDER

LANDSCAPE NOTES

- ROOTBALLS TO BE FREE OF WEEDS.
- TOPSOIL SHALL BE TESTED FOR PARTICLE SIZE, pH, AND NUTRIENT LEVELS AND RECOMMENDATIONS FOR AMENDMENTS TO BRING THE SOIL TO ACCEPTABLE HORTICULTURAL QUALITY. SOIL ANALYSIS TO BE SUPPLIED TO LANDSCAPE ARCHITECT AND APPROVAL GIVEN PRIOR TO PLACING TOPSOIL.
- PROVIDE POSITIVE GRADES AWAY FROM BUILDINGS AND TOWARD LAWN DRAINS AND CATCH BASINS. SLOPE AWAY FROM BUILDINGS AT A MINIMUM OF 2%.
- EXISTING VEGETATION TO BE SAVED SHALL BE PROTECTED BY TEMPORARY FENCING AND/OR SEEDED. NO EQUIPMENT SHALL BE DRIVEN OR PARKED WITHIN THE DRIP LINE OF TREES BEING SAVED. FRESH GRADES IN PLANTING AREAS SHALL BE SET TO INCLUDE THE APPLICATION OF TOPSOIL IN MEETING SPOT ELEVATIONS ON CONTIGUOUS SLOPES OR UNBUILT PLANS. SLOPES SHALL BE SMOOTH AND WORNED SOIL SHALL NOT BE LEFT IN CLUMPED FORM.
- 4" OF NEW TOPSOIL SHALL BE ADDED IN SEEDED AND SODDED AREAS, SHRUB AND GROUND COVER AREAS.
- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED UTILITY LOCATIONS BEFORE DOGGING. TREES SHALL NOT BE PLANTED WITHIN 5' OF THE CENTERLINE OF UTILITIES.
- TO MINIMIZE EROSION, ALL DISTURBED SLOPES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LANDSCAPED OR REVEGETATED TO ENSURE STABILITY. SLOPES OF 1:1 OR GREATER SHALL BE RETTED AFTER THEY HAVE BEEN SEEDED OR OTHERWISE TREATED TO ENSURE STABILITY.
- ALL PLANTING BEDS SHALL BE MULCHED WITH 3" ORGANIC MULCH.
- ALL PROPOSED LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM DESIGNED FOR OPTIMAL COVERAGE AND WATER CONSERVATION. ALL TREES & SHRUB BEDS SHALL BE DRIP IRRIGATED AND BEED AND SOO AREAS SHALL USE POP-UP SPRINKLER HEADS.
- ALL PAVING REPRESENTED WITH A HATCH PATTERN, THAT WOULD RECEIVE SHOW, TO UTILIZE AN UNDERGROUND DRAINAGE SYSTEM.
- LANDSCAPE BOULDERS ARE TO BE 2'-0" x 3'-0" OR GREATER IN SIZE AND ARE TO BE TELLURIDE GOLD OR APPROVED EQUAL.

PAVER TYPES

- PAVEMENT "VENETIAN" SERIES, RANDOM PATTERN, COLOR WATER BLEND OR APPROVED EQUAL.
- PAVEMENT "VENETIAN" SERIES, RANDOM PATTERN, COLOR OLD TOWN BLEND OR APPROVED EQUAL.
- STONEBILT CONCEPTS SLATE SMOKE, RUBBING ROUND PATTERN, 12"x24"x1 3/4" OR APPROVED EQUAL.

LANDWORKS
 LANDSCAPE ARCHITECTS
 1407 Regency Center
 Suite 300
 Fort Collins, CO 80526
 Tel: 970.432.4257
 Fax: 970.432.2009

LEGEND

DECIDUOUS TREES
 -ALL DEC. TREES TO BE MIN. 8" IN HEIGHT
 -3" MIN. CALIPER FOR SINGLE STEM TREES
 -3.5" MIN. CALIPER FOR MULTI-STEM TREES
 DECIDUOUS TREE SIZE IN CALIPER INCH

EVERGREEN TREES
 70% OF TOTAL EVERGREEN TREES SHALL BE A MIN. OF 10' HEIGHT OR LARGER
 30% OF TOTAL EVERGREEN TREES SHALL BE A MIN. OF 14' HEIGHT OR LARGER
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 PERENNIALS AND GROUNDCOVERS TO BE 1 GAL. SIZE

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DECIDUOUS TREES TO REMAIN

TREES TO BE REMOVED

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- STONEBILT CONCEPTS SLATE SMOKE, RUBBING ROUND PATTERN, 12"x24"x1 3/4" OR APPROVED EQUAL.

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BOKA Powell

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FINAL PUD PLAN ISSUE

These documents are issued for information only and may not be used for bidding, permit or other construction purposes.

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 Reg. No.: 400465

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 c/o Unity Mills
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 8203 Southpark Lane, Suite #200
 Littleton, CO 80120
 Phone: 303.539.5398

structural engineer
 JJC Consulting Engineers
 1258 West Broadway, Suite 300
 Vancouver, BC V6H 3X8 Canada
 Phone: 604.738.0048

map engineer
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 13772 Denver West Parkway
 Suite 200
 Lakewood, CO 80401

landscape architect
 Landworks Design Inc.
 3637 Kingsley Court, Unit 110
 Denver, CO 80216
 Phone: 303.433.4257

project
 Mountain Village Hotel
 628, 632, 636, 642, 683
 Mountain Village, CO 81435
 LOTS 73-76R, 89A, 109, 110

FINAL PLAN ISSUE
 NOT FOR CONSTRUCTION

revisions

title
 LANDSCAPE PLAN

project number 081311.100
 date 11.18.2010
 sheet
L1.01

Approved PUD Plan

FINAL PUD PLAN
MOUNTAIN VILLAGE HOTEL 628, 632, 636, 642, 643 Mountain Village Blvd, Mountain Village, CO 81435; LOTS 73-76R, 89A, 109,110

AVERAGE HEIGHT CALCULATION

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	II			
74'-5"	74'-5"	73'-2"	24'-4"	71'-6"	80'-10"	78'-2"	77'-7"	76'-3"	73'-10"	62'-5"	83'-7"	83'-7"	83'-7"	82'-2"	82'-2"	66'-5"	77'-2"	63'-10"	66'-4"	57'-2 1/2"	50'-11"	51'-8"	57'-8"	60'-4"	48'-0"	37'-3"	45'-3"	55'-6"	46'-6"	66'-5"	54'-9"	67'-7"	76'-11"	71'-2"			
JJ	KK	LL	MM	NN	OO	PP	QQ	RR	SS	TT	UU	VV	WW																								AVERAGE
71'-2"	70'-8"	62'-3"	73'-11"	61'-6"	64'-1"	67'-8"	64'-6"	67'-11"	63'-3"	60'-6"	24'-4"	66'-0"	74'-5"																							65'-2.9"	

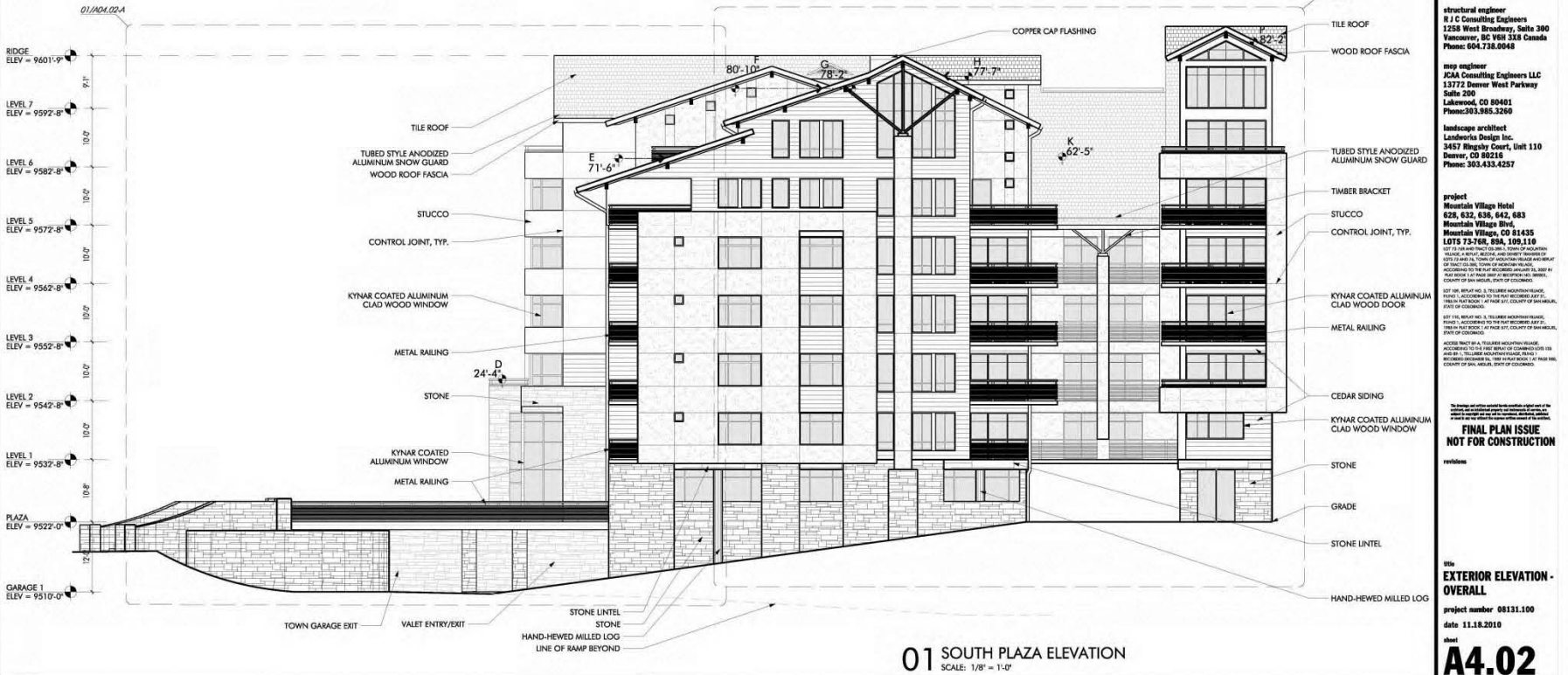
MATERIAL AREA CALCULATION

ELEVATION	WEST ELEVATION (01/A4.01)	SOUTH PLAZA ELEVATION (01/A4.02)	NORTH BREEZEWAY ELEVATION LOOKING EAST (01/A4.03)	NORTH BREEZEWAY ELEVATION LOOKING WEST (01/A4.04)	WEST BREEZEWAY ELEVATION LOOKING NORTH (01/A4.05)	WEST BREEZEWAY ELEVATION LOOKING SOUTH (01/A4.06)	WEST PLAZA ELEVATION (01/A4.07)	SOUTH ELEVATION (01/A4.08)	EAST ELEVATION (01/A4.09)	NORTH ELEVATION (01/A4.10)	TOTALS	%
TOTAL SF OF EXTERIOR WALL	7827	10306	5022	7357	2629	1772	6300	4548	11988	11072	68,821	100
MATERIAL TYPES												
STONE **	1952	2410	1179	1047	1338	1148	1346	1590	3057	3543	18,610	27.04
FENESTRATION	3137	2893	1229	2644	202	62	2711	704	4344	4067	21,993	31.96
WOOD	1159	1598	516	806	0	0	506	95	1271	1534	7,485	10.88
ACCENT	0	0	0	0	0	0	0	23	0	0	23	0.03
STUCCO	1579	3405	2098	2860	1089	562	1737	2136	3316	1928	20,710	30.09

** 1616 SF (8.68%) OF TOTAL STONE AREA IS INCORPORATED IN SITE RETAINING WALLS ADJACENT TO AND INTEGRAL OF THE BUILDING

GENERAL NOTES

- ALL EXPOSED CONCRETE TO BE CLAD WITH ELASTOMERIC COATING
- ALL GUTTERS & DOWNSPOUTS TO BE KYNAR COATED METAL TO MATCH WINDOW MULLION COLOR



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dallas • austin • las vegas

FINAL PUD PLAN ISSUE
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Arch: Chris W. Barnes
Reg. No.: 400465
owner/applicant
MVC Colorado Development Partners, LLC
c/o Batty Hunt,
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civil engineer
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structural engineer
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Vancouver, BC V6H 3X8 Canada
Phone: 604.738.0048

mep engineer
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Suite 200
Lakewood, CO 80401
Phone: 303.985.3266

landscape architect
Landwerks Design Inc.
3457 Ringsby Court, Unit 110
Denver, CO 80216
Phone: 303.433.4257

Project
Mountain Village Hotel
628, 632, 636, 642, 643
Mountain Village Blvd,
Mountain Village, CO 81435
LOTS 73-76R, 89A, 109, 110
SET 18: AS SHOWN, THE TELLERIE ARCHITECTURE HAS REVIEWED THE EXTERIOR ELEVATION AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF DENVER'S EXTERIOR APPEARANCE ORDINANCE. THE CITY OF DENVER HAS REVIEWED THE EXTERIOR ELEVATION AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF DENVER'S EXTERIOR APPEARANCE ORDINANCE. THE CITY OF DENVER HAS REVIEWED THE EXTERIOR ELEVATION AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF DENVER'S EXTERIOR APPEARANCE ORDINANCE.

**FINAL PLAN ISSUE
NOT FOR CONSTRUCTION**

DATE
**EXTERIOR ELEVATION -
OVERALL**
project number 08131.100
date 11.18.2010

sheet
A4.02

DRB Recommendation

1. The length of validity for vesting shall be for three (3) years with the Council having the ability to extend to a total of five years after a public meeting held prior to the December 8, 2018.
2. Staff will conduct an analysis of the project against the Community Development Code (CDC) to understand current variations since the PUD was adopted prior to the CDC.

Staff Recommendation

1. Approval of First Reading for Five Years as Requested.
 - Vested Property Right Should not Be Opened Up to Apply New CDC Standards.
 - Developer is Only Asking for Extension Due to Lingering Impacts of Great Recession.
 - Developer and Town Have Received Benefits.
 - PUD Implements the Comprehensive Plan.
 - CDC Did Not Substantively Change Village Center Design Standards.

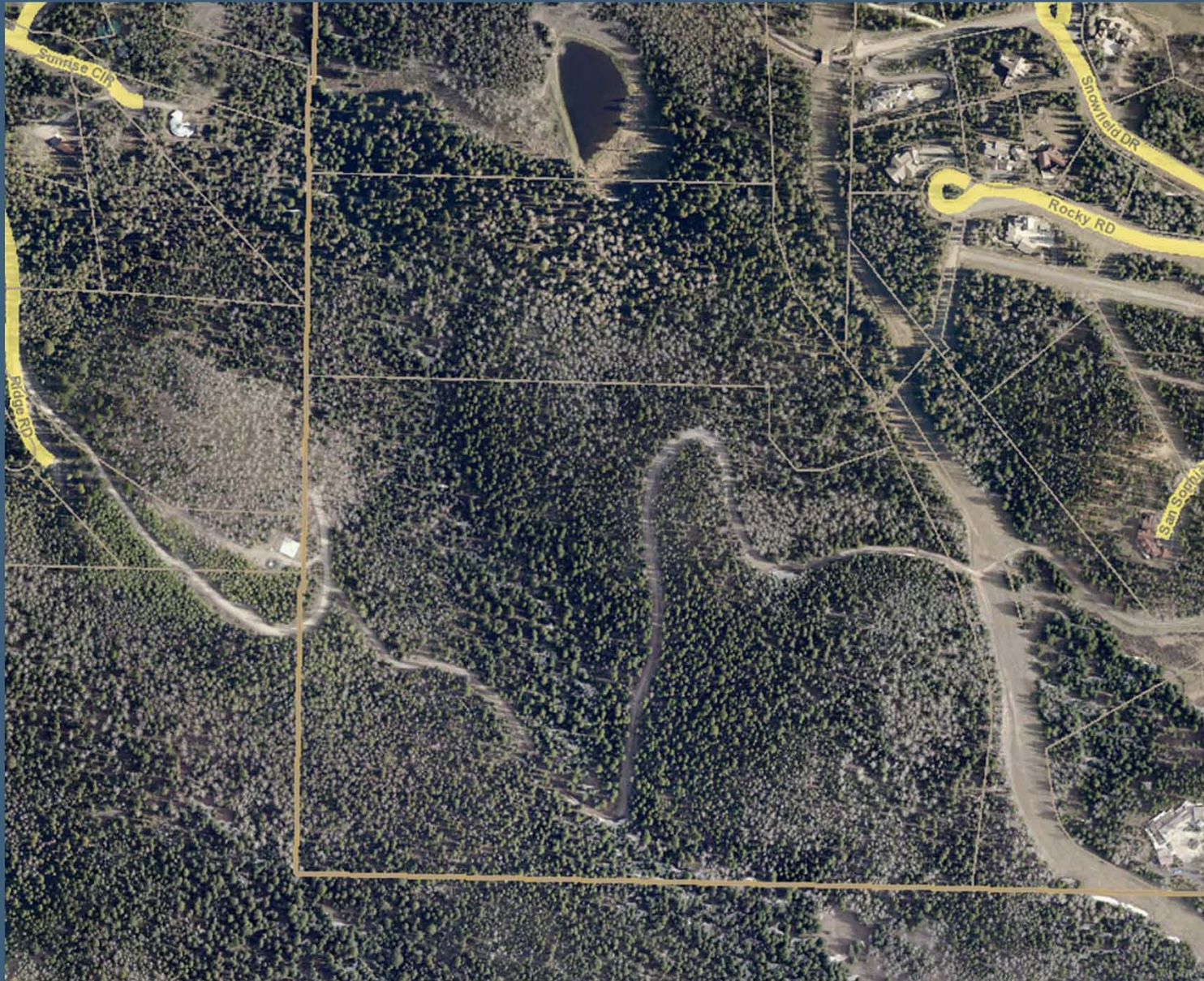


LOT 387R & LOT 376R CONCEPTUAL WORKSESSION

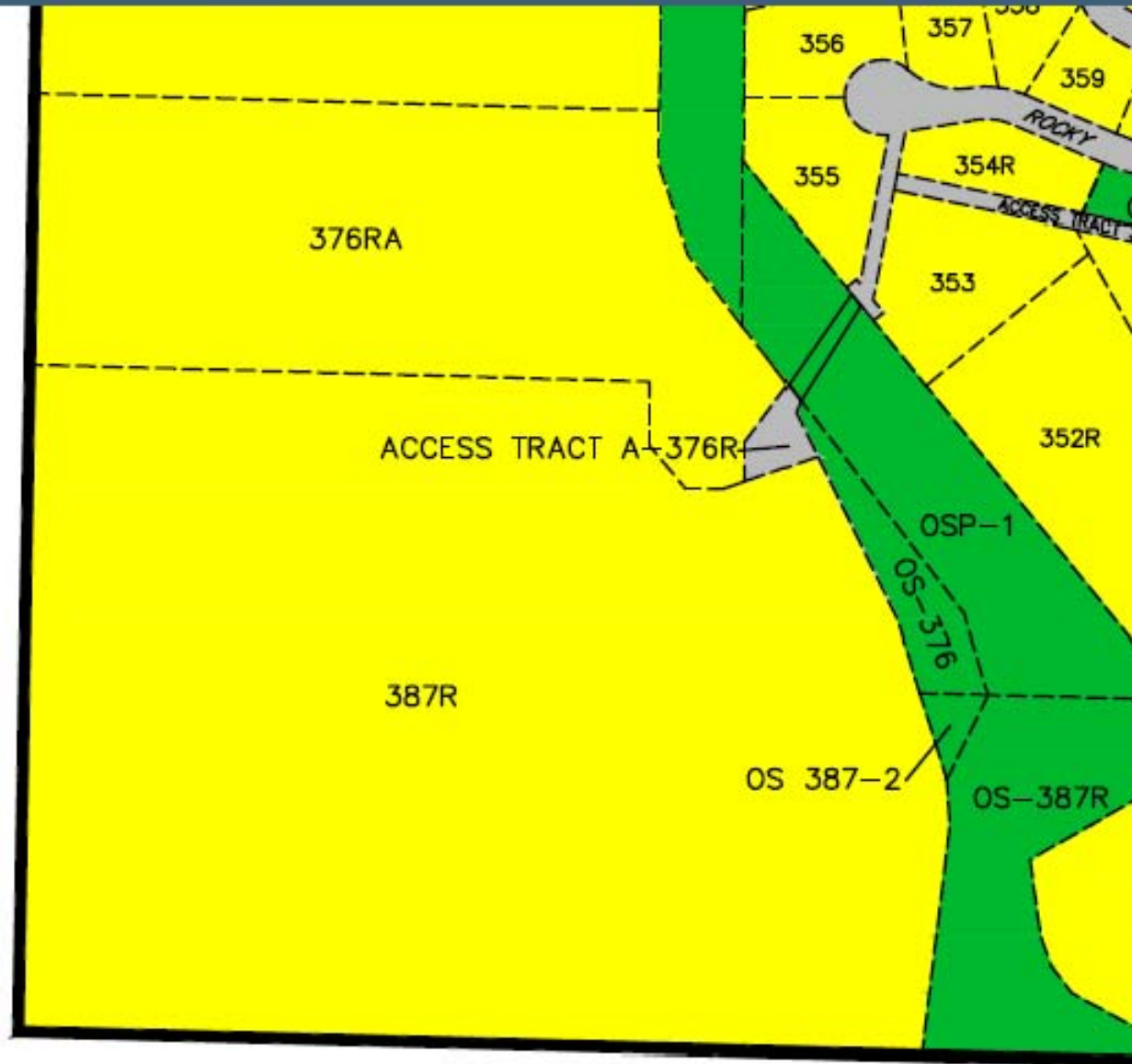
Town Council Meeting

5/21/2015

Site Orientation



Existing Zoning



Proposed Zoning

