



TOWN OF MOUNTAIN VILLAGE  
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## TOWN OF MOUNTAIN VILLAGE MINUTES OF THE SEPTEMBER 21, 2017 REGULAR TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, September 21, 2017 in the Mountain Village Town Hall, 455 Mountain Village Boulevard, Mountain Village, Colorado.

### **Attendance:**

**The following Town Council members were present and acting:**

Laila Benitez, Mayor  
Dan Caton, Mayor Pro Tem  
Dan Jansen  
Jack Gilbride  
Bruce MacIntire  
Patrick Berry  
Natalie Binder

Also in attendance were:

Kim Montgomery, Town Manager  
Jackie Kennefick, Director of Administration/Town Clerk  
Susan Johnston, Deputy Town Clerk  
Christina Lambert, Administrative Assistant  
David Reed, Town Attorney  
Jim Mahoney, Assistant Town Attorney  
Sarah Abbott, Associate Town Attorney  
Chris Broady, Police Chief  
Kevin Swain, Finance Director  
Julie Vergari, Chief Accountant  
Michelle Haynes, Dir. Of Planning & Development Services  
Sam Starr, Planner  
Bill Kight, Marketing & Business Development Director  
Danielle DeRoberts, Marketing Coordinator  
Sue Kunz, Director of Human Resources  
Dawn Katz, Director Mountain Munchkins  
Jim Loebe, Director of Transit & Recreation  
Rube Fellicelli  
Mickey Salloway  
Jean Vatter  
Ryan Dohnal  
Kim Hewson  
Steve Hilbert  
J.J. Ossola  
Nels Cary  
John Gardner  
Mike Gass  
Jim Royer  
Dan Henschel  
Pam Guillory  
Carol Custer

Paul Reich  
Tor Anderson  
Heidi Lauterbach  
Cheryl Miller  
Tim Johnson  
Suse Connolly  
Jonathan Greenspan  
Richard Child  
Anton Benitez  
Dave Schillaci  
Christina Casas  
Doug Tooley  
Robert Stenhammer  
Jolana Vanek  
Brian Kanaga  
Roger Adams  
Bill Jensen  
Tim Kunda  
Heather Knox  
Kristin Frost  
Joe Coleman  
Hilary Taylor  
Duncan Hogarth  
Marcin Ostromecki  
Alex Martin  
Natalie Binder  
Brian Eaton  
Ben Jackson  
Molly Myers

**Public Comment on Non-Agenda Items (2)**

There was no public comment.

**Consideration of Appointment and Swearing in of a New Town Council Member (3)**

Mayor Laila Benitez asked the candidates who were present to introduce themselves. Natalie Binder, Richard Child, Dave Schillaci; and Jonathan Greenspan addressed Council. Public comment was received by Christina Casas and Tim Kunda. Council discussion ensued. Council took a vote to determine if a paper ballot would be used and the vote was 4-2 (with Patrick Berry and Mayor Benitez opposed) to vote by paper ballot. Council voted by paper ballot resulting in 4 votes for Natalie Binder and 2 votes for Jonathan Greenspan. Therefore, Natalie Binder was determined to be the appointee. Town Clerk and Director of Administration Jackie Kennefick administered the Oath of Office to Ms. Binder.

**Consideration of Appointments: (4)**

**a. Town Hall Subarea Committee (One Council Member)**

Council discussion ensued and it was determined that the Committee bylaws need to be revised. Director of Planning and Development Services Michelle Haynes will present the Town Hall Subarea draft MOU and draft Bylaws at the October 19, 2017 Council meeting. Council discussion ensued regarding the idea of not appointing a new member until the bylaws have been revised. Public comment was received by Anton Benitez who stated that the Committee is working on an MOU (Memorandum of Understanding) for the Town Hall Subarea and Core. Madeline Hotel and Residences General Manager Duncan Hogarth has been appointed to replace Pete Mitchell on the Committee. Mr. Benitez stated that the next Committee meeting will be held the first week of October. Council consensus was to defer the appointment to the October 19, 2017 Council meeting.

**b. San Miguel Authority for Regional Transit (SMART)(Alternate)**

Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to appoint Natalie Binder to the alternate on the SMART Board.

**c. Mountain Village Community Grant Committee (Regular)**

Council discussion ensued. The committee will meet one to two times annually after the grant applications are submitted and prior to the October Town Council budget meeting. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to appoint Natalie Binder to the regular seat on the Mountain Village Community Grant Committee.

**d. Telluride Mountain Village Gondola Committee (Regular)**

Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to appoint Patrick Berry to the regular seat on the Telluride Mountain Village Gondola Committee.

**e. San Miguel Watershed Coalition (Regular)**

Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to appoint staff member Planner Sam Starr to the regular seat on the San Miguel Watershed Coalition.

**f. EcoAction Partners (Alternate)**

Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Bruce MacIntire, Council voted unanimously to appoint Natalie Binder to the EcoAction Partners alternate seat.

**g. Green Team (Two Council Members, 2 Members of the Public, 1 At-Large, 1 TSG and 1 TMVOA)**

Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to appoint Jeff Proteau as the TSG (Telluride Ski & Golf) representative and Garrett Brafford as the TMVOA (Telluride Mountain Village Owners Association) representative. Public comment was received by Jonathan Greenspan. On a **MOTION** by Dan Jansen and seconded by Jack Gilbride, Council voted unanimously to appoint Patrick Berry and Bruce MacIntire as the Green Team Town Council representatives. Council voted by paper ballot to choose two residents and one at large member. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to appoint Jonathan Greenspan and Martinique Davis as resident committee members, and Savanna Wagner as the at-large member.

**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 (5)**

On a **MOTION** by Dan Jansen and seconded by Bruce MacIntire, 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 9:20 a.m.

Council returned to regular session at 10:50 a.m.

**Council took a break from 10:50 a.m. to 10:57 a.m. (6)**

**Finance: (7)**

**a. Presentation of the August 31, 2017 Business & Government Activity Report (BAGAR)**

Director of Finance Kevin Swain presented the BAGAR. Council discussion ensued.

**b. Consideration of the July 31, 2017 Financials**

Mr. Swain presented the financials stating that the General Fund reflects a surplus of \$2.5 million and that construction permits are tracking ahead of the projected budget. Sales tax revenues show an increase of 5% over 2016 and 7% over budget. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to accept the July 31, 2017 Financials.

**c. Public Sector Personnel Consultants Report**

Human Resources Director Sue Kunz presented the above report which showed the Town of Mountain Village job classifications are behind market average by more than -5% for 93% of the survey sample, and at market or above market for 7% of the sample. It would take approximately three quarters of a million dollars to bring all employees up to 100% of the competitive rates with a 3% across the board merit based increase. The finance committee agreed to apply a three percent merit based increase first and then to adjust from there to bring salaries up to mid-range for employees have been in their position for at least five years. Council discussion ensued. Public comment was received from Jolana Vanek and Brian Kanaga. The Mayor agreed to meet with Mr. Kanaga to discuss his questions.

**d. 2018 Budget Work Session**

Mr. Swain stated that the purpose of the work session was to introduce the budget and that an all-day focus session with each department is scheduled for Wednesday, October 11<sup>th</sup>. A draft of the budget will be developed for the first reading in November and the second reading will follow in December. The sewage treatment plant upgrades and improvements is the biggest variable in this budget. The upgrades will cost approximately thirty million dollars cost divided three ways (Mountain Village, Telluride, and San Miguel County). The Town of Mountain Village will be responsible for approximately ten million dollars over the next few years.

**Consideration of the August 17, 2017 Regular Council Meeting Minutes (8)**

Deputy Town Clerk Susan Johnston presented the above item. On a **MOTION** by Dan Caton and seconded by Bruce MacIntire, Council voted unanimously to approve the August 17, 2017 Regular Town Council meeting minutes as presented.

**Liquor Licensing Authority: (9)**

**a. Consideration of an Application by Telski Food & Beverage Services, LLC for a Temporary Modification of Premises on their H&R liquor license with Optional Premises Extending the Patio Area of Tomboy Tavern Towards Heritage Plaza on December 13, 2017 from 3:00 p.m. to 6:00 p.m. for a Private Party**

Susan Johnston presented the application stating that it had been reviewed by both the legal and the police departments with no adverse findings and that all fees had been paid. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Dan Caton, Council voted unanimously approve an application by Telski Food & Beverage Services, LLC for a Temporary Modification of Premises on a Hotel and Restaurant liquor license to extend the patio area of Tomboy Tavern for a private event on December 13, 2017.

**b. Consideration of an Application by Telski Food & Beverage Services, LLC for a Temporary Modification of Premises on their H&R liquor license with Optional Premises Extending the Patio Area of Tomboy Tavern Towards Heritage Plaza on November 22, 2017 (Alternate Dates: November 29, 2017 or December 6, 2017) from 4:00 p.m. to 6:00 p.m. for Donation Day 2017)**

Ms. Johnston presented the application. The application had been reviewed by both the legal and police departments with no adverse findings. State Liquor Enforcement confirmed that the applicant could include a date range to allow for alternate dates on the application in the event the ski mountain does not open on the projected date. Council discussion ensued. Kristin Frost represented the applicant stating that the event is meant to show community appreciation as is free to the public. On a **MOTION** by Dan Caton and seconded by Bruce MacIntire, Council voted unanimously approve an application by Telski Food & Beverage Services, LLC for a Temporary Modification of Premises on their H&R liquor license with Optional Premises Extending the Patio Area of Tomboy Tavern Towards Heritage Plaza on November 22, 2017 (Alternate Dates: November 29, 2017 or December 6, 2017) from 4:00 p.m. to 6:00 p.m. for Donation Day 2017)

**Consideration of Approval of an Intergovernmental Agreement between the Town of Mountain Village and the San Miguel Authority for Regional Transportation (10)**

Associate Town Attorney Sarah Abbott presented the above IGA stating that the agreement was drafted based on Council feedback from the previous work session as well as collaboration with the SMART Board and its legal counsel. The draft includes an equipment list and service schedules. Council discussion ensued. On a **MOTION** by Bruce MacIntire and seconded by Patrick Berry, Council voted unanimously to approve an Intergovernmental Agreement between the Town of Mountain Village and the San Miguel Authority for Regional Transportation with the following clarifications:

- Any change in service (decrease or increase) would have to be by agreement.
- Confirm maximum contribution amount

**Council took a break for lunch from 12:11 p.m. to 12: 29 p.m.**

**Council moved to staff reports**

**Presentation on the Strong Start Strong Community Early Childcare Initiative (11)**

Cheryl Miller of Strong Start Strong Community (SSSC) presented talking points regarding Ballot Issue 1A which will be on the November 7, 2017 ballot. The issue addresses San Miguel County's lack of accessible early childhood care for families. SSSC has proposed property mill levy of 0.75% which would generate approximately \$612, 000 annually to provide funding to improve early childhood care and education.

Examples of funding distribution include:

- Supporting the expansion of existing facilities and new facilities to increase capacity
- Early childhood care and education workforce retention and development
- Program quality improvement support
- Financial assistance to help make childcare more affordable for those who live and work in San Miguel County

If the initiative is approved, the collected funds will be held by San Miguel County in a dedicated fund and distributed by a panel. Council consensus was supportive of creating childcare options, however; expressed concerns about Mountain Village property owners already contributing to childcare and would now have an additional burden to provide for the entire County. Public comment was received by Jolana Vanek and Kim Hewson. A Resolution in support of SSSC and the Ballot Initiative may be agendized at the October Town Council meeting. Council asked Ms. Miller to provide a list of the members of SSSC as well as the ballot language.

**Consideration of a Cedar Shake Roof Replacement Rebate Fire Mitigation Program (12)**

Michelle Haynes presented the above item noting that the Planning Department had received a complaint regarding the building permit fee for a re-roofing project from cedar shake to standing seam metal. The complaint initiated a greater internal dialogue regarding existing cedar shake roofs and fire hazard mitigation. Staff had been directed to provide Council with information to consider a rebate program that would

reimburse the building permit fee associated with re-roof applications from cedar shake to a Community Development Code (CDC) approved fire resistant roof material. The cedar shake rebate program would be modeled similarly to the Defensible Space Incentive Program implemented in 2016. The Telluride Mountain Village Owner's Association (TMVOA) has committed \$25,000 to the Cedar Shake Program, with the understanding that the Town would contribute the same level of funding. TMVOA has also allocated funds to the Defensible Space Incentive Program since 2016. Mountain Village has over 334 buildings that have cedar shake roofs which is approximately 50-60% of our buildings. Cedar shake roofs typically have a 20-30-year lifespan which means that there will be many roof replacements taking place in the near future. Some homeowners are having issues insuring their homes due to the new regulations. Staff had the following recommendations:

- 1) It is a separately funded program from the Defensible Space Incentive Program
- 2) The homeowner is reimbursed 100% of the building permit fee associated with only the re-roof valuation portion of the permit. *Town Council can consider any percentage of reimbursement.*
- 3) The rebate is capped at a maximum rebate of \$5,000 dollars.
- 4) The rebates have an effective date of January 1, 2017. *If Town Council considers an effective date of January 1, 2017, then the town would reimburse approximately \$20-25,000 to homeowners who already have been issued, have completed, or are pending a building permit to change their roof from cedar shake to a CDC approved roofing material.*
- 5) The TMVOA and the TMV will each commit \$25,000 in 2017.
- 6) The owner pays for the building permit in full, then the TMV reimburses out of the rebate fund.
- 7) The rebate program is associated with an educational outreach campaign.
- 8) Require a homeowner to first meet with the town forester and create defensible space on the property prior to eligibility for the cedar shake rebate.
- 9) Town Council considers budgeting money now for the 2018 budget cycle or otherwise adjust the budget at a later date. Staff could provide a progress report in December of 2017 so that Town Council can better evaluate the program.

Public comment was received by Anton Benitez. On a **MOTION** by Dan Caton and seconded by Dan Jansen, Council voted unanimously to approve the Cedar Shake Roof Replacement Rebate Fire Mitigation program including the nine (9) points listed above and adding that staff explore ways of minimizing tax impacts on recipients.

**Discussion and Consideration of Approval of Annual Renewal of Madeline Sales Gallery Conditional Use Permit Resolution No. 2014-1120-30 (13)**

Natalie Binder recused herself due to being a Madeline Hotel and Residences owner. Planner Sam Starr presented the above item stating that on November 20, 2014, Madeline Hotel and Residences was granted a conditional use permit (CUP) to operate a real estate sales office and showroom in the northeast portion of their property. The CUP was approved for a three (3) year period, with annual reviews by Town Council thereafter for additional input and direction. Per the second condition of Resolution #2014-1120-30, the real estate office and showroom must be used exclusively for the sales of Madeline Hotel and Residences properties. It was not to be in any way affiliated with major real estate offices or organizations. The request, presented by Director of Residence Sales JJ Ossola, is to extend the CUP for a six-month period to sell the remaining (4) units. Extensive discussion ensued regarding whether the real estate program had followed the terms of the original CUP with regards to the use of the showroom and office. Through public comment it was brought up that if the extension is allowed, that it would be unfair to other potential businesses that could utilize the space. Public comment was received by Joseph Coleman, Steve Hilbert, Nels Cary, Duncan Hogarth, Jean Vatter, and Dan Henschel. Council discussion ensued.

Dan Jansen left the meeting at 2:00 p.m.

On a **MOTION** by Jack Gilbride and seconded by Dan Caton Council voted 5-0 (with Dan Jansen absent and Natalie Binder recused) to terminate the Conditional Use Permit effective November 20, 2017.

**Regional Behavioral Health Commission (RBHC) Update (14)**

Program Director with Tri County Health Network Paul Reich presented the update stating that the mission statement of RBHC is to enhance the well-being of our community through education, prevention, advocacy and services that support resilience and recovery. The Town of Mountain Village supported the commission with funding of \$30,000 in 2016.

Mr. Reich stated that the first step was to create, implement and manage behavioral health initiatives utilizing our existing resources and increasing community education and awareness around behavioral health and wellness. RBHC's goal was to develop county-wide prevention activities, eliminating gaps and assuring a comprehensive approach. They are focused on availability and affordability to all community members regardless of socioeconomic status and want to improve access to training and services by finding new models of care using grass-roots support, and integrating mental health into non-traditional settings, recognizing the unique needs in our rural communities. Council discussion ensued. Public comment was received by Douglas Tooley.

**Telluride Conference Center Update (15)**

This item was continued to the October 19, 2017 Town Council meeting.

**Trails Proposal for the Telluride Region (16)**

Tor Anderson presented the Telluride Mountain Club's (TMC) vision of the local trails system stating that the club is committed to preserving access to the mountain. They began by conducting a survey to see what areas were most important to people and found that trail connectivity ranked number one. The next step is to discuss their ideas on a regional trail system with Mountain Village, Telluride, the U.S. Forest Service and San Miguel County. TMC would like to see all four entities work together to create a uniform trail system. The ability to connect Telluride and Mountain Village with trails will benefit both towns. Council discussion ensued and Council suggested that TMC propose a budget and present it at the intergovernmental work session in November. TMC proposed that each government contribute \$5000 to the TMC who would act as the regional liaison and hire a regional trails coordinator. Public comment was received by Douglas Tooley.

Dan Jansen returned to the meeting at 2:57 p.m.

On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to extend the meeting beyond 6 hours.

**Consideration of Setting a Date for a Town Council Retreat (17)**

Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Bruce MacIntire, Council voted unanimously to set the Town Council Retreat for November 7<sup>th</sup>, 2017. The location is to be determined and the retreat will be publicly noticed.

**Council Boards and Commissions Updates: (18)**

**a. San Miguel Watershed Coalition –Starr**

There was no report.

**b. Colorado Flights Alliance –Jansen**

Mr. Jansen stated that the daily flights are loading very well for the winter season. They've added a Delta flight into Charlotte which is the second largest hub in the country. With the addition, the airport now has 12 nonstop routes.

**c. Transportation & Parking – MacIntire/Benitez**

The committee approved the 2018 rates with no changes from last year.

**d. Budget & Finance Committee -Gilbride/Caton**

There was no update.



**e. Gondola Committee – Caton/Berry**

Mr. Caton stated that the economic impact study will help determine how the gondola is utilized in both the winter and summer season and will include data on where people are going and what they are doing. The committee discussed the sound dampening panels for the Chondola Station and Market Station adding that the panels can also be used to advertise the upcoming season. The Gondola backup generator is on schedule to be completed by the winter season. The report on the extra hour ridership and the usage was conclusive enough to continue the extended hours. Mr. Caton also stated that nine mainline cabins will be added to the line prior to ski season.

**f. Colorado Communities for Climate Action (CC4CA)– Berry**

Mr. Berry stated that he will be serving on the finance committee for CC4CA and that they are in the process of assigning people to subcommittees.

**g. San Miguel Authority for Regional Transportation- Benitez/Caton/Binder**

Mayor Benitez stated that the Board has interviewed four people for the Executive Director position. A logo for SMART will be unveiled soon.

**h. Eco Action Partners – Berry/Binder**

Mr. Berry stated that at the last meeting the EAP Board reviewed the budget and recognized that they need achievable and quantifiable goals. They are working with SMPA (San Miguel Power Association) to help VCA (Village Court Apartments) become more energy efficient.

**i. Telluride Historical Museum- Berry**

There was no update.

**j. Telluride Conference Center –MacIntire**

There was no update.

**k. Alliance for Inclusion – Berry**

Mr. Berry stated that ICE (Immigration and Customs Enforcement) in Telluride has been active with identifying illegal aliens through DUI stops. They are looking into utilizing translation headset technology.

**l. Community Grant Committee – Benitez/Binder**

The committee received 15 grant applications and will be setting a meeting date prior to the October 11 Budget Meeting.

**m. Mayor's Update – Benitez**

Mayor Benitez stated that DRB (Design Review Board) meetings will be streamed live starting with the October 5<sup>th</sup> meeting. The Mayor met with Richard Betz and John Gardner to discuss how they could combine their efforts and resources to move forward with the hospital. Another potential site has been identified.

**Staff Reports: (19)**

**a. Town Manager**

The August Great Services Award went to Sue Kunz for leading an outstanding effort to put on the annual Employee Picnic. Ms. Kunz led a team of helpers to organize a great event and took it up a notch with the "carnival" theme. She handled a very last-minute change of venue seamlessly and followed up with a survey to see what people liked or didn't like. Bruce MacIntire thanked Kim Montgomery for her leadership. There was a meeting with the Army Corps of Engineers and the Environmental Protection Agency on September 19<sup>th</sup> which included the Town of Mountain Village and Telluride Ski & Golf to discuss wetlands and tour the mitigated wetlands that were part of the Consent Decree.

Council returned to Agenda Item 11.

**Other Business (20)**


Dan Jansen stated that Ray Cody is doing a great service to the community with the *Cars & Colors Festival*. The YPO (Young President's Organization) "No Boundaries" Central Region Conference is in town.

There being no further business, on a **MOTION** by Dan Jansen and seconded by Jack Gilbride, Council unanimously agreed to adjourn the meeting at 3:50 p.m.

Respectfully prepared,

  
Susan Johnston  
Deputy Town Clerk

Respectfully submitted,

  
Jackie Kenefick  
Town Clerk