

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, JUNE 15, 2023, 2:00 PM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED 2****

https://us06web.zoom.us/webinar/register/WN_fQ1a5zTvQs6fPHeTniGtMA

Please note that times are approximate and subject to change.

	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	30	Wisor McConaughy	Legal	Executive Session for the Purpose of: <ul style="list-style-type: none"> a. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Proposed Wastewater Treatment Plant Authority Pursuant to C.R.S. 24-6-402(4), (b), and (e) b. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions. to Determine Positions Relative to Matters That May be Subject to Negotiations Developing Strategy for Negotiations and/or Instructing Negotiations and to Discuss the Purchase or Acquisition of Real Property (Lot 648-AR) Pursuant to CRS 24-6- 402(4a),(b), and (c)
3.	2:30	5			Public Comment on Non-Agenda items
4.	2:35	5	Wasserman	Action	Consideration of a Proclamation Declaring June as Immigrant Heritage Month
5.	2:40	5	Johnston	Action <i>Quasi-Judicial</i>	Liquor Licensing Authority: <ul style="list-style-type: none"> a. Consideration of an Application for a Special Event Liquor Permit for Telluride Art + Architecture for an Event on July 13, 2023 from 5:00 – 9:30 PM
6.	2:45	5	Johnston	Action	Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: <ul style="list-style-type: none"> a. Consideration of Approval of the May 18, 2023 Town Council Meeting Minutes
7.	2:50	10	Maenpa	Informational	Telluride Regional Airport Authority Update (TRAA))
8.	3:00	5	Lemley	Informational	Finance: <ul style="list-style-type: none"> a. Presentation of the May 31, 2023 Business & Government Activity Report (BAGAR)
9.	3:05	10	Lemley	Action <i>Legislative</i>	Second Reading, Public Hearing and Council Vote on Ordinance of the Town Council Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Mountain Village, Colorado, for the Calendar Year Beginning on the First Day of January 2023, and Ending on the Last Day of December 2023
10.	3:15	10	Wisor Lemley	Action <i>Legislative</i>	Consideration of an Emergency Ordinance of the Town of Mountain Village, Colorado, Amending Ordinance No. 2023-05 Previously Approved by the Town Council of the Town Authorizing the Leasing of Certain Real Property in Connection with the Financing of

**TOWN COUNCIL MEETING
AGENDA FOR JUNE 15, 2023**

					Additional Multifamily Housing in the Village Court Apartments to Extend the Term of the Site Lease and the Master Lease; Ratifying and Affirming Ordinance No. 2023-05 and Other Actions Previously Taken in Connection Therewith; and Declaring an Emergency
11.	3:25	10	Ward	Action Quasi-Judicial	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Application for Lot 648AR Unit 2-3D at 313 Adams Ranch Road, Pursuant to CDC Section 17.4.9 <i>This Item was Continued from the May 18, 2023 Town Council Meeting</i>
12.	3:35	60	Ward Haynes	Action Quasi-Judicial	Consideration of Action Regarding a Major Planned Unit Development (PUD) Amendment to the Formerly Named Mountain Village Hotel PUD, to Consider Amendments to the Existing PUD for Lot 109R for a Mixed-Use Hotel/Resort Development Including Plaza, Commercial, Hotel and Residential Use <i>This item was Continued from the March 16, 2023, Regular Town Council Meeting</i>
13.	4:35	60	Ward Haynes	Action Quasi-Judicial	Consideration of Action Regarding a Rezone of Portions of Town Owned Village Center Active Open Space (OS-3- BR2) to 109R PUD, and 109R PUD to Village Center Active Open Space (OS-3- BR2) and a Portion of 109R PUD to Active Open Space Right of Way (a Portion of the Mountain Village Blvd Bridge) Consistent with CDC Section 17.4.9 15. Related to the Concurrent Major Subdivision Application to Replat Portions of Property Between Lot 109R and OS-3-BR-2 <i>This Item was Continued from the March 16, 2023 Regular Town Council Meeting</i>
14.	5:35	20	Ward Haynes	Action Quasi-Judicial	Consideration of Action for a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR2 <i>This Item was Continued from the March 16, 2023 Regular Town Council Meeting</i>
15.	5:55	15			Dinner
16.	6:10	15	Ward	Action Quasi-Judicial	Consideration of a Resolution Approving a Height Variance at Lot 137, TBD Granite Ridge, Mountain Village Pursuant to CDC Sections 17.3.11&12 and 17.4.16
17.	6:25	15	Ward	Action Quasi-Judicial	Consideration of a Resolution Approving a Minor Subdivision to Vacate Portions of the General Easement on Lot 137 Pursuant to CDC 17.4.13
18.	6:40	20	Ward	Work Session	Discussion Regarding Lot 30 and Lot 27A Phased Development and Potential Vested Property Rights Extensions
19.	7:00	10	Wisor Haynes O'Connor Foster	Action	Consideration of a Development Agreement for Lot 644, Meadowlark at Mountain Village Between Triumph Development West and the Town of Mountain Village Housing Authority
20.	7:10	10	Wisor Soukup Dittman	Action Legislative	Resolution Approving an Asset Purchase Agreement for the Sale of the Town's Broadband and Cable System to Vero Networks
21.	7:20	10	Wisor Soukup Dittman	Action Legislative	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Approving the Lease of Certain Real Property, Commonly Known as the Headend, to Vero Networks for Continued Broadband and Cable System Operations
22.	7:30	10	Armstrong Broady	Action	Consideration of a Resolution Adopting a San Miguel County Pre-Hazard Mitigation Plan
23.	7:40	5	Lemley Squire	Action	<i>Consideration of Adoption of a Resolution Increase Fees for Mountain Munchkins</i>

**TOWN COUNCIL MEETING
AGENDA FOR JUNE 15, 2023**

			Wisor		
24.	7:45	10	McConaughy Wisor	Action	Consideration of Approval of a Settlement Agreement Between Telluride Mountain Village Owners Association, Friends of Telluride Mountain Village Owners Association and the Town of Mountain Village
25.	7:55	20	Town Council	Informational	Council Boards and Commissions Updates: <ol style="list-style-type: none"> 1. Telluride Tourism Board - Berry 2. Colorado Flights Alliance - Gilbride 3. Transportation & Parking – Mogenson/Duprey 4. Budget & Finance Committee – Gilbride/Duprey/ Mogenson 5. Gondola Committee – Caton/Berry/Prohaska 6. Colorado Communities for Climate Action – Berry 7. San Miguel Authority for Regional Transportation (SMART) – Berry/Prohaska/Mogenson 8. Telluride Historical Museum – Prohaska 9. Alliance for Inclusion – Prohaska 10. Green Team Committee- Berry/Prohaska 11. Business Development Advisory Committee – Caton/Duprey 12. Wastewater Committee – Duprey/Mogenson 13. Mayor’s Update – Benitez
26.	8:15	5			Other Business
27.	8:20				Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at 970-369-6429 or email: mvclerk@mntnvillage.org. A minimum notice of 48 hours is required so arrangements can be made to locate requested auxiliary aid(s)

<https://bit.ly/WatchMVMeetings>

Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_fQ1a5zTvQs6fPHeTniGtMA

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

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

Public Comment Policy:

- All public commenters must sign in on the public comment sign in sheet and indicate which item(s) they intend to give public comment on
- Speakers shall wait to be recognized by the Mayor and shall give public comment at the public comment microphone when recognized by the Mayor
- Speakers shall state their full name and affiliation with the Town of Mountain Village if any
- Speakers shall be limited to two minutes with no aggregating of time through the representation of additional people
- Speakers shall refrain from personal attacks and shall keep comments to that of a civil tone
- No presentation of materials through the AV system shall be allowed for non-agendized speakers
- Written materials must be submitted 48 hours prior to the meeting date to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted, but shall not be included in the packet or be deemed of record



Town of Mountain Village Proclamation

Immigrant Heritage Month 2023 Proclamation

Whereas, immigrants have vastly diversified and enriched the cultural tapestry of our Nation throughout its history;

Whereas, immigrants have bolstered our Nation and made it stronger, more innovative, and more prosperous since the country's inception; and,

Whereas, the United States, because of the Constitution, is a beacon of hope for people all over the globe seeking a better life and peaceful future; and,

Whereas, we join people around the globe in commemorating World Refugee Day, a day when we recognize, honor, and uplift the strength, courage, and humanity of millions forced to flee violence, persecution, and war; and,

Whereas, the Town of Mountain Village honors the dignity of all city residents, regardless of nationality, and recognizes the importance of their many contributions to the social, cultural, and economic life of the city; and,

Whereas, the Town of Mountain Village recognizes the dependence of its vital food supply on the continuous hard labor performed by a largely immigrant agricultural workforce; and,

Whereas, immigration enhances the Town of Mountain Village's cultural diversity, adding a variety of abilities, perspectives, languages, customs, traditions, values, and cuisines that benefit the residents of our city;

THEREFORE, be it resolved that we, the Town Council of the Town of Mountain Village, do hereby designate June 2023 as

Immigrant Heritage Month

in Mountain Village, and call this observance to the attention of all our citizens to encourage them to learn more about the social and economic impact of immigrants to our community and state.

Dated this 15th day of June 2023

Laila Benitez, Mayor

Susan Johnston, Town Clerk

Town of Mountain Village

Date: 6/9/2023
To: Town Council, Acting as the Liquor Licensing Authority (LLA)
From: Susan Johnston, Town Clerk
RE: Local Liquor Licensing Authority Matters for the June 15, 2023 Meeting

Consideration of an Application for a Special Event Liquor Permit for Telluride Art + Architecture for an Event on July 13, 2023 from 5:00 – 9:30 PM

All required documentation and fees have been received. The packet has been reviewed by the following departments: Clerks, Legal and Police with no adverse findings. The required notice was posted 10 days prior to the public hearing with no comments filed.

Staff recommendation: Motion to approve the application by Telluride Art + Architecture for an event on July 13, 2023 from 5:00 – 9:30 PM.



TOWN OF MOUNTAIN VILLAGE SPECIAL EVENT LIQUOR PERMIT APPLICATION

This application must be filed with Office of the Town Clerk, Town of Mountain Village, 455 Mountain Village Blvd., Mountain Village, Colorado 81435. Applicant must be a non-profit organization on file with the Colorado Secretary of State.

In order to qualify for a Special Events Permit, you must be a nonprofit and one of the following:

<input type="checkbox"/> Social	<input type="checkbox"/> Municipality Owning Arts Facilities
<input type="checkbox"/> Fraternal	<input type="checkbox"/> Religious Institution
<input type="checkbox"/> Patriotic	<input checked="" type="checkbox"/> Philanthropic Institution
<input type="checkbox"/> Political	<input type="checkbox"/> Political Candidate
<input type="checkbox"/> Athletic	<input type="checkbox"/> Chartered Branch, Lodge or Chapter of a National Organization/Society

Type of Special Event applicant is applying for:

<input type="checkbox"/> Fermented Malt Beverage (3.2%) \$100/day	<input checked="" type="checkbox"/> Beer, Wine & Liquor \$100/day
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1. Name of Applicant Organization or Political Candidate	State Sales Tax Number (required)
Telluride Council for the Arts & Humanities	CO #L9815836

2. Mailing Address of Organization or Political Candidate	3. Address of Place Special Event to be held
P.O. Box 152, Telluride, CO 81435	130 Arizona Street, Mountain Village, Co 81435

4. President/Secretary of Organization or Political Candidate			
Name	Date of Birth	Home Address	Phone Number
Kate Jones	5/24/1968	220 W. Colorado Ave, Telluride, CO	970.728.3930

5. Event Manager Name	Date of Birth	Home Address	Phone Number
Ann Barker	12/8/1962	620 Mountain Village Blvd, Telluride, CO	602.418.7774

6. Has applicant organization or political candidate been issued a special event permit this calendar year?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	How many days?
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7. Are premises now licensed under state liquor or beer code?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	To whom?
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8. Does the applicant have possession or written permission for the use of the premises to be licensed?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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List Below the Exact Date(s) for Which Application Is Being Made For Permit

Date(s)	7/13/2023	to		Date(s)		to	
Hours	5:00 PM	to	9:30 PM	Hours		to	
Date(s)		to		Date(s)		to	
Hours		to		Hours		to	

REPORT AND APPROVAL OF TOWN OF MOUNTAIN VILLAGE LOCAL LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended. **THEREFORE, THIS APPLICATION IS APPROVED.**

SIGNATURE	TITLE	DATE



TOWN OF MOUNTAIN VILLAGE
SPECIAL EVENT LIQUOR PERMIT APPLICATION
APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee - CHECK PAYABLE TO THE TOWN OF MOUNTAIN VILLAGE *Non-Profit*
- Diagram of the area to be licensed (not larger than 8 1/2" x 11" reflecting bars, walls, partitions, ingress, egress and dimensions
Note: if the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years;
or
- If not incorporated, a NONPROFIT charter; or
- If a political candidate, attach copies of reports and statements that were filed with the Secretary of State.

- Application must be submitted to the Town of Mountain Village at least thirty (30) days prior to the event.
- The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (12-48-106 C.R.S.) *OK*

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being nonprofit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the secretary of state pursuant to Article 45 of Title 1, C.R.S. a Special Event Permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.



TOWN OF MOUNTAIN VILLAGE
SPECIAL EVENT LIQUOR LICENSE PERMIT APPLICATION
ADDENDUM *Please answer all of the following questions.*

Describe the event and the target market.

The goal of Telluride Art + Architecture is to provide a memorable and immersive art experience - unique at each location that showcases the very best of Telluride's cultural and creative talent. Guests will have the opportunity to enjoy a sampling of the imagination of fine artists, chefs, winemakers, distillers, musicians, actors, designers,

How many people are you expecting per day? 70

Will you be serving alcoholic beverages? yes

Are alcoholic beverages included in the event price? yes

Will alcohol be sold by the drink? no

What type of alcoholic beverages are you planning on selling/serving? .

Wine, beer, specialty cocktails.

Will you be selling/serving food items? yes. Small bites will be served.

What type of food items will be sold or served?

A selection of small bites created by local chef Angelee Aurillio will be served.

Will you be cooking food and if cooking food, will you use propane?

no propane. The homeowner kitchen may be utilized which include a Wolf range.



**TOWN OF MOUNTAIN VILLAGE
SPECIAL EVENT LIQUOR LICENSE PERMIT APPLICATION
ADDENDUM** *Please answer all of the following questions.*

Will you have amplified sound or live music inside or outside? Yes but, nothing obtrusive, more t

Will there be tents/awnings? no

Describe your security plans for this event.

This is a private event.
All guests must be credentialed.
All liquor servers have current alcohol service certificates..

Describe the type of training security personnel will have prior to the event.

All liquor servers have current alcohol service certificates.

How will you insure compliance with beer/liquor laws, such as: no service to minors or visibly intoxicated persons, no service outside of designated premises, no service before or after hours designated for the event, etc.

All guests must be credentialed.
No attendance under the age of 21.
All liquor servers have current alcohol service certificates.

Do you have an emergency plan for the event? If yes, please describe in detail.

This is a private event. If there is an emergency we will engage local emergency services. Police Chief will be made aware of the event prior.



TOWN OF MOUNTAIN VILLAGE
SPECIAL EVENT LIQUOR LICENSE PERMIT APPLICATION
OATH OF APPLICANT *Please initial each of the following statements.*

I understand that as the promoter of the event, that both the non-profit and the server can be charged criminally for alcohol violations under permit. I also understand that the non-profit can be held responsible for any tax liabilities generated by the alcohol permitted event.

I understand that I must allow open access to all town personnel (i.e., Police, Fire, Community Development, etc.) at this event, even if it is deemed a private function. Further, due to health and safety concerns, I understand that other town departments, as a result of circulation of this city application, may have additional requirements resulting in other costs for my special event.

I understand that if this permit is denied, the Town of Mountain Village assumes no liability for expenses incurred by the applicant.

I understand that if during the course of the event, the town determines there is a public safety hazard or if there is a violation of any permit condition, the event will be terminated immediately. The Town of Mountain Village is not responsible for any expenses incurred by the permit holder. Failure to meet the requirements of this permit may provide basis for denial of future permits for a given event, event manager or sponsor.

I understand that only non-profit entities that are properly formulated with the State of Colorado may apply for special event liquor permits, and they may only apply if the permit application and all attachments are filed at least 30 days before the event per state law. In addition, non-profits are required to have: i) state sales tax number from Colorado Department of Revenue, ii) Certificate of Good Standing for their non-profit from Colorado Secretary of State's office, and iii) Town of Mountain Village business license and sales tax number from Mountain Village Finance Department.

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and Regulations and all Town of Mountain Village rules, regulations, ordinances and codes that affect my license.

Ann Hurley Barker
Authorized Signature

Ann Hurley Barker
Print Name

May 11, 2023
Date

Director, Telluride Art + Architecture
Title

Telluride Art + Architecture
July 10 - 16, 2023



HOMEOWNER AGREEMENT

DATE:

By the authorized signature below, Telluride Arts (Telluride Council for the Arts and Humanities) and Ed + Mary Healy ("homeowner")

acknowledge and agree that Telluride Arts has permission to use the homeowner's location at 130 Arizona Drive
Mountain Village, Colorado 81435

on Thursday July 13, 2023 (date)

as part of Telluride Art + Architecture 2023 at which wine, beer, and/or liquor will be served.

Telluride Arts is responsible for providing all necessary liquor license information and additional insurance.

In the case that the property is on the market, there will be no brokers, signage or marketing materials present during the tour.

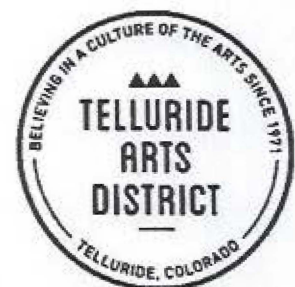
Mary + Ed Healy
NAME - PLEASE PRINT

Mary Healy
SIGNATURE

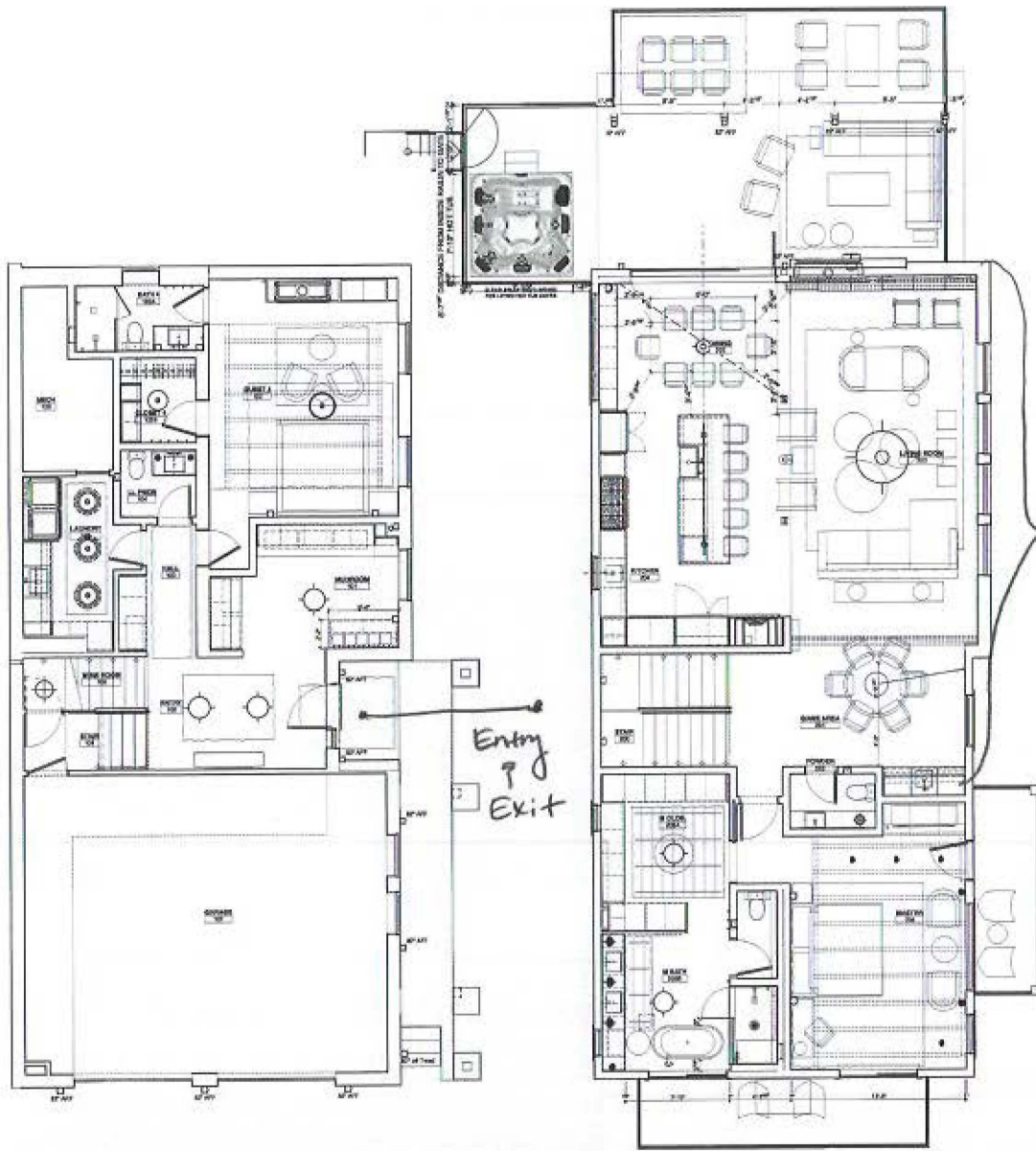
mary.r.healy@gmail.com eghealy@gmail.com
EMAIL

MAILING/POSTAL ADDRESS:

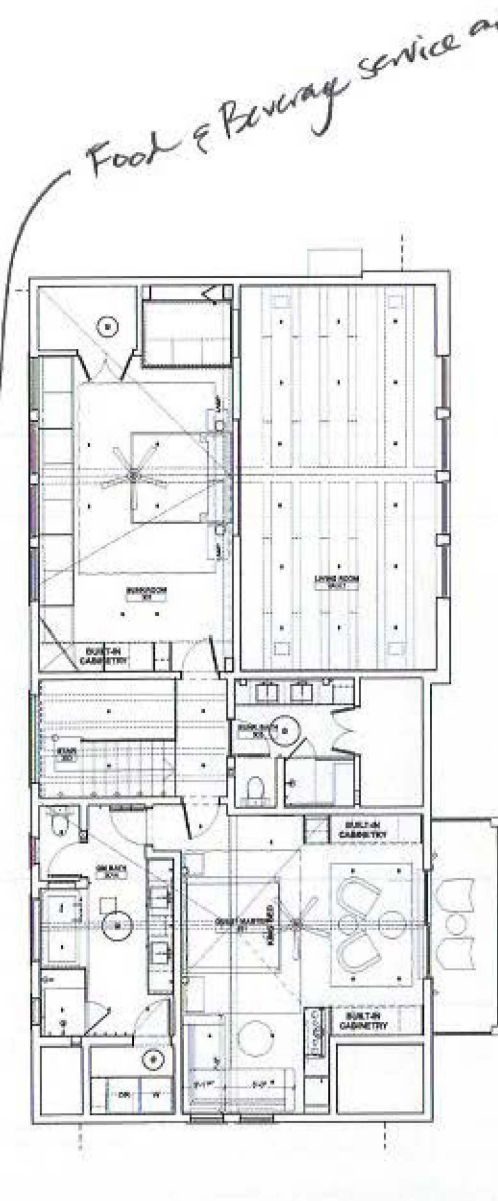
130 Arizona St.
Telluride CO 81435



Telluride Art + Architecture is a project of Telluride Arts.



1 LOWER Furniture Plan
SCALE 1/4" = 1'-0"



2 UPPER Furniture Plan
SCALE 1/4" = 1'-0"

Food & Beverage Service Area

ZINQUE
 the elements of design
 interior architecture
 1300
 1300
 1300
 1300
 1300

HEALY RESIDENCE
 130 ARIZONA DRIVE
 MOUNTAIN VILLAGE, COLORADO 81435

Submitted/ Revisions:

Drawn by: CCR
 Date: 5/9/23
 © ZINQUE



FURNITURE
 PLANS



TOWN OF MOUNTAIN VILLAGE

455 Mountain Village Blvd. Suite A

Mountain Village, CO 81435

970-728-8000

970-728-4342 Fax

mvclerk@mtnvillage.org

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE MAY 18, 2023
REGULAR TOWN COUNCIL MEETING**

DRAFT

Agenda Item 6

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:01 p.m. on Thursday, May 18, 2023. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor
Dan Caton, Mayor Pro Tem
Harvey Mogenson (via Zoom)
Marti Prohaska
Jack Gilbride
Pete Duprey (via Zoom)
Patrick Berry

Also in attendance were:

Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Susan Johnston, Town Clerk
Kim Schooley, Deputy Town Clerk
David McConaughy, Town Attorney (via Zoom)
Lizbeth Lemley, Finance Director
Chris Broady, Police Chief
Amy Ward, Community Development Director
Kathrine Warren, Public Information Officer
Jaime Holmes, HR Director
JD Wise, Economic Development & Sustainability Director
Jim Loebe, Transit & Recreation Director
Lauren Tyler, GIS Administrator
Finn Kjome, Public Works Director
Jose Uribe, Police Officer
Tyler Ford, Police Officer
Mark Eckard, Building Inspector
Spencer Keating, Planner I
Maegan Eckard, Administrative Assistant
Kate Burns, Controller
Lauren Kirn, Environmental Efficiencies & Grant Coordinator
Molly Norton, Community Engagement Coordinator
Lindsay Niehaus, HR Coordinator
Marleina Fallenius, Planning Tech & Housing Coordinator
Jodi Miller, Office Manager/Evidence Technician
Connor Reilly, VCA Manager
Claire Perez, Planner I

Peter Fabian, Police Officer
Adam Menter, Police Officer
Mark Martin, Police Officer
Erika Moir, Police Officer
Matt Moir, Deputy Police Chief
Rob Johnson, Transit Operations Manager
Tim Barber
Ariana Sites
Anton Benitez
Kiera Skinner
Tucker Magid
Jennifer Zandari
Huascar Gomez
Alline Arguelles
David Averill
Dale Reed
Kristin Decker
Liz Caton
David Eckman
Yvette Rauff
Deb Willits
David Foster
Sherri Reeder
Andre Koslowski
Frank Hansen
Adam Singer
Michael Mowery

Executive Session for the Purpose of: (2)

- a. **Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Proposed Wastewater Treatment Plant Authority Pursuant to C.R.S. 24-6-402(4)(b), and (e)**

On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to move into Executive Session for the purpose of:

- a. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with Proposed Wastewater Treatment Plant Authority pursuant to C.R.S. 24-6-402(4)(b), and (e)

at 2:02 p.m.

Council returned to regular session at 2:34 p.m.

Public Comment on Non-Agenda Items (3)

There was no public comment.

Council moved to agenda item 7.

Introduction and Swearing In: (4)

- a. **Officer Jose Uribe**
b. **Officer Tyler Ford**

Police Chief Chris Broady introduced Officers Jose Uribe and Tyler Ford. Mayor Benitez swore in Officers Uribe and Ford.

Staff Introductions: (5)

- a. **Mark Eckard, Building Inspector**
b. **Spencer Keating, Planner I**
c. **Chambers Squier, Mountain Munchkins Director**
d. **Maegan Eckard, Administrative Assistant**

Community Development Director Amy Ward introduced new Building Inspector Mark Eckard and Planner I Spencer Keating. Town Manager Paul Wisor introduced newly promoted Mountain Munchkins Director Chambers Squier. Assistant Town Manager Michelle Haynes introduced new Administrative Assistant Maegan Eckard.

Council moved to agenda item 9.

Consideration of a Proclamation Declaring the Month of May as Mental Health Awareness Month (6)

Tri-County Health Behavioral Health Services Coordinator Ariana Sites presented. Patrick Berry read the proclamation. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to approve a Proclamation declaring the month of May 2023 as Mental Health Awareness Month.

Council moved to agenda item 16.

Consideration of a Proclamation Declaring the Month of May as Sexual Assault Awareness Month (7)

Marti Prohaska read the proclamation. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Patrick Gilbride, Council voted unanimously to approve a Proclamation declaring the month of May 2023 as Sexual Assault Awareness Month.

Consent Agenda:

All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: Quasi-Judicial (8)

- a. **Consideration of Approval of the April 20, 2023 Town Council Meeting Minutes**
- b. **Consideration of Approval of the April 26, 2023 Special Town Council Meeting Minutes**
- c. **Consideration of Approval of the May 8, 2023 Special Town Council Meeting Minutes**
- d. **Consideration of Approval of an Intergovernmental Agreement (IGA) Between the Board of County Commissioners of San Miguel County and the Town of Mountain Village Concerning Noxious Weed Management and Control Services Contract**

Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the Consent Agenda as presented but with an additional statement to item 8 of the April 20, 2023 Town Council meeting minutes regarding Telluride Ski & Golf Co-Owner Chad Horning supporting paid parking but that he is also looking for some buyout of the current agreement.

Council moved to agenda item 11.

Liquor Licensing Authority: (9)

- a. **Consideration of Re-Certification of the Mountain Village Promotional Association and Common Consumption Area**

Continued from the March 16, 2023 Town Council Meeting

Susan Johnston and TMVOA President & CEO Anton Benitez presented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted unanimously to approve the re-certification of the Mountain Village Promotional Association and Common Consumption Area with the condition that the applicant shall provide an updated insurance certificate to the Clerk's office by June 1, 2023 to show coverage for the remainder of the 2023 calendar year.

Council moved to agenda item 18.

Consideration of Four Design Review Board Seats: (10)

- a. **Three Regular Seats**
- b. **One Alternate Seat**

Dan Caton recused himself. Amy Ward presented. Council discussion ensued. Applicant David Eckman made a comment. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted unanimously to reappoint Greer Garner, Liz Caton, and Ellen Kramer to four-year terms and to appoint David Eckman to a four-year term in the alternate Design Review Board seat.

Council moved to agenda item agenda item 13.

Finance: (11)

Finance Director Lizbeth Lemley presented.

- a. **Presentation of the April 30, 2023 Business & Government Activity Report (BaGAR)**
- b. **Consideration of Approval of the April 30, 2023 Financials**

Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the April 30, 2023 Financials as presented.

- c. **Consideration and Ratification of the 2024 Budget Process**

Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to ratify the 2024 budget process as presented.

Council moved to agenda item 4.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance of the Town Council Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Mountain Village, Colorado, for the Calendar Year Beginning on the First Day of January 2023, and Ending on the Last Day of December 2023 Legislative (12)

Lizbeth Lemley presented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted 7-0 to approve on first reading an Ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the fiscal year 2023 and set the second reading, public hearing and final Council vote for the June 15, 2023 Regular Town Council meeting subject to the change to the capital outlay amount for the Affordable Housing Fund to \$13,916,000.

Council moved to agenda item 23.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Application for Lot 648AR Unit 2-3D at 313 Adams Ranch Road, Pursuant to CDC Section 17.4.9 Quasi-Judicial (13)

Patrick Berry recused himself. Amy Ward presented. Applicant Deb Willits made a comment. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted 6-0 to continue an Ordinance regarding a Density Transfer and Rezone Application to rezone Lot 648AR Unit 2-3D from employee condominium to condominium pursuant to CDC Section 17.4.9 & 17.4.10 of the Community Development Code to the June 15, 2023 Regular Town Council meeting.

Consideration of a Resolution Regarding a Major Subdivision to Replat Open Space Tracts OS-3BR2 and OS-3XRR into Four (4) Separate Open Space Tracts Quasi-Judicial (14)

Amy Ward presented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted unanimously to approve a Resolution approving a Major Subdivision Application to replat open space tracts OS-3BR2 and OS-3XRR into Tract OS-3BR-2R-1, Tract OS-3BR-2R-2, Tract OS-3XRR-1, and Tract OS-3XRR2 consistent with the CDC Section 17.4.13.

Consideration of Additional Funding for the Cedar Shake Roof Replacement Waiver Fire Mitigation Program Legislative (15)

Amy Ward presented. Council discussion ensued. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted unanimously to direct staff to continue implementing the Cedar Shake Incentive Program and to authorize an unlimited number of fee waivers and capping each waiver at \$25,000 per property/development for the remainder of the year.

Council moved to agenda item 22d.

Second Reading, Public Hearing and Council Vote on an Ordinance Amending the Municipal Code Section 2.10.040 Relating to Town Council PERA Compensation (16)

Human Resources Director Jaime Holmes presented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Marti Prohaska, Council voted 7-0 to approve an Ordinance amending section 2.10.040 of the Mountain Village Municipal Code concerning Public Employees Retirement Association Benefits as presented.

Council moved to agenda item 22c.

Consideration of a Resolution Letter of Support for a Trail Connecting the Town of Mountain Village to the Valley Floor (18)

Transit & Recreation Director Jim Loebe presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve a Letter of Support for the Connector Trail between Mountain Village and the valley floor as presented.

Council moved to agenda Item 22a.

Discussion Regarding Adoption of the 2023 Official Zoning Map, Last Officially Adopted in 2013 (19)

GIS Administrator Lauren Tyler and Michelle Haynes presented. Council discussion ensued. Council consensus was in favor of a full communication plan with the community before bringing a Resolution before Council.

Work Plan for the Establishment of Town of Mountain Village Official Addressing Standards and 911 Emergency Response Re-Addressing Coordination (20)

Lauren Tyler, Michelle Haynes, and Chief Broady presented. Council discussion ensued. Council consensus was in favor of moving forward with the project.

Council moved to agenda item 22b.

Telluride Tourism Board Update (21)

Telluride Tourism Board Executive Director Kiera Skinner presented. Council discussion ensued.

Council moved to agenda item 12.

Staff Reports: (22)

a. Transit & Recreation

Jim Loebe presented. Council discussion ensued.

Council moved to agenda item 6.

b. Public Works

Public Works Director Finn Kjome presented. Council discussion ensued.

Council moved to agenda item 10.

c. Police Department

Chris Broady presented. Council discussion ensued.

Council moved to agenda item 19.

d. Planning & Development

Amy Ward presented. Council discussion ensued.

Council moved to agenda item 21.

Council Boards and Commissions Updates: (23)

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

Other Business (24)

Paul Wisor stated he was deeply grateful for the hard work of Jim Loebe, Conor Intemann, and Town staff whose swift actions averted a potentially disastrous outcome that could have impacted the gondola's summer and winter operations and that he was thankful for the hard work of those at TMVOA and TSG, as well as our third-party experts who collaborated so well together to ensure the gondola could open on time. He also expressed appreciation for the staff who were newly hired or in other positions within the Town. There was no other business.

There being no further business, on a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 5:36 p.m.

Respectfully prepared,

Kim Schooley
Deputy Town Clerk

Respectfully submitted,

Susan Johnston
Town Clerk



Telluride Regional Airport Authority

Town of Mountain Village Update

June 15, 2023

Airport Highlights

- ▲ Airline Update
 - Denver Air Connection (DAC)
 - 1 Daily Flight to DEN.
 - 1 Daily Flight to PHX
 - CFA continues to evaluate and enhance additional flights and airlines into TEX.
- ▲ Financial Update – All Revenue and Expenses operated within the Airport 2023 approved budget. TRAA is 100% self-sustaining.
- ▲ Airport Authority – Town of Mountain Village Appointees:
 - Gary Bash - Vice Chair
 - Tom Richards – Finance Committee
 - Jennifer Vogel
 - Banks Brown - Alternate

STATISTICS

JANUARY – MAY 2023	TRAA <u>2023</u>	TRAA <u>2022</u>	Percent <u>Change</u>
AIRCRAFT OPERATIONS			
General Aviation:	3,952	5,396	-26.76 %
Airline:	525	510	2.94 %
AVIATION FUEL SALES (Gallons)			
General Aviation:			
AvGas:	5,869	10,436	-43.76 %
Jet-A	300,609	439,249	-31.59 %
Airlines:	<u>8,198</u>	<u>12,238</u>	<u>-33.01 %</u>
Total Fuel:	314,676	461,923	-31.88 %
GA Passenger Enplanements:	6,835	9,345	-26.86 %
Airline Enplanements:	4,385	4,953	-11.47 %

*Denver Air Connection partner with United Airlines on a 30-seat Dornier 328JET



Business and Government Activity Report
For the month ending: May 31st

Activity	2023			2022			YTD or MTD Variance		
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
Cable/Internet									
Fiber Video	604	(3)		648	11		(44)	-6.8%	
TV Bulk Subscribers	567	0		567	0		0	0.0%	
Fiber Commercial *	34	0		20	0		14	70.0%	
TV Inactive Subscribers	6	0		7	0		(1)	-14.3%	
Cable Modem Residential Cable Modem Subscribers	523	18		639	(20)		(116)	-18.2%	
Cable Modem Business Net Service Subscribers	21	0		28	0		(7)	-25.0%	
Cable Modem Hospitality Subscribers	210	0		245	1		(35)	-14.3%	
Dark Fiber Transport	4	0		8	0		(4)	-50.0%	
Fiber Hospitality Subscribers	8	0		8	0		0	0.0%	
Fiber Residential Subscribers	764	17		557	11		207	37.2%	
Phone Subscribers	33	(4)		45	(2)		(12)	-26.67%	
Village Court Apartments									
Occupancy Rate	%	99.55%	0.00%	99.36%	99.55%	0.00%	98.86%	0.50%	0.5%
# Vacated Units		2	(1)	12	2	1	12	0	0.0%
# Work Orders Completed		14	4	79	21	4	96	(17)	-17.7%
# on Waiting List		103	(54)		200	(11)		(97)	-48.5%
Public Works									
Sewage information is sometimes unavailable at time of publishing.									
Service Calls		859	367	2,652	1,003	236	3,453	(801)	-23.2%
Truck Rolls		655	547	1,029	639	336	1,253	(224)	-17.9%
Snow Fall	Inches	0	(26)	155	0	(25)	117	38	32.5%
Snow Removal - Streets & Prkg Lots	Hours	18	(279)	2,619	0	(48)	2,352	267	11.4%
Roadway Maintenance	Hours	431	253	519	197	38	583	(64)	-11.0%
Water Billed Consumption	Gal.	4,701,000	(567,000)	83,320,000	6,172,000	(924,000)	83,817,000	(497,000)	-0.6%
Sewage Treatment	Gal.	12,489,000	3,639,000	52,260,000	4,899,000	(140,000)	39,192,000	13,068,000	33.3%
Child Development Fund									
# Infants Actual Occupancy		7.11	2.86		3.76	(0.99)		3.35	89.1%
# Toddlers Actual Occupancy		8.78	1.65		10.18	(0.57)		(1.40)	-13.8%
# Preschoolers Actual Occupancy		14.56	(1.44)		15.65	0.40		(1.09)	-7.0%
Transportation and Parking									
GPG Parking Utilization (% of total # of spaces occupied)		20.0%	1.40%	56.0%	14.60%	-1.10%	53.7%	2.3%	4.3%
HPG Parking Utilization (% of total # of spaces occupied)		20.0%	-3.10%	60.4%	12.50%	-2.20%	54.9%	5.5%	10.0%
Parking Utilization (% of total # of spaces occupied)		23.7%	2.50%	53.2%	21.10%	0.50%	55.5%	-2.3%	-4.1%
Bus Routes	# of Passengers	1,755	1,755	2,636	1,388	1,388	1,772	864	48.8%
Paid Parking Revenues		\$14,002	\$5,522	\$196,068	\$1,772	(\$46,690)	\$209,638	(\$13,570)	-6.5%
Part Time EE's: Council (7), Judge (1), Project Manager (1), Child Care (6), IT Tech Help (1) MARRS (7), Police Reserves (5) Seasonal EE's: Gondola Ops and Plaza Services New Hires: 1 Childcare Program Assistant, 1 Planner I, 1 Building Inspector I, 1 Gondola Project Manager, 2 Seasonal Groundskeeper I, 16 Seasonal Gondola Ops I, Terms: 1 Childcare Program Assistant, 1 Horticulturist Reason for Terms: 1 retirement, 1 left area									
Human Resources									
FT Year Round Head Count		97	3		78	(3)		19	24.4%
Seasonal Head Count (FT & PT)		2	2		6	3		(4)	-66.7%
PT Year Round Head Count		28	1		15	2		13	86.7%
Gondola FT YR, Seasonal, PT YR Head Count		44	15		46	15		(2)	-4.3%
Total Employees		171	21		151	17		20	13.2%
Gondola Overtime Paid	Hours	396	177	1,644	532	361	703	941	133.9%
Other Employee Overtime Paid		66	9	338	82	30	460	(122)	-26.5%
# New Hires Total New Hires		22	20	35	22	21	33	2	6.1%
# Terminations		2	(19)	30	5	(13)	35	(5)	-14.3%
# Workmen Comp Claims		1	0	4	0	(1)	3	1	33.3%
Workmen Comp Claims Costs		\$0	\$0	\$3,617	\$0	\$0	\$7,887	(\$4,270)	-54.1%
Communications & Business Development									
Town Hosted Meetings		6	1	32	8	1	35	(3)	-8.6%
Email Correspondence Sent		16	8	56	24	13	96	(40)	-41.7%
E-mail List	#	8,360	0		8,091	(11)		269	3.3%
Ready-Op Subscribers		2,133	5		2,004	67		129	6.4%
News Articles		18	3	86	16	7	87	(1)	-1.1%
Press Releases Sent		6	4	17	4	3	13	4	30.8%
Gondola and RETA									
Gondola	# of Passengers	55,617	36,665	1,166,960	49,186	19,906	1,161,293	5,667	0.5%
Chondola	# of Passengers	0	(2,159)	103,749	0	(2,804)	92,867	10,882	11.7%
RETA fees collected by TMVOA		\$ 1,445,945	\$ (512,965)	\$ 5,579,792	\$ 968,016	\$ (75,879)	\$ 5,979,888	(\$400,096)	-6.7%



Business and Government Activity Report
For the month ending: May 31st

Activity	2023			2022			YTD or MTD Variance	
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %

Police									
Calls for Service	#	323	(20)	1,977	358	88	2,232	(255)	-11.4%
Investigations	#	10	3	78	13	8	66	12	18.2%
Alarms	#	8	(19)	70	16	1	83	(13)	-15.7%
Arrests	#	1	0	14	2	1	6	8	133.3%
Summons	#	1	1	10	1	0	11	(1)	-9.1%
Traffic Contacts	#	2	(7)	79	1	1	21	58	276.2%
Traffic Tickets Written	#	0	0	8	0	(1)	4	4	100.0%
Parking Tickets Written	#	325	249	2,341	127	(19)	1,771	570	32.2%
Administrative Dismissals	#	9	4	22	1	(7)	30	(8)	-26.7%

Building/Planning									
2022 Revenues included an \$82,500 fine.									
Community Development Revenues		\$138,665	(\$142,402)	\$502,091	\$167,414	\$5,028	\$738,019	(\$235,928)	-32.0%
# Permits Issued		33	(4)	156	21	(16)	128	28	21.9%
Valuation of Mtn Village Remodel/New/Additions Permits		\$4,430,415	(\$7,621,483)	\$23,925,091	\$6,090,174	(\$143,100)	\$20,907,556	\$3,017,535	14.4%
Valuation Mtn Village Electric/Plumbing/Other Permits		\$123,246	(\$198,979)	\$1,681,880	\$359,300	(\$463,632)	\$2,396,114	(\$714,234)	-29.8%
Valuation Telluride Electric/Plumbing Permits		\$92,600	(\$229,579)	\$1,923,477	\$249,335	(\$70,935)	\$1,615,978	\$307,499	19.0%
# Inspections Completed		364	24	1,600	439	67	1,770	(170)	-9.6%
# Design Review/Zoning Agenda Items		10	6	62	28	17	110	(48)	-43.6%
# Staff Review Approvals		51	23	140	43	(15)	191	(51)	-26.7%

Plaza Services									
Refuse and recycle statistics come from an outside source and are not always available at the time of publishing									
Snow Removal Plaza	Hours	28	(107)	2,194	0	(20)	807	1,387	171.9%
Plaza Maintenance	Hours	384	(27)	2,795	341	32	2,502	294	11.7%
Lawn Care	Hours	383	172	594	67	44	90	505	563.7%
Plant Care	Hours	343	232	516	253	233	314	202	64.3%
Irrigation	Hours	75	58	99	49	49	49	50	101.0%
TMV Trash Collection	Hours	58	(23)	536	43	(23)	397	140	35.2%
Christmas Decorations	Hours	58	(171)	537	111	10	539	(3)	-0.5%
Residential Refuse	Pound	107,618	20,947	430,419	113,418	22,401	451,222	(20,803)	-4.6%
Residential Recycle	Pound	39,079	7,735	157,383	43,328	8,964	167,353	(9,970)	-6.0%
Diversion Rate	%	26.64%	0.08%	26.77%	27.64%	0.23%	27.05%	-0.28%	-1.0%

Vehicle Maintenance									
# Preventive Maintenance Performed		24	5	96	16	(2)	93	3	3.2%
# Repairs Completed		20	8	104	16	(2)	116	(12)	-10.3%
Special Projects		4	4	8	2	2	11	(3)	-27.3%
# Roadside Assists		0	0	2	0	0	5	(3)	-60.0%

Business License totals include zero fee licenses created for sales tax remittances only, but licensees that come through the state system have been eliminated.

Finance									
# Other Business Licenses Issued		22	(4)	1,093	48	(37)	1,228	(135)	-11.0%
# Privately Licensed Rentals		1	(1)	116	2	(1)	101	15	14.9%
# Property Management Licensed Rentals		3	(1)	503	2	(1)	426	77	18.1%
# Unique VRBO Property Advertisements Listings for MV		628	1	512	0		116	22.7%	
% of Paperless Billing Customers		64.39%	-1.40%		60.09%	1.78%		4.3%	7.2%
# of TMV AR Bills Processed		2,359	61	11,604	2,255	(31)	11,254	350	3.1%

Accounts Receivable									
		TMV Operating Receivables (includes Gondola funding)		Utilities - Broadband and Water/Sewer		VCA - Village Court Apartments			
Current		\$688,119	94.2%	\$456,533	90.3%	\$16,960	50.0%		
30+ Days		3,447	0.5%	22,559	4.5%	7,576	22.3%		
60+ Days		13,508	1.9%	7,384	1.5%	1,188	3.5%		
90+ Days		6,999	1.0%	17,324	3.4%	(56)	-0.2%		
over 120 days		18,074	2.5%	1,780	0.4%	8,251	24.3%		
Total		\$ 730,147	100.0%	\$ 505,580	100.0%	\$ 33,919	100.0%		
		Other Billings - CDF, Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR			
Current		\$578	9.0%	\$ 1,162,190	91.1%	(\$595,288)	88.5%		
30+ Days		4,752	73.8%	38,334	3.0%	(28,500)	4.2%		
60+ Days		16	0.2%	22,096	1.7%	1,648	-0.2%		
90+ Days		60	0.9%	24,327	1.9%	(10,826)	1.6%		
over 120 days		1,034	16.1%	29,139	2.3%	(39,704)	5.9%		
Total		\$6,440	100.0%	\$ 1,276,086	100.0%	\$ (672,670)	100.0%		

Other Statistics

Population (estimated)	1,434
(Active) Registered Voters	1,049
Assessed Property Valuation	326,606,828



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

TO: Mountain Village Town Council
FROM: Paul Wisor, Town Manager, Lizbeth Lemley, Finance Director
DATE: June 7, 2023
RE: Supplemental Appropriations to the 2023 Budget

Summary: Attached for your review is an ordinance titled “An Ordinance of the Town Council of the Town of Mountain Village, Colorado Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Fiscal Year 2023” The ordinance revises the original amounts budgeted and appropriated in the 2023 budget adopted by Town Council on December 8, 2022.

Overview: This ordinance is being brought forward to address events that have occurred subsequent to the budget adoption. The proposed supplemental appropriations are detailed below.

Affordable Housing Development Fund

- The Town Contribution to the Meadowlark project budgeted in 2022 was not expended until 2023. The unspent amount will be reappropriated in the 2023 budget.
- Costs related to the development of the Meadowlark project have increased requiring an increased Town Contribution to continue with the project.
- These amounts will be offset by an increased transfer from the General Fund.

	Revenues	Expenditures	
Meadowlark Contributions	-	1,047,330	*Budgeted but not expended in 2022
Meadowlark Contributions	-	700,000	
Meadowlark Access Improvements	-	291,000	
Transfer from General Fund	1,972,777	-	
Available Fund Balance	65,553	-	
	<u>2,038,330</u>	<u>2,038,330</u>	

Water and Sewer Fund

- Subsequent to budget approval, Council directed staff to engage a consultant to perform a Water and Sewer Rate Study.
- The Town has engaged a consultant and legal counsel to assist with the joint Wastewater Treatment plant project at the direction of Council.
- These additional expenditures will be covered by the available fund balance.

	<u>Revenues</u>	<u>Expenditures</u>
Water and Sewer Rate Study	-	50,000
Legal Fees	-	85,000
Sewer Consulting	-	100,000
Available Fund Balance	<u>235,000</u>	-
	235,000	235,000

Capital Projects Fund

- The budgeted safety improvements to San Joaquin were originally budgeted at \$2.0 million and the actual cost of the project has come in at \$3.5 million. Council directed staff to move forward with the project in 2023.
- This additional cost will be covered by transfer from the General Fund.

	<u>Revenues</u>	<u>Expenditures</u>
Safety Improvements	-	1,456,565
Transfer from General Fund	<u>1,456,565</u>	-
	1,456,565	1,456,565

General Fund

- The Town has hired a Project Manager for the Gondola future development. The parties (SMRT, Town of Telluride, TMVOA) will enter into an Intergovernmental Agreement to share the costs of this position.
- An administrative staff member was hired to the Town Manager department.
- The Town's audit fees have increased due to the engagement of a new audit firm.
- The Planning consulting budget has been increased to cover ongoing consulting on large development projects and Town Hall sub area redevelopment plans.
- The IT hardware budget has been increased to phase in replacements of Windows 10 hardware that will no longer be supported after 2025.
- The budget for natural gas has been increased to reflect first quarter increases in natural gas expenditures related primarily to the shared plaza snowmelt systems.

	Revenues	Expenditures
IGA Revenue	65,179	-
Gondola Project Manager	-	86,905
Administrative Support Staff	-	47,684
Audit Fees	-	44,500
Planning Consulting	-	100,000
Hardware Replacement	-	11,000
Natural Gas	-	300,000
Transfer to Capital Projects Fund	-	1,456,565
Transfer to ADHF	-	1,972,777
Available Fund Balance	<u>3,954,252</u>	<u>-</u>
	4,019,431	4,019,431

Proposed Motion

I move that Town Council approve upon second reading the Ordinance Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Fiscal Year 2023.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE FISCAL YEAR 2023.

RECITALS:

- A. In accordance with Section 8.3 d.) 3.) of the Town Charter the Town Council may make supplemental appropriations to the adopted budget.
- B. Whatever increases may have been made in the 2023 budget expenditures, like increases were added to the revenues from existing fund balances so that the budget remains in balance, as required by law.
- C. The Town of Mountain Village, during the 2023 budget year, incurred certain extraordinary expenses not reasonably foreseeable at the time of the adoption of the 2023 budget.
- D. The Town of Mountain Village desires to supplement the 2023 budget and appropriate sufficient funds to meet the resulting deficit.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Council of the Town of Mountain Village, Colorado;

Section 1. That the 2023 supplemental appropriations shall be added to the following funds:

<u>General Fund</u>	
Revenues	16,201,645
Current Operating Expenses	14,260,574
Capital Outlay	1,295,000
Debt Service	<u>-</u>
Total Fund Expenditures	15,555,574
Other Sources (Uses)	(9,802,741)
Surplus / (Deficit)	(9,156,671)
<u>Affordable Housing Development Fund</u>	
Revenues	299,100
Current Operating Expenses	372,884
Capital Outlay	13,916,000
Debt Service	<u>500,000</u>
Total Fund Expenditures	14,788,884
Other Sources (Uses)	14,489,784
Surplus / (Deficit)	-

Water & Sewer Fund

Revenues	4,541,928
Current Operating Expenses	2,243,152
Capital Outlay	4,953,318
Debt Service	-
Total Fund Expenditures	7,196,470
Other Sources (Uses)	9,811
Surplus / (Deficit)	(2,644,731)

Capital Projects Fund

Revenues	925,954
Current Operating Expenses	-
Capital Outlay	3,501,565
Debt Service	-
Total Fund Expenditures	3,501,565
Other Sources (Uses)	2,575,611
Surplus / (Deficit)	-

Section 2. That the supplemental appropriation as submitted, amended, and herein above summarized by fund, hereby is approved and adopted providing additional appropriations to the Budget of the Town of Mountain Village for the year stated above.

Section 3. That the supplemental appropriation as submitted, amended, and herein above summarized by fund, hereby is approved and adopted providing additional appropriations to the Budget of the Town of Mountain Village for the year stated above.

INTRODUCED ON FIRST READING BEFORE THE TOWN COUNCIL ON MAY 18, 2023.

ADOPTED BY THE TOWN COUNCIL ON SECOND READING AFTER PUBLIC HEARING, this 15th day of June 2023.

This Ordinance shall be effective the ___ day of ___ 2023.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15th day of June 2023.

Approved As To Form:

David Mcconaughey, Town Attorney

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

1. The attached copy of Ordinance No. ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on May 18th 2023 by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tern				
Peter Duprey				
Harvey Mogenson				
Patrick Berry				
Jack Gilbride				
Marti Prohaska				

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 June 15th 2023 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 December 9, 2022. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tern				
Peter Duprey				
Harvey Mogenson				
Patrick Berry				
Jack Gilbride				
Marti Prohaska				

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 15th day of June 2023

Susan Johnston, Town Clerk



AGENDA ITEM #10
TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

TO: Mountain Village Town Council
FROM: Paul Wisor, Town Manager
DATE: June 9, 2023
RE: Emergency Ordinance Clarifying Terms of VCA Phase IV Financing

Executive Summary: The Town is financing the construction of VCA Phase IV through a loan with Bank of Oklahoma (“BOK”). Town Council previously adopted an ordinance authorizing the financing this spring. Unfortunately, BOK noted an error, and they have requested the Town readopt the Ordinance.

Background

On April 20, 2023, Council approved on first reading Ordinance 2023-05 (the “Prior Ordinance”) authorizing the Town to enter into a financing arrangement with BOK to fund the construction of VCA Phase IV. The Prior Ordinance authorized the Town and BOK to enter into a Site Lease whereby the Town leases the property on which VCA Phase IV is to be constructed to BOK in exchange for a lump sum payment, which the Town will use to construct Phase IV. The Prior Ordinance also authorized a Lease, pursuant to which BOK leases the property back to the Town, and the Town makes annual payments to BOK to repay the lump sum payments made under the Site Lease.

Under the Prior Ordinance, the Site Lease was to expire no later than 2043, or ten years after the Town is scheduled to pay off the debt incurred under the Site Lease and repaid through the Lease. However, BOK recently noted the term sheet provided to the Town was incorrect, and it intended to make the termination date of the Site Lease 2053 in order to provide BOK with security that it would have the ability to hold Phase IV long enough to recoup its money in the unlikely event the Town did not make its annual lease payments.

Proposed Ordinance

While the Prior Ordinance delegated authority to staff to make ministerial changes, the Prior Ordinance was clear the Site Lease would terminate in 2043. In order to effectuate the financing in a timely manner, and to not delay the Town’s efforts to address the housing crisis, the Emergency Ordinance is being provided to Council to clarify the Site Lease will terminate in 2053.

Financial Considerations

In the event the Town fails to appropriate under the Master Lease, BOK would have the ability to take over Phase IV and collect rents in order to make itself whole. The Emergency

Ordinance would extend the amount of time BOK would be able to collect such rents by ten years.

Proposed Motion

I move adopt the Emergency Ordinance providing a termination date of 2053 for the Site Lease between the Town and BOK.

Exhibit A

**TOWN OF MOUNTAIN VILLAGE
ORDINANCE NO. 2023-__**

AN ORDINANCE OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, AMENDING ORDINANCE NO. 2023-05 PREVIOUSLY APPROVED BY THE TOWN COUNCIL OF THE TOWN AUTHORIZING THE LEASING OF CERTAIN REAL PROPERTY IN CONNECTION WITH THE FINANCING OF ADDITIONAL MULTIFAMILY HOUSING IN VILLAGE COURT APARTMENTS TO EXTEND THE TERM OF THE SITE LEASE AND THE MASTER LEASE; RATIFYING AND AFFIRMING ORDINANCE 2023-05 AND OTHER ACTIONS PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Mountain Village, Colorado (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Mountain Village Home Rule Charter (the “Charter”); and

WHEREAS, pursuant to Section 8.5(g) of the Charter, the Town is authorized to enter into long-term annually renewable installment purchase, lease-purchase rental or other leasehold agreements in order to provide necessary land, buildings, equipment and other property for governmental or proprietary purposes; and

WHEREAS, on April 20, 2023, the Town Council of the Town (the “Council”) approved on first reading Ordinance 2023-05 (the “Prior Ordinance”) authorizing the Town to enter into a Master Lease with the Town of Mountain Village Housing Authority, a Site Lease with BOKF, NA d/b/a BOK Financial or one of its affiliates, or any other bank selected by the Town for purposes of financing the Project (the “Bank”), and a Lease with the Bank, all for the purpose of financing the acquisition, construction and equipping of approximately 35 additional units of multifamily housing in Village Court Apartments (the “Project”) (capitalized terms used in this ordinance and not otherwise defined herein shall have the meanings provided in the Prior Ordinance); and

WHEREAS, the second reading, public hearing and final Council vote to approve the Prior Ordinance took place on May 8, 2023; and

WHEREAS, at the request of BOKF, NA d/b/a BOK Financial, the Town has been asked to modify the Prior Ordinance to extend the maximum permitted term of the Site Lease (as well as the Master Lease, which shall be coterminous with the Site Lease) to end no later than December 31, 2053; and

WHEREAS, the forms of the Master Lease, Site Lease and Lease were approved, subject to permitted changes, by the Prior Ordinance, and revised forms of such documents have been submitted to the Town; and

WHEREAS, pursuant to Section 5.8 of the Charter, because of the existing housing crisis in the Town, the limited availability of low interest financing, the fact that the

Project must be completed within certain time constraints and the Project cannot be commenced until the financing for the Project is secured, the Council has determined that an emergency exists and that adoption of this ordinance is immediately necessary for the preservation of the public peace, health, safety, and welfare of the residents of the Town.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the Town, directed toward approval of the Master Lease, the Site Lease and the Lease by the Town, the financing of the Project, and consummation of the transactions contemplated by the Prior Ordinance and this ordinance, are hereby ratified, approved and confirmed.

Section 2. The Prior Ordinance is hereby amended to confirm the delegation to the Town Manager of the Town the authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i), Colorado Revised Statutes, in relation to the Lease, subject to the following parameter and restriction: the Site Lease (and the Master Lease) shall end no later than December 31, 2053.

Section 3. The Master Lease, the Site Lease and the Lease in substantially the forms approved or contemplated by the Prior Ordinance, as modified by the forms currently on file with the Town, with only such changes therein as are not inconsistent herewith, are in all respects authorized, approved and confirmed. Any and all other changes to documents approved or contemplated by the Prior Ordinance as may be deemed by the executing officers, in consultation with Bond Counsel, to be necessary or appropriate in connection with the financing of the Project, are hereby approved. The Mayor, the Town Clerk and other appropriate officers of the Town are hereby authorized and directed to execute and deliver the Master Lease, the Site Lease and the Lease, or such other financing documents as described in the Prior Ordinance, in substantially the forms and with substantially the same content as presented to the Town with only such changes therein as are not inconsistent herewith, for and on behalf of the Town.

Section 4. Except to the extent modified by this ordinance, all of the terms and provisions of the Prior Ordinance are hereby ratified and affirmed and are incorporated herein by this reference.

Section 5. The Mayor, the Authorized Officer and other appropriate officers of the Town are hereby authorized to execute and deliver all additional certificates, documents, instruments and other papers (including amendments or modifications of any such documents consistent with this ordinance), and to perform all other acts they may deem necessary or appropriate, in order to implement and carry out the matters authorized or contemplated by the Prior Ordinance and this ordinance.

Section 6. All bylaws, orders, resolutions or ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This

repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. The Council hereby declares that, because of the existing housing crisis in the Town, the limited availability of low interest financing, the fact that the Project must be completed within certain time constraints and the Project cannot be commenced until the financing for the Project is secured, an emergency exists. The Council hereby further declares that, due to such emergency, this ordinance is immediately necessary for the preservation of the public peace, health, safety, and welfare of the residents of the Town and is being adopted as an emergency ordinance pursuant to Section 5.8 of the Charter. For informational purposes, a public notice containing the full text of this ordinance shall be published within five (5) days after enactment.

Section 8. This ordinance shall become effective immediately upon passage.

THIS ORDINANCE WAS INTRODUCED, READ, APPROVED AND FINALLY ADOPTED THIS 15TH DAY OF JUNE, 2023.

Laila Benitez, Mayor

ATTEST:

Susan Johnston, Town Clerk

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) SS.
)
 TOWN OF MOUNTAIN VILLAGE)

I, the duly elected, qualified, and acting Town Clerk (the “Town Clerk”) of the Town of Mountain Village, Colorado (the “Town”), do hereby certify that:

(i) The foregoing pages are a true, correct and complete copy of an emergency ordinance (the “Ordinance”) that was introduced and approved in accordance with the Town Charter (the “Charter”) by the Town Council of the Town (the “Council”) at a regular meeting thereof held on June 15, 2023, which Ordinance has not been revoked, rescinded, amended or repealed and is in full force and effect on the date hereof.

(ii) The Ordinance was duly moved and seconded, and the Ordinance was approved at the meeting of June 15, 2023, by an affirmative vote of a majority of the membership of the members of the Council present at the meeting as follows:

<u>Councilmember</u>	Voting “Yes”	Voting “No”	Absent	Abstaining
Patrick Berry				
Peter Duprey				
Jack Gilbride				
Harvey Mogenson				
Marti Prohaska				

(iii) Pursuant to the Section 5.8 of the Charter, neither a second reading nor a public notice and hearing are required prior to the time the Ordinance goes into effect.

(iv) The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

(v) The Ordinance was authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk, and recorded in the minutes of the Council.

(vi) There are no bylaws, rules or regulations of the Council that might prohibit the adoption of the Ordinance.

(vii) Notice of the meeting of June 15, 2023, in the form attached hereto as Exhibit A, was posted in at least three public places within the Town and at the offices of the Town Clerk not less than 7 days prior to such meeting in accordance with the Charter.

WITNESS my hand and the seal of the Town affixed this ____ day of June, 2023.

[S E A L]

Town Clerk

EXHIBIT A

(Attach Notice of Meeting of June 15, 2023)



**Agenda Item No. 11
COMMUNITY DEVELOPMENT SERVICES
DEPARTMENT**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council

FROM: Amy Ward, Community Development Director

FOR: Town Council Meeting, June 15, 2023

DATE: June 7, 2023

RE: Consideration of a first reading of an Ordinance and setting of a public hearing regarding a Density Transfer and Rezone application for Lot 648AR, Prospect Plaza Building (Building 2) at 313 Adams Ranch Road per Community Development Code Sections 17.4.9 & 17.4.10 **continued from May 18, 2023**

PROJECT GEOGRAPHY

Legal Description: UNIT B1 BLDG 2 PROSPECT PLAZA CONDO LOCATED ON LOT 648AR TELLURIDE MOUNTAIN VILLAGE FIL 22 ACC TO THE 1ST SUPPLEMENT REC BK 1 PG 1973 AND AMEND DECS BK 555 P 922 ON 1 15 96 AND REC NOV 8 2002 REPLAT PLAT BK 1 PG 3073 AND FIRST AMEND CONDO MAP PLAT BK 1 PG 3075 AND THIRD AMEND DECS AT 352918 AND REC JAN 16 2003 RES AT 354414 AND 354415 AND CORRECTIVE AMEND TO SECOND SUPP DECS REC AUG 12 2003 AT 359329

Address: 313 Adams Ranch Road, Unit 2 – 3D

Applicant/ Owner: Debra Willits

Zoning: Multi-Family

Existing Use: Multi-Family, Employee Condominium

Proposed Use: Multi-Family, Condominium

Lot Size: 1.01 acres

Adjacent Land Uses:

- **North:** Multi-Family
- **South:** Multi-Family
- **East:** Passive Open Space
- **West:** Multi-Family



Figure 1: Vicinity Map

ATTACHMENTS

- Exhibit A: Application
- Exhibit B: Referral Comments

- Exhibit C: Ordinance

This is essentially the same Memo provided for the May 18, 2023 Town Council Hearing.

This item was continued from the May 18, 2023 regular Town Council meeting with Council directing staff to investigate the possibility of keeping this unit zoned as an employee condominium and placing a new deed restriction on it. Staff investigated this possibility and is not supportive of pursuing that path. Town Council will have had the opportunity to discuss the deed restriction options or purchase options specifically prior to the hearing in executive session as it relates to real property.

CASE SUMMARY:

Debra Willits, the owner of 313 Adams Ranch Road, Unit 2 – 3D, is proposing a Density Transfer and Rezone associated with their property. The condominium is currently zoned as an employee condominium and was originally designated as Deed Restricted. The condominium was purchased out of foreclosure in 2012, which resulted in the Deed Restriction designation being redacted from the property. The purpose of this rezone and density transfer is to bring the condominium into compliance with the requirements of the CDC by changing the zoning from employee condominium to condominium. The owner initiated this application at the request of staff, so that the zoning on the property represents this loss of deed restriction. The HOA has provided an approval letter in support of the zoning change from an employee condominium to condominium. The rezone results in a density transfer of one unit of employee condo to one unit of condo. The person equivalent for the condominium remains the same. The DRB and Town Council will need to determine that the application for density transfer and rezone is appropriate.

The following referrals were received for this application:

- Public Works has no issues with this application.
- Approval from TFPD.

CRITERIA, ANALYSIS, AND FINDINGS

The criteria for rezone that changes the zoning designation and/or density allocation assigned to a lot are listed below. The following criteria must be met for the review authority to approve a rezoning application:

17.4.9: Rezoning Process

(***)

3. Criteria for Decision: (***)
 - a. The proposed rezoning is in general conformance with the goals, policies, and provisions of the Comprehensive Plan;
Staff Finding: The applicant requests to rezone the condominium from a deed restricted employee condominium to a regular condominium. The foreclosure of this property and resulting purchase causes the deed restriction of this property to no longer apply to this property. The rezone will bring the property into compliance with local zoning and therefore conform to the goals of the Comprehensive Plan and meet the requirements of the CDC.
 - b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
Staff Finding: The proposed rezone and density transfer meet the requirements of the CDC. Because the deed restriction was removed as a result of the foreclosure of the property in 2012, rezoning the property from “Multi-Family, Deed Restricted” to “Multifamily” will accurately depict the unencumbered zoning of the property.
 - c. The proposed rezoning meets the Comprehensive Plan project standards;

The Comprehensive Plan Project Standards are listed as follows:

1. Visual impacts shall be minimized and mitigated to the extent practical, while also providing the targeted density identified in each subarea plan development table. It is understood that visual impacts will occur with development.
2. Appropriate scale and mass that fits the site(s) under review shall be provided.
3. Environmental and geotechnical impacts shall be avoided, minimized and mitigated, to the extent practical, consistent with the Comprehensive Plan, while also providing the target density identified in each subarea plan development table.
4. Site-specific issues such as, but not limited to the location of trash facilities, grease trap cleanouts, restaurant vents and access points shall be addressed to the satisfaction of the Town.
5. The skier experience shall not be adversely affected, and any ski run width reductions or grade changes shall be within industry standards.

Staff Finding: The proposed rezone and density transfer does not include any additional development, and therefore impacts to visual/scenic, environmental, geotechnical and ski resources are not anticipated. It is assumed that the existing development was evaluated through the Community Development Code, which contains requirements related to visual impact, scale and massing, environmental and geotechnical impacts, waste, and ski experience.

- d. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
Staff Finding: This neighborhood is a multi-family zone and would continue to be maintained as the same use. The rezone will not result in any changes to public health, safety and welfare. The condominium has not functioned as a deed restricted unit since its foreclosure in 2012 and therefore the rezone would not result in loss of deed-restricted units. Impacts to the economy are therefore not anticipated from this rezone.
- e. The proposed rezoning is justified because there is an error in the current zoning, [and/or] there have been changes in conditions in the vicinity [and/] or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
Staff Finding: The proposed rezoning is the result of an error in current zoning. With the purchase of the condominium after a foreclosure, the deed restriction should have been removed. This rezone is to update the current zoning to remove this deed restriction and update the property to its current requirements.
- f. Adequate public facilities and services are available to serve the intended land uses;
Staff Finding: There are no proposed changes to the existing condominium and the public facilities and services that currently serve the existing development will not be impacted.

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
Staff Finding: The rezoning will not create vehicular or pedestrian circulation hazards or impact parking for the property.
- h. The proposed rezoning meets all applicable Town regulations and standards.
Staff Finding: The application meets all applicable regulations and standards.

17.4.10: Density Transfer Process

Table 1: Lot 648AR Zoning Designations and Density Table Existing and Proposed

	Existing Zoning Designations Built – Employee Condominium	Proposed Zoning Designations Built - Condominium	Person Equivalent s – no change	Total Person Equivalent s – no change
Lot 648AR	1	1	3	3

Staff Note: The proposal will result in the same number of persons equivalent for Lot 648AR, but the difference will be that the density equivalent changes from 1 unit of employee deed restricted condominium to 1 unit of condominium.

(***)

D. Criteria for Decision

(***)

2. Class 4 Applications. The following criteria shall be met for the Review Authority to approve a density transfer.

a. The criteria for decision for rezoning are met since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);

Staff Finding: The applicant has met the criteria for the decision for rezoning as provided above.

b. The density transfer meets the density transfer and density bank policies; and.

Staff Finding: The application meets all applicable density transfer and density bank policies. The applicant is requesting the change of the density equivalent from one unit of employee housing deed-restricted condominium to one unit of condominium.

c. The proposed density transfer meets all applicable Town regulations and standards.

Staff Finding: The application meets all applicable regulations and standards.

DESIGN REVIEW BOARD:

On May 4, 2023 the Design Review Board voted unanimously to recommend approval of the Density Transfer and Rezone.

RECOMMENDED MOTION:

Findings and Conditions are listed in the Ordinance and do not need to be a part of the proposed motion – listed here for reference

Findings:

1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
2. The density transfer meets the density transfer and density bank policies; and
3. The proposed density transfer meets all applicable Town regulations and standards.

Conditions: The approval of the Application is subject to the following terms and conditions:

1. The density transfer authorized hereby shall not be effective until the Effective Date of this Ordinance.
2. The owner of record of density in the Density Bank shall be responsible for all dues, fees, and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.
3. The owner of record shall be responsible for paying the tap fee for the Property at a free-market rate, instead of the half-rate that workforce housing units are offered.
4. Town staff shall update the Town's Official Zoning Map, Lot List, and Density List to reflect the changes made by this Ordinance as soon as practicable after the Effective Date.
5. All representations of the Owner, whether within Rezoning or Subdivision Applications submittal materials or at the DRB or Town Council public hearings, are conditions of this approval.
6. [Other conditions as recommended by the DRB and further refined by the Town Council.]

I move to approve the First Reading of an Ordinance the Rezone and Density Transfer application to rezone Lot 648AR, Unit 2-3D from employee condominium to condominium pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code and based on the evidence provided within the Staff Report of record dated June 7, 2023, and ask the town clerk to set a public hearing on July 20, 2023.

This motion is based on the evidence and testimony provided at a public hearing held on June 15, 2023, with notice of such hearing as required by the Community Development Code.



REZONING/DENSITY TRANSFER APPLICATION

Planning & Development Services
455 Mountain Village Blvd.
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

Revised 1.3.2020

TOWN OF MOUNTAIN VILLAGE FEE REQUIREMENTS ACKNOWLEDGEMENT

The Town of Mountain Village requires specific fees to be paid with a development application including legal and attorney fees associated with processing land development applications, inquiries and review. Please read and acknowledge the below fee requirement which are found at Community Development Code Section 17.4.4. General Provisions Applicable to All Development Application Classes, Section L. Fees.

L. Fees

1. Fee Schedule. The Town Council shall, from time to time, adopt a fee resolution setting forth all development application fees and associated permit fees. Fees for submittals not listed in the fee schedule resolution shall be determined by the Director of Community Development on a case-by-case basis determined by the similarity between the submittal and the development applications listed on the fee schedule together with the estimated number of hours of staff time the review of the submittal will require. No development application shall be processed, nor any development or building permits shall be issued until all outstanding fees or moneys owed by the applicant, lot owner, developer or related entity, as defined by the Municipal Code, to the Town, in any amount for any purpose, including but not limited to any fees, delinquent taxes, required Town licenses, permit fees, court fines, costs, judgments, surcharges, assessments, parking fines or attorney's fees are paid to the Town.

2. Town Attorney Fees. The applicant shall be responsible for all legal fees incurred by the Town in the processing and review of any development application or other submittal, including but not limited to any Town Attorney fees and expenses incurred by the Town in the legal review of a development application together with the legal review of any associated legal documents or issues. Legal expenses so incurred shall be paid for by the applicant prior to the issuance of any permits.

3. Property or Development Inquiries. The Town requires that Town Attorney legal fees and expenses be paid for all development or property inquiries where a legal review is deemed necessary by the Town. The developer or person making the inquiry, whichever the case may be, shall be informed of this obligation and execute a written agreement to pay such legal expenses prior to the Town Attorney conducting any legal review. A deposit may be required by the Director of Community Development prior to the commencement of the legal review.

4. Other Fees. The applicant shall be responsible for all other fees associated with the review of a development application or other submittal conducted by any outside professional consultant, engineer, agency or organization and which are deemed necessary by the Town for a proper review.

5. Recordation Fees. The Community Development Department will record all final plats, development agreements and other legal instruments. The applicant shall be responsible for the fees associated with the recording of all legal instruments.

I have read and acknowledge the fee requirements associated with my application.

John Willets

5/23/22

(signature required)

(date)



REZONING/DENSITY TRANSFER APPLICATION

Planning & Development Services
455 Mountain Village Blvd.
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

Revised 1.3.2020

REZONING/DENSITY TRANSFER APPLICATION		
APPLICANT INFORMATION		
Name: Debra Willits		E-mail Address: debski79@gmail.com
Mailing Address: 820 Sabeta Dr		Phone: (970) 318-9034
City: Ridgway	State: CO	Zip Code: 81432
Mountain Village Business License Number:		
PROPERTY INFORMATION		
Physical Address: 313 Adams Ranch Rd, Unit 2-3D		Acreage:
Zone District:	Zoning Designations:	Density Assigned to the Lot or Site:
Legal Description:		
Existing Land Uses:		
Proposed Land Uses:		
OWNER INFORMATION		
Property Owner: Debra Willits		E-mail Address: debski79@gmail.com
Mailing Address: 820 Sabeta Dr		Phone: (970) 318-9034
City: Ridgway	State: CO	Zip Code: 81432
DESCRIPTION OF REQUEST		
<p>This condo, which was zoned as Deed Restricted, was purchased out of foreclosure in 2012. The Deed Restriction designation should have gone away with purchase. This request is to bring the actual zoning into compliance.</p>		





Revised 1.3.2020

REZONING/DENSITY TRANSFER APPLICATION

Planning & Development Services
455 Mountain Village Blvd.
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

HOA APPROVAL LETTER

I, (*print name*) Sherri K Reeder, the HOA president of property located at 313 Adams Ranch Road 2-3D, provide this letter as

written approval of the plans dated 1st Supplement To Condo Map Dated 1/15/1996 which have been submitted to the Town of Mountain Village Planning & Development Services Department for the proposed improvements to be completed at the address noted above. I understand that the proposed improvements include (*indicate below*):

To bring zoning into conformance. Zoning to be change from employee condominium to condominium.

Sherri K Reeder
(Signature)

4/20/2022
(Date)

President, Prospect Plaza Owners Assn.
(Title)



DEVELOPMENT REFERRAL FORM

Planning & Development Services
Planning Division
455 Mountain Village Blvd. Ste. A
Mountain Village, CO 81435
(970) 728-1392

Referral Agency Comments

**Lot 648AR, 313 Adams
Ranch Rd, Unit 2-3D:**

No issues from Public Works.

Finn

Claire,
Approval from TFPD.
Kind regards,

ORDINANCE NO. 2023-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO CONDITIONALLY APPROVING DENSITY TRANSFER AND REZONING FOR
313 ADAMS RANCH ROAD, UNIT 2-3D**

WHEREAS, Debra Willits (the “Owner”) is the owner of certain real property located at Unit B1, Building 2 on Lot 648AR, commonly known as 313 Adams Ranch Road, Unit 2-3D, Mountain Village, Colorado (the “Property”); and

WHEREAS, the Owner has submitted an application to the Town of Mountain Village (the “Town”) to rezone the Property from Employee Condominium to Condominium after the deed restriction on the Property was lost in foreclosure and transfer the related density (the “Application”), which Application consists of the materials submitted and itemized on Exhibit A, attached hereto, plus all statements, representations, and additional documents of the Owner and its representatives made or submitted at the public hearings before the Design Review Board (“DRB”) and the Town of Mountain Village Town Council (“Town Council”); and

WHEREAS, the DRB held a public hearing on May 4, 2023, to consider the Application and testimony and comments from the Owner, Town Staff, and members of the public, and voted unanimously to issue a recommendation of approval to Town Council of the Application, subject to conditions; and

WHEREAS, the Town Council held a public meeting on May 18, 2023, to consider the Application, the DRB’s recommendations, and testimony and comments from the Owner, Town Staff, and members of the public, and voted to continue the application to the June 15, 2023 Town Council Meeting; and

WHEREAS, the Town Council held a public meeting on June 15, 2023, to consider the Application, the DRB’s recommendations, and testimony and comments from the Owner, Town Staff, and members of the public, and voted ___ to approve the Application, subject to conditions and a second reading of this Ordinance to be held at a public hearing on _____, 2023; and

WHEREAS, the Town Council held a public hearing on _____, 2023 to consider the second reading of this Ordinance and testimony and comments from the Owner, Town Staff, and members of the public, and voted ___ to approve the Application; and

WHEREAS, the public hearings and meetings to consider the Application were duly noticed and held in accordance with the Town’s Community Development Code (“CDC”); and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.9 of the CDC and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below:

1. The proposed rezoning is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
3. The proposed rezoning meets the Comprehensive Plan project standards;
4. The proposed rezoning is consistent with public health, safety, and welfare, as well as efficiency and economy in the use of land and its resources;

5. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
6. Adequate public facilities and services are available to serve the intended land uses;
7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash, or service delivery congestion; and
8. The proposed rezoning meets all applicable Town regulations and standards.

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.10 of the CDC and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below:

1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
2. The density transfer meets the density transfer and density bank policies; and
3. The proposed density transfer meets all applicable Town regulations and standards.

WHEREAS, the Town Council now desires to approve the Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Approvals. The Town Council hereby approves the Application, subject to the conditions set forth below. All exhibits to this Ordinance are available for inspection at the Town Clerk’s Office. The Town Council specifically approves the following density transfer:

Table 1. Lot 648AR Zoning Designations and Density – Existing and Proposed

	Existing Zoning Designations Built	Proposed Zoning Designations Built	Person Equivalent	Total Person Equivalent
Lot 648AR	1 Employee Condominium	1 Condominium	3	3

Section 3. Conditions. The approval of the Application is subject to the following terms and conditions:

- 3.1. The density transfer authorized hereby shall not be effective until the Effective Date of this Ordinance.
- 3.2. The owner of record of density in the Density Bank shall be responsible for all dues, fees, and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.

3.3. The owner of record shall be responsible for paying the tap fee for the Property at a free-market rate, instead of the half-rate that workforce housing units are offered.

3.4. Town staff shall update the Town’s Official Zoning Map, Lot List, and Density List to reflect the changes made by this Ordinance as soon as practicable after the Effective Date.

3.5. All representations of the Owner, whether within Rezoning or Subdivision Applications submittal materials or at the DRB or Town Council public hearings, are conditions of this approval.

3.6. [Other conditions as recommended by the DRB and further refined by the Town Council.]

Section 4. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective on _____, 2023 (“Effective Date”) and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 6. Public Hearing. A public hearing on this Ordinance was held on the ___ day of _____, 2023 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 7. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.8 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18th day of May, 2023.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
_____, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ___ day of _____, 2023.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
_____, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as to Form:

David McConaughy, Town Attorney

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

1. The attached copy of Ordinance No. 2023-__ ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading 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 May 18, 2023, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2023 in accordance with Section 5.2(d) 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 _____, 2023. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ___ day of _____, 2023.

 Susan Johnston, Town Clerk
 (SEAL)

Exhibit A

[LIST OF APPLICATION MATERIALS]