

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, JULY 20, 2023, 2:00 PM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
55 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED 2****

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Please note that times are approximate and subject to change.

	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	5			Public Comment on Non-Agenda Items
3.	2:05	5	Johnston		Administration of Oath of Office to Newly Elected Council Members
4.	2:10	10	Wisor	Action	Election of Mayor and Mayor Pro Tem
5.	2:20	45	McConaughy	Informational	Legal Presentation to New Council Members
6.	3:05	5	Johnston	Action	<p>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:</p> <ol style="list-style-type: none"> a. Consideration of Approval of the June 12, 2023 Special Town Council Meeting Minutes b. Consideration of Approval of the June 15, 2023 Regular Town Council Meeting Minutes c. Consideration of Approval of the July 13, 2023 Special Town Council Meeting Minutes
7.	3:10	30	Council Members	Action	<p>Consideration of Council Boards and Commissions Appointments:</p> <ol style="list-style-type: none"> 1. Ethics Commission (One Regular, One Alternate) 2. Telluride Tourism Board (One Regular) 3. Colorado Flights Alliance (One Regular) 4. Transportation & Parking (Two Regular) 5. Budget & Finance Committee (Three Regular) 6. Telluride Historical Museum (One Regular) 7. San Miguel Watershed Coalition (One Regular) 8. Gondola Committee (Two Regular, One Alternate) 9. Mountain Village Community Grant Committee (Two Regular) 10. Telluride Conference Center Work Group (Two Regular) 11. San Miguel Authority for Regional Transportation (SMART) (Two Regular) 12. Alliance for Inclusion (One Regular) 13. Green Team Committee (Two Regular) 14. Mountain Village Business Development Advisory Committee (BDAC) (Two Regular) 15. Wastewater Committee (Two Regular) 16. Public Arts Commission (One Regular) 17. Mountain Village Condo Association (One Regular) 18. Colorado Communities for Climate Action (One Regular)

					19. Housing Committee (Two Regular)
8.	3:40	10	Johnston	Action	Consideration of a Resolution Appointing One Regular Seat and One Alternate Seat on Telluride Regional Airport Authority (TRAA)
9.	3:50	5	Wisor Diaz	Informational	Introduction of Shirley Diaz, Housing Specialist with the Division of Housing
10.	3:55	5	Lemley	Informational	Finance: a. Presentation of the June 30, 2023 Business & Government Activity Report (BAGAR) b. Consideration of the June 30, 2023 Financials
11.	4:00	15	Ward	Action Quasi-Judicial	Consideration of a Resolution Approving a Minor Subdivision, Lot Line Adjustment of Lots 388 and 387R1 Pursuant to CDC 17.4.13
12.	4:15	5	Ward	Action Quasi-Judicial	Second Reading, Public Hearing and Council Vote on an Ordinance Approving a Density Transfer and Rezone at Lot 648AR, Unit2-3D, 313 Adams Ranch Rd., Pursuant to CDC 17.4.9
13.	4:20	5	Wisor	Action Legislative	Second Reading, 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
14.	4:25	60	Wisor	Work Session	Discussion Regarding the Meadowlark Project and Subsidizing Options
15.	5:25	5			Other Business
16.	5:30	15			Dinner
17.	5:45	105	McConaughy	Legal	Executive Session for the Purpose of: a. 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 the Telluride Conference Center Pursuant to C.R.S. 24-6-402(4)(b) and (e) b. Conference with the Chief of Police Regarding Specialized Details of Security Arrangements or Investigations, Including Defenses Against Terrorism, Both Domestic and Foreign, and Including Where Disclosure of the Matters Discussed Might Reveal Information That Could Be Used for the Purpose of Committing, or Avoiding Prosecution for, a Violation of the Law Pursuant to Section 24-6-402(4)(d), C.R.S. c. 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 the Future Ownership, Operations, and Maintenance of the Gondola System Pursuant to C.R.S. 24-6-402(4)(b) and (e) d. 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
	2				

					the Proposed Wastewater Treatment Plant Pursuant to C.R.S. 24-6- 402(4)(b) and (e)
18.	7:30				Adjourn

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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

From: [Joan May](#)
To: [council](#)
Cc: tbgmagid@gmail.com; sdpearson@gmail.com
Subject: MV Mayor and Mayor Pro Tem
Date: Friday, July 14, 2023 8:50:06 AM

Good day, MV leaders,

I'm writing to support Marti Prohaska as mayor. Marti is the clear choice for Mountain Village's next mayor. She knows this community and its residents and businesses probably better than anyone on Council and in Town Hall. Her long history here as a business owner, parent and community member tells that story. Her participation on the Comp Plan in 2010 gave her additional extensive insights into past priorities which have become our town's recent history. Her representation on council over the last four years has deepened that knowledge and commitment.

I also ask that you choose Scott Pearson as the Mayor Pro Tem. His campaign demonstrated that he is completely committed to working hard for Mountain Village and listening to and weighing a variety of viewpoints from all constituents to use with existing laws and rules to make the best decisions. I am confident that he will be extremely well informed on all issues facing our community at this critical juncture.

Having the teamwork of Marti's history and long commitment to our community, and Scott's ability to fully dive into issues and proposals will be a good team as we move forward.

Thank you all for your dedication and hard work,

Joan

*Joan May
MountainVillage, CO
970-729-1359
joan@joanmay.org*

To: Honorable Mountain Village Town Council
From: Heather Knox, resident 327 Adams Ranch Road, #402
Re: Mountain Village Trails, Safety during Lot 644 construction, planning for Lot 644 intersection

I want to encourage all Mountain Village Council Members to visit the area in the Meadows discussed below. It would be helpful for you to see firsthand the areas of concern to many residents and businesses; a council site walk would be beneficial.

Trails

The Mountain Village has found ourselves with major trail problems, which are used by many guests and commuters. We need to offer a positive guest experience, and promoting bicycle commuting lowers our carbon footprint. Please allocate funds and direct staff to provide and develop solutions for these trail issues as soon as possible.

Biking is the largest summer recreational industry in Mountain Village. The trails Jurassic, Meadows, Lawson Hill, Valley Floor, and the gondola back to Mountain Village is a loop that every bike shop recommends to guests and families renting bikes. It is shown on the Telluride Mountain Village Trail Map; the map is new this year and has been much needed. For the bicycle industry in Mountain Village a suitable and rideable re-route of the Jurassic trail avoiding lot 644, and a solution for the closure of the Meadows Trail need immediate attention.

Trails are the cheapest form of public transportation; the Meadows trail closure has hurt many commuters.

For the bottom of the Jurassic Trail please consider a single-track trail to the west to fully avoid lots 644 and 651. There has been staff discussion about a possible re-route through lot 651 to lessen the grade, but this is only a temporary solution, and not the level of quality expected in Mountain Village. At some point Lot 651 will be developed, and then once again we will have no trail, except for the bottom of Big Billies which is incredibly steep, with an unrideable uphill, and a dangerous downhill.

The lot 644 project has been in the works for 2 years. It was surprising that there was no thought or planning for a suitable re-route of the bottom of Jurassic until the day Shaw started construction. This is very disappointing since there were many public comments expressing concerns about losing the bottom of the Jurassic trail. Two years is easily enough time to develop and build a successful single track reroute.

Please construct a new trail off the Jurassic Trail that is an easy exit. It doesn't have to be an expensive "flow trail", but our guests expect a rideable single-track. As for the Meadows trail, cut in a track up to the road right before the Hensen property. There is already a renegade trail that people have been using but start it further back so it isn't as steep and widen it, so it is rideable. This will make the section on the road shorter (Lawson Overlook road). It will also be easier for our guests to find this route since it follows the current trail map.

Pedestrian safety out of Big Billies Trail/Signage

The 644 construction has brought lines of dump trucks picking up soil and other construction vehicles. Please place signage and cones marking pedestrian access and stating that pedestrians have right of way. It is hard to stop quickly on a bicycle coming off the steep Big Billies trail, and many pedestrians walk right into the road not sure where to go. We need to protect our pedestrians.

The Telluride Mountain Village Trail Map is no longer accurate for Mountain Village trails. Our guests do not know where to go. Keeping the section of the Meadows trail open to the closure at the Hensen property will help. Our guests can follow the trail map and reroute to the road from that point. Better signage would also benefit our guests.

Planning for the 644 Intersection

Meadowlark/644 will bring an additional ~130 people and cars through this future intersection. This intersection already has the Terraces Property thru-traffic, Big Billies delivery traffic, and Big Billies drop-off traffic. It is adjacent to the very busy intersection of traffic coming from Spring Creek, Fairway Four, and the Meadows Parking Lot turning on to Adams Ranch Road. Some have suggested a roundabout, which seems fitting to safely accommodate the number of cars using this intersection. A sidewalk around the roundabout is also necessary. For safety the safety of our residents planning for this intersection needs to start now; it cannot be an afterthought.

Thank you very much for your consideration of all my concerns expressed.

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE JUNE 12, 2023
SPECIAL TOWN COUNCIL MEETING**

DRAFT

Agenda Item 6a

The meeting of the Town Council was called to order by Mayor Laila Benitez at 5:30 p.m. on Monday, June 12, 2023. The meeting was held in-person with virtually access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

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

Also in attendance were:

Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Susan Johnston, Town Clerk
David McConaughy, Town Attorney (via Zoom)
Lizbeth Lemley, Finance Director (via Zoom)

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 Settlement Agreement Related to TMVOA Litigation 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, In Connection With Pending Development Application for Lot 109-R, Including, But Not Limited To, Proposed Citizens Initiative Pursuant to C.R.S. 24-6-402(4), (b)**
- c. **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 Sale of Meadowlark Units Pursuant to C.R.S. 24-6-402(4)(e)**

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, 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 Settlement Agreement Related to TMVOA Litigation 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, In Connection With Pending Development Application for Lot 109-R, Including, But Not Limited To, Proposed Citizens Initiative Pursuant to C.R.S. 24-6-402(4), (b)
- c. 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 Sale of Meadowlark Units Pursuant to C.R.S. 24-6-402(4)(e)

at 5:32 p.m.

Laila Benitez, Patrick Berry and Pete Duprey recused themselves for agenda item 2a.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Harvey Mogenson, Council voted unanimously to adjourn the meeting at 6:55p.m.

Respectfully prepared and submitted,

Susan Johnston
Town Clerk

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE JUNE 15, 2023
REGULAR TOWN COUNCIL MEETING
DRAFT**

Agenda Item 6b

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:00 p.m. on Thursday, June 15, 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
Marti Prohaska
Jack Gilbride
Pete Duprey
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
Lizbeth Lemley, Finance Director
Chris Broady, Police Chief
Amy Ward, Community Development Director
Kathrine Warren, Public Information Officer
Kate Burns, Controller
Maegan Eckard, Administrative Assistant
Molly Norton, Community Engagement Coordinator
Marleina Fallenius, Planning Technician/Housing Coordinator
Jaime Holmes, HR Director
Kathrine Warren, Public Information Officer
Connor Reilly, VCA Manager
Lauren Tyler, GIS Administrator
Terrie Dollard
James Mahoney
Stacy Ostromecki
Nicholas Mastroianni
Terry Elkins
Chris Chaffin
Sofia Bolio
Joan May
John Hirschfeld
Gretchen Koitz

Tim Barber
Kenny Maenpa
Katsia Lord
Cyndi Stovall
Chris McGranahan
Vijesh Patel
Thomas Ragonetti
Ann Barker
Cath Jett
Huascar Gomez
Jennifer Zandari
Madeline Gomez
Sarah Van Horn
Stephanie Fanos
Valerie Child
Henry Hintermeister
Cameron Kelly
Douglas Tooley
Sherri Reeder
Mark Goldberg
Robert Connor
Jean Nicktakis
Jackie Kadin
Niki Richards
Robin Lewis
Terrie Dollard
Andrew Butler

Joe Stern
Nikoleta Angelova
Steven Paletz
Vijesh Patel
Anton Benitez
Emily Sadow
Marcin Ostromecki
Jenny Elkins
Alonzo Wickers
Alena McIntosh
Tami Huntsman
Joe Coleman
Adam Raiffe
Avani Patel
Laura Fehrenbacher
Ankur Patel
Jessica Goldberg
Matthew Shear
Mickey Salloway
Catherine Frank
Hugo Suarez

David Foster
Justin Criado
Wesley Massey
Naiomy Valerie Vasquez
Anna Trentadue
Chris Chaffin
Kristin Decker
Bill Kyriagis
Deb Willits
Jonathon Duerr
Chris Hawkins
Matt Hintermeister
Tucker Magid
Rosie Cusack
Chris Knight
Jolana Vanek
David Ballode
Narcis Tudor
Anneliese Riebel
Jim Mahoney
Dan Jansen

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)**
- 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 Negotiators and to Discuss the Purchase or Acquisition of Real Property (Lot 648-AR) Pursuant to CRS 24-6-402(4)(a), (b), and (c)**

On a **MOTION** by Harvey Mogenson 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)
- 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 negotiators and to discuss the purchase or acquisition of real property (Lot 648-AR) pursuant to CRS 24-6-402(4)(a), (b), and (c)

at 2:01 p.m.

Council returned to regular session at 2:26 p.m.

Council took a break from 2:26 to 2:34 p.m.

Public Comment on Non-Agenda Items (3)

Paul Wisor shared with Council that Amy Ward was presented with the Employee of the Year award. He also thanked Mayor Benitez and Mayor Pro Tem Dan Caton for their 8 years of service to the Town. The other Council members thanked Mayor Benitez and Dan Caton for their service as well.

Consideration of a Proclamation Declaring the June as Immigrant Heritage Month (4)

Tri-County Health Immigrant Affairs Advocate Laura Fehrenbacher presented. The Mayor read the proclamation. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve a Proclamation declaring the June 2023 as Immigrant Heritage Month.

Liquor Licensing Authority:

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 Quasi-Judicial (5)

Town Clerk Susan Johnston 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 Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve an application for a Special Even Liquor Permit for Telluride Art + Architecture for an event on July 13, 2023 from 5:00-9:30 p.m.

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 (6)

a. Consideration of Approval of the May 18, 2023 Town Council Meeting Minutes

Deputy Town Clerk Kim Schooley presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted unanimously to approve the Consent Agenda as presented.

Telluride Regional Airport Authority Update (TRAA) (7)

Telluride Regional Airport Manager Kenny Maenpa presented. Council discussion ensued.

Finance: (8)

Finance Director Lizbeth Lemley presented.

a. Presentation of the May 31, 2023 Business & Government Activity Report (BaGAR)

Second Reading, 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 (9)

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 Harvey Mogenson, Council voted 7-0 to approve on second reading an Ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the fiscal year 2023.

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 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 Legislative (10)

Town Manager Paul Wisor and Lizbeth Lemley presented. The Mayor opened the 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 Dan Caton, Council voted 7-0 to approve the Emergency Ordinance providing a termination date of 2053 for the Site Lease between the Town and BOK (Bank of Oklahoma).

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 *This item was Continued from the May 18, 2023 Town Council Meeting Quasi-Judicial (11)*

Patrick Berry recused himself. Community Development Director Amy Ward presented. Applicant Deb Willits commented. The Mayor opened the 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 Marti Prohaska, Council voted 6-0 to approve on first reading 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 and based on the evidence provided within the Staff Report of record dated June 7, 2023 and to set the second reading, public hearing and final Council vote for the July 20, 2023 Regular Town Council meeting.

Council moved to agenda item 20.

Council heard agenda items 12, 13, and 14 concurrently.

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 *This item was Continued from the March 16, 2023, Regular Town Council Meeting Quasi-Judicial (12)*

Dan Caton withdrew the motion to deny the application from the January 19, 2023 Town Council meeting and Jack Gilbride withdrew the second. Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicant representatives Avani Patel, Adam Raiffe, Bill Kyriagis, Vijesh Patel, Chris McGranahan, and Chris Knight presented. The Mayor opened the public hearing. Public comment was received from Kristen Decker, Joseph Coleman, Chris Hawkins, Wesley Massey, Jackie Kadin, Robert Connor, Anna Trentadue, Andrew Butler, Alan Kadin, Cameron Kelly, Jessica Goldberg, Rosie Cusack, Anneliese Riebel, Dan Jansen, Meehan Fee, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 (with Pete Duprey dissenting) to continue the item to the August 17, 2023 Regular Town Council meeting.

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 *This Item was Continued from the March 16, 2023 Regular Town Council Meeting Quasi-Judicial (13)*

Dan Caton withdrew the motion to deny the application from the January 19, 2023 Town Council meeting and Jack Gilbride withdrew the second. Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicant representatives Avani Patel, Adam Raiffe, Bill Kyriagis, Vijesh Patel, Chris McGranahan, and Chris Knight presented. The Mayor opened the public hearing. Public comment was received from Kristen Decker, Joseph Coleman, Chris Hawkins, Wesley Massey, Jackie Kadin, Robert

Connor, Anna Trentadue, Andrew Butler, Alan Kadin, Cameron Kelly, Jessica Goldberg, Rosie Cusack, Anneliese Riebel, Dan Jansen, Meehan Fee, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 (with Pete Duprey dissenting) to continue the item to the August 17, 2023 Regular Town Council meeting.

Consideration of Action for a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR2 This Item was Continued from the March 16, 2023 Regular Town Council Meeting Quasi-Judicial (14)

Dan Caton withdrew the motion to deny the application from the January 19, 2023 Town Council meeting and Jack Gilbride withdrew the second. Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicant representatives Avani Patel, Adam Raiffe, Bill Kyriagis, Vijesh Patel, Chris McGranahan, and Chris Knight presented. The Mayor opened a public hearing. Public comment was received from Kristen Decker, Joseph Coleman, Chris Hawkins, Wesley Massey, Jackie Kadin, Robert Connor, Anna Trentadue, Andrew Butler, Alan Kadin, Cameron Kelly, Jessica Goldberg, Rosie Cusack, Anneliese Riebel, Dan Jansen, Meehan Fee, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 (with Pete Duprey dissenting) to continue to the August 17, 2023 Regular Town Council meeting.

Council broke for dinner from 6:19 to 6:34 p.m.

Council heard agenda items 16 and 17 concurrently.

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 Quasi-Judicial (16)

Amy Ward presented. The Mayor opened the 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 Jack Gilbride, Council voted unanimously to approve a Resolution regarding a height variance of 12 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family home located at Lot 137, TBD Granite Ridge based on the evidence provided in the staff memo of record dated June 7, 2023 and the findings of the this meeting, and the following findings and conditions:

1. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
2. The variance can be granted without substantial detriment to the public health, safety and welfare;
3. The variance can be granted without substantial impairment of the intent of the CDC;
4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
5. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
7. The variance is not solely based on economic hardship alone; and
8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Conditions:

The approved height variance is valid only with the design presented for initial DRB review on June 1, 2023 and is valid only for the 18-month period of that design approval. One 6-month extension of the original design review approval is allowable.

The height variance is specific to the area described in the staff memo in figures 2, 4 and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.

Consideration of a Resolution Approving a Minor Subdivision to Vacate Portions of the General Easement on Lot 137 Pursuant to CDC 17.4.13 Quasi-Judicial (17)

Amy Ward presented. The Mayor opened the 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 Jack Gilbride, Council voted unanimously to approve a Resolution regarding a minor subdivision to vacate a portion of the general easement on Lot 137, TBD Granite Ridge, based on the evidence provided in the staff memo of record dated June 7, 2023, and the following findings and conditions:

Findings:

1. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
3. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC;
4. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and
5. The proposed subdivision meets all applicable Town regulations and standards.

Conditions:

1. A revised plat showing the vacation of the GE will be recorded with the County prior to the issuance of a building permit.
2. The minor subdivision approval is valid for an 18-month period.
3. The approval of the minor subdivision is premised on the site-specific design approval. If the design approval expires, the subdivision approval to vacate the GE will also expire.

Discussion Regarding Lot 30 and Lot 27A Phased Development and Potential Vested Property Rights Extensions (18)

Amy Ward, Chris Chaffin, and Jim Mahoney presented. Council discussion ensued. Council consensus was in favor of extending the vested property rights extensions for Lot 30 to 12 months and Lot 27A to 3 years.

Council moved to agenda item 22.

Consideration of a Development Agreement for Lot 644, Meadowlark at Mountain Village Between Triumph Development West and the Town of Mountain Village Housing Authority (19)

Paul Wisor and Triumph Development West representative Michael O'Connor presented. The Mayor opened the public hearing. Public comment was received from Cath Jett, Douglas Tooley, and Joan May. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted unanimously to approve as to form the Operating

Agreement between the Mountain Village Housing Authority and Triumph Development West of the development of the Meadowlark project, subject to future amendment to provide the final pricing.

Council moved to agenda item 24.

Resolution Approving an Asset Purchase Agreement for the Sale of the Town's Broadband and Cable System to Vero Networks *Legislative (20)*

Paul Wisor presented. The Mayor opened the public hearing. Public comment was received from Douglas Tooley and Huascar Gomez. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Pete Duprey, Council voted unanimously to approve the Network Asset and Purchase Agreement with Vero Broadband, LLC, with all documents approved to form and delegating to the Town Manager and Town Attorney the authority to make any administrative changes.

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 *Legislative (21)*

Paul Wisor presented. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Patrick Berry, Council voted 7-0 to approve a License Agreement with Vero Broadband, LLC for communications equipment space at 317 Adams Ranch Road Mountain Village, Colorado and to set the second reading, public hearing and final Council vote for the July 20, 2023 Regular Town Council meeting.

Council moved to agenda item 19.

Consideration of a Resolution Adopting a San Miguel County Pre-Hazard Mitigation Plan (22)

Police Chief Chris Broady presented. The Mayor opened the 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 approve a Resolution for adoption of the Pre-Hazard Mitigation Plan.

Council took a break from 3:31 to 3:39 p.m.

Council moved to agenda item 12.

Consideration of Adoption of a Resolution Increase Fees for Mountain Munchkins (23)

Lizbeth Lemley and Paul Wisor presented. The Mayor opened the public hearing. Public comment was received from Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the fee increase for Mountain Munchkins as set forth in the Resolution.

Council moved to agenda item 11.

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 (24)

Mayor Benitez, Patrick Berry and Pete Duprey recused themselves. Town Attorney David McConaughy and Paul Wisor presented. The Mayor Pro Tem opened the public hearing. Public comment was received from Douglas Tooley. The Mayor Pro Tem closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted 3-1 (with Dan Caton

dissenting) to approve the Settlement Agreement Between Telluride Mountain Village Owners Association, Friends of Telluride Mountain Village Owners Association and the Town of Mountain Village as presented.

At 8:15 p.m., on a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted unanimously to extend the meeting beyond six hours.

Council Boards and Commissions Updates: (25)

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 (26)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 8:27 p.m.

Respectfully prepared,

Kim Schooley
Deputy Town Clerk

Respectfully submitted,

Susan Johnston
Town Clerk

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE JULY 13, 2023
SPECIAL TOWN COUNCIL MEETING**

DRAFT

Agenda Item 6c

The meeting of the Town Council was called to order by Mayor Laila Benitez at 5:30 p.m. on Thursday, July 13, 2023. The meeting was held in-person with virtually access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

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

Also in attendance were:

Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Susan Johnston, Town Clerk
David McConaughy, Town Attorney (via Zoom)
Lizbeth Lemley, Finance Director
Kathrine Warren, Public Information Officer
Kate Burns, Controller
Marleina Fallenius, Housing Manager
Michael O'Connor
Mick Herschfield
Tiffany Perry-Marks
Anna Wilson
Heather Knox
Huascar Gomez

Matt Lewis
Valerie Child
Denise Greenwald

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 the Sale of Property Pursuant to C.R.S. 24-6- 402(4)(a), (b), and (e) regarding Lot 644, Meadowlark at Mountain Village**

On a **MOTION** by Patrick Berry and seconded by Harvey Mogenson, Council voted unanimously to move into Executive Session 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 the Sale of Property Pursuant to C.R.S. 24-6- 402(4)(a), (b), and (e) regarding Lot 644, Meadowlark at Mountain Village at 5:31 p.m.

Council returned to open session at 6:39

Town of Mountain Village Housing Authority: Consideration of a Resolution Establishing the Initial Sales Price for Lot 644, Meadowlark at Mountain Village, Consistent with Municipal Code Section 16.02.060 (3)

Council directed staff to continue to explore pricing options in order to attain the best pricing scenario possible for future buyers and to set up a meeting either Monday, July 17th or Tuesday, July 18th to discuss further.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to adjourn the meeting at 6:40 p.m.

Respectfully prepared and submitted,

Susan Johnston
Town Clerk

DRAFT

TOWN OF MOUNTAIN VILLAGE ~ BOARDS & COMMISSIONS

ETHICS COMMISSION: Term: Two years. Vacancies: Appointment by Town Council for full term staggered so that approximately 1/2 of the terms expire each year. Member requirements: Qualified elector.

Members	Position	Appointed	Term Exp.	E-mail
Heather Knox	Regular	August-21	Jul-23	hknox9500@gmail.com
Keith Brown	Regular	October-22	Oct-24	keithtelluride@gmail.com
Dan Caton	Regular Council	July-21	Jul-23	dcaton@mtnvillage.org
Peter Duprey	Alternate Council	July-21	Jul-23	pduprey@mtnvillage.org
Mike Weist	Alternate	December-22	Dec-23	mweist@tellurideproperties.com

BUDGET & FINANCE BOARD: Meet with auditors annually to review and revise the financial statements and make recommendations to Town Council for approval of audited financial statements. Available for periodic discussions of financial matters and oversight of EPS model. Two Council members, Finance Director and Town Manager. No term applies. Reappoint as necessary. DISSOLVED BY RESOLUTION # ON 12.3.2020! 2020-1203-22 Resolution

Members	Position	P. O. Box	Appointed	Term Exp.	E-mail
Peter Duprey	Town Council		July-21	Jul-23	pduprey@mtnvillage.org
Jack Gilbride	Town Council		July-21	Jul-23	jgilbride@mtnvillage.org
Harvey Mogenson	Town Council		January-22	Jul-23	hmogenson@mtnvillage.org
Staff-Lizbeth Lemley	Finance Director				llemley@mtnvillage.org
Paul Wisor	Town Manager				pwisor@mtnvillage.org

MOUNTAIN VILLAGE CONDOMINIUM ASSOCIATION

Members	Position	P. O. Box	Appointed	Term Exp.	E-mail
Peter Duprey	Member		N/A		pduprey@mtnvillage.org

COLORADO FLIGHTS ALLIANCE (CFA) FORMERLY TMRAO CHANGED May-13

Members	Position	P. O. Box	Appointed	Term Exp.	E-mail
Jack Gilbride	Vice Chair		July-21	Jul-23	jgilbride@mtnvillage.org

TELLURIDE HISTORICAL MUSEUM BOARD

Members	Position	P. O. Box	Appointed	Term Exp.	E-mail
Marti Prohaska	Town Council		July-21	Jul-23	mprohaska@mtnvillage.org

SAN MIGUEL WATERSHED COALITION: Attend twice-annual meetings with representatives of other towns in the watershed, County, USFS, BLM, The Nature Conservancy, CDOW, USGS and others to discuss ongoing environmental matters in the Watershed.

Members	Position	P. O. Box	Appointed	Term Exp.	E-mail
Marti Prohaska	Town Council		May-21	Jul-23	mprohaska@mtnvillage.org

TRANSPORTATION, PARKING & VEHICLE COMMITTEE: To assist the Transportation Department and Town Manager in setting strategic and operational policies related to the Gondola, DAR and Parking and advise and make recommendations to Town Council. Two Town Council members and two staff members. Review and approve proposed vehicle purchases for the town fleet annually considering efficiency and being green.

Members	Position	P. O. Box	Appointed	Term Exp.	E-mail
Peter Duprey	Council member		July-21	Jul-23	pduprey@mtnvillage.org
Harvey Mogenson	Council member		July-21	Jul-23	hmogenson@mtnvillage.org
Staff - Paul Wisor	Town Manager		August-09	N/A	kmontgomery@mtnvillage.org

Staff - Chris Broady	Police Chief		August-09	N/A	cbroady@mtnvillage.org
Staff - Finn Kjome	Public Works Director		August-09	N/A	fkjome@mtnvillage.org
Staff- Jim Loebe	Transportation/Parking Director		August-09	N/A	jloebe@mtnvillage.org
Telluride Mountain Village Owners Association Gondola Committee:					
Members	Position		Appointed	Term Exp.	Email Address
Patrick Berry	Town Council/Staff		July-21	Jul-23	pberry@mtnvillage.org
Dan Caton	Town Council/Staff		July-21	Jul-23	dcaton@mtnvillage.org
Marti Prohaska	Alternate		July-21	Jul-23	mprohaska@mtnvillage.org
Colorado Communities for Climate Action:					
Members	Position			Term Exp.	
Patrick Berry			July-21	Jul-23	pberry@mtnvillage.org
Mountain Village Community Grant Committee:	The Committee shall be active as long as the Grant Program shall exist. The term of each Committee member shall initially be one year for one member of each category and 2 years for the other member of each category. Thereafter, each Committee member appointed by Town Council shall be for 2 year terms.		2020-1203-20 Resolution Amending the Bylaws for all Committees (Grant, Green Team and Plaza Vending) Excluding Business Development Advisory Committee and Finance Committee		Chair must be a Council member.
Members	Position		Appointed	Term Exp.	Email Address
Jack Gilbride	Town Council		August-22	Jul-25	jgilbride@mtnvillage.org
Marti Prohaska	Town Council Chair		July-21	Jul-23	mprohaska@mtnvillage.org
Kathrine Warren	Town Staff		August-20		kwarren@mtnvillage.org
Susan Johnston	Town Staff		July-21		sjohnston@mtnvillage.org
Liz Caton	Mountain Village Resident		August-21	Jul-23	lizcaton@yahoo.com
Heather Knox	Mountain Village Resident		August-21	Aug-23	hknox9500@gmail.com
Telluride Conference Center Work Group:					
Members	Position		Appointed	Term Exp.	Email Address
Jack Gilbride	Town Council		July-21	Jul-23	jgilbride@mtnvillage.org
Pete Duprey	Town Council		July-21	Jul-23	pduprey@mtnvillage.org
JD Wise	Staff				jwise@mtnvillage.org

Paul Wisor	Staff				pwisor@mtnvillage.org
SMART San Miguel Authority for Regional Transportation Board of Directors:					
Members	Position		Appointed	Term Exp.	Email Address
Marti Prohaska	Town Council		July-21	Jul-23	mprohaska@mtnvillage.org
Patrick Berry	Town Council		July-21	Jul-23	pberry@mtnvillage.org
Harvey Mogenson	Alternate		July-21	Jul-23	hmogenson@mtnvillage.org
Alliance for Inclusion - formerly Multicultural Advisory Committee					
Members	Position		Appointed	Term Exp.	Email Address
Marti Prohaska	Mountain Village Representative		July-21	Jul-23	mprohaska@mtnvillage.org
The Green Team	<p>Term. Committee members shall serve for two years and three years as follows:</p> <p>One Council member, one at large member, one resident, and one at large alternate seat shall serve two-year terms. One Council member, one resident, the TSG representative and the TMVOA representatives shall serve three-year terms</p>		<p>12.3.2020 Town Council Meeting: 2020-1203-20 Resolution Amending the Bylaws for all Committees (Grant, Green Team and Plaza Vending) Excluding Business Development Advisory Committee and Finance Committee</p>		
Members	Position		Appointed	Term Exp.	Email Address
Marti Prohaska - Vice Chair	Town Council		July-19	Jul-23	mprohaska@mtnvillage.org
Patrick Berry - Chair	Town Council		July-19	Jul-23	pberry@mtnvillage.org
Jonathan Greenspan	Resident		September-20	Sep-23	jg@sunrisetelluride.com
Cath Jett	Resident		September-21	Sep-23	cjett@mtnvillage.org
Erin Kress	TSG		September-20	Sep-23	ekress@telski.com
Marla Meridith	TMVOA		September-20	Sep-23	marla@marlameridith.com
Jonette Bronson	At Large		September-21	Sep-23	bronson.jonette@gmail.com
Jodi Miller	Staff - support				jmiller@mtnvillage.org

Mountain Village Business Development Advisory Committee	BDAC shall advise and make recommendations to Town Council on matters related to economic development which include but are not limited to economic development incentives through state and town resources, current business climate, business attraction and retention, marketing opportunities, and other initiatives that may promote economic development.		<ul style="list-style-type: none"> • One Council member and one merchant shall serve one-year terms. • One Council member, TSG representative and the TMVOA representatives shall serve two-year terms. <p>All Town staff shall serve two-year terms.</p>	<p>12.3.2020 TC Meeting: 2020-1203-21 Resolution Amending the Bylaws for the Town of Mountain Village Business Development Advisory Committee (BDAC)</p>	<ul style="list-style-type: none"> • One Council member, and the TMVOA representatives shall serve three-year terms.
Members	Position		Appointed	Term Exp.	Email Address
Dan Caton	Town Council		July-21	Jul-23	dcaton@mtnvillage.org
Pete Duprey	Town Council		July-21	Jul-23	pduprey@mtnvillage.org
JD Wise	Staff		November-22		jwise@mtnvillage.org
Molly Norton	Planning & Development Staff		November-22		mnorton@mtnvillage.org
Bryan Thames	Mountain Village Merchant		December-22	Dec-23	willbthames@gmail.com
Ryan Dohnal	Mountain Village Merchant		December-22	Dec-23	ryand@alpinelodging.com
Sherri Reeder	TSG Representative		August-21	Aug-23	sreeder@tellurideskiresort.com
Anton Benitez	TMVOA		August-21	Aug-23	anton@tmvoa.org
Telluride Mountain Village Owners Association (TMVOA) Governance Auxiliary Committee					
Members	Position		Appointed	Term Exp.	Email Address
Pete Duprey	Town Council		February-21		pduprey@mtnvillage.org
Telluride Tourism Board	Town Council Appoints this person				
Patrick Berry	Town Council		July-22		pberry@mtnvillage.org
Wastewater Committee					
Members	Position		Appointed	Term Exp.	
Pete Duprey	Town Council		July-21	Jul-23	pduprey@mtnvillage.org
Harvey Mogenson	Town Council		July-21	Jul-23	hmogenson@mtnvillage.org

Public Art Commission

The Public Art Commission (PAC) is hereby established to review the placement of public art in plaza areas, right-of-way, or other public spaces

The Public Art Commission shall consist of five (5) regular members who shall be appointed by the Town Council. At least three (3) regular members shall be qualified electors of the Town and, at the time of his or her appointment, each shall have been a resident of the Town for at least six (6) months. Of the five (5) regular members, one (1) member

The PAC shall be appointed by the Town Council and shall hold office at its pleasure. Terms shall be staggered with the Town Council and Town Staff seat serving four (4) year terms and the remaining public seats serving an initial two (2) year term and subsequent four (4) year terms for any reappointments or new appointments. Any member may be removed with or without cause by a majority vote of the Town Council.

A. The members of the Public Art Commission shall elect from its regular membership a Chairperson, whose term of office in such capacity shall be for one (1) year with eligibility for reelection. The Public Art Commission shall adopt rules for its organization and for the transaction of business. Such business shall not conflict with the ordinances of the Town or applicable laws of the State.

B. All meetings shall be open to the public, and the Public Art keep a public record of its proceedings. Meetings shall be held as needed.

Members	Position	Appointed	Term Exp.	Email Address
Harvey Mogenson	Town Council	August-22	August-26	hmogenson@mtnvillage.org
JD Wise	Town Staff	August-22	August-26	mnorton@mtnvillage.org
Pete Mitchell	Artist or Arts Professional	August-22	August-24	petergmitchell45@gmail.com
Margaret Rinkevich	Artist or Arts Professional	August-22	August-24	MR@margaretrinkevich.com
Ann Barker	Public at Large	August-22	August-24	ahurleybarker@gmail.com

Town of Mountain Village

Date: July 20, 2023
To: Town Council
From: Susan Johnston, Town Clerk
RE: Telluride Regional Airport Authority Appointment

From the TRAA Bylaws:

The Telluride Regional Airport Authority Board is comprised of nine voting members, representing the county and municipalities which combined to create the Telluride Regional Airport Authority. Members of the Telluride Regional Airport Authority Board of Commissioners shall be appointed by resolution of the governing boards of each of the following: San Miguel County, Town of Telluride and Town of Mountain Village. Each of the governing boards of San Miguel County, Town of Telluride and Town of Mountain Village shall appoint three regular voting members to the Board of Commissioners of TRAA. In addition, each such governing board may, in its sole discretion, appoint an alternate member of the TRAA Board of Commissioners, who shall be entitled to vote at properly scheduled meeting of the Board of Commissioners of TRAA in the absence of a regular voting member from the town or county from which said alternate member was appointed.

All members of the TRAA Board of Commissioners shall be taxpaying electors, registered to vote, who reside in the town or county from which appointed for not less than thirty days, or who own taxable real or personal property situated within the boundaries of the town or county from which said member was appointed. A change of residence of a member of the Board to a place outside the municipality or county which he or she represents automatically creates a vacancy on the Board as to that municipality or county. The terms of all members of the TRAA Board of Commissioners shall be four years. At the expiration of the term of any commissioner, a new appointment shall be made by the appropriate governing board; any member may be appointed to succeed him or herself, except as otherwise stated herein.

These are the current representatives for Mountain Village:

Gary Bash (Regular)	Term Expires: August 2024
Jennifer Vogel (Regular)	Term Expires: August 2026
Tom Richards (Regular)	Term Expires: July 2023
Banks Brown (Alternate)	Term Expires: July 2023

Scheduled for appointment at the July 20th Council meeting are one regular seat and one alternate seat. Three letters of interest were received from Banks Brown, Bob Patterson, Neal Elinoff and Tom Richards. Letters are attached.

Suggested Motion:

Motion to approve a Resolution appointing _____ to the regular seat and _____ to the alternate seat on the TRAA Board for four-year terms ending July 2027.

From: [Banks D Brown](#)
To: [mvclerk](#)
Subject: TRAA Board
Date: Thursday, July 6, 2023 7:41:51 PM

Please accept this email as my written application to serve on the Telluride Regional Airport Authority board. I have served for the last years and believe I have served the Mountain Village well in developing successful plans for current and future airport operations. I believe I have the leadership qualities and personal rapport with fellow board members and airport manger to serve the best interests of our community.

I would very much like to be considered by Town Council to be reappointed to the airport board .

Thank you for your service and thoughtful decisions.

Best,

Banks Brown
LIV Sotheby's International Realty
137 W Colorado Ave.
Telluride, CO. 81435
970-729-1100
banks@rmi.net

My name is Bob Patterson and I have been a full-time resident of Mountain Village for almost 3 years. I have been a frequent visitor for more than 15 years. My wife and I decided to make Mountain Village our home for the foreseeable future and we are increasing our activities and contributions to our relatively new home.

My interest in applying to serve on the airport board is a part of that commitment to our community and also stems from my curiosity about how the airport could better serve the community, how it works in support of our health system and how it might grow to serve more members of our community.

I was flight-trained in my 30s but am not an active pilot. During my training, I learned about airport operations, flight safety, the challenges of high altitude takeoffs/landings, weather and more. My home overlooks the runway at KTEX and I am always watching its arrivals and departures. The proximity motivates me to get involved.

Ironically, despite an active travel schedule as a digital healthcare executive, I have only transited through KTEX on 3 occasions. Usually, I trek to MTJ to catch a flight because of price and availability of connection options.

It seems to me that *most* of the community drives past KTEX to MTJ when traveling with only a privileged few avoiding the 1-hour drive to MTJ.

I'd like to show how KTEX could be the departure and arrival option for more members of our community.

Secondly, as a stroke survivor, I know the importance of rapid access to medical services that are unavailable in Telluride. I want to make sure that our airport and health system work together to ensure that people of all ages, with all conditions and risks, can make Telluride and Mountain Village their home for as long as they please.

I'd like to show our community that the airport and the health system can ensure the safety, well-being and availability of all critical medical services for all members of our community.

Finally, the availability of aircraft timeshare has lowered the cost of charter jet service around the globe yet the technical challenges of flying to/from KTEX has limited its impact here.

I'd like to show how our community can be included in this new, more affordable transportation service so that many more of us can turn right 'up the hill to the airport' instead of slogging over to MTJ.

I promise to bring a new set of ideas and a passion for making KTEX a more meaningful public utility to more people in our community. With your support, I will work with the members of Mountain Village Town Council to make KTEX a more valuable public utility.

From: [neal elinoff](mailto:neal.elinoff)
To: mvclerk
Subject: TRAA board position
Date: Wednesday, July 12, 2023 9:44:47 AM

Jackie,

Throw in my name for the TRAA board member opening.

I've lived in Telluride full time since 1995 and reside at Crystal in Mountain Village.

I own vacation rentals at Blue Mesa, Palmyra, Lulu City & Cimarron as well as the Alpinist & Goat Fondue & Grille and the Elinoff Gallery. I earn 100% of my income in the local economy so I'm fully vested here.

I have a BBA in Business Administration from CU (1977) in Statistics and Genetics. I owned a chain of Ice Cream stores, Neal's Ice Cream (Houston) after graduate school (St. George's University School of Medicine) and a chain of Cookie stores (Neal's Cookies) with production facilities in Houston, Madrid, Buenos Aires, Tel Aviv & Tokyo. I invented a coffee roaster (1991) wrote a book on roasting coffee (Published Rair Industries, Northbrook, IL) and founded Brewsters Coffee (Chicago) I raised 4 children and all are professional, then helped my wife's family by adopting her 4 nieces and nephews and bringing them to Telluride from Honduras. They are all out of the house now, too.

I'm interested in getting involved in the TRAA because I'm also a pilot with an airplane at our airport. I was most recently on board of the Colorado Dept. of Revenue Liquor Advisory Group for listening and drafting new rules for grocery stores, restaurants and other retail locations.

I'm 68 years old and a 4rd generation Colorado native.

Neal Elinoff *president*
Elinoff & Co. Gallerists and Jewelers
204 West Colorado Ave.
PO Box 2846
Telluride, CO 81435
work: 970-728-5566; fax: 970-728-5950; cell: 970-708-0679



Virus-free www.avg.com

July 6, 2023

Tom Richards
562 Mountain Village Blvd, Unit 11
Mountain Village, CO 81435

To Town Council:

My name is Tom Richards, and I've served as the Town of Mountain Village representative on the board of the Telluride Regional Airport Authority for the last 4 years. This letter is to express my interest in serving on the board for another term.

We've experienced exciting changes at our regional airport, and it's been rewarding to be a part of the development and transition. I'm very proud of the leadership, both airport operations and the board of directors, and have enjoyed being part of that team.

I'm also serving on their financial subcommittee, and have enjoyed that endeavor as we work on moving the facility in a positive direction.

For those that don't know me, I've lived in the Telluride region for 23 years, and have been a home owner in Mountain Village for 7 years. I'm the CFO for the Telluride Ski Resort, which provides some synergy to the board.

I appreciate your consideration.

Kind Regards,

A handwritten signature in black ink that reads "Tom Richards". The signature is written in a cursive style with a large, sweeping initial "T".

Tom Richards

**RESOLUTION OF THE TOWN COUNCIL
TOWN OF MOUNTAIN VILLAGE, COLORADO
TO APPOINT ONE REGULAR SEAT AND ONE ALTERNATE SEAT TO THE TELLURIDE
REGIONAL AIRPORT AUTHORITY BOARD OF DIRECTORS FOR THE TOWN OF
MOUNTAIN VILLAGE**

Resolution No. 2023-0720-

RECITALS

The Town of Mountain Village (the “Town”) is required to appoint the following position to the Telluride Regional Airport Authority (“TRAA”) Board of Directors (the “Board”):

- A. One regular seat expiring July 2023;
- B. One alternate seat expiring July 2023

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Mountain Village, Colorado, hereby appoints the following to the Board of TRAA:

_____ to fill the Regular seat for a four-year term and _____ to fill the Alternate seat for a four-year term.

This Resolution adopted by the Town Council of the Town of Mountain Village, Colorado, at a public meeting held on the 20th day of July 2023.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, a home-rule municipality**

, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

By: _____
David McConaughy, Town Attorney



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

Agenda Item 10a

Activity	2023			2022			YTD or MTD Variance		
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
Cable/Internet									
Fiber Video	583	(21)		660	12		(77)	-11.7%	
TV Bulk Subscribers	567	0		567	0		0	0.0%	
Fiber Commercial *	34	0		20	0		14	70.0%	
TV Inactive Subscribers	1	(5)		7	0		(6)	-85.7%	
Cable Modem Residential Cable Modem Subscribers	500	(23)		639	0		(139)	-21.8%	
Cable Modem Business Net Service Subscribers	21	0		26	(2)		(5)	-19.2%	
Cable Modem Hospitality Subscribers	12	(198)		229	(16)		(217)	-94.8%	
Dark Fiber Transport	4	0		8	0		(4)	-50.0%	
Fiber Hospitality Subscribers	7	(1)		8	0		(1)	-12.5%	
Fiber Residential Subscribers	786	22		568	11		218	38.4%	
Phone Subscribers	33	0		45	0		(12)	-26.67%	
Village Court Apartments									
Occupancy Rate	%	100.00%	0.45%	99.47%	99.09%	-0.46%	99.02%	0.45%	0.5%
# Vacated Units		1	(1)	13	2	0	14	(1)	-7.1%
# Work Orders Completed		17	3	96	19	(2)	115	(19)	-16.5%
# on Waiting List		102	(1)		193	(7)		(91)	-47.2%
Public Works									
Sewage information is sometimes unavailable at time of publishing.									
Service Calls		1,417	558	4,069	1,320	317	4,773	(704)	-14.7%
Truck Rolls		500	(155)	1,029	738	99	1,991	(962)	-48.3%
Snow Fall	Inches	0	0	155	0	0	117	38	32.5%
Snow Removal - Streets & Prkg Lots	Hours	0	(18)	2,619	0	0	2,352	267	11.4%
Roadway Maintenance	Hours	395	(36)	914	220	23	803	111	13.8%
Water Billed Consumption	Gal.	11,347,000	6,646,000	94,667,000	21,916,000	15,744,000	105,733,000	(11,066,000)	-10.5%
Sewage Treatment	Gal.	9,444,000	(3,045,000)	61,704,000	na	NA	39,192,000	22,512,000	57.4%
Child Development Fund									
# Infants Actual Occupancy		7.00	(0.11)		6.17	2.41		0.83	13.5%
# Toddlers Actual Occupancy		8.75	(0.03)		10.83	0.65		(2.08)	-19.2%
# Preschoolers Actual Occupancy		17.06	2.50		16.94	1.29		0.12	0.7%
Transportation and Parking									
GPG Parking Utilization (% of total # of spaces occupied)		53.2%	33.20%	55.6%	47.80%	33.20%	52.4%	3.2%	6.1%
HGP Parking Utilization (% of total # of spaces occupied)		40.9%	20.90%	57.2%	37.40%	24.90%	51.7%	5.5%	10.6%
Parking Utilization (% of total # of spaces occupied)		48.6%	24.90%	52.5%	54.50%	33.40%	55.0%	-2.5%	-4.5%
Bus Routes	# of Passengers	11,805	10,050	14,441	11,200	9,812	12,972	1,469	11.3%
Paid Parking Revenues		\$102,318	\$88,316	\$298,386	\$70,175	\$68,403	\$279,813	\$18,573	6.6%
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, Parks & Rec and Plaza Services New Hires: 1 Vehicle Maintenance Mechanic, 1 Seasonal Parks Main Tech I, 1 Seasonal Plaza Mtn Specialist I, 2 Seasonal Gondola Cabin Techs, 5 Seasonal Gondola Ops I, Terms: 1 Childcare Program Assistant, 1 Gondola Operator II, 1 Vehicle Mtn Manager Reason for Terms: 1 involuntary, 1 retirement, 1 family reasons									
Human Resources									
FT Year Round Head Count		97	0		77	(1)		20	26.0%
Seasonal Head Count (FT & PT)		4	2		5	(1)		(1)	-20.0%
PT Year Round Head Count		28	0		18	3		10	55.6%
Gondola FT YR, Seasonal, PT YR Head Count		51	7		50	4		1	2.0%
Total Employees		180	9		157	6		23	14.6%
Gondola Overtime Paid	Hours	550	154	2,214	364	(168)	1,067	1,147	107.5%
Other Employee Overtime Paid		127	61	465	95	13	555	(90)	-16.2%
# New Hires Total New Hires		10	(12)	45	8	(14)	41	4	9.8%
# Terminations		3	1	33	2	(3)	37	(4)	-10.8%
# Workmen Comp Claims		2	1	6	0	0	5	1	20.0%
Workmen Comp Claims Costs		\$0	\$0	\$3,773	\$0	\$0	\$9,851	(\$6,078)	-61.7%
Communications & Business Development									
Town Hosted Meetings		4	(2)	36	6	(2)	41	(5)	-12.2%
Email Correspondence Sent		24	8	80	22	(2)	118	(38)	-32.2%
E-mail List	#	8,621	261		8,379	288		242	2.9%
Ready-Op Subscribers		2,165	32		2,005	1		160	8.0%
News Articles		22	4	108	20	4	107	1	0.9%
Press Releases Sent		7	1	24	5	1	18	6	33.3%
Gondola and RETA									
Gondola	# of Passengers	337,340	281,723	1,504,300	341,259	292,073	1,502,552	1,748	0.1%
Chondola	# of Passengers	0	0	103,749	0	0	92,867	10,882	11.7%
RETA fees collected by TMVOA		\$ 1,139,981	\$ (305,964)	\$ 6,719,773	\$ 1,202,187	\$ 234,171	\$ 7,182,075	(\$462,302)	-6.4%



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

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

Police									
Calls for Service	#	397	74	2,374	381	23	2,613	(239)	-9.1%
Investigations	#	15	5	93	14	1	80	13	16.3%
Alarms	#	12	4	82	16	0	99	(17)	-17.2%
Arrests	#	1	0	15	2	0	8	7	87.5%
Summons	#	2	1	12	4	3	15	(3)	-20.0%
Traffic Contacts	#	5	3	84	3	2	24	60	250.0%
Traffic Tickets Written	#	2	2	10	0	0	4	6	150.0%
Parking Tickets Written	#	411	86	2,752	223	96	1,994	758	38.0%
Administrative Dismissals	#	2	(7)	24	1	0	31	(7)	-22.6%

Building/Planning									
2022 Revenues included an \$82,500 fine.									
Community Development Revenues		\$248,217	\$109,552	\$750,308	\$96,570	(\$70,844)	\$834,589	(\$84,281)	-10.1%
# Permits Issued		51	18	207	42	21	170	37	21.8%
Valuation of Mtn Village Remodel/New/Additions Permits		\$3,198,891	(\$1,231,525)	\$27,123,982	\$7,429,906	\$1,339,732	\$28,337,462	(\$1,213,480)	-4.3%
Valuation Mtn Village Electric/Plumbing/Other Permits		\$4,484,888	\$4,361,642	\$6,166,769	\$418,977	\$59,677	\$2,815,091	\$3,351,678	119.1%
Valuation Telluride Electric/Plumbing Permits		\$669,600	\$577,000	\$2,593,077	\$609,820	\$360,485	\$2,225,798	\$367,279	16.5%
# Inspections Completed		540	176	2,140	448	9	2,218	(78)	-3.5%
# Design Review/Zoning Agenda Items		23	13	85	51	23	161	(76)	-47.2%
# Staff Review Approvals		44	(7)	184	27	(16)	218	(34)	-15.6%

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	0	(28)	2,194	0	0	807	1,387	171.9%
Plaza Maintenance	Hours	369	(15)	3,164	370	29	2,871	293	10.2%
Lawn Care	Hours	351	(32)	945	274	208	364	582	160.0%
Plant Care	Hours	609	266	1,125	503	250	817	308	37.7%
Irrigation	Hours	141	66	240	124	75	173	67	38.4%
TMV Trash Collection	Hours	155	97	691	122	79	519	173	33.3%
Christmas Decorations	Hours	3	(56)	539	2	(109)	541	(2)	-0.4%
Residential Refuse	Pound	114,323	6,705	544,742	120,227	6,809	571,449	(26,707)	-4.7%
Residential Recycle	Pound	33,115	(5,964)	190,498	45,923	2,595	213,276	(22,778)	-10.7%
Diversion Rate	%	22.46%	-4.18%	25.91%	27.64%	0.00%	27.18%	-1.27%	-4.7%

Vehicle Maintenance									
# Preventive Maintenance Performed		17	(7)	113	21	5	114	(1)	-0.9%
# Repairs Completed		28	8	132	22	6	138	(6)	-4.3%
Special Projects		3	(1)	11	5	3	16	(5)	-31.3%
# Roadside Assists		0	0	2	1	1	6	(4)	-66.7%

Finance									
Business License totals include zero fee licenses created for sales tax remittances only, but licensees that come through the state system have been eliminated.									
# Other Business Licenses Issued		21	(1)	1,114	44	(4)	1,272	(158)	-12.4%
# Privately Licensed Rentals		0	(1)	116	3	1	104	12	11.5%
# Property Management Licensed Rentals		0	(3)	503	1	(1)	427	76	17.8%
% of Paperless Billing Customers		62.69%	-1.70%		60.68%	0.59%		2.0%	3.3%
# of TMV AR Bills Processed		2,399	40	14,003	2,289	34	13,543	460	3.4%

Accounts Receivable									
	TMV Operating Receivables (includes Gondola funding)		Utilities - Broadband and Water/Sewer		VCA - Village Court Apartments		Other Statistics		
Current	\$1,220,876	96.7%	\$755,414	95.0%	\$12,196	50.0%	Population (estimated)	1,434	
30+ Days	14,800	1.2%	24,464	3.1%	3,492	14.3%	(Active) Registered Voters	1,049	
60+ Days	534	0.0%	6,672	0.8%	863	3.5%	Assessed Property Valuation	326,606,828	
90+ Days	5,671	0.4%	6,840	0.9%	342	1.4%			
over 120 days	20,194	1.6%	2,122	0.3%	7,499	30.7%			
Total	\$ 1,262,075	100.0%	\$ 795,512	100.0%	\$ 24,392	100.0%			
	Other Billings - CDF, Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR				
Current	\$24,254	65.0%	\$ 2,012,740	95.0%	\$850,550	100.9%			
30+ Days	8,476	22.7%	51,232	2.4%	12,898	1.5%			
60+ Days	3,722	10.0%	11,791	0.6%	(10,305)	-1.2%			
90+ Days	74	0.2%	12,927	0.6%	(11,400)	-1.4%			
over 120 days	781	2.1%	30,596	1.4%	1,457	0.2%			
Total	\$37,307	100.0%	\$ 2,119,286	100.0%	\$ 843,200	100.0%			



Memorandum

To: Town Council
From: Lizbeth Lemley, Julie Vergari
Date: July 13, 2023
Re: Town of Mountain Village Financial Statements through June 2023

Mountain Village Financials Statements through June 2023

General Fund Summary

The June financial statements as presented reflect the 2023 adopted budget prorated through June 2023. Also included are 2022, 2021 and 2020 actuals for comparison.

As of June 30, 2023, general fund revenues of \$10.7 million exceeded budget by \$804,400 or 8%. Revenues compared to 2022, 2021 and 2020 revenues were 1%, 20%, and 51% respectively. This increase is the result of interest income due to higher interest rates as well as sales tax coming in over budget. Sales taxes accrued and collected through June 2023 were 10% over budget and 1% over 2022.

General Fund operating expenditures through June totaled \$5.8 million and were \$818,600 under budget. The Town has seen a significant increase in the cost of natural gas over the first half of 2023. Additional discussion of GF variances are included on the General Fund Revenue and Expenditure Report in this packet.

Year to date, the General Fund Revenue and Expenditure report reflects a surplus of \$4.4 million and an estimated unreserved fund balance of \$16.3 million.

Transfers to other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Capital Projects Fund (From GF)	\$ 273,694	\$ 1,287,806	\$ 341,863	(945,943)
Child Development Fund	\$ -	\$ 112,631	\$ -	(112,631)
Conference Center Subsidy	\$ 184	\$ 110,697	\$ 91,963	(18,734)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 85,249	\$ 505,460	\$ 553,853	48,393
Vehicle & Equipment Acquisition Fund	\$ 75,583	\$ 228,020	\$ 239,008	10,988

Income transfers from other funds include:

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$ 6,178	\$ 706,904	\$ 696,623	(10,281)
*Tourism Fund	\$ 17,619	\$ 78,195	\$ 92,823	14,629
*This transfer is comprised of administrative fees, interest, and penalties collected.				
Debt Service Fund (Specific Ownership Taxes)	\$ 4,340	\$ 11,885	\$ 10,996	(889)

Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached

A building department vehicle, a police vehicle, a new plow for road and bridge, EV charging stations, and parks and recreation equipment have been purchased and the skid steer exchange has been paid.

Capital Projects Fund – No Fund Income Statement Attached

\$277,730 in safety improvements has been expended and \$91,600 has been aid for solar panels for the Shop.

Historical Museum Fund – No Fund Income Statement Attached

\$89,223 in property taxes were collected and \$87,438 has been tendered to the historical museum. The county treasurer retained \$1,785 in treasurer’s fees.

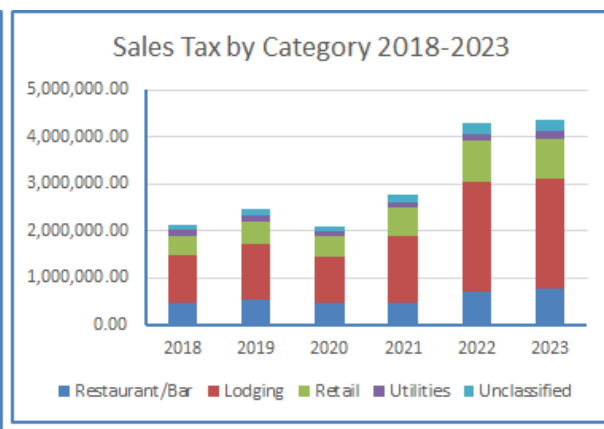
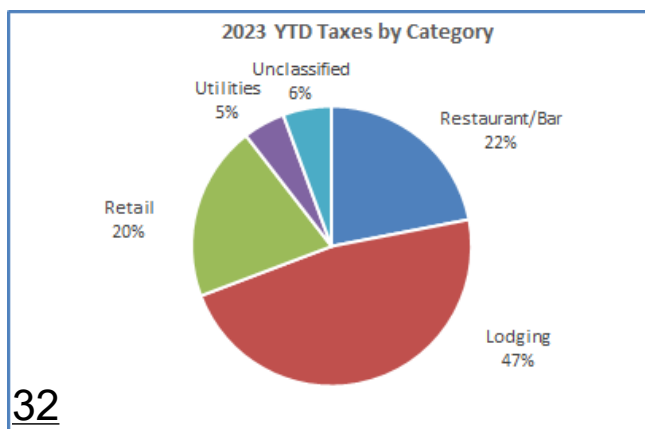
Mortgage Assistance Fund – No Fund Income Statement Attached

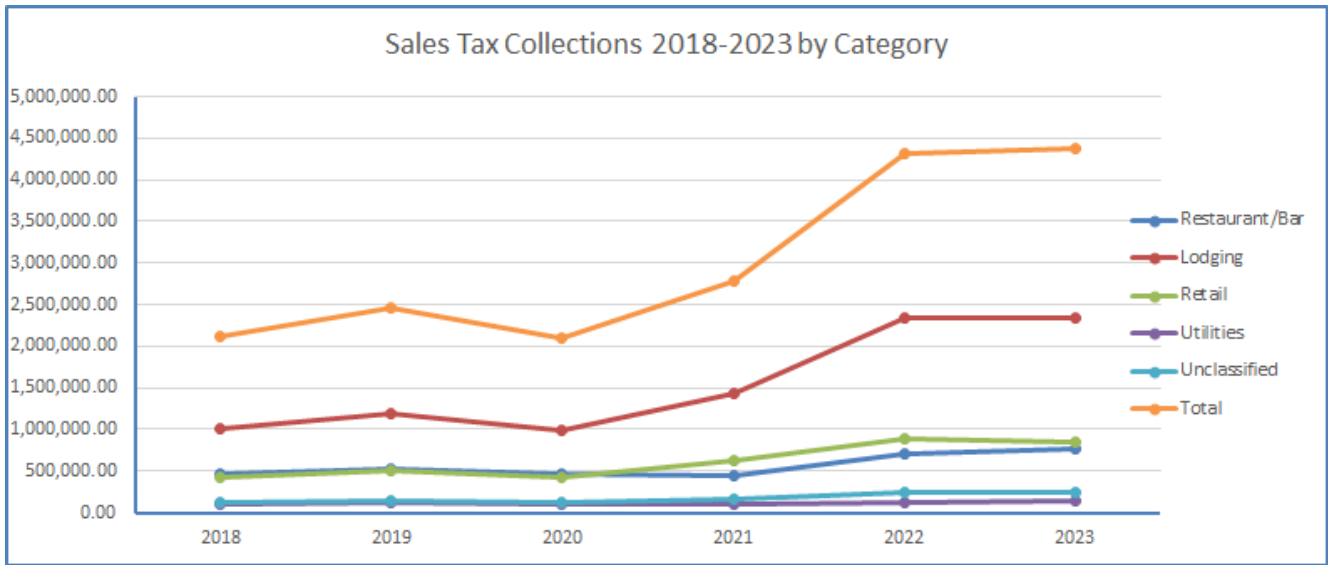
There has been little activity in this fund to date.

Sales Tax

The table below reflects actual sales tax collections through June 30, 2023, which represent May 2023 sales tax remittances. Sales taxes are collected one month in arrears. The year-to-date financial statements through June 2023 include accrued June sales tax amounts based on prior year amounts. These amounts are trued up when collected in July.

Tax Collection Summary								
4.5% Tax	May 2018	May 2019	May 2020	May 2021	May 2022	May 2023	2023-2022 % change	2023-2018 % change
Restaurant/Bar	\$ 10,885	\$ 9,729	\$ 1,150	\$ 13,940	\$ 13,323	\$ 12,790	-4.00%	17.50%
Lodging	20,406	27,422	856	59,688	69,897	38,107	-45.48%	86.75%
Retail	13,944	22,598	21,682	41,554	79,705	74,291	-6.79%	432.79%
Utilities	13,158	15,803	12,728	12,950	14,261	14,205	-0.39%	7.96%
Unclassified	9,963	14,979	6,615	11,818	12,484	25,297	102.64%	153.92%
Total	\$ 68,356	\$ 90,531	\$ 43,030	\$ 139,949	\$ 189,670	\$ 164,690	-13.17%	140.93%
4.5% Tax	YTD 2018	YTD 2019	YTD 2020	YTD 2021	YTD 2022	YTD 2023	2023-2022 % change	2023-2018 % change
Restaurant/Bar	\$ 467,060	\$ 517,448	\$ 455,140	\$ 449,934	\$ 714,750	\$ 776,850	8.69%	66.33%
Lodging	1,006,321	1,186,562	986,064	1,432,116	2,339,422	2,347,084	0.33%	133.23%
Retail	431,383	504,357	431,550	628,546	887,692	854,634	-3.72%	98.12%
Utilities	103,667	114,399	102,552	102,684	115,429	142,583	23.52%	37.54%
Unclassified	119,566	134,512	123,412	172,004	248,517	244,605	-1.57%	104.58%
Total	\$ 2,127,997	\$ 2,457,278	\$ 2,098,717	\$ 2,785,284	\$ 4,305,810	\$ 4,365,757	1.39%	105.16%





Tourism Fund

Business license fees of \$376,209 are over budget (14.8%). Penalties of \$7,086 were collected and transferred to the General Fund.

2023 restaurant taxes totaling \$344,708 have been recorded and 100%, less a 2% administrative fee, will be tendered to the airline guarantee program. \$2.09 million in lodging taxes were recorded and ½ of the lodging tax, less a 2% administrative fee, will be tendered to the airline guarantee program.

Lodging taxes are over prior year by 13.7% and under budget by .5%. Restaurant taxes are over prior year and budget by 8.6% and 11.1%, respectively.

Town of Mountain Village Colorado Lodging Tax Summary									
	2019	2020	2021	2022	2023		2022	2023	Budget
	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)		Var %	Budget (1)	Var %
January	300,246	325,337	272,725	523,260	591,486		13.04%	473,983	19.87%
February	310,947	334,936	358,584	700,805	708,132		1.05%	591,613	16.45%
March	401,256	212,698	476,051	759,281	722,313		-4.87%	646,969	10.43%
April	17,822	855	40,874	33,263	32,204		-3.19%	38,057	-18.18%
May	24,335	784	51,474	81,855	33,646		-58.90%	51,896	-54.24%
June	139,428	55,426	229,731	239,859	-		-100.00%	190,285	NA
July	196,062	242,927	412,650	371,297	-		-100.00%	304,456	NA
August	160,993	226,805	336,701	294,342	-		-100.00%	238,721	NA
September	158,287	173,096	323,713	299,591	-		-100.00%	217,963	NA
October	46,789	94,985	133,675	123,341	-		-100.00%	100,332	NA
November	14,761	38,597	71,435	55,744	-		-100.00%	58,815	NA
December	295,803	266,888	553,765	537,068	-		-100.00%	546,637	NA
Total	2,066,729	1,973,334	3,261,375	4,019,707	2,087,780		-48.06%	3,459,728	-65.71%
Tax Base	51,668,223	49,333,357	81,534,381	100,492,663	52,194,502			86,493,200	

Town of Mountain Village Colorado Restaurant/Bar Tax Summary									
	2019	2020	2021	2022	2023		2022	2023	Budget
	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)		Var %	Budget (1)	Var %
January	62,864	73,576	45,706	76,624	92,626		20.88%	73,843	20.28%
February	66,720	76,476	59,659	104,748	113,510		8.37%	101,192	10.85%
March	87,671	50,565	82,463	126,092	129,329		2.57%	121,704	5.90%
April	7,364	85	5,733	4,195	3,718		-11.37%	4,102	-10.34%
May	4,299	553	6,196	5,901	5,525		-6.38%	5,470	0.99%
June	38,614	9,040	55,645	60,810	-		-100.00%	58,801	NA
July	60,113	37,654	66,892	74,492	-		-100.00%	71,792	NA
August	44,673	37,777	61,744	67,110	-		-100.00%	64,954	NA
September	42,922	32,718	62,772	64,352	-		-100.00%	61,536	NA
October	17,657	19,674	25,593	27,132	-		-100.00%	25,982	NA
November	3,503	8,215	8,777	8,854	-		-100.00%	8,205	NA
December	57,178	39,959	72,532	91,455	-		-100.00%	86,150	NA
Total	493,579	386,293	553,712	711,765	344,708		-51.57%	683,729	-98.35%
Tax Base	24,678,936	19,314,627	27,685,593	35,588,233	17,235,389			34,186,450	

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
General Fund			(\$)	(%)					
Revenues									
Charges for Services	\$ 213,115	\$ 215,921	\$ (2,806)	-1.30%	\$ 509,486	\$ 296,371	\$ 296,560	\$ 344,240	\$ 78,412
Contributions	2,319	68,000	(65,681)	-96.59%	173,340	171,021	44,132	27,304	33,149
Fines and Forfeits	1,970	4,093	(2,123)	-51.87%	7,576	5,606	83,400	293	2,955
Interest Income	472,630	201,000	271,630	135.14%	402,000	(70,630)	35,832	(13,571)	152,239
Intergovernmental	302,502	344,505	(42,003)	-12.19%	384,557	82,055	327,149	441,877	401,704
Licenses and Permits	234,888	199,926	34,962	17.49%	507,950	273,062	251,663	288,749	87,931
Miscellaneous Revenues	77,162	50,193	26,969	53.73%	205,414	128,252	62,959	31,480	54,875
Taxes and Assessments	9,441,084	8,857,715	583,369	6.59%	13,946,146	4,505,062	9,559,969	7,861,751	6,312,187
Total Revenues	10,745,670	9,941,353	804,317	8.09%	16,136,469	5,390,799	10,661,664	8,982,123	7,123,452
Operating Expenses									
Legislation & Council	69,769	92,111	(22,342)	-24.26%	196,792	127,023	70,594	42,029	32,121
Town Manager	302,498	297,827	4,671	1.57%	593,495	290,997	169,808	139,898	174,524
Town Clerk's Office	158,273	169,226	(10,953)	-6.47%	360,529	202,256	142,037	151,331	185,614
Finance	675,622	801,247	(125,625)	-15.68%	1,302,897	627,275	658,378	510,149	500,519
Technical	191,393	263,232	(71,839)	-27.29%	570,027	378,634	211,413	258,894	265,402
Human Resources	274,126	271,112	3,014	1.11%	548,915	274,789	198,283	165,767	194,738
Town Attorney	171,820	268,406	(96,586)	-35.99%	604,672	432,852	193,799	162,398	165,392
Communications and Business Development	205,556	253,912	(48,356)	-19.04%	619,200	413,644	239,238	227,269	210,303
Municipal Court	17,151	17,347	(196)	-1.13%	39,994	22,843	16,116	14,141	14,064
Police Department	735,938	819,124	(83,186)	-10.16%	1,606,159	870,221	538,881	488,014	465,227
Community Services	24,958	46,282	(21,324)	-46.07%	74,187	49,229	28,394	27,765	24,722
Community Grants and Contributions	122,538	137,538	(15,000)	-10.91%	151,038	28,500	109,650	53,838	84,293
Roads and Bridges	377,669	507,438	(129,769)	-25.57%	1,347,165	969,496	391,621	305,134	357,122
Vehicle Maintenance	266,083	247,340	18,743	7.58%	530,635	264,552	235,652	201,723	191,020
Municipal Bus	115,025	218,181	(103,156)	-47.28%	356,155	241,130	118,016	99,144	145,615
Employee Shuttle	-	-	-	NA	-	-	-	13,915	25,417
Parks & Recreation	318,988	302,790	16,198	5.35%	677,624	358,636	229,320	190,111	181,270
Plaza Services	1,053,977	953,540	100,437	10.53%	1,843,506	789,529	671,032	624,885	594,089
Public Refuse Removal	28,319	26,650	1,669	6.26%	71,743	43,424	22,643	29,502	24,465
Building/Facility Maintenance	150,387	156,619	(6,232)	-3.98%	365,598	215,211	146,530	127,761	112,325
Building Division	197,063	291,161	(94,098)	-32.32%	690,063	493,000	199,175	145,654	149,422
Housing Division Office	-	-	-	NA	-	-	35,906	10,940	9,947
Planning and Zoning Division	374,922	509,619	(134,697)	-26.43%	1,025,094	650,172	321,177	207,406	116,973
Contingency	-	-	-	NA	95,000	95,000	-	-	-
Total Operating Expenses	5,832,075	6,650,702	(818,627)	-12.31%	13,670,488	7,838,413	4,947,663	4,197,668	4,224,584
Surplus / Deficit	4,913,595	3,290,651	1,622,944	49.32%	2,465,981	(2,447,614)	5,714,001	4,784,455	2,898,868
Capital Outlay	72,814	243,206	(170,392)	-70.06%	1,295,000	1,222,186	64,414	85,730	142
Surplus / Deficit	4,840,781	3,047,445	1,793,336	58.85%	1,170,981	(3,669,800)	5,649,587	4,698,725	2,898,726
Other Sources and Uses									
Sale of Assets	15,150	-	15,150	NA	-	(15,150)	558	-	-
Insurance Claim Proceeds	-	-	-	NA	-	-	1,327	-	-
Transfer (To) From Affordable Housing	(553,853)	(505,460)	(48,393)	9.57%	(941,983)	(388,130)	(552,459)	(372,418)	(252,965)
Transfer (To) From Affordable Housing-Other	-	-	-	NA	(4,075,025)	(4,075,025)	-	-	-
Transfer (To) From Broadband	-	-	-	NA	-	-	-	-	-
Transfer (To) From Child Development	-	(112,631)	112,631	-100.00%	(232,406)	(232,406)	(66,599)	-	-
Transfer (To) From Capital Projects	(341,863)	(1,287,806)	945,943	-73.45%	(1,119,046)	(777,183)	(225,158)	(1,349)	(35,068)
Transfer (To) From Debt Service	10,996	11,885	(889)	-7.48%	25,000	14,004	10,193	9,676	11,207
Transfer (To) From Overhead Allocation	696,623	706,904	(10,281)	-1.45%	735,106	38,483	371,995	337,568	334,200
Transfer (To) From Parking Services	-	-	-	NA	-	-	-	-	-
Transfer (To) From Conference Center	(91,963)	(110,697)	18,734	-16.92%	(231,246)	(139,283)	(123,843)	(65,691)	(113,803)
Transfer (To) From Tourism	92,823	78,195	14,629	18.71%	124,620	31,797	93,984	58,157	45,378
Transfer (To) From Vehicle/Equipment	(239,008)	(228,020)	(10,988)	4.82%	(456,040)	(217,032)	(231,131)	(23,402)	(62,402)
Transfer (To) From Water/Sewer	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(411,095)	(1,447,630)	1,036,536	-71.60%	(6,171,020)	(5,759,925)	(721,133)	(57,459)	(73,453)
Surplus / Deficit	\$ 4,429,686	\$ 1,599,815	\$ 2,829,872	176.89%	\$ (5,000,039)	\$ (9,429,725)	\$ 4,928,454	\$ 4,641,266	\$ 2,825,273

2023						2022	2021	2020
Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
		(\$)	(%)					

General Fund

<u>Beginning Fund Balance Components</u>	<u>Actual YTD</u>	<u>Annual Budget</u>
Emergency Reserve	\$ 4,784,671	\$ 4,784,671
Unreserved	11,913,749	12,914,020
Beginning Fund Balance	\$ 16,698,420	\$ 17,698,691
<u>YTD Ending Fund Balance Components</u>		
Emergency Reserve	\$ 4,784,671	\$ 4,784,671
Unreserved	16,343,435	7,913,981
Ending Fund Balance	\$ 21,128,106	\$ 12,698,652

Revenues

Taxes & Assessments - 93% of the annual budget for property taxes has been collected. Specific Ownership taxes are under budget \$4,400 and are \$13,300 less than prior year due to the timing of receipt of revenues. Sales tax is \$455,000 or 10% over budget. Construction use tax collections are \$130,800 over budget and \$48,576 more than last years collections.

Licenses & Permits - Construction permits are over budget \$20,000. Other permit revenue is in line with budget. Construction parking fees through this period are \$13,800 over budget.

Intergovernmental - Intergovernmental revenues are under budget in Road & Bridge taxes by \$14,000 due to the timing of receipts and Gondola planning intergovernmental revenues, also due to timing.

Charges for Services - Development DRB and planning fees are over budget by \$5,600 and \$43,800 under last year.

Fines & Forfeitures - Fines are under budget by \$2,123.

Investment Income - Investment income is increasing due to increasing interest rates, and is over budget by \$201,000.

Miscellaneous Revenues - Plaza and vending carts rents are over budget \$8,300. Prospect Plaza commercial rents are over budget \$33,100. Grant revenues are under budget \$29,000 due to the timing of receipts.

Contributions - A small amount of TMVOA environmental services contributions have been received.

Top Ten Budget Variances

Over Budget

- Plaza Services - \$100,437 Over budget in natural gas.
- Vehicle Maintenance - \$18,743 Over budget in employee costs.
- Parks and Recreation - \$16,198 Over budget in vehicle repair and Zamboni room natural gas.
- Town Manager - \$4,671 Over budget in consulting/professional services.
- Human Resources- \$3,014 Over budget in consultant services.
- Refuse Removal - \$1,669 Supplies and removal costs are over budget.

Under Budget

- Planning & Zoning - \$134,697 Savings in personnel costs, master planning, GIS software, and printing and binding.
- Road & Bridge - \$129,769 Under budget mainly in personnel costs and paving repair.
- Finance - \$125,625 Under budget in employee expenses due to a vacancy in the department and auditing fees due to the audit being delayed.
- Municipal Bus Service - \$103,156 Employee wages and benefits are under budget.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023						2022	2021	2020
	Actual	Budget	Budget	Budget	Annual	Budget	Actual	Actual	Actual
	YTD	YTD	Variance	Variance	Budget	Balance	YTD	YTD	YTD
		(\$)	(%)						
Tourism Fund									
Revenues									
Business License Fees	\$ 376,209	\$ 327,618	\$ 48,591	14.83%	\$ 362,500	\$ (13,709)	\$ 340,445	\$ 325,772	\$ 308,259
Lodging Taxes - Condos/Homes	1,548,725	1,360,209	188,516	13.86%	2,365,402	816,677	1,613,779	992,808	556,387
Lodging Taxes - Hotels	794,497	600,962	193,535	32.20%	1,094,326	299,829	672,481	434,810	373,093
Lodging Taxes - Prior Year	11,431	-	11,431	NA	-	(11,431)	4,041	6,678	1,555
Penalties and Interest	15,067	12,017	3,050	25.38%	20,000	4,933	20,130	11,988	8,690
Restaurant Taxes	401,798	364,854	36,944	10.13%	683,729	281,931	378,370	255,341	210,211
Restaurant Taxes - Prior Year	2,727	-	2,727	NA	-	(2,727)	2,707	84	1,103
Total Revenues	3,150,454	2,665,660	484,794	18.19%	4,525,957	1,375,503	3,031,953	2,027,480	1,459,299
Tourism Funding									
Additional Funding	-	-	-	NA	-	-	-	-	-
General Operating Expense	126,238	167,682	(41,444)	-24.72%	356,864	230,626	-	-	-
Airline Guaranty Funding	1,550,214	1,128,184	422,030	37.41%	2,365,321	815,107	1,495,703	953,121	663,295
Marketing Funding	670,168	416,185	253,983	61.03%	1,500,000	829,832	415,824	-	-
MTI Funding	-	-	-	NA	-	-	-	1,016,202	750,626
Total Tourism Funding	2,346,620	1,712,051	634,569	37.06%	4,222,185	1,875,565	1,911,527	1,969,323	1,413,921
Surplus / Deficit	803,834	953,609	(149,775)	-15.71%	303,772	(500,062)	1,120,426	58,157	45,378
Administrative Fees									
Audit Fees	-	-	-	NA	2,500	2,500	-	-	-
Total Administrative Fees	-	-	-	NA	2,500	2,500	-	-	-
Surplus / Deficit	803,834	953,609	(149,775)	-15.71%	301,272	(502,562)	1,120,426	58,157	45,378
Other Sources and Uses									
Transfer (To) From Other Funds	(92,823)	(78,195)	(14,629)	18.71%	(124,620)	(31,797)	(93,984)	(58,157)	(45,378)
Total Other Sources and Uses	(92,823)	(78,195)	(14,629)	18.71%	(124,620)	(31,797)	(93,984)	(58,157)	(45,378)
Surplus / Deficit	711,010	875,414	(164,404)		176,652	(534,358)	1,026,442	-	-
Beginning Fund Balance	879,230	520,382			520,382		-	-	-
Ending Fund Balance	\$ 1,590,240	\$ 1,395,796			\$ 697,034		\$ 1,026,442	\$ -	\$ -

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Parking Services Fund									
Revenues									
EV Station Revenues	1,259	-	1,259	NA	1,500	241	-	-	-
Fines and Forfeits	36,130	27,978	8,152	29.14%	45,000	8,870	34,775	26,554	13,520
Gondola Parking Garage	72,325	188,442	(116,117)	-61.62%	360,000	287,675	69,731	54,903	43,136
Grant Revenues	-	-	-	NA	-	-	-	-	-
Heritage Parking Garage	143,367	134,113	9,254	6.90%	230,000	86,633	150,668	144,785	76,777
Parking in Lieu Buyouts	-	-	-	NA	-	-	62,500	-	-
Parking Meter Revenues	14,854	16,766	(1,912)	-11.40%	30,000	15,146	20,309	16,535	9,594
Parking Permits	24,840	4,690	20,150	429.64%	12,000	(12,840)	6,705	7,475	4,925
Special Event Parking	43,000	140,000	(97,000)	-69.29%	140,000	97,000	118,566	-	-
Total Revenues	335,775	511,989	(176,214)	-34.42%	818,500	482,725	463,254	250,252	147,952
Operating Expenses									
Other Operating Expenses	76,802	32,000	44,802	140.01%	57,000	(19,802)	10,119	6,062	3,195
Personnel Expenses	53,572	88,113	(34,541)	-39.20%	190,076	136,504	45,275	69,793	62,377
Gondola Parking Garage	50,150	40,880	9,270	22.68%	74,234	24,084	28,203	34,553	16,739
Surface Lots	50,949	50,333	616	1.22%	110,900	59,951	17,229	6,330	6,770
Heritage Parking Garage	59,411	76,497	(17,086)	-22.34%	124,130	64,719	46,693	66,077	33,343
Meadows Parking	-	-	-	NA	1,000	1,000	-	-	-
Total Operating Expenses	290,884	287,823	3,061	1.06%	557,340	266,456	147,519	182,815	122,424
Surplus / Deficit	44,891	-	(179,275)	NA	261,160	216,269	315,735	67,437	25,528
Capital									
Capital	44,704	22,701	22,003	96.93%	304,600	259,896	68,490	14,961	5,415
Surplus / Deficit	187	-	(201,278)	NA	(43,440)	(43,627)	247,245	52,476	20,113
Other Sources and Uses									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	15,345	-
Overhead Allocation	(60,496)	(60,496)	-	0.00%	(60,496)	-	(23,711)	(19,246)	(20,172)
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(60,496)	(60,496)	-	0.00%	(60,496)	-	(23,711)	(3,901)	(20,172)
Surplus / Deficit	\$ (60,309)	\$ (60,496)	\$ -	0.00%	\$ (103,936)	\$ (43,627)	\$ 223,534	\$ 48,575	\$ (59)
Beginning Fund Balance	\$ 327,552	\$ 173,165	\$ 154,387						
Ending Fund Balance	\$ 267,243	\$ 112,669	\$ 154,574						

GPG is under budget 61.6% and over prior year by 3.7%, the budget deficit is mainly due to the timing of the implementation of the new rate structure and bulk valet ticket purchases. Parking fines are over budget 29.1%, and over prior year 3.9%. General expenses are under budget in personnel costs but over in consulting fees. GPG is over budget due to major repairs to the elevator and painting. Surface lots are over budget in maintenance due mainly to timing of expenditures. HPG has budget savings in credit card processing fees and maintenance. Capital expenses are for the GPG expansion project and the skid steer equipment exchange.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023					2022	2021	2020	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Gondola Fund									
Revenues									
Capital/MR&R Grant Funding	\$ -	\$ -	\$ -	NA	\$ 64,000	\$ 64,000	\$ 44,004	\$ -	\$ -
Event Operations Funding	(1,598)	-	(1,598)	NA	-	1,598	5,128	-	6,831
Event Operations Funding - TOT	-	-	-	NA	36,000	36,000	-	-	-
Miscellaneous Revenues	-	-	-	NA	-	-	95	-	-
Operations Grant Funding	-	-	-	NA	133,000	133,000	-	640,187	39,740
TSG 1% Lift Sales	201,114	208,945	(7,831)	-3.75%	244,899	43,785	208,487	179,491	146,951
Van Rider Revenues	2,450	1,966	484	24.62%	4,300	1,850	1,996	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
TMVOA Operating Contributions	2,294,678	2,326,911	(32,233)	-1.39%	4,883,987	2,589,309	2,023,561	1,253,482	1,703,280
TMVOA Capital/MR&R Contributions	148,676	211,412	(62,736)	-29.67%	453,007	304,331	163,933	315,124	49,398
Total Revenues	2,645,320	2,749,234	(103,914)	-3.78%	5,819,193	3,173,873	2,447,204	2,388,284	1,946,200
Operating Expenses									
Overhead Allocation Transfer	16,517	27,500	(10,983)	-39.94%	55,000	38,483	16,075	15,972	14,193
MAARS	30,856	37,000	(6,144)	-16.61%	79,417	48,561	30,911	30,949	28,609
Chondola	119,366	173,086	(53,720)	-31.04%	272,624	153,258	105,213	100,719	96,027
Operations	1,148,428	1,216,679	(68,251)	-5.61%	2,651,006	1,502,578	1,092,882	994,997	785,228
Maintenance	816,126	796,664	19,462	2.44%	1,618,239	802,113	724,807	669,367	739,611
FGOA	321,058	286,893	34,165	11.91%	505,900	184,842	269,379	261,156	233,134
Major Repairs and Replacements	110,063	201,412	(91,349)	-45.35%	380,000	269,937	145,684	132,695	48,825
Contingency	44,293	-	44,293	NA	120,000	75,707	-	-	-
Total Operating Expenses	2,606,707	2,739,234	(132,527)	-4.84%	5,682,186	3,075,479	2,384,951	2,205,855	1,945,627
Surplus / Deficit	38,613	10,000	28,613	286.13%	137,007	98,394	62,253	182,429	573
Capital									
Capital Outlay	38,613	10,000	28,613	286.13%	137,007	98,394	62,253	182,429	573
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund expenditures are \$103,914 under budget. MAARS is under budget in employee wages and worker's compensation due to dividend returns. Chondola is under budget in worker's comp, operations wages, and Telski terminal rebuild due to the timing of the project. Gondola Ops is under budget in personnel costs. Gondola Maintenance is under in worker's comp but over in over employee costs and parts. FGOA is over budget in natural gas. The contingency expense is related to landslide remediation work. There have been expenditures for Bull Wheel replacement, cabin window buffing, a new vehicle, and station upgrades to date.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Child Development Fund									
Revenues									
Infant Care Fees	\$ 31,844	\$ 40,787	(8,943)	-21.93%	\$ 82,104	\$ 50,260	\$ 26,416	\$ 31,306	\$ 21,800
Toddler Care Fees	55,673	58,051	(2,378)	-4.10%	127,045	71,372	50,450	64,822	45,384
Preschool Fees	60,418	87,400	(26,982)	-30.87%	154,820	94,402	69,386	71,962	47,432
Fundraising Revenues - Infant	20	-	20	NA	3,550	3,530	-	-	-
Fundraising Revenues - Preschool	20	-	20	NA	5,000	4,980	-	-	-
Fundraising Revenues - Toddler	20	-	20	NA	8,450	8,430	-	-	-
Grant Revenues - Infant	41,200	6,316	34,884	552.31%	15,000	(26,200)	15,000	45,679	51,067
Grant Revenues - Preschool	45,100	10,661	34,439	323.04%	20,600	(24,500)	20,600	33,079	27,467
Grant Revenues - Toddler	48,700	15,662	33,038	210.94%	21,600	(27,100)	35,600	53,906	59,320
COEC Funds - Infant	-	7,500	(7,500)	-100.00%	15,000	15,000	-	-	-
COEC Funds - Toddler	-	7,500	(7,500)	-100.00%	15,000	15,000	-	-	-
Other Grant Funding	72,874	-	72,874	NA	-	(72,874)	-	-	-
Total Revenues	355,869	233,877	121,992	52.16%	468,169	112,300	217,452	300,754	252,470
Operating Expenses									
Toddler Care Other Expense	32,272	18,752	13,520	72.10%	43,322	11,050	21,637	20,867	20,483
Toddler Care Personnel Expense	91,042	118,968	(27,926)	-23.47%	222,706	131,664	97,477	108,958	104,490
Infant Care Other Expense	14,619	8,768	5,851	66.73%	20,958	6,339	9,018	10,408	6,002
Infant Care Personnel Expense	85,238	69,406	15,832	22.81%	171,175	85,937	53,804	52,724	48,203
Preschool Other Expense	31,531	21,361	10,170	47.61%	41,980	10,449	23,597	24,899	12,881
Preschool Personnel Expense	94,724	92,531	2,193	2.37%	200,434	105,710	78,335	54,325	55,330
Total Operating Expenses	349,426	329,786	19,640	5.96%	700,575	351,149	283,868	272,181	247,389
Surplus / Deficit	6,443	(95,909)	102,352	-106.72%	(232,406)	(238,849)	(66,416)	28,573	5,081
Capital									
Capital Outlay	-	-	-	NA	-	-	160,369	-	-
Total Capital	-	-	-	NA	-	-	160,369	-	-
Surplus / Deficit	6,443	(95,909)	102,352	-106.72%	(232,406)		(226,785)	28,573	5,081
Other Sources and Uses									
Grants/Contributions	-	-	-	NA	-	-	160,186	-	-
Transfer (To) From General Fund	-	95,909	95,909	100.00%	232,406	232,406	66,599	-	-
Total Other Sources and Uses	-	95,909	95,909	100.00%	232,406	232,406	226,785	-	-
Surplus / Deficit	\$ 6,443	\$ -	\$ (6,443)	NA	\$ -	\$ 232,406	\$ -	\$ 28,573	\$ 5,081

Child Development revenues are \$121,992 over budget. This is due to grant revenues. Operating expenses are \$19,640 under budget although Infant care and Preschool expenses are over budget, Toddler personnel costs are under budget. The program has not required funding from the General Fund in 2023.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023				Annual Budget	Budget Balance	2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
Water & Sewer Fund									
Revenues									
Mountain Village Water and Sewer	\$ 1,801,190	\$ 1,796,754	\$ 4,436	0.25%	\$ 3,738,251	\$ 1,937,061	\$ 1,718,985	\$ 1,481,855	\$ 1,366,562
Other Revenues	10,707	3,562	7,145	200.59%	8,650	(2,057)	4,630	5,494	2,373
Ski Ranches Water	186,069	190,123	(4,054)	-2.13%	378,811	192,742	176,176	140,256	127,921
Skyfield Water	18,029	15,988	2,041	12.77%	41,217	23,188	13,369	11,758	10,455
Total Revenues	2,015,995	2,006,427	9,568	0.48%	4,166,929	2,150,934	1,913,160	1,639,363	1,507,311
Operating Expenses									
Mountain Village Sewer	253,976	447,398	(193,422)	-43.23%	730,687	476,711	344,654	330,257	267,779
Mountain Village Water	565,528	565,218	310	0.05%	1,194,300	628,772	496,998	418,214	451,105
Ski Ranches Water	7,491	40,488	(32,997)	-81.50%	48,166	40,675	27,823	16,226	3,933
Contingency	-	-	-	NA	35,000	35,000	-	-	-
Total Operating Expenses	826,995	1,053,104	(226,109)	-21.47%	2,008,153	1,181,158	869,475	764,697	722,817
Surplus / Deficit	1,189,000	953,323	235,677	24.72%	2,158,776	969,776	1,043,685	874,666	784,494
Capital									
Capital Outlay	184,111	4,116,049	(3,931,938)	-95.53%	4,953,318	4,769,207	129,572	304,859	117,223
Surplus / Deficit	1,004,889	(3,162,726)	4,167,615	-131.77%	(2,794,542)	(3,799,431)	914,113	569,807	667,271
Other Sources and Uses									
Overhead Allocation Transfer	(217,971)	(217,971)	-	0.00%	(217,971)	-	(124,519)	(112,383)	(104,707)
Mountain Village Tap Fees	358,524	83,826	274,698	327.70%	245,000	(113,524)	45,500	82,968	6,168
Grants	-	-	-	NA	375,000	375,000	-	-	-
Ski Ranches Tap Fees	-	-	-	NA	5,000	5,000	5,150	-	-
Skyfield Tap Fees	-	-	-	NA	2,000	2,000	-	-	-
Sale of Assets	2,040	-	2,040	NA	-	(2,040)	-	-	-
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	142,593	(134,145)	276,738	-206.30%	409,029	266,436	(73,869)	(29,415)	(98,539)
Surplus / Deficit	\$ 1,147,482	\$ (3,296,871)	\$ 4,444,353	-134.81%	\$ (2,385,513)	\$ (3,532,995)	\$ 840,244	\$ 540,392	\$ 568,732

Mountain Village water revenues are over budget in base water/sewer fees and snowmaking fees. Ski Ranch revenues are under budget and Skyfield water fees are over budget in excess water charges. Other revenues are over budget in maintenance fees and water fines. TOT sewer expenditures are under budget due to the timing of invoicing. Mountain Village water expenses are in line with budget. Ski Ranch operations are under budget because of repairs, tank replacement, and employee costs. Capital costs are for Ski Ranches, regional sewer, meter purchases, and the new SCADA equipment.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023				2022	2021	2020		
Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD	
Broadband Fund									
Revenues									
Cable TV User Fees	\$ 280,125	\$ 296,280	\$ (16,155)	-5.45%	\$ 596,717	\$ 316,592	\$ 288,118	\$ 467,307	\$ 494,184
Internet User Fees	754,739	751,891	2,848	0.38%	1,514,005	759,266	722,638	651,880	559,022
Other Revenues	6,535	12,725	(6,190)	-48.64%	24,161	16,424	9,548	13,905	21,068
Phone Service Fees	7,737	5,403	2,334	43.20%	11,071	4,536	8,891	14,368	18,795
Total Revenues	1,049,136	1,066,299	(17,163)	-1.61%	2,145,954	1,096,818	1,029,195	1,147,460	1,093,069
Operating Expenses									
Cable TV Direct Costs	203,570	206,050	(2,480)	-1.20%	415,923	212,353	201,548	408,685	408,717
Phone Service Costs	4,834	4,020	814	20.25%	7,971	3,137	7,399	8,609	10,195
Internet Direct Costs	154,356	125,392	28,964	23.10%	272,521	118,165	121,319	77,838	119,216
Broadband Operations	220,900	550,106	(329,206)	-59.84%	1,242,361	1,021,461	340,234	356,464	362,851
Total Operating Expenses	583,660	885,568	(301,908)	-34.09%	1,938,776	1,355,116	670,500	851,596	900,979
Surplus / Deficit	465,476	180,731	284,745	157.55%	207,178	(258,298)	358,695	295,864	192,090
Capital									
Capital Outlay	5,263	123,231	(117,968)	-95.73%	222,000	216,737	69,881	202,696	888,624
Surplus / Deficit	460,213	57,500	402,713	700.37%	(14,822)	(475,035)	288,814	93,168	(696,534)
Other Sources and Uses									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer from General Fund	-	-	-	NA	225,263	225,263	(100,886)	(102,687)	(106,350)
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
Overhead Allocation Transfer	(210,441)	(210,441)	-	0.00%	(210,441)	-	-	-	-
Total Other Sources and Uses	(210,441)	(210,441)	-	0.00%	14,822	225,263	(100,886)	(102,687)	(106,350)
Surplus / Deficit	\$ 249,772	\$ (152,941)	\$ 402,713	-263.31%	\$ -	\$ (249,772)	\$ 187,928	\$ (9,519)	\$ (802,884)

Video revenues and are under budget in residential user fees but over in bulk video fees. Internet revenues are over budget .4%. Phone service fees are over budget 43.2% while phone service costs are over budget 20.3%, Other revenues are under budget in late payment fees, labor, and equipment rental. Broadband operating expenses are under budget in personnel costs due to vacancies, technical support due to timing of expenses, and general supplies. Internet direct costs are over budget 23.1% because of price increases. Capital expenses are for the fiber project and test equipment.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023				Annual Budget	Budget Balance	2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
Telluride Conference Center Fund									
Revenues									
Beverage Revenues	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	NA	-	-	-	-	-
Facility Rental	-	-	-	NA	-	-	-	-	-
Operating/Other Revenues	14,551	-	14,551	NA	-	(14,551)	-	-	-
Total Revenues	14,551	-	14,551	NA	-	(14,551)	-	-	-
Operating Expenses									
General Operations	-	-	-	NA	-	-	-	-	4,600
Administration	77,061	59,952	17,109	28.54%	111,246	34,185	73,583	65,691	59,203
Marketing	25,000	50,000	(25,000)	-50.00%	100,000	75,000	50,000	-	50,000
Contingency	-	-	-	NA	-	-	-	-	-
Total Operating Expenses	102,061	109,952	(7,891)	-7.18%	211,246	109,185	123,583	65,691	113,803
Surplus / Deficit	(87,510)	(109,952)	22,442	-20.41%	(211,246)	(123,736)	(123,583)	(65,691)	(113,803)
Capital Outlay/ Major R&R	4,453	745	3,708	497.72%	20,000	15,547	260	-	-
Surplus / Deficit	(91,963)	(110,697)	18,734	-16.92%	(231,246)	(139,283)	(123,843)	(65,691)	(113,803)
Other Sources and Uses									
Damage Receipts	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	91,963	110,697	(18,734)	-16.92%	231,246	139,283	123,843	65,691	113,803
Overhead Allocation Transfer	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	91,963	110,697	(18,734)	-16.92%	231,246	139,283	123,843	65,691	113,803
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

Expenses for the year are HOA dues and contracted marketing expenses. Revenues reflect payment from TSG based on 2022 sales as outlined in the operating agreement.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023				2022	2021	2020		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Affordable Housing Development Fund									
Revenues									
Contributions	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Proceeds	-	-	-	NA	-	-	-	-	-
Rental Income	22,100	28,640	(6,540)	-22.84%	46,800	24,700	27,580	17,756	17,689
Housing Application Fees	2,000	771	1,229	159.40%	2,300	300	2,520	-	-
Housing Mitigation Fees	-	125,000	(125,000)	-100.00%	250,000	250,000	-	-	-
Sales Proceeds	-	-	-	NA	-	-	-	-	-
Total Revenues	24,100	154,411	(130,311)	-84.39%	299,100	275,000	30,100	17,756	17,689
Operating Expenses									
Leased Properties	-	-	-	NA	-	-	3,780	1,340	10,200
Operating Expenses	44,843	59,827	(14,984)	-25.05%	120,654	75,811	-	-	75
Norwood Property	45	5,182	(5,137)	-99.13%	35,000	34,955	16,011	-	-
Lot 644	1,883,570	3,019,891	(1,136,321)	-37.63%	4,020,429	2,136,859	2,240	-	-
Prospect Unit	96,251	40,801	55,450	135.90%	49,472	(46,779)	9,433	11,611	6,716
Future Housing/Density Bank	79,337	2,348,562	(2,269,225)	-96.62%	8,025,000	7,945,663	40,096	16,086	16,475
Ilium Property expenses	45,721	-	45,721	NA	-	(45,721)	-	-	-
RHA Funding	-	-	-	NA	-	-	-	46,625	92,625
Debt Principal	-	240,000	(240,000)	-100.00%	500,000	500,000	-	-	-
Purchase/Resale Units	591	-	591	NA	-	(591)	8,860	-	-
Total Operating Expenses	2,150,358	5,714,263	(3,563,905)	-62.37%	12,750,555	10,600,197	80,420	75,662	126,091
Surplus / Deficit	(2,126,258)	(5,559,852)	(3,433,594)	61.76%	(12,451,455)	(10,325,197)	(50,320)	(57,906)	(108,402)
Other Sources and Uses									
Transfer (To) From MAP	-	-	-	NA	-	-	-	-	-
Loan Proceeds	-	-	-	NA	7,500,000	7,500,000	-	-	-
Gain or Loss on Sale of Assets	-	-	-	NA	-	-	-	11,408	-
Transfer (To) From General Fund - Sales Tax	553,853	505,460	48,393	9.57%	941,983	388,130	552,459	372,418	252,965
Transfer (To) From VCA	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund (Other)	-	-	-	NA	4,075,025	4,075,025	-	-	-
Total Other Sources and Uses	553,853	505,460	48,393	9.57%	12,517,008	11,963,155	552,459	383,826	252,965
Surplus / Deficit	\$ (1,572,405)	\$ (5,054,392)	\$ (3,481,987)	68.89%	\$ 65,553	\$ 1,637,958	\$ 502,139	\$ 325,920	\$ 144,563

Expenses consist of HOA dues, Lot 644 expenses, Ilium property expenses, general operating costs, Norwood property expenses, and maintenance and utilities on town owned properties. Operating expenses are under budget in personnel costs and professional services mainly due to the timing of expenditures. The Prospect unit expenses are exceeding budget due to a special assessment which was originally scheduled to be assessed and was budgeted for December 2022. Future housing is under budget due to timing of expenses. Debt service is under budget due to the timing of debt to be issued for the purchase of property.

Town of Mountain Village Monthly Revenue and Expenditure Report

June 2023

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Var (\$)	Budget Var (%)	Annual Budget	Budget Balance	Actual	Actual	Actual
Village Court Apartments									
Operating Revenues									
Rental Income	\$ 1,161,522	\$ 1,156,427	\$ 5,095	0.44%	\$ 2,342,208	\$ 1,180,686	\$ 1,133,865	\$ 1,039,816	\$ 962,344
Other Operating Income	52,957	43,902	9,055	20.63%	118,060	65,103	46,105	48,860	62,367
Total Operating Revenue	1,214,479	1,200,329	14,150	1.18%	2,460,268	1,245,789	1,179,970	1,088,676	1,024,711
Operating Expenses									
Office Operations	96,870	121,568	(24,698)	-20.32%	285,649	188,779	92,590	97,334	101,812
General and Administrative	145,985	135,653	10,332	7.62%	154,320	8,335	122,224	117,346	135,034
Utilities	195,659	169,629	26,030	15.35%	338,529	142,870	169,819	157,832	210,768
Repair and Maintenance	235,210	317,151	(81,941)	-25.84%	671,992	436,782	257,721	279,947	253,297
Major Repairs and Replacement	48,562	160,004	(111,442)	-69.65%	336,500	287,938	37,982	33,040	73,839
Contingency	-	-	-	NA	14,500	14,500	-	-	-
Total Operating Expenses	722,286	904,005	(181,719)	-20.10%	1,801,490	1,079,204	680,336	685,499	774,750
Surplus / (Deficit) After Operations	492,193	296,324	195,869	66%	658,778	166,585	499,634	403,177	249,961
Non-Operating (Income) / Expense									
Investment Earning	-	-	-	NA	(50)	(50)	-	(14)	(1,364)
Debt Service, Interest	137,123	137,123	-	0.00%	345,198	208,075	140,765	177,200	184,916
Debt Service, Fees (Cost of Issuance)	-	-	-	NA	135,000	135,000	-	-	-
Debt Service, Principal	-	-	-	NA	443,079	443,079	-	-	-
Total Non-Operating (Income) / Expense	137,123	137,123	-	0.00%	923,227	786,104	140,765	177,186	183,552
Surplus / (Deficit) Before Capital	355,070	159,201	(619,519)	-389.14%	(264,449)	(619,519)	358,869	225,991	66,409
Capital Spending	4,239,091	6,000,000	1,760,909	29.35%	15,321,000	11,081,909	61,898	-	5,529
Surplus / (Deficit)	(3,884,021)	(5,840,799)	1,956,778	-33.50%	(15,585,449)	(11,701,428)	296,971	225,991	60,880
Other Sources / (Uses)									
Transfer (To)/From General Fund	(191,198)	(191,198)	-	0.00%	(191,198)	-	(106,804)	(87,280)	(88,778)
New Loan Proceeds	-	-	-	NA	10,000,000	10,000,000	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Grant Revenues	-	-	-	NA	10,000,000	10,000,000	-	(2,162)	-
Transfer From AHDF	-	-	-	NA	-	-	-	-	-
Total Other Sources / (Uses)	(191,198)	(191,198)	-	0.00%	19,808,802	20,000,000	(106,804)	(89,442)	(88,778)
Surplus / (Deficit)	(4,075,219)	(6,031,997)	1,956,778	-32.44%	4,223,353	8,298,572	190,167	136,549	(27,898)

Rent revenues are over budget by .44%. Rent revenues exceed 2022 revenues by 2.44% due to increased rents being phased in as leases are renewed. Other revenues are over budget 20.6% due mainly to investment income and utilities rebates. Office operations are under budget 20.3% primarily due to employee costs. General and administrative is over budget for property insurance. Utilities are over budget in water/sewer charges and in electricity. Maintenance is under budget 25.8% primarily due to employee costs and sub-contract expenses. MR&R expenses include carpet replacement, fiber installs, the bobcat purchase, and appliances. Capital expenditures consist of costs related to Phase IV.

**Town of Mountain Village Monthly Revenue and Expenditure Report
June 2023**

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Debt Service Fund									
Revenues									
Abatements	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	32,700	32,700	-	0.00%	200,400	167,700	35,400	38,000	39,800
Miscellaneous Revenue	-	-	-	NA	-	-	-	-	-
Property Taxes	437,853	442,236	(4,383)	-0.99%	477,174	39,321	443,662	436,475	507,876
Reserve/Capital/Liquidity Interest	2,195	861	1,334	154.94%	2,001	(194)	271	201	1,487
Specific Ownership Taxes	10,996	11,885	(889)	-7.48%	25,000	14,004	10,193	9,676	11,207
Total Revenues	483,744	487,682	(3,938)	-0.81%	704,575	220,831	489,526	484,352	560,370
Debt Service									
2001/2011 Bonds - Gondola - Paid by contributions from TMVOA and TSG									
2001/2011 Bond Issue - Interest	32,700	32,700	-	0.00%	65,400	32,700	35,400	38,000	39,800
2001/2011 Bond Issue - Principal	-	-	-	NA	135,000	135,000	-	-	-
2006/2014/2020 Bonds - Heritage Parking									
2020 Bond Issue - Interest	46,274	43,242	3,032	7.01%	86,480	40,206	61,317	78,037	122,513
2020 Bond Issue - Principal	-	-	-	NA	375,000	375,000	-	-	-
Total Debt Service	78,974	75,942	3,032	3.99%	661,880	582,906	96,717	116,037	162,313
Surplus / (Deficit)	404,770	411,740	(6,970)	-1.69%	42,695	(362,075)	392,809	368,315	398,057
Operating Expenses									
Administrative Fees	4,733	1,219	3,514	288.27%	3,182	(1,551)	681	495	289
County Treasurer Collection Fees	13,141	13,699	(558)	-4.07%	14,513	1,372	13,246	13,101	15,244
Total Operating Expenses	17,874	14,918	2,956	19.81%	17,695	(179)	13,927	13,596	15,532
Surplus / (Deficit)	386,896	396,822	(9,926)	-2.50%	25,000	(361,896)	378,882	354,719	382,525
Other Sources and Uses									
Transfer (To) From General Fund	(10,996)	(11,885)	889	-7.48%	(25,000)	(14,004)	(10,193)	(9,676)	(11,207)
Transfer (To) From Other Funds	-	-	-	NA	-	-	-	-	-
Payment to Refunding Bonds Escrow	-	-	-	NA	-	-	-	-	-
Proceeds From Bond Issuance	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(10,996)	(11,885)	889	-7.48%	(25,000)	(14,004)	(10,193)	(9,676)	(11,207)
Surplus / (Deficit)	\$ 375,900	\$ 384,937	\$ (9,037)		\$ -	\$ (375,900)	\$ 368,689	\$ 345,043	\$ 371,318



Agenda Item No 11
COMMUNITY DEVELOPMENT
DEPARTMENT
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8248

TO: Town Council; Town of Mountain Village
FROM: Amy Ward, Community Development Director
FOR: Regular Meeting of July 20, 2023
DATE: July 12, 2023
RE: Consideration of a Resolution to approve a Minor Subdivision, specifically, a Lot Line Adjustment Between Lots 387R1 & 388

APPLICATION OVERVIEW:

PROJECT GEOGRAPHY

Legal Description: Lots 387R1 & 388, Town of Mountain Village

Address: 127 130 Rocky Rd., Mountain Village, CO 81435
Applicant/Agent: Thomas Kennedy
Owner: Yellow Brick Road LLC, a Colorado limited liability company
Zoning: Single Family Residential
Existing Use: Single family home under construction (Lot 387R1) and existing single family home (Lot 388)
Proposed Use: No Change
Lot Size: Lot 387R1 44.452 Acres
existing, 80.585
proposed
Lot 388 39.320 Acres
existing, 3.187 acres
proposed



Adjacent Land Uses:

- **North:** Single family residential
- **South:** USFS
- **East:** Active Open Space -full use ski resort
- **West:** Passive Open Space

ATTACHMENTS

- Exhibit A: Applicant's Narrative
- Exhibit B: Existing Conditions Lots 387R1 and 388
- Exhibit C: Proposed Re-Plat
- Exhibit D: Resolution

Case Summary and History:

The applicant proposes a lot line adjustment between Lot 387R1 and Lot 388 to transfer approximately 36.133 acres from Lot 388 to Lot 3387R1. There are a number of easements inclusive of easements for trails, utilities and a “no build zone” located on both properties. This lot line adjustment does not propose to alter, relocate or terminate any of these easements. A new general easement of 16’ is created along the east, north and west lot line of the newly platted Lot 388R as is typical development in Mountain Village.

Applicable CDC Requirement Analysis: The applicable requirements cited may not be exhaustive or all-inclusive. The applicant is required to follow all requirements even if an applicable section of the CDC is not cited. ***Please note that Staff comments and findings will be indicated by Blue Italicized Text.***

CDC Section 17.4.13.E.2 Minor Subdivision Criteria

Minor Subdivisions. The following criteria shall be met for the review authority to approve a lot line vacation, lot line adjustment, easement vacation or similar subdivision:

- a. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;

The lot line adjustments are in compliance with town zoning, land use and subdivision regulations.

- b. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;

The Comprehensive Plan envisioned this area as a low density area of single family residential, this lot line adjustment does not change that use. Both lots are zoned single family residential and this zoning is maintained with this proposed lot line adjustment.

- c. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC;

This criteria is being met, although the lot line adjustment decreases the frontage to the road right of way, it is still well within the 50’ minimum frontage requirement.

- d. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and

No easements are proposed to be altered, relocated or terminated by this plat. As mentioned above, a new general easement is created surrounding the proposed Lot 388R which is typical for this type of re-plat and benefits the Town.

- e. The proposed subdivision meets all applicable Town regulations and standards.

Name	Prior Size	Proposed Size	Difference in square feet
Lot 387R1	44.452 acres	80.585 acres	+36.133 acres
Lot 388	39.320 acres	3.187 acres	-36.133 acres

Staff Recommendation: Staff recommends the Town Council approve the requested minor subdivision, to allow for a minor lot line adjustment that transfers approximately 36.133 acres from Lot 388 to Lot 387R1. If Town Council deems this application to be appropriate, staff suggests the following motion and conditions.

Proposed Motion:

“I move to approve by a Resolution, a Minor Subdivision application specifically, a lot line adjustment between Lots 387R1 & 388 with the findings as outlined in the staff report and subject to the following conditions:

1. The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
2. Staff will review the final proposed plat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards, and CDC Section 3. Plat Notes and Certifications and provide redline comments to the applicant prior to the execution of the final mylar.
3. Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

/aw

**LOT LINE ADJUSTMENT PLAT/
MINOR SUBDIVISION APPLICATION**

NARRATIVE

April 26, 2023

Owner: Yellow Brick Road CO LLC
YBR Property: Lot 388R and Lot 387R1

The Owner has submitted its form applications with the Town of Mountain Village seeking approval of a plat to adjust the lot line boundaries for and between Lot 388 and Lot 387R1 (“**Lot Line Adjustment Plat**”). This Application does not propose to create and plat any additional lots, open space parcels nor does it propose to rezone any portion of the YBR Property or transfer any density.

YBR Property Description

The YBR Property is located along the southwesterly edge of the Mountain Village, adjoining the Marmot ski run to the east, the Telluride Ski Ranches subdivision (located outside of the municipal boundaries of the Town and within the unincorporated boundaries of San Miguel County) to the west, USFS land to the south and Lot 420, Mountain Village to the north. A vicinity map is appended as **Exhibit “C”**.

The YBR Property is currently platted as follows:

- Lot 388 - which contains 39.320 acres, is improved with an existing residential structure, is zoned for single-family residential; has one unit of single-family density assigned to the lot and is accessed from Snowfield Drive
- Lot 387R1 - which contains 44.452 acres, is being improved with a residential structure that is currently under construction, is zoned for single-family residential, has one unit of single-family density assigned to the lot and is accessed from Rocky Road

An Existing Conditions Map (**Exhibit “E”**) depicts conditions relating to the YBR Property.

The owner initially acquired Lot 387R1 and Lot 376RA1 and is in the process of developing a residence on Lot 387R1. Subsequently, the Owner acquired Lot 388, which adjoins Lot 387R1 and Lot 376RA1 to the north.

The purpose of this Minor Subdivision Application is to adjust the property boundary lot lines separating Lot 388 and Lot 387R1, effectively to incorporate land previously platted as part of Lot 388 into Lot 387R1.

The Lot Line Adjustment Plat retains the designation of a “No Build Area” on portions of Lot 388 and Lot 387R1, which were previously established when these lots were initially platted in the Mountain Village. The Owner has included a platnote on the Lot Line Adjustment Plat which precludes the development of the primary residence and accessory dwelling unit on Lot 388 and Lot 387R1 within the “No Build Area.” The platnote further limits uses and activities on the portion of Lot 388 and Lot 387R1 within the “No Build Area” to allowable passive open space uses and activities.

In connection with the Lot Line Adjustment Plat, the Owner states and confirms as follows:

1. No additional lots or parcels are being created by this application,
2. No changes to zoning or density will occur on either lot.
3. No changes to the 16' General Easement are being requested with this Application. Given the multitude of other general easements and utility easements crossing the YBR Property, the Owner is not proposing to establish a new 16' General Easement between the common boundary between Lot 388 and Lot 387R1.
4. No adjustments to the boundaries of Access Tract A-376R or Lot 376RA1, which are also owned by the Owner, would occur as a result of the Lot Line Adjustment Plat.

The Owner retains the right to use and develop the portions of Lot 388 and Lot 387R1 located outside of the "No Build Zone" as denoted on the Lot Line Adjustment Plat for the uses and activities allowed in the Single-Family Residential zone pursuant to the Community Development Code.

Compliance with the Community Development Code. The Lot Line Adjustment Plat complies with all applicable standards of CDC, including Section 17.4.13. Of note, the Owner contends as follows:

- The Lot Line Adjustment Plat is in general conformance with the Comprehensive Plan for the following reasons:
 - It preserves the residential density assigned to the YBR Property.
 - The proposed subdivision of the YBR Property is consistent with the Zoning and Land Use Regulations.
 - Clusters and directs development into limited portions of the YBR Property
 - Protects important environmental elements and features on the YBR Property
- The Lot Line Adjustment Plat does not contemplate or propose any rezoning or density transfer with respect to the YBR Property.
- The Lot Line Adjustment Plat is consistent with the Subdivision Regulations. In particular:
 - The residential lots each front directly to adjoining Access Tracts
 - The subdivision will be served by existing private access driveways designed to Town road standards
 - The design, width and shape of the lots take advantage of topographic features, are suitably designed to accommodate the proposed development activities and are logically arranged to be able to be served by shared utilities and access.
 - Development on Lot 388 and Lot 387R1 were designed and constructed in accordance with Town drainage design standards.
 - Fire protection is being provided to Lot 388 and Lot 387R1 I
 - Development on Lot 388 and Lot 387R1 will continue to be served by water, sewer and other utilities which have been designed in accordance with applicable Town standards.
 - There are adequate public facilities serving the proposed development of the YBR Property.
 - The site is currently zoned for two residential lots and the application will not change that usage, so no new demands on public facilities will occur.
 - The Lots are served by existing driveways.
- The Lot Line Adjustment Plat is consistent with the public health, safety and welfare, as well as the efficient and economical use of the YBR Property.

- The clustered nature of the development enhances the ability to preserve and protect important environmental features on the YBR Property.
- The continued use of the proposed residential lots will conform to the requirements of the CDC.
- Lot 388 and Lot 387R1, as laid out on the Lot Line Adjustment Plat, meets all applicable Town regulations and standards and will be able to accommodate the contemplated uses and activities proposed by the Owner.
- Lot 388 and Lot 387R1, as laid out on the Lot Line Adjustment Plat, shall not create vehicle or pedestrian circulation hazards or cause parking, trash or special delivery congestion.
 - The YBR Property is at the edge of the Town and abuts the Telluride Ski Ranches; no through roads are necessary to provide access to other platted lots in the Mountain Village.
 - Parking will continue to occur on site in connection with the development of the residences on Lot 388 and Lot 387R1.

The Owner looks forward to presenting this information to the Town Council and DRB during the upcoming noticed meetings and hearings.

Sincerely

Yellow Brick Road CO LLC,
a Colorado limited liability company


By: 
Thomas G. Kennedy, Authorized Agent

Table of Submitted Materials

The following documents are being submitted with the Town prescribed form Applications for the Rezone/ Subdivision Application and this Narrative.

Exhibit	Document
A	Proof of Ownership/Title Report
B	Owner Authorization/Agency Letter
C	Vicinity Map
D	Copy of [draft] Lot Line Adjustment Plat
E	Existing Conditions Mapping

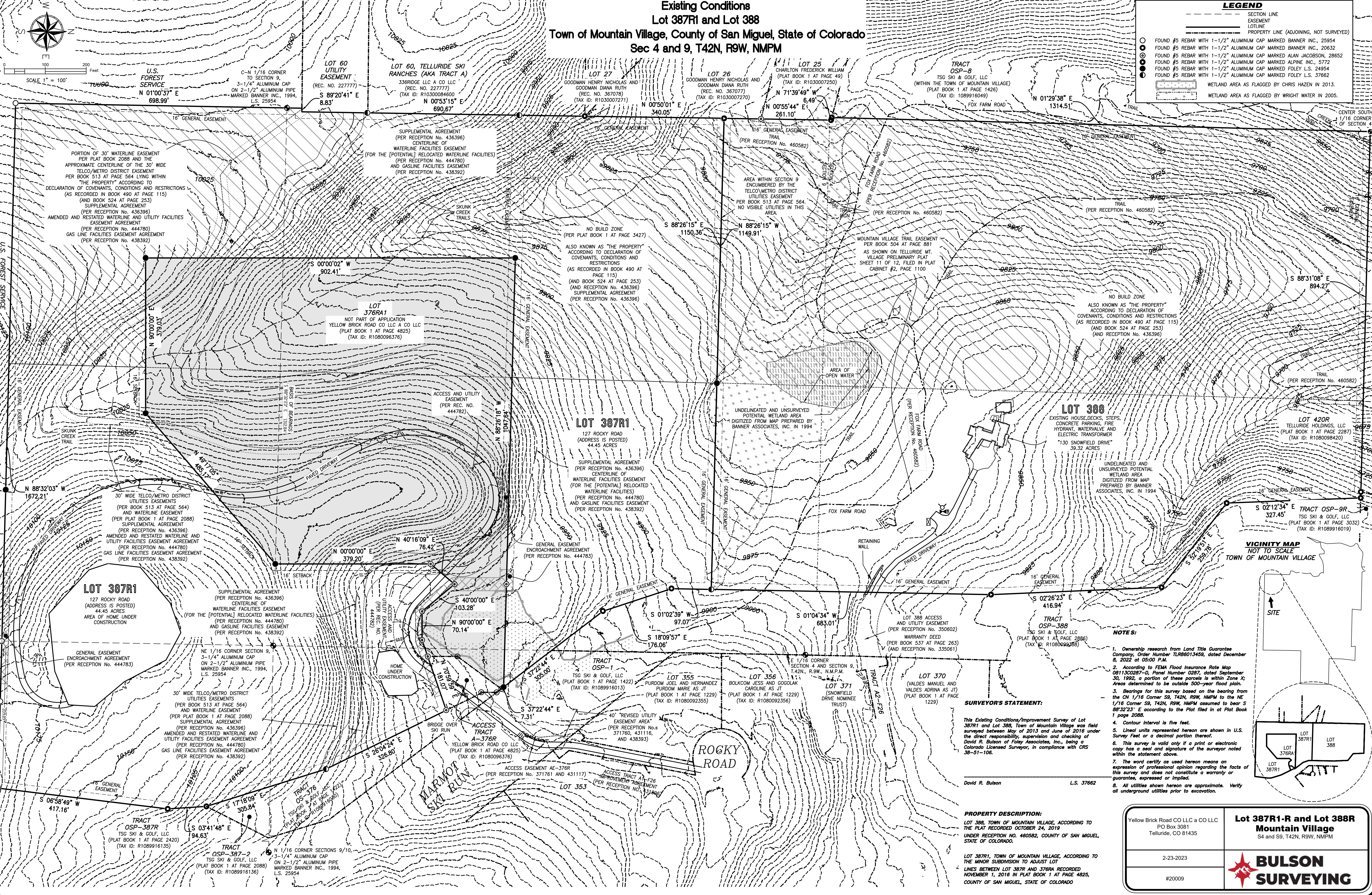
Existing Conditions
Lot 387R1 and Lot 388
Town of Mountain Village, County of San Miguel, State of Colorado
Sec 4 and 9, T42N, R9W, NMPM

LEGEND

- SECTION LINE
- EASEMENT
- LOTLINE
- PROPERTY LINE (ADJOINING, NOT SURVEYED)

- FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED BANNER INC., 25954
- FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED ALAN JACOBSON, 28652
- FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED ALPINE INC., 5772
- FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED FOLEY L.S. 24554
- FOUND #5 REBAR WITH 1-1/2" ALUMINUM CAP MARKED FOLEY L.S. 37662

- ▭ WETLAND AREA AS FLAGGED BY CHRIS HAZEN IN 2013.
- ▭ WETLAND AREA AS FLAGGED BY WRIGHT WATER IN 2005.



- NOTES:**
1. Ownership research from Land Title Guarantees Company, Order Number TLR86013459, dated December 8, 2022 at 6:50 P.M.
 2. According to FEMA Flood Insurance Rate Map 0811302287-D, Panel Number 0287, dated September 30, 1992, a portion of these parcels is within Zone X; Areas determined to be outside 500-year flood plain.
 3. Bearings for this survey based on the bearing from the CN 1/16 Corner S9, T42N, R9W, NMPM to the NE 1/16 Corner S4, T42N, R9W, NMPM assumed to bear S 88°32'23" E according to the Plat filed in Plat Book 1 page 2088.
 4. Contour interval is five feet.
 5. Linear units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.
 6. This survey is valid only if a print or electronic copy has a seal and signature of the surveyor noted within the statement above.
 7. The word certify as used hereon means an expression of professional opinion regarding the facts of this survey and does not constitute a warranty or guarantee, expressed or implied.
 8. All utilities shown hereon are approximate. Verify all underground utilities prior to excavation.

SURVEYOR'S STATEMENT:

This Existing Conditions/Improvement Survey of Lot 387R1 and Lot 388, Town of Mountain Village was field surveyed between May of 2013 and June of 2016 under the direct responsibility, supervision and checking of David R. Bulson of Foley Associates, Inc., being a Colorado Licensed Surveyor, in compliance with CRS 38-51-106.

David R. Bulson L.S. 37662

PROPERTY DESCRIPTION:
Lot 388, TOWN OF MOUNTAIN VILLAGE, ACCORDING TO THE PLAT RECORDED OCTOBER 24, 2018 UNDER RECEPTION NO. 460582, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Lot 387R1, TOWN OF MOUNTAIN VILLAGE, ACCORDING TO THE MINOR SUBDIVISION TO ADJUST LOT LINES BETWEEN LOT 387R AND 376R RECORDED NOVEMBER 1, 2018 IN PLAT BOOK 1 AT PAGE 4825, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Yellow Brick Road CO LLC PO Box 3081 Telluride, CO 81435	Lot 387R1-R and Lot 388R Mountain Village S4 and S9, T42N, R9W, NMPM
2-23-2023	
#20009	

Lot 387R1-R and Lot 388R, Town of Mountain Village
Minor Subdivision To Adjust Lot Lines Between Lot 387R1 and Lot 388
Town of Mountain Village, County of San Miguel, State of Colorado
Sec 4 and 9, T42N, R9W, NMPM

VICINITY MAP
NOT TO SCALE

CERTIFICATE OF OWNERSHIP

OWNERS CERTIFICATE:

1. Yellow Brick Road CO LLC, a Colorado limited liability company ("Owner") is the current fee simple owner of the following described real property located in the Town of Mountain Village, San Miguel County, Colorado ("Property"):

Lot 388, Town of Mountain Village, according to the Plat recorded October 24, 2019 under Reception No. 460582, San Miguel County, Colorado ("Lot 388"); and

Lot 387R1, Town of Mountain Village, according to the Minor Subdivision To Adjust Lot Lines Between Lot 387R and 376RA recorded November 1, 2016 in Reception No. 444781, Plat Book 1 At Page 4825, San Miguel County, Colorado ("Lot 387R1")

2. The Owner does hereby make and approve the within plat, entitled "Lot 387R1-R and Lot 388R, Town of Mountain Village Minor Subdivision To Adjust Lot Lines Between Lot 387R1 and Lot 388 Town Of Mountain Village, San Miguel County, Colorado" ("2023 Lot Line Adjustment Plat").

3. The purpose of this Lot Line Adjustment Plat is to modify the lot boundary lines of Lot 388R and Lot 387R1-R as shown and depicted herein. This Lot Line Adjustment Plat: (a) does not change the current zoning of Lot 388R and Lot 387R1-R or modify allowable uses and/or densities that can occur on Lot 388R and Lot 387R1-R, (b) does not alter or change the boundary lines of Lot 376RA-1, Access Easement AE-376 or Access Tract A-376R, and (c) does not change the General Easements previously created on the Property.

4. Development of the Property is subject to the terms of this Lot Line Adjustment Plat and all applicable provisions of codes and ordinances duly adopted by the Town, including, the Town Community Development Code ("CDC").

5. This 2023 Lot Line Adjustment Plat depicts and describes particular areas of certain agreements or easements affecting portions of the Property, that were previously depicted and described on that certain Lot Line Adjustment Plat recorded on November 1, 2016 in Reception No. 444781, Plat Book 1 At Page 4825 ("2016 Lot Line Adjustment Plat"), which agreements or easements include the following: (a) a certain "Waterline Easement" recorded in Reception No. 285725 (accommodating certain waterlines), which has been modified by instrument recorded in Reception No. 444780, which allows the Owner to relocate the Waterline and related Waterline Easement to a different location on the Property; (b) a certain "Goodman/Ski Ranches Agreement" recorded in Reception No. 0276066, as amended by the instrument recorded in Reception No. 290080 (accommodating certain recreational trails for Goodman and Ski Ranches), which was supplemented by instrument recorded in Reception No. 436396, which allows the Owner to relocate the Goodman and Ski Ranches Trail and related Trail Easements under the Goodman/Ski Ranches Agreement to a different location on the Property (collectively, the "Ski Ranch Trail Agreements"); (c) a certain "Gasline Easement" recorded in Reception No. 438392; and (d) a certain "Lot 387R1 Access and Utility Easement" recorded in Reception No. 444782. In the event that any of the foregoing easements are proposed for further termination, modification, relocation or amendment, the execution and recordation of a separate instrument will be sufficient to effect the intended change and no amendment to this Lot Line Adjustment Plat is required to achieve such termination, modification, relocation or amendment.

6. The Owner does hereby make and approve the following notes and certifications:

a. Wetlands, steep slopes, and other geologic impediments to development may exist on the Property. The Owner agrees that any site-specific development applications for individual improvements on the Property submitted to the Town as required by the CDC shall include an updated existing conditions plan indicating the

location of any steep slopes, geologic hazards, wetlands, ponds, streams and drainages on the lot or parcel that development is proposed. The impacts of any site-specific development as it relates to any steep slopes, geologic hazards, wetlands, ponds, streams and drainages shall be reviewed and evaluated by the Town at the time of its review of the site-specific development application.

b. At the time of the submission of any site-specific development applications for individual improvements on the Property as required by the CDC, Owner shall submit a utility plan depicting utility services to the proposed development. The Owner will be required to record utility easements serving the residential lots and open space parcels (as appropriate) at such time as the utilities have been installed and prior to the issuance of a certificate of occupancy for the improvement requiring the utility services. The easement shall be reviewed by the Town. Lots may not be sold to third parties unless and until utility easements have been recorded to the satisfaction of the Town. In the event that any of the foregoing easements are proposed for termination, modification, relocation or amendment, the execution and recordation of a separate instrument will be sufficient to effect the intended change and no amendment to this Lot Line Adjustment Plat is required to achieve such termination, modification, relocation or amendment.

c. The Owner agrees that it shall not develop a primary residence or accessory dwelling within the portion of Lot 387R1-R and Lot 388R located within the "No Build Zone" as designated and depicted hereon.

THE FOREGOING IS HEREBY ACKNOWLEDGED AND AGREED TO BY THE UNDERSIGNED AS OF 2023

Yellow Brick Road CO LLC, a Colorado limited liability company

By: Bob Greene Enterprises Inc., its Manager

By: Date:

STATE OF) ss.

COUNTY OF)

The within Lot Line Adjustment Plat and Owner Certificate was acknowledged before me this day of 2023 by as the of Yellow Brick Road CO LLC.

Witness my hand and official seal.

Notary Public

My commission expires:

SHEET INDEX

Page 1 - Certifications and Notes

Page 2 - Boundaries and Easements (1"=100')

PARCEL AREA SUMMARY

Table with 2 columns: Current Lot, Acreage. Rows include Lot 387R1 (44.452 acres), Lot 388 (39.320 acres), and Total (83.772 acres).

Table with 2 columns: Replatted Lot s, Acreage. Rows include Lot 387R1-R (80.585 acres), Lot 388R (3.187 acres), and Total (83.772 acres).

TITLE INSURANCE COMPANY CERTIFICATE

Land Title Guarantee Company does hereby certify that we have examined the title to the lands herein shown on this Replat and that the title to this land is in the name of YELLOW BRICK ROAD CO LLC, A COLORADO LIMITED LIABILITY COMPANY is free and clear of all liens and taxes, except as follows:

Title Insurance Company Representative

NOTES

1. Approval of this plat may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended and Town of Mountain Village Community Development Code Section 17, which authorized my execution of this Replat.

2. Standard Notes:

3. BASIS OF BEARINGS. The bearing from the CN 1/16 Corner S9, T42N, R9W, NMPM to the NE 1/16 Corner S9, T42N, R9W, NMPM assumed to bear S 88°32'23" E according to the Plat filed in at Plat Book 1 page 2088.

4. UNITS OF MEASURE. Lineal units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.

5. NOTES OF CLARIFICATION:

The following boundary lines of the following lots, tracts, and right-of-way have been modified by this Lot Line Adjustment Plat:

NONE

The following lots/parcels have been created by this Lot Line Adjustment Plat:

Lot 387R1-R and Lot 388R

The following lots/parcels have been deleted by this Lot Line Adjustment Plat:

Lot 387R1 and Lot 388

6. Easement research from Land Title Guarantee Company Land Title Guarantee Company, Order Number TLR86013459 dated December 08, 2022 at 5:00 P.M.

6. The approval of this Replat vacates all prior plats for the area described in the Legal Description as shown hereon in the Certificate of Ownership.

7. Town of Mountain Village Resolution No. recorded at Reception No.

8. GENERAL EASEMENT 16 foot General Easement, an easement sixteen feet in width inuring to the benefit of the Town of Mountain Village its successors, designees and assigns, is hereby established and reserved on, over and under the portion of Lot 388R designated as 16' GE for the purpose of constructing, operation, maintenance and repairing any and all improvements required for those uses, purposes and activities deemed necessary and appropriate by the Town of Mountain Village for the safe or efficient operation of the Town of Mountain Village or any lots contained therein, which shall include but are not limited to the following: water service, electrical service, telephone service, cable television service, sanitary sewer service, natural gas service, propane service, communication service, road construction, retaining walls, roadway and driveway cut and fill areas, drainage, bicycle access, skier access, gondola structures, gondola setback, pedestrian access, snow storage, storm sewer, grading, removal of vegetation, ski slope maintenance, snowmobile access, snowcat access, and removal or addition of soils materials.

9. NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TOWN OF MOUNTAIN VILLAGE APPROVAL

I, as Mayor, of the Town of Mountain Village, Colorado, does hereby certify that this Replat has been approved by the Town of Mountain Village Town Council in accordance with the Town of Mountain Village Resolution No. recorded at Reception No.

which authorized my execution of this Replat.

Mayor, Date

ACKNOWLEDGMENT

State of)) ss County of)

The foregoing signature was acknowledged before me this day of 20 A.D. by as Mayor of the Town of Mountain Village.

My commission expires Witness my hand and seal.

Notary Public

PLANNING APPROVAL:

I, as the Planning and Development Services Director of Mountain Village, Colorado, do hereby certify that this Replat has been approved by the Town in accordance with the Community Development Code.

Date:

Planning and Development Services Director

SURVEYOR'S CERTIFICATE

I, David R. Bulson of Bulson Surveying, a Professional Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that this plat of LOT 387R1-R AND LOT 388R, TOWN OF MOUNTAIN VILLAGE MINOR SUBDIVISION TO ADJUST LOT LINES BETWEEN LOT 387R1 AND LOT 388 TOWN OF MOUNTAIN VILLAGE, COUNTY OF SAN MIGUEL, STATE OF COLORADO as shown hereon has been prepared under my direct responsibility and checking, and accurately represents a survey conducted under my direct supervision. This survey complies with applicable provisions of Title 38, Article 51, C.R.S. to the best of my knowledge and belief.

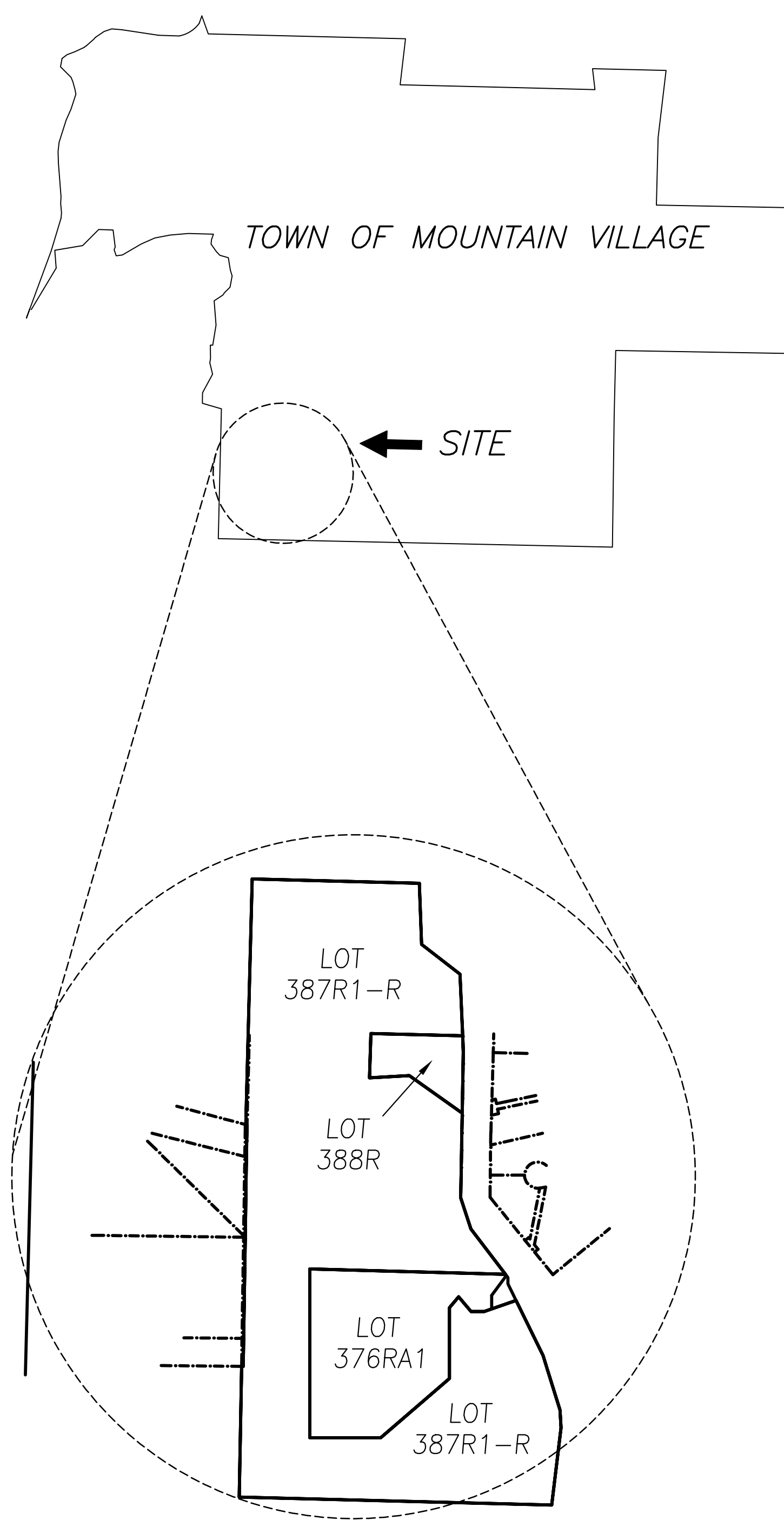
IN WITNESS WHEREOF, I here unto affix my hand and official seal this day of A.D. 202

P.L.S. No. 37662 Date

RECORDER'S CERTIFICATE

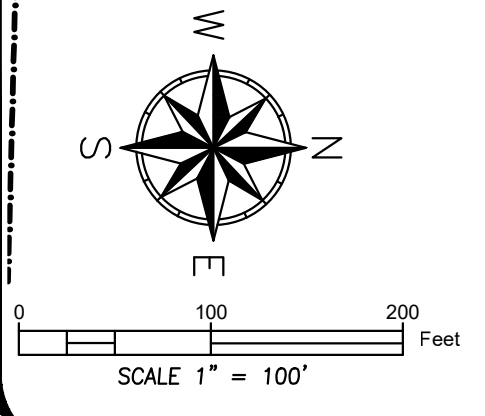
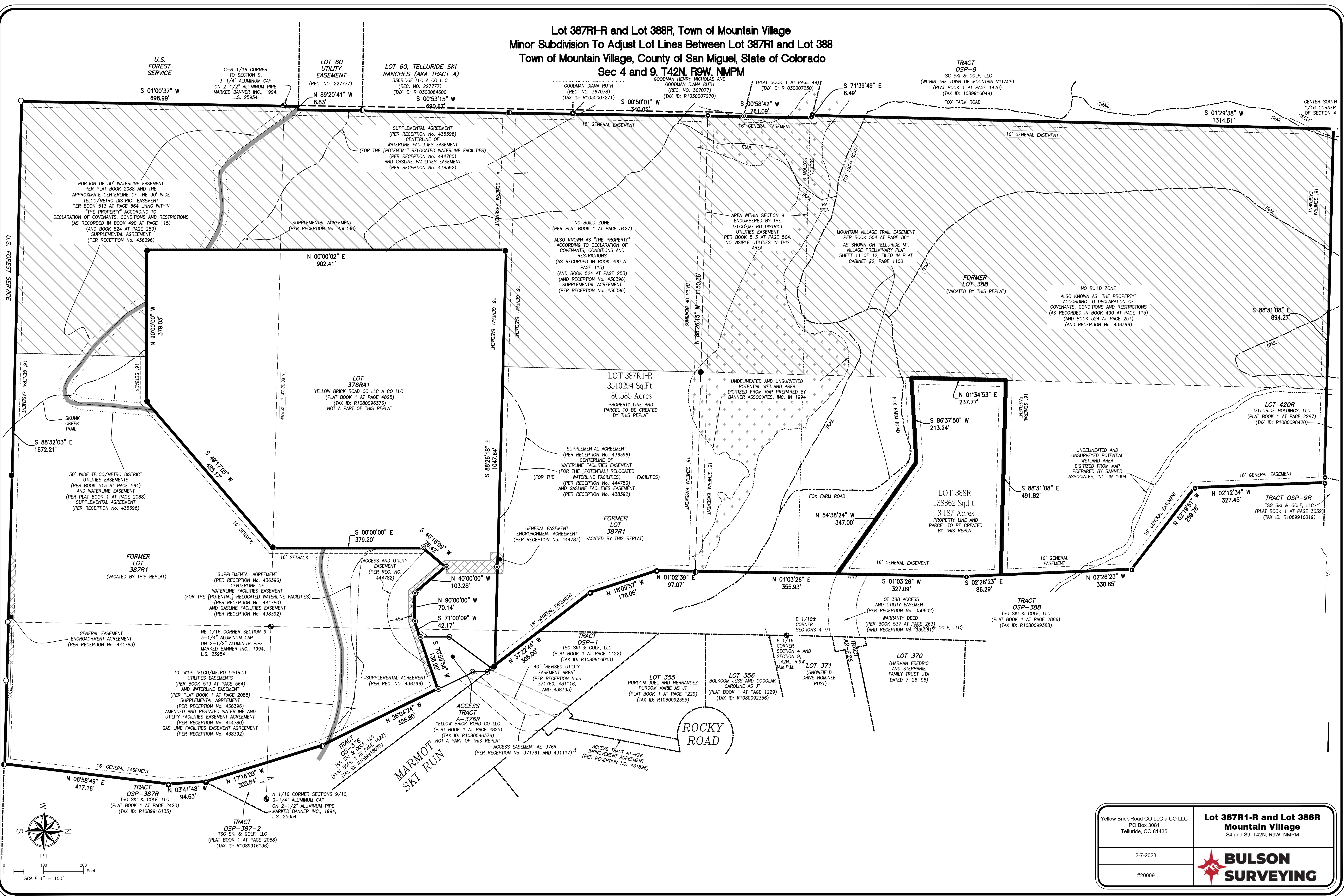
This Replat was filed for record in the office of the San Miguel County Clerk and Recorder on this day of 20, at Reception No. Time


San Miguel County Clerk and Recorder



Yellow Brick Road CO LLC a CO LLC PO Box 3081 Telluride, CO 81435 Lot 387R1-R and Lot 388R Mountain Village S4 and S9, T42N, R9W, NMPM 2-7-2023 #20009 BULSON SURVEYING

Lot 387R1-R and Lot 388R, Town of Mountain Village
Minor Subdivision To Adjust Lot Lines Between Lot 387R1 and Lot 388
Town of Mountain Village, County of San Miguel, State of Colorado
Sec 4 and 9, T42N, R9W, NMPM



Yellow Brick Road CO LLC a CO LLC PO Box 3081 Telluride, CO 81435	Lot 387R1-R and Lot 388R Mountain Village S4 and S9, T42N, R9W, NMPM
2-7-2023	 BULSON SURVEYING
#20009	

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING A MINOR SUBDIVISION, A LOT
LINE ADJUSTMENT TO LOTS 388 & 387R1**

RESOLUTION NO. 2023-

- A. Yellow Brick Road CO LLC ("Owners") are the owners of record of real property described as Lots 388 & 387R1, Town of Mountain Village, County of San Miguel, State Of Colorado, respectively.
- B. The Owners have requested approval of the minor subdivision application to adjust the lot line between Lots 388 & 387R1 ("Application").
- C. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- D. The Town Council finds that the minor subdivision meets the criteria for decision set forth in Section 17.4.13 of the CDC as follows:
 - I. The lots resulting from the replat are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
 - 2. The Comprehensive Plan Envisioned this area as a low-density area of single family residential, this lot line adjustment does not change that use.
 - 3. Subdivision access complies with Town standards and codes.
 - 4. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and
 - 5. The proposed subdivision meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE MINOR SUBDIVISION AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. The Applicant will submit appropriate fees to staff for recordation with the San Miguel County Assessor's office within six months of approval.
- 2. Staff will review the final proposed plat document to verify consistency with CDC Sections 17.4.13.N. Plat Standards, and CDC Section 3. Plat Notes and Certifications and provide redline comments to the applicant prior to the execution of the final mylar.
- 3. Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation.

Section 1. Resolution Effect

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

Section 2. Severability

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

Section 3. Effective Date

This Resolution shall become effective on July 17, 2023 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting

A public meeting on this Resolution was held on the 17th day of July 2023.

Approved by the Town Council at a public meeting held on July 17, 2020.

Town of Mountain Village, Town Council

By: _____
_____, Mayor

Attest:

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

Paul Wisor, Town Manager



**Agenda Item No. 12
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, July 17, 2023

DATE: July 12, 2023

RE: Consideration of a second reading of an Ordinance 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

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 June 15, 2023 Town Council Hearing.
This item was approved on First Reading at the June 15, 2023 regular Town Council meeting

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 Second Reading of an Ordinance Approving 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 based on the evidence provided within the Staff Report of record dated July 12, 2023.

This motion is based on the evidence and testimony provided at a public hearing held on July 17, 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.

Deln Wilhite

(signature required)

5/23/22

(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)



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]

ORDINANCE NO. 2023-XX

**AN ORDINANCE OF THE TOWN COUNCIL OF MOUNTAIN VILLAGE APPROVING
A LICENSE AGREEMENT WITH VERO BROADBAND, LLC FOR
COMMUNICATIONS EQUIPMENT SPACE AT 317 ADAMS RANCH ROAD,
MOUNTAIN VILLAGE, COLORADO 81435**

A. The Town of Mountain Village (the “Town”), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and the Town Charter.

B. CRS. § 31-15-713(l)(c) authorizes the Town to lease or license any real estate owned by the Town when deemed by the Town Council to be in the best interest of the community; and

C. C.R.S. § 31-15-713(l)(c) requires any lease of Town property for a period of more than one year to be approved by ordinance.

D. The Town owns real property at 317 Adams Ranch Road, Mountain Village, Colorado 81435 (the “Property”) which is used to house communications equipment necessary to operate the Town’s broadband internet system.

E. The Town is selling its broadband internet system.

F. Vero Broadband, LLC (“Vero”) has contracted with the Town to purchase the Town’s broadband internet system and requires use of the Property following the close of the transaction to continue operating the broadband internet system.

G. Town Staff and Vero have negotiated a License Agreement (“Agreement”), Attached as Exhibit A, to permit use of the Property.

H. The Town Council desires to approve the Agreement.

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

Section 1. Legislative Findings.

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

Section 2. The License Agreement with Vero is hereby adopted as set forth on Exhibit A attached hereto.

Section 3. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 4. Ordinance Effect.

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

Section 5. Safety Clause.

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

Section 6. Effective Date.

This Ordinance shall become effective thirty days after publication following the final passage.

Section 7. PUBLIC HEARING.

A public hearing on this Ordinance was held on the [redacted]th day of [redacted], 2023, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the [redacted]th day of June, 2023.

TOWN OF MOUNTAIN VILLAGE,
COLORADO, a home rule municipality

By: _____
Laila Benitez, Mayor

ATTEST:

By: _____
Susan Johnston, Town Clerk

APPROVED AS TO FORM:

By: _____
_____, Town Attorney

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

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the “**Agreement**”) is made as of this ____ day of _____, 2023 (“**Effective Date**”) by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality (“**Owner**”), and Vero Broadband, LLC, a Colorado limited liability company (“**Licensee**”). Each of Owner and Licensee may be referred to in this Agreement individually as a “**Party**” and collectively as the “**Parties.**”

WHEREAS Owner is the owner of that certain land and the building (the “**Building**”) thereon (together, the “**Property**”), having a street address of 317 Adams Ranch Road, Mountain Village, Colorado 81435.

WHEREAS Owner desires to license the Premises defined herein to the Licensee under the terms and conditions as set forth herein.

WHEREAS Licensee desires to license the Premises defined herein from the Owner under the terms and conditions set forth herein.

WHEREAS Owner is willing to permit Licensee to construct, replace, maintain, repair, operate, inspect, augment, and remove its communications system through, over, and under the Property, under the terms and conditions described below.

NOW, THEREFORE, for and in consideration of the covenants and obligations set forth herein, and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Licensee and Owner hereby agree as follows:

1. Grant.

a. Owner hereby grants to Licensee a non-exclusive license, at Licensee’s sole option and expense, to construct, replace, maintain, repair, operate, inspect, augment, and remove, on, within, under, across, and along those portions of the Property (the “**Licensed Area**”), as depicted on the attached Exhibit A, Licensee’s communications equipment and related wires, cables, underground conduit, aerial supports, aerial cabling, antennas, building entrance facilities, above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment (together, the “**Facilities**”).

b. Without limiting the foregoing, Owner shall give Licensee reasonable access to vertical and horizontal shafts, conduits, roof, and the common areas, on within, under and along the Property and Licensed Area to enable Licensee, where necessary and at its expense, to install Facilities.

c. Nothing contained herein shall be construed as granting to Licensee any ownership rights in the Property or to create a partnership or joint venture between Owner and Licensee.

2. Term.

a. Commencing on the Effective Date, this Agreement shall have an initial term of ten (10) years (the “**Initial Term**”). This Agreement may renew for four (4) successive periods of five (5) years each (the “**Renewal Terms**”) upon approval by the Town Council (the “**Initial Term**” and the “**Renewal Terms**” are collectively referred to as the “**Term**”).

b. The license granted hereby may not be revoked during the Term, except as provided in Sections 9 and 13.

3. **Base Rent.** In consideration for the Agreement, Licensee shall pay Owner One Dollar (\$3,000.00) (“**Base Rent**”) annually and continuing throughout the Term. Base rent is inclusive of all utility costs and the Owner’s obligations detailed in Section 6 below. The Base Rent for the Initial Term shall be paid within 30 days following the Effective Date and the Base Rent for each Renewal Term shall be paid within 30 days following the start of each such Renewal Term. Base rent shall be subject to a three percent (3%) annual escalation which shall increase annually on the anniversary of the Effective Date.

4. **Installation.** Licensee may construct, replace, maintain, repair, operate, inspect, augment, and remove its Facilities, at Licensee’s sole cost and expense, provided that Licensee shall:

- a. perform such work in a safe manner consistent with generally accepted construction standards;
- b. perform such work in such a way as to reasonably minimize interference with the operation of the Property; and
- c. obtain, prior to the commencement of any work, necessary federal, state, and municipal permits, licenses, and approvals.

5. **Facilities.** The Facilities shall belong to Licensee and shall be there at the sole risk of Licensee, and Owner shall not be liable for damage thereto or theft, misappropriation, or loss thereof, except in the event of the negligence or willful misconduct of Owner, its employees, agents, contractors, or invitees. At the expiration of this Agreement, Licensee shall, at Licensee’s sole cost and expense, remove the Facilities and Licensee’s other personal property from the Building, and return the Licensed Area to Owner in good condition and repair, ordinary wear and tear excepted. Any property not so removed within ninety (90) days after the expiration of this Agreement shall be deemed the property of Owner without further liability to Licensee.

6. **Owner’s Obligations.** At Owner’s expense, Owner shall:

- a. keep the Property in good order, repair, and condition.
- b. supply the following services and utilities: (i) heat, ventilation, and air conditioning; (ii) cleaning and janitorial services; (iii) hot and cold, running, potable water reasonably adequate for Tenant's needs; (iv) electricity for lighting and operating small equipment; (v) provide, install, and replace all necessary light bulbs and tubes; (vi) illuminate and maintain the parking area, walks, and driveways, including snow and ice removal.
- c. Maintain a service contract on the building generator to include periodic maintenance, load testing, and fuel supply.

7. **Licensee’s Obligations.** At Licensee’s expense, Licensee shall:

- a. keep the Facilities in good order, repair, and condition, and promptly and adequately repair all damage to the Property caused by Licensee, other than ordinary wear and tear.
- b. be responsible for all taxes assessed on Licensee’s Facilities.
- c. comply with federal, state, and municipal laws, orders, rules, and regulations applicable to the Facilities.

8. **Access.** Owner shall allow Licensee, and its employees, agents, and contractors, access to the Property at all times on a 24x7x365 basis. Licensee shall not be permitted to access Owner's proprietary systems unrelated to the Licensee's operation of their broadband network including but not limited to Owner's Supervisory Control and Data Acquisition ("SCADA") systems.

9. **Relocation.** Licensee acknowledges and understands that the Building may be required to be removed or relocated pursuant to Owner-approved development projects. Owner shall provide Licensee no less than one (1) year written notice of any proposed relocation or removal of the Building. In the event of a proposed relocation or removal, Owner will work in good faith with Licensee to propose an alternative location where headend access can be provided on substantially the same terms and conditions as provided under this Agreement. In the case that no suitable replacement location can be found this Agreement shall terminate upon one (1) year written notice by Owner that no such location could be found.

10. **Liens.** Licensee shall be responsible for the satisfaction or payment of any liens for any provider of work, labor, material or services claiming by, through or under Licensee. Licensee shall also indemnify, hold harmless and defend Owner against any such liens, including the reasonable fees of Owner's attorneys. Such liens shall be discharged by Licensee within sixty (60) days after notice by Owner of filing thereof by bonding, payment or otherwise, provided that Licensee may contest, in good faith and by appropriate proceedings any such liens.

11. **Performance of Work.** Licensee may contract or subcontract any portion of work at the Property contemplated by this Agreement to any person or entity competent to perform such work. In no event shall such subcontract relieve Licensee of any of its obligations under this Agreement.

12. **Limitation of Liability.** Neither Party shall be liable for loss or damage occasioned by a Force Majeure Event. No cause of action under any theory which accrued more than one (1) year prior to the filing of a complaint alleging a cause of action may be asserted by either Party against the other Party. Neither Party shall be liable to the other Party for any lost profits, special, incidental, punitive, exemplary, or consequential damages, including but not limited to frustration of economic or business expectations, loss of revenue, loss of capital, cost of substitute product(s), facilities or services, or down time cost, even if advised of the possibility of such damages.

13. **Default.** Should either Party default in the performance of a material provision of this Agreement and fail to correct same within sixty (60) days after having received written notice specifying the nature of such default, unless such default is of a nature that it cannot be completely cured within sixty (60) days, if a cure is not commenced within such time and thereafter diligently pursued to completion, then the non-defaulting Party may terminate this Agreement and may pursue all other remedies available to it at law and/or equity.

14. **Indemnification.** Licensee shall indemnify, hold harmless, and defend Owner, its employees, agents, contractors, invitees, officers, directors, affiliates and subsidiaries from and against any and all claims, actions, damages, liabilities and expenses, including reasonable attorneys' and other professional fees, arising from or out of the installation, operation, maintenance or removal by Licensee of the Facilities, except to the extent that any such claims, actions, damages, liabilities, expenses or damage are caused by Owner, its employees, agents, contractors, invitees, officers, directors, affiliates or subsidiaries.

15. No Waiver of Governmental Immunity. Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Owner, its elected and appointed officials, employees, contractors, or agents, or any other person acting on behalf of the Owner and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

16. Insurance. Licensee shall maintain insurance coverage insuring against claims, demands, or actions for personal injuries or death resulting from the use or operation of the Facilities with limits of not less than One Million Dollars (\$1,000,000) any one occurrence, in an aggregate amount of Two Million Dollars (\$2,000,000), and for damage to property in an amount of not less than Two Million Dollars (\$2,000,000). Such insurance shall name Owner as additional insured for coverage only, with no premium payment obligation, and shall provide that it is primary insurance and not "excess over" or contributory with any other valid, existing, and applicable insurance in force for or on behalf of Owner. The policy shall not eliminate cross-liability and shall contain a severability of interest clause. Upon Owner's request, Licensee shall provide a certificate of insurance to Owner.

17. Damage to Building. In the event that the Building is damaged or destroyed by fire or other casualty such that Licensee is unable to occupy the Premises for its permitted use, Licensee may at its option terminate this Agreement.

18. Assignment. Licensee shall not assign or transfer this Agreement without the written consent of the Owner, which consent will not be unreasonably withheld, conditioned, or unduly delayed; except that, upon written notice to the Owner, Licensee may, without obtaining Owner's prior consent, make such assignment to:

- a. any subsidiary, affiliate, or parent of Licensee.
- b. any partnership in which it has a majority interest.
- c. any entity which succeeds to all or substantially all of Licensee's assets or ownership interests, whether by merger, sale or otherwise.
- d. any business reorganization that may result in a change in majority control, investor ownership, or refinancing.

The surviving entity of any of the above assignments shall assume the obligations of Licensee or its assignees under this Agreement.

19. Force Majeure. Neither Party shall be liable for loss, damage, or failure to perform its obligations hereunder due to acts or conditions beyond its reasonable control including but not limited to acts of God, the failure of equipment or facilities not belonging to Licensee (including, but not limited to, utility facilities or service), denial of access to facilities or rights-of-way essential to accessing the Property or Building, government order or regulation, or any other circumstances beyond the reasonable control of the Licensee.

20. Notice. All notices, demands, requests or other communications given under this Agreement shall be in writing and shall be deemed properly given (a) if delivered in person to a Party; or (b) if delivered by an overnight delivery service, private courier, or commercial courier; or (c) if delivered by the United States mails, certified, or registered mail with return receipt requested. All notices so given

shall be deemed effective on actual delivery or if delivery is refused, upon refusal. All notices shall be delivered at the following addresses:

If to Owner: Town of Mountain Village
411 Mountain Village Blvd.
Mountain Village, CO 81435
Attn: Town Manager

If to Licensee: Vero Broadband, LLC
1023 Walnut St.
Boulder, CO 80302
Attn: Chief Operating Officer

With a copy to:
Gregg Strumberger
Chief Legal Officer
At the same address.

21. Governing Law. This Agreement shall be governed by and construed under the laws of the state of Colorado.

22. Miscellaneous. This Agreement shall run with the land and shall bind and benefit the Parties and their respective successors and assigns. This Agreement is the entire understanding between the Parties and supersedes any prior agreements or understandings whether oral or written. This Agreement may not be amended except by a written instrument executed by both Parties. If any provision of this Agreement is found to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement will not be affected or impaired. Each Party represents to the other that the person signing on its behalf has the legal right and authority to execute, enter into and bind such Party to the commitments and obligations set forth herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

Owner:

Town of Mountain Village

Signature

Name

Title

Date

Licensee:

Vero Broadband, LLC

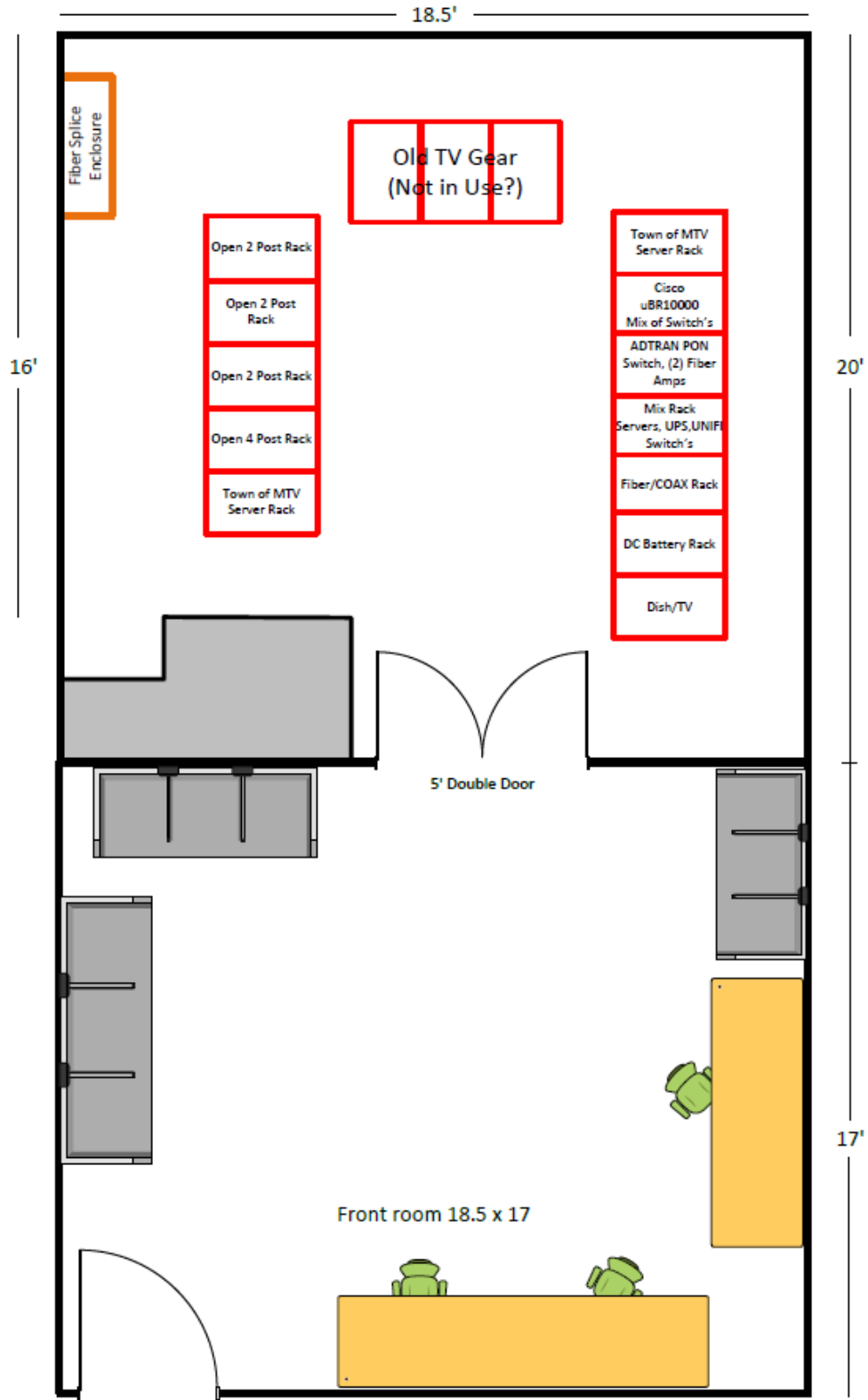
Signature

Name

Title

Date

EXHIBIT A
Property and Licensed Area





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

TO: Mountain Village Town Council

FROM: Paul Wisor, Town Manager; Michelle Haynes, Assistant Town Manager; Lizbeth Lemley, Finance Director

DATE: July 19, 2023

RE: Work-Session - Lot 644, Meadowlark at Mountain Village – Pricing Strategies

Executive Summary: The Town of Mountain Village, along with its development partner Triumph Development West, is pursuing the construction of 29 deed-restricted, for-sale units. The Town has conducted two executive sessions in which it has discussed various pricing strategies aimed at making the Meadowlark units as attainable as possible. Having not reached a conclusion, Town Council desires to hold a work-session to discuss the merits of the pricing strategies and to allow the public to voice their preference with respect to such strategies. Once Council provides Town staff direction with respect to pricing strategies, Town staff will be able to provide Town Council with recommendations regarding initial pricing for the Meadowlark units at a future meeting.

Background

The Town of Mountain Village is fortunate in that it has a considerable amount of deed-restricted housing located within its Town boundaries relative to many of its peer communities. In fact, 74% of Mountain Village residents reside in deed-restricted housing.

Currently, there are 538 deed-restricted units available in Mountain Village. These deed-restricted units fill the need of a variety of income levels. Big Billies, owned by Telluride Ski & Golf (“TSG”) contains 150 rental units, and the current deed restriction requires residents fall within an income range of 50% to 60% of Area Median Income (“AMI”)¹ with rents similarly charged at the 50%-60% of maximum allowable rent.²

Village Court Apartments (“VCA”), owned by the Mountain Village Housing Authority, contains 220 rental units. The rent for these units also fall within the 50%-60% range. Within VCA, 88 units are encumbered by a deed-restriction requiring occupants fall within an income range of 50%-60% of AMI. The Housing Authority is pursuing the development of Phase IV of VCA, which will include 35 units. It is estimated the rent for these units will fall around 100% the maximum rent allowed under the AMI schedule.

There are also 30 rental units at the TSG-owned Mountain View complex, and these units are not subject to rent or income limitations.

¹ The Area Median Income for a single person in San Miguel County is currently \$69,800,

² The maximum rent for a single individual for a one bedroom in San Miguel County is \$1,745.

The remaining deed-restricted units can mostly be found in the Meadows neighborhood. These units are largely owner-occupied, and they are not subject to income restrictions or price caps. Over the last two years, these units have sold at an average of \$617 per square foot.

Given the above, the Town has a robust amount of housing available for those who fall below the 100% AMI, and, for those who can afford to purchase at the average price of \$617 per square foot.

There is, however, a gap in inventory for those seeking housing and price points and unit types between these ranges. To that end, Council made the decision in 2021 to pursue development of Lot 644, now known as Meadowlark, with the stated goal of primarily providing attainable housing for Town employees, essential workers, and others working in the R-1 school district.

In February 2022, pursuant to an RFP process, the Town selected Triumph Development West to serve as the Town’s development partner for the construction of for sale residential units on Lot 644. In its response, Triumph proposed the Town would provide \$4.3 million in equity and Triumph would seek a construction loan for the remainder of the funds necessary for funding the project. Upon the sale of the constructed units, the sale proceeds would be proportionately allocated to the Town and Triumph, the Town would be repaid its equity investment, and any excess profit would be divided between the Town and Triumph 20%/80%. In addition, Triumph would be entitled to a developer fee equal to 4% of the cost of the project.

In its initial proposal, Triumph articulated projected pricing for studios to three-bedroom units set forth below:

Sales Program	Units	Livable SF	Gross SF	Target	Target	Approx.
				Sales Price	\$/Bedroom	AMI
Condos						
Studio	3	540	540	\$ 348,300	\$ 348,300	120%
1BR	10	630	630	\$ 406,350	\$ 406,350	140%
Condo Garages	6	-	250	\$ 37,500		
Townhomes						
3BR w/ Garage	4	1,800	2,100	\$ 999,000	\$ 333,000	240%
2BR w/ Garage	3	1,300	1,600	\$ 747,500	\$ 373,750	190%
3BR	6	1,350	1,350	\$ 702,000	\$ 234,000	175%
2BR	9	1,200	1,200	\$ 624,000	\$ 312,000	140%

Under this scenario, the price per square foot ranged from \$520 for a two-bedroom townhome to \$645 for a one-bedroom condo, with overall pricing topping out at \$999,000 for a three-bedroom townhome with a garage.

Over the course of the design and development process³, the overall project has changed for a variety of reasons, including ensuring the project fits within the confines of the site, and addressing a variety of community concerns regarding the project. For example, the project has gone from 35 units, to 41 units to 29 units, and there are no longer any studios contemplated in the project.

³ During this process it is important to note Council adopted a deed restriction for the Meadowlark units that includes a 4% appreciation cap. This cap was implemented to help assure the price of the units remain attainable over time. Council also adopted a selection system which creates a waterfall for those seeking to purchase the units. This waterfall provides priority for Town employees to buy the units, followed by essential workers, workers working in Mountain Village, those that work in the R-1 school district, and, finally, businesses.

Since February 2022, the financial environment has changed significantly. Inflation has increased construction costs and rising interest rates have increased the price of construction loans. Additionally, interest rates have increased, making it more difficult for purchasers to qualify for loans. The Town and Triumph have worked diligently to control the price of the Meadowlark units in the face of external upward pricing pressures.

In order to lower the cost of the units, staff has proposed a variety of paths for Council to consider. These options include setting aside units for organizations and charging the cost to construct, deploying the \$4.3 million equity investment into the project as a Buydown Program, or using the equity to establish an Equity Investment Program.

Program Proposals

Essential Organization Pricing

In order to lessen the financial impact on the Town were it to provide additional assistance to the Meadowlark project, staff proposes a tiered pricing structure for businesses who purchase Meadowlark units. The Town has already set aside five units for organizations⁴ it has deemed essential. Under the tiered approach, businesses would pay the cost to construct the units. In addition, the five businesses that have been given priority to purchase (after Mountain Village staff but before essential workers) would pay a \$50,000 Priority Fee.

Buydown Program

In addition to charging the five organizations the cost of construction, plus a priority fee, the Town could use its remaining equity and buy down the cost of the units prior to sale. This approach would effectively lower the purchase price of each unit.

While the Town would not realize any appreciation in the project, the initial investment, in tandem with the implementation of the 4% appreciation cap applicable to all Meadowlark units, would assure the units remain attainable over the long-term, relative to other deed restricted products in Mountain Village.

Equity Investment Program

Rather than pursue a Buydown Program, the Town could create an equity investment program whereby the Town would invest its remaining \$4.3 million into the units for a proportionate ownership interest⁵ and realize a return on its investment upon the sale of the home if market values increase and a decrease on its investment if market values decrease. The Town would take its equity contribution and put it back into the unit upon purchase by the new owner, creating a planned perpetual subsidy program. The Town would then be able to reinvest the proceeds into equity on the resale. Under this program, the owner and Town would share in increases (up to the 4% price cap) and decreases in value.

Buydown v. Equity Investment Comparison

As discussed below, the Buydown and Equity Investment approaches each have their respective incentives and drawbacks. It is worth noting that in the scenario where the buyer has

⁴ The organizations include the Telluride Regional Medical Center, Tri-County Health, the R-1 School District, Telluride Fire District, and the San Miguel Resource Center.

⁵ Purchasers could choose not to accept the equity investment, and instead choose to pay the full purchase price.

a comparable amount for a downpayment, the financial outcome for the buyer upon sale is consistent between programs.

This brings us to one of the two main incentives of the Equity Investment approach, which provides the purchaser with more cash at the closing table. Although the Town may view the Equity Investment approach as a means to make purchasing a home more affordable, many buyers will likely see the program as a mortgage assistance program as the Town's equity will allow certain purchasers to make a larger downpayment allowing them to qualify for a home they would not be able to purchase on their own. Down payments are one of the largest barriers to homeownership in our area. The Equity Investment approach provides some buyers with funds they may not otherwise have in order to participate in a wider variety of lending programs.

Without stating the obvious, the other benefit to the Equity Investment approach, is that the Town could potentially realize a return on its investment.

However, the Town will not monetize this return if Council intends for the Equity Investment approach to work as a Meadowlark Revolving Fund. In the event a unit is purchased at \$500,000 the Town will need put in approximately \$92,000 through the Equity Investment Program. In ten years⁶ the unit will sell for \$705,299, and the Town will receive \$129,775. The next buyer will purchase the unit for \$705,299. In order for the unit to be as accessible for the subsequent purchaser as it was for the initial purchaser, the Town will need to invest \$129,775.

If the Town intends to monetize these returns, it will need to cease investing in the project at some point. When the Town ceases investing in the Meadowlark units, the units will be priced significantly higher than what most of the previous occupants may have been able to afford.⁷ Additionally, the first owner will need to find a buyer able to both meet the requirements of the deed restriction and afford the higher price without assistance, or reduce the price potentially resulting in both a loss to the Town and owner.

Council, then, should be clear if the Equity Investment Program while intended to be a long-term solution, is only guaranteed to the initial buyers.

If the Equity Investment Program is meant as a long-term solution, it is important to note there are two factors working against Council's ability to guarantee longevity of the program.

First, the decision to create and enter into the Equity Investment Program is a legislative act by Council. There is a long standing principle under Colorado law that prohibits one Council from bind[ing] succeeding city councils and thereby deprive them of the unrestricted exercise of their legislative power. *City of Denver v. Hubbard*, 17 68 P. 993 (Colo. App. 1902).⁸

In decades past, it may have been possible to place the obligation of Council to continue the Equity Investment Program in a covenant running with each unit. However, Article X, Section 20 of the Colorado Constitution, better known as the Taxpayer Bill of Rights, adopted in 1992 prohibits such a covenant. TABOR explicitly prohibits Council from incurring any fiscal obligation greater than twelve months without an affirmative vote of the electorate.

⁶ Assuming an annual appreciation of 3.5%.

⁷ It is certainly possible the price of homes will drop, and the units may be accessible to an even wider pool of purchasers. However, housing prices have steadily increased in the past fifty years, with only one notable drop occurring from Q1 of 2007 through Q1 of 2009. <https://fred.stlouisfed.org/series/ASPUS>

⁸ For sake of clarity, quasi-judicial decision are binding on future Councils.

The Buydown Program provides prices, subject to 4% annual increases, will remain below or at market as a result of a one-time, permanent investment. However, it is important to note the permanent nature of the investment. If the Buydown Program is selected, the Town is parting ways with those funds forever. Additionally, the owner may pay higher closing costs or be subject to PMI if their loan to value exceeds 80% for the first few years.

One final note on the Equity Investment Program. Although it undoubtedly provides much needed assistance to those who may not be able to come to the closing table with a sufficient downpayment, the initial purchaser assumes greater risk if a market downturn were to occur as they are paying a higher price at purchase.

As shown below, if the Town pursues the Buydown Program, the Town is essentially protecting owners against a market decline, up to an extent, if the price of deed restricted housing. The scenario assumes a 4% decline in market value in two years as the greatest risk of a market decline is in the short run. The initial purchase price for Buydown reflects an upfront Town subsidy lowering the purchase price. The Equity scenario reflects the unit was originally purchased at the market price and the Town provided assistance in the form of an Equity investment.

	Buydown	Equity
Initial Purchase Price	408,000	500,000
Purchase Price / Sq Ft	500	600
Down Payment	24,480	25,000
Town Equity	-	92,000
Mortgage Amount	383,520	383,000
Sale Price	441,293	480,000
Mortgage Payoff (2 years)	375,061	374,552
Town Equity Payoff	-	88,320
Net to Buyer	66,232	17,128
Owner Down Payment	(24,480)	(25,000)
Owner Principal Pmts	(8,459)	(8,448)
Owner Proceeds	66,232	17,128
Net Owner Proceeds	33,293	(16,320)
Town Equity	-	(92,000)
Town Proceeds	-	88,320
Net Town Proceeds	-	(3,680)
Initial Town Subsidy	(92,000)	-

Conversely, an owner under the Buydown Program could potentially realize the Town's subsidy as gain after a period of 6 years if the market price continued to increase by at least 4% per year.

Conclusion

Ultimately, Council, with the benefit of public input, needs to choose a program it deems best for the project and the community. Is it more important for Council to create more down payment assistance for some purchasers while keeping a higher purchase price, recognizing that continued assistance for future buyers is subject to the discretion of other Councils, or does Council want to lower the overall purchase price and permanently part ways with its equity? Though administratively burdensome, it is possible the Town could offer both programs, recognizing when the initial purchaser chooses the Equity Investment Program that unit is permanently subject to that approach.

TOWN OF MOUNTAIN VILLAGE
Town Council Meeting
July 20, 2023
2 p.m.

During Mountain Village government meetings and forums, there will be an opportunity for the public to speak. If you would like to address the board(s), we ask that you approach the podium, state your name and affiliation, and speak into the microphone. Meetings are filmed and archived and the audio is recorded, so it is necessary to speak loud and clear for the listening audience. If you provide your email address below, we will add you to our distribution list ensuring you will receive timely and important news and information about the Town of Mountain Village. Thank you for your cooperation.

NAME: (PLEASE PRINT!!)

Len Rybicki EMAIL: lenrybicki@hotmail.com

Anne Reissner EMAIL: areissner765@aol.com

HEATHER KNOT EMAIL: hknox950@gmail.com

Kelli Duprey EMAIL: K.Duprey@gmail.com

Cindy Magid EMAIL: cindymagid@gmail.com

David Bulson EMAIL: Dave@Bulsonsurveying.com

Tom Kennedy EMAIL: tom@tklaw.net

Rebe Felicelli EMAIL: Rebe@montrose.net

Jonathan Groenewald EMAIL:

BANKS BROWN EMAIL: banks@rmi.net

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From: [Huascar Gomez](#)
To: [council](#); [Laila Benitez](#); [Dan Caton](#); [Patrick Berry](#); [Pete Duprey](#); [Jack Gilbride](#); [Harvey Mogenson](#); [Marti Prohaska](#)
Cc: [tbmagid@gmail.com](#); [sdpearson@gmail.com](#); [hgomez@mountainlodgetelluride.com](#); ["mgomez@telski.com"](#); [Paul Wisor](#)
Subject: Recommendation for Mayor & Mayor Pro Tem
Date: Sunday, July 16, 2023 8:49:25 PM
Attachments: [image001.png](#)
Importance: High

Dear Town Council Members,

I hope this email finds you well. I am writing to enthusiastically recommend Marti Prohaska for the position of Mayor and Scott Pearson as Mayor Pro Tem in the upcoming town council leadership selection. I believe that their combined skills, experience, and dedication to our community make them ideal candidates for these significant roles.

Over the past four years, Marti Prohaska has demonstrated exceptional leadership and commitment to our town as a council member. Her tenure has been marked by sound decision-making, thoughtful planning, and a genuine concern for the welfare of our residents. Marti's experience and deep understanding of the local issues make her a strong and capable candidate for the position of Mayor.

Likewise, Scott Pearson's extensive political career and experience in public service make him an excellent choice for the role of Mayor Pro Tem. His knowledge of governance and commitment to transparency and accountability have been evident throughout his time in our community. By electing Scott to this position, we ensure a seamless and productive leadership transition. Furthermore, I strongly suggest that the two seats be staggered, as it will provide the council with continuity and stability. By doing so, we can capitalize on Marti's proven leadership while fostering Scott's expertise, allowing them to work together effectively for the betterment of our town.

I had the opportunity to discuss this matter with other current town council members, and it became clear that they do not wish to assume either the role of Mayor or Mayor Pro Tem. Given this information, it is even more crucial to have Marti and Scott take on these responsibilities, as they possess the necessary skills and passion to lead our community forward, UNITED.

In conclusion, I wholeheartedly endorse Marti Prohaska for Mayor and Scott Pearson for Mayor Pro Tem. Their commitment to our town and their wealth of experience make them outstanding choices for these leadership positions. I kindly ask you to consider my recommendation and support their candidacy during the upcoming town council leadership selection.

Thank you for your time and dedication to serving our community.

Sincerely,

Rick

Huascar E. Gomez (Rick), MSA
Chief Financial Officer



Notary Public, State of Colorado

457 Mountain Village Blvd., Telluride, CO 81435

Office (970) 369-6002 **Cell** (617) 763-0630



CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of this email, the information contained in this email message is privileged and confidential business information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender. Thank you.

From: [Allison McClain](#)
To: [council](#); [Patrick Berry](#); [Pete Duprey](#); [Jack Gilbride](#); [Harvey Mogenson](#); [Marti Prohaska](#); [tbmagid@gmail.com](#); [sdpearson@gmail.com](#)
Cc: [Paul Wisor](#)
Subject: Mayor and Mayor Pro Tem Vote
Date: Tuesday, July 18, 2023 8:55:41 AM

Town of Mountain Village Council Members,

As a Mountain Village home owner, resident and voter, I am writing in support of Marti Prohaska for Mayor and Scott Pearson as Mayor Pro Tem and request representation in your voting today.

Marti is our strongest choice for Mayor. As you know, she is a local business owner who lives, works and raises a family in Mountain Village. As we work towards a town that balances our tourism economy with the needs of full time, working citizens, Marti is the best candidate to represent all interests.

Please also represent the citizens of Mountain Village in voting for Scott Pearson as Mayor Pro Tem. Scott has an unparalleled background in government service while also possessing the business experience we need. I trust Scott will be a present and active Mayor Pro Tem and will work cooperatively with Marti and the town staff.

We must keep a strong focus and continue the excellent work of the past council while also taking steps to build back productive and positive working relationships with entities in the town and region. Marti and Scott are the right members for this task.

Thank you for your time and service,

Allison McClain
105 Eagle Dr
Mountain Village, CO

New Councilmember Orientation

Mountain Village Town Council

July 20, 2023

Presented by: David McConaughy
Garfield & Hecht, P.C.

Governance Structure

- Home-Rule Town per Charter
- Mayor-Council Governance
- Governance Documents
 - Charter (can only be amended by election)
 - Municipal Code
- Only Town in Colorado where non-resident property owners can vote

Governance Structure (City Council)

- Seven councilmembers, each elected by eligible voters
- Mayor appointed by Councilmembers
 - Presiding officer of City Council
 - Can vote and make motions
 - Executive Duties per Charter:
 - Prepare budget and report to Council on finances
 - CEO of Town and Staff
 - Enforce and administer contracts
 - Hire certain positions with Council advice and consent
 - Town Manager to hire/fire all other positions with Mayor's advice and consent
 - Set the Agenda for Council meetings

Appointed Positions

- Certain positions are to be appointed by the Mayor with advice and consent of Council:
 - Town Attorney
 - Town Manager
 - Town Treasurer
 - Town Clerk
 - Police Chief
 - Municipal Judge (can only be removed for cause)
 - Director of Community Development
 - Director of Operations and Development

Governance Structure

(City Council)

- Act by ordinance, resolution, or motion when quorum present (4 members)
- Vacancies filled by appointment of the Council, the appointee to hold office until the next general election (unless 4 or more and no election w/in 90 days)
- General duties and powers
 - Enact all ordinances and local legislation
 - Adopt budget prepared by staff
 - Determine and establish policies
 - Acquire, sell, and lease property
 - No election required, which is unusual in CO
 - Approve contracts
 - Some contracts may be approved by Mayor or Manager under procurement code
 - Any other power recognized or authorized by law

Governance Structure

(Manager)

- Works with the Mayor. Mayor is Chief executive officer and the head of the administrative branch of the City government
 - Appoint and remove all City officers and employees except those listed above
- Answers to and serves at the pleasure of Council; terms of employment set by contract
- All employees and appointed positions are generally “at will” except for Municipal Judge

Role of Council vs. Staff

- Council's Role: help establish policies for City as a whole; set overall goals and priorities; enact legislation; exercise duties and powers assigned to Council
- Staff's Role (with Mayor): manage and accomplish work assigned by Council or otherwise delegated to staff through the City Manager; execute and implement policies adopted by Council; day-to-day administration of City business, including HR matters

Chain of Command



- Council not to interfere with Manager-Employee relations
- Grievances:
 - If regarding another employee, go to Direct Supervisor
 - If regarding Direct Supervisor, go to Department Head
 - If regarding Department Head, go to Town Manager
 - If regarding Manager, go to Mayor or Council or Attorney
 - If regarding a Councilmember, go to Manager or Attorney or Mayor if not involved

Personnel Matters

- Council should:
 - set general HR policies or rules
 - determine personnel budget, pay plans, benefits, etc.
 - select and supervise staff that reports directly to Council
- Council should avoid:
 - Interfering with or influencing hiring, firing, and disciplinary decisions for staff members that don't report directly to Council
 - Bypassing chain of command
 - Interfering in staff-level decisions
 - Directing staff that doesn't report directly to Council

Workplace Liability

- Sexual harassment
 - *Quid pro quo*
 - Disparate treatment
 - Hostile work environment
- Race, religion, nationality, etc.
- Disability
 - Reasonable accommodations
- Age
- Retaliation for Reporting
- Risk of Councilmember's personal liability for employment matters goes down if chain of command respected

Legislative vs. Quasi-Judicial

- Legislative actions:
 - enacting laws, policies, and regulations of general applicability
 - subject to substantive and procedural due process requirements
- Quasi-Judicial actions: applying laws to specific facts (e.g., approving land use applications)
 - Decisions to be based on the record
 - No ex parte communications
 - Beware of social media
 - Any communications had or facts learned outside public hearing must be stated on the record
 - Procedural due process
 - Substantive due process
 - 28 days to challenge per CRCP 106 (abuse of discretion)
 - Federal challenges

Ordinances

- Regular Ordinances
 - Two readings
 - Publish after first reading and set public hearing on second reading no sooner than seven days after first reading
 - Charter is silent on effective date, so per CRS 32-16-105 ordinances take effect 30 days after publication
 - Charter requires re-publication if there are changes on second reading, so effective date depends on the date of the *last* publication
- Emergency Ordinances
 - Used to establish special election or when ordinance necessary to immediately preserve the public peace, health, or safety in a special emergency
 - Take effect immediately upon passage
- Adopting other codes by reference (e.g. model traffic code)

Open Meetings

- All meetings of **three** or more members of council must be open to the public and noticed 24 hours in advance
- A Meeting is “any kind of gathering convened to discuss public business in person, by telephone, electronically, or by other means of communication”
 - E-mails among 3 or more councilmembers discussing public business constitutes a meeting
 - Chance meetings and social gatherings at which discussion of public business is not the central purpose are NOT considered a meeting
- Council can only act at properly-noticed meetings
- Any action taken at a meeting that does not comply with the Open Meetings law is void

Open Meetings (continued)

- Executive Sessions not required to be open to public
 - Enumerated purposes including:
 - Personnel matters unless involving a specific employee who has requested open session
 - Receiving legal advice
 - Discussing a property transaction
 - Negotiation strategies
 - Specific procedures to be followed
 - Must be noticed
- Public Hearings
 - Only apply to certain matters (e.g., land use applications, budget)
 - Require additional noticing provisions to be completed by land use applicant
- Never “Reply All” to an email to the entire Council!

Colorado Open Records Act

C.R.S. § 24-72-201, *et seq.*

- All public records are open for inspection by any person at reasonable times
- A public record is any writing:
 - Made, maintained, or kept
 - by the Town
 - For use in the exercise of functions authorized by law or rule
 - Or involving receipt or expenditure of public funds
- Content of record is key as to whether disclosure is required

Colorado Open Records Act

C.R.S. § 24-72-201, *et seq.*

- “Record” Includes:
 - e-mails, recordings, meeting minutes, memos, and any other documentary material
 - Following 2017 amendments to CORA, electronic documents must be produced in their native format (e.g., the actual e-mail not a paper copy or .pdf version of it)
- Town has adopted its own CORA policy that describes the process for requesting the Town’s records

Colorado Open Records Act

C.R.S. § 24-72-201, *et seq.*

- Government official's correspondence is subject to CORA unless it is:
 - Work product (advisory or deliberative materials, e.g. memos)
 - Without a demonstrable connection to official functions
 - From a constituent and clearly intended to be private and confidential
- Records not kept in “official capacity” are not subject to CORA BUT
 - Cannot use personal e-mail to avoid CORA
 - Discussing public business/official functions through personal e-mail may subject personal e-mail account to search and/or disclosure
 - Be careful with use of social media
 - Only use City e-mail to discuss official business

Ethics

- Must carry out duties for the benefit of the people you serve
- Avoid conduct that violates or appears to violate the public trust
- Abstain from personal financial gain beyond the compensation established in the Charter
- Must not use position to gain an unfair advantage
- See Town Ethics Code – now tracks state law
- No free Bluegrass tickets per Code of Ethics
- **Guiding Principles: what is the right thing for the Town, and even if this seems ok how would it look in the newspaper?**

Conflicts of Interest

- Private interests (both financial and non-financial) that infringe on Councilmember's ability to objectively perform duties
- Colorado Code of Ethics (C.R.S. §§ 24-18-101, *et seq.*) establishes:
 - ethical standards
 - prohibited conduct
 - civil and criminal liability for failing to comply
- Financial Interests include
 - Ownership interest in a business
 - Being a director or officer of a business
 - Employment or prospective employment
 - Town Code of Ethics 1-5(B)(3)(h) specifically excludes payment of salary from an employer as a gift of “substantial economic benefit” prohibiting Council members from accepting gifts from people or businesses who do business with the Town
 - Ownership of real or personal property

Conflicts of Interest

- If a councilmember has a “personal or private interest” in any matter proposed or pending before Council, he or she must disclose such interest, shall not vote, and must avoid influencing other members (best to leave the room)
- Councilmember may vote on matter in which he or she has an interest IF:
 - The Member’s vote is necessary to reach a quorum and allow Council to act AND
 - The interest was voluntarily disclosed prior to the vote pursuant to C.R.S. § 24-18-110
- If a councilmember serves on the board of a nonprofit entity:
 - It is NOT a conflict of interest or breach of any duty for the member to vote on matters affecting the nonprofit, provided that the member announces his or her involvement before voting
 - The Councilmember need only file a disclosure statement and refrain from voting if the member has a financial interest in or receives services from the nonprofit that are independent of his or her duties as a member of the board of directors
- If a councilmember has a financial interest in a contract, that contract may be void if the Councilmember votes on an action involving the contract
- Personal conflicts not within Colorado Code of Ethics may nonetheless raise the “appearance of impropriety” and warrant recusal
- Holding an interest in a business that may benefit from a Town decision may warrant recusal. Merely being an employee in a business, and not an owner or manager, does not necessarily require recusal.

Conflicts of Interest (Civil Liability)

- Basis for liability
 - Disclosing or using confidential information acquired through official duties to further personal financial interests;
 - Accepting a gift or other thing of substantial economic value;
 - Engaging in a substantial financial transaction for private business purposes with a person whom the official inspects or supervises in the course of official duties;
 - Performing an official act that directly and substantially bestows an economic benefit on a business or other undertaking in which the official has a substantial financial interest or is engaged as counsel, consultant, representative, or agent;
 - Accepting goods or services for the official's personal benefit from a person who is at the same time providing goods or services to the official's governmental body or receiving compensation in any way from that governmental body
- Public official is personally responsible for any monetary damages or other consequences resulting from prohibited action

Conflicts of Interest (Criminal Liability)

- Basis for liability
 - Having a financial interest in any contract made by the official in his/her official capacity or by any body, agency, or board of which he/she is a member or employee
 - failing to disclose an actual or potential conflict of interest before exercising a discretionary governmental function regarding a government contract or other pecuniary transaction
- Conflict exists if member owns or controls directly or indirectly a substantial interest in any non-governmental entity participating in a transaction
- Violation constitutes Class 1 or Class 3 Misdemeanor

Personal Liability

- Civil and/or Criminal liability for violating ethics rules,
- Immune from tort claims under Colorado Governmental Immunity Act
- 42 U.S.C. § 1983 Actions
 - Lawsuit regarding violation of right, privilege, or immunity granted by US constitution or federal law
 - Can be sued in official and/or individual capacity
 - Official capacity: action that violated rights taken pursuant to official policy or custom of the City; City pays damages, if any
 - Personal capacity: action that violated rights taken while acting in furtherance of official duties; individually responsible for damages
- Qualified Immunity: Knowingly violating the law may not be protected

Name: Jack Gilbride

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

- A Banks Brown
- Bob Patterson
- R Tom Richards
- Neal Elinoff

Name: TUCKER MAGID

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

- Banks Brown
- A Bob Patterson
- R Tom Richards
- Neal Elinoff

Name: Harvey Mogensson

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

- Banks Brown
- R Bob Patterson
- A Tom Richards
- Neal Elinoff

Name: PATRICK BERRY

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

- A Banks Brown
- Bob Patterson
- R Tom Richards
- Neal Elinoff

Name: Pete

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

_____	Banks Brown
<u>A</u>	Bob Patterson
<u>R</u>	Tom Richards
_____	Neal Elinoff

Name: MARTI PROHASKA

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

_____	Banks Brown
<u>A</u>	Bob Patterson
<u>R</u>	Tom Richards
_____	Neal Elinoff

Name: Scott Pearson

Date: July 20, 2023

TELLURIDE REGIONAL AIRPORT
AUTHORITY (TRAA) APPOINTMENT for
One Regular and one Alternate Seat.

Vote for One (1) Regular with an "R"
and One (1) Alternate with an "A":

_____	Banks Brown
<u>R</u>	Bob Patterson
<u>A</u>	Tom Richards
_____	Neal Elinoff



MEADOWLARK FUNDING STRATEGIES

Town of Mountain Village

Town Council Meeting

7/20/23



AGENDA

1

PUBLIC MEETINGS

2

BRIEF HISTORY

3

DEAL STRUCTURE

4

PRICING



1

PUBLIC MEETINGS

A quick overview of the communications history timeline for Meadowlark.



COMMUNICATIONS HISTORY

March 31, 2022

Lot 644 Development Open House: noticed with two eblasts, press release, 4 social media posts plus follow up post with meeting recording

June 20, 2022

Lot 644 Sitewalk: noticed with two eblasts, press release, four social posts

April 21, 2022

Town Council Meeting: Discussion Regarding Site Planning, Density and Conceptual Design of Lot 644 in the Meadows

July 12, 2022

Special Town Council Meeting: Lot 644 Town Community Housing Development discussion, noticed with eblast and social posts

September 1, 2022

Design Review Board Initial Architecture and Site Review Application- noticed with two eblasts, press release, three social posts

November 3, 2022

Design Review Board Meeting, Consideration of a Design Review: Final Architecture Review for a multi-family development consisting of 29 employee condominiums, on Lot 644, TBD Adams Ranch Rd., pursuant to CDC Section 17.4.11



COMMUNICATIONS HISTORY

January 19, 2023

Town Council Meeting:
Discussion regarding the Lot
644 Deed Restriction
Framework and Lottery
Priority, noticed with eblast
and social posts

January 31, 2023

Housing Forum held, noticed
with four eblasts, social,
press release and follow up
eblast with meeting
recording/presentation

February 16, 2023

Town Council Meeting:
Discussion regarding the Lot
644 Deed Restriction
Framework and Lottery
Priority, noticed with eblast
and social posts

March 16, 2023

Town Council Meeting:
Consideration of a
Resolution to Approve the
Lot 644 Deed Restriction &
Discussion of Lottery
Timeline. Name selection,
noticed with eblast and
social posts

March 24, 2023

Announce project name and
launch interested buyer
questionnaire

March 30, 2023

Special Town Council
Meeting: Lot 644 Update

June 15, 2023

Town Council Meeting:
Consideration of a
development agreement for
Lot 644 Meadowlark
between Town of Mountain
Village and Triumph
Development



COMMUNICATIONS BY THE NUMBERS

TO DATE THE TOWN HAS:

- Held **15 public meetings or events**
- Sent **28 eblasts** noticing public meetings and other Meadowlark related news
- Posted to social media **33 times** across various platforms noticing public meetings and other Meadowlark related news
- Issued **4 press releases**
- Received consistent press coverage in Telluride Daily Planet and KOTO on project throughout the course of the project, and discussed Meadowlark in monthly KOTO Mountain Village Minute
- Received **99 unique** submissions from those interested in purchasing a unit at Meadowlark:
 - 19-TMV staff
 - 12-essential employees
 - 42- those employed within the Town
 - 24- employed within R1 School District
 - 2-businesses
 - 1-unqualified-isn't employed in R-1 School District



2

BRIEF HISTORY

Review of the history behind Meadowlark, our commitment to the housing initiative, and a short introduction to AMIs





OUR COMMITTMENT

- I. building housing inside and outside of our boundaries
- II. zoning incentives
- III. fee waivers
- IV. adopt housing mitigation methodology
- V. create programs and policies to support community housing (like the YES Program)
- VI. Development of a housing department - (Three staff + Eight VCA staff)
- VII. Assumed all housing authority duties previously performed by the SMRHA inclusive of compliance and qualifying owners and tenants



HISTORY OF MEADOWLARK

In February 2022, pursuant to an RFP process, the Town selected Triumph Development West to serve as the Town's development partner.

The RFP Committee consisted of Council members, staff, and residents:

Dan Caton

Michelle Haynes

Police Chief Chief Broady

Pete Duprey

David Averill

Fire Chief John Bennett

John Miller



CURRENT HOUSING PROJECTS



VCA PHASE IV

33 new rental units

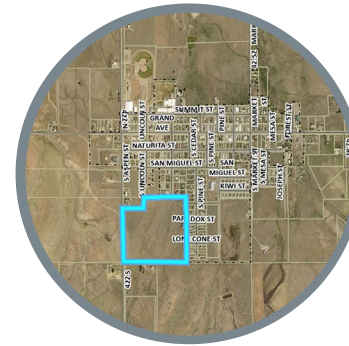
88 beds



MEADOWLARK

29 for-sale units

66 bedrooms



NORWOOD

38 acres of land

Rezoned and annexed
for housing



ALEXANDER / ILIUM

56 acres of land

Mix of sale and rental

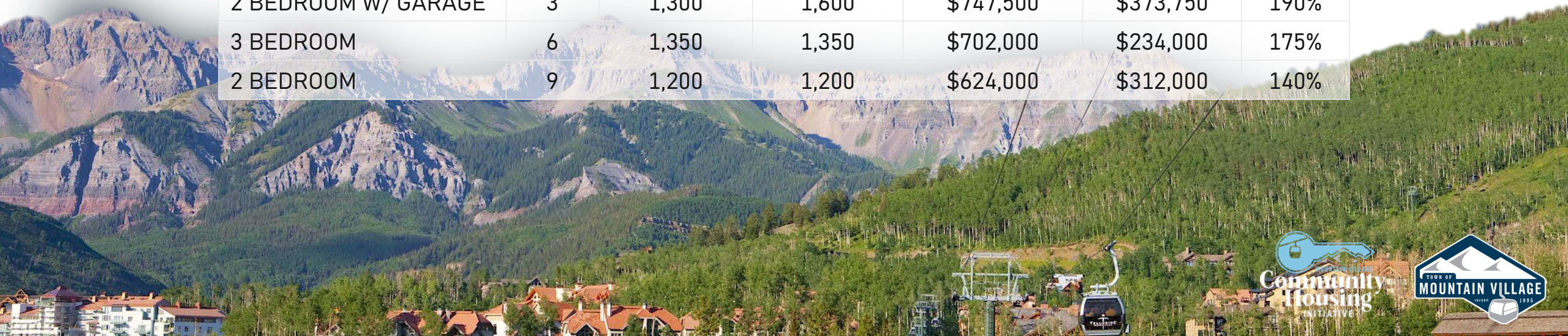
BREAKDOWN OF UNITS

- 4 1 bedrooms 740 square feet
- 2 2 bed/1 bath 955 square feet
- 6 2 bed/2 bath 1015 square feet
- 4 2 bed w/ carport 1075 square feet
- 2 2 bed w/ garage 1620 square feet
- 8 3 bed w/ carport 1485 square feet
- 3 3 bed w/ garage 1885 square feet



2022 RFP PROPOSED PRICING

SALES PROGRAM	UNITS	LIVABLE SF	GROSS SF	TARGET	APPROX.	
				SALES PRICE	\$/BEDROOM	AMI
CONDOS						
STUDIO	3	540	540	\$348,300	\$348,300	120%
1 BEDROOM	10	630	630	\$406,350	\$406,350	140%
CONDO GARAGES	6	-	250	\$37,500		
TOWNHOMES						
3 BEDROOM W/ GARAGE	4	1,800	2,100	\$999,000	\$333,000	240%
2 BEDROOM W/ GARAGE	3	1,300	1,600	\$747,500	\$373,750	190%
3 BEDROOM	6	1,350	1,350	\$702,000	\$234,000	175%
2 BEDROOM	9	1,200	1,200	\$624,000	\$312,000	140%

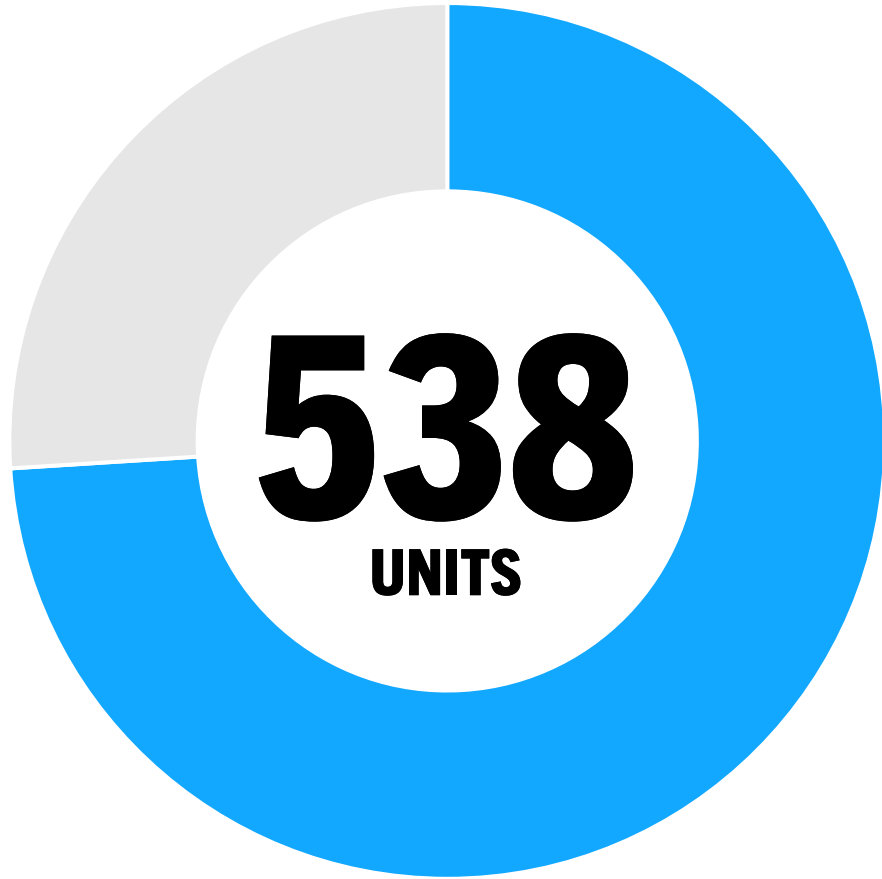


HISTORY OF MEADOWLARK CONT.

The Town entered in
Pre-Development Agreement

- Due Diligence
- Design
 - 35, 41, 29 units
- DRB Approval
- Council Approval





68% OF UNITS
are limited to
50-60% AMI levels

74% OF UNITS
are **rentals**

LET'S COMPARE



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK

220 UNITS

for rent

50% – 60% AMI range for rental pricing
88 units required to stay in this range

Owned by **Mountain Village Housing
Authority**



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK

150 UNITS

for rent

50% - 60% AMI range for rental pricing

Owned by **TSG**



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK

30 UNITS

for rent

No income or rental limitations

Owned by **TSG**



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK

35 UNITS

for rent

Pricing **TBD**

Will fall in the **100% AMI** range



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK

138 UNITS

deed-restricted for sale | detached & multi-family

98% not price capped, or income limited

\$Average \$617/sf



DEED-RESTRICTED PRICING

CURRENTLY IN MEADOWS

STATUS	# LISTINGS	LIST VOLUME	SOLD VOLUME		LIST PRICE	SOLD PRICE	SALE/LIST PRICE	EST FINISHED SQFT	LIST PRICE PER EST FINISHED SQFT	SOLD PRICE PER EST FINISHED SQFT	AGENT DAYS ON MARKET	CUMULATIVE DAYS ON MARKET
Pending	2	1,890,000	0	Low	895,000	0	0.00	1,330	658.57	0.00	4	4
				Avg	945,000	0	0.00	1,344	703.35	0.00	19	19
				High	995,000	0	0.00	1,359	748.12	0.00	35	35
Closed	11	8,873,000	8,975,350	Low	375,000	375,000	0.91	793	472.89	472.89	0	0
				Avg	806,636	815,941	1.01	1,352	611.83	617.73	38	38
				High	1,300,000	1,300,000	1.19	2,642	807.69	807.69	104	104
Overall	13	10,763,000	8,975,350	Low	375,000	375,000	0.91	793	472.89	472.89	0	0
				Avg	827,923	815,941	1.01	1,351	625.91	617.73	35	35
				High	1,300,000	1,300,000	1.19	2,642	807.69	807.69	104	104



VCA EXISTING

BIG BILLIES

MOUNTAIN VIEW

VCA PHASE IV

INDIVIDUALLY OWNED

MEADOWLARK

29 UNITS

for sale

Price range **TBD**

Town is looking to fill the **AMI** gap between current rental and ownership inventory



3

DEAL STRUCTURE

Looking at the original and modified deal structures



ORIGINAL DEAL STRUCTURE

- I. Town would provide \$4.3 million in equity
- II. Town Provide Land
- III. Town pay for access tract
- IV. Triumph would seek a construction loan for the remainder of the funds necessary for funding the project
- V. Proceeds of the sale would first be used to pay back the equity and the construction loan on a dollar-for-dollar basis
- VI. Any profit will be split 80/20 between Triumph and the Town, respectively.



MODIFIED DEAL STRUCTURE

- I. \$700,000 contribution from the Town
- II. Town would forgo its portion of profit
- III. \$740,000 reduction in Triumph's anticipated profit
- IV. Shaw reduced its budget by \$553,000



4

PRICING Strategies

Town Buy Down vs. Equity Investment Program





BUSINESS SET ASIDE PRICING

1. Pay actual cost – no Town subsidy
2. \$50,000 Priority Fee

PRICING OPTIONS

TOWN BUY DOWN

Take the remaining \$4.3 in Town equity and use those funds to buy down the cost of the project.

The proceeds from the purchases by the designated businesses to offset the cost of the access tract, waived tap fees, etc.

VS

EQUITY INVESTMENT

Town would contribute ~15% -20% of the purchase price into a given unit and realize a return on its investment upon the sale of the home.

The Town would take its equity contribution and put it back into the unit upon purchase by the new owner, creating a planned perpetual subsidy program.

The Town would then be able put the profit realized from the sale into the affordable housing fund.

PRICING OPTIONS

TOWN BUY DOWN

Lowers overall cost

Need to cover initial downpayment

One time investment

Permanently locks in attainable price

VS

EQUITY INVESTMENT

Higher overall cost

Reduces downpayment burden

Opportunity for potential ROI

Attainability subject to future Council

QUESTIONS



THANK YOU

Michelle Haynes

Assistant Town Manager

T: (970) 239-4061

M: (970) 417-6976

mhaynes@mtnvillage.org

Paul Wisor

Town Manager

M: (970) 729-2654

pwisor@mtnvillage.org

Marleina Fallenius

Housing Policy and Program Manager

T: (970) 369-8602

M: (970) 427-2789

mfallenius@mtnvillage.org



From: [Heather Knox](#)
To: [council](#); sdpearson@gmail.com; tbgid@gmail.com
Cc: [mvclerk](#); [Paul Wisor](#); [Michelle Haynes](#)
Subject: Public Comment Meadowlark Park
Date: Tuesday, July 18, 2023 9:15:31 PM

7/18/2023 Public Comment:

If the Meadowlark housing development is proving to be too expensive and subsidizing it more and more is not what the town council and the taxpayers want – consider an alternative. **Meadowlark Park!** In its current state, with some vegetation and a bit more dirt work, it will be a fabulous park.

The Meadowlark Park will provide a community gathering space, a field for ball games and other activities, picnic areas, a community garden, and more. The Comprehensive Plan includes a park for the Meadows. So, if building on lot 644 is proving to be too expensive (which it seems to be), please consider a park: **The Meadowlark Park!** This would be a financially sound decision and meet a specific goal in the Comprehensive Plan.

Thank you for considering this.

Heather Knox

327 Adams Ranch Road #402

Mountain Village, CO 81435

From: [Marleina Fallenius](#)
To: [mvclerk](#)
Cc: [Michelle Haynes](#)
Subject: Fwd: Support for Meadowlark Workforce Housing Project
Date: Thursday, July 20, 2023 12:03:18 PM
Attachments: [image001.png](#)

Kind regards,

Marleina Fallenius
Housing Policy and Programs Manager
Mountain Village Housing Authority
Town of Mountain Village
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
O :: 970.369.8602
C :: 970.417.1789
F :: 970.728.4342

My office hours are 8am-5pm Monday – Friday.

Begin forwarded message:

From: Huascar Gomez <hgomez@mountainlodgetelluride.com>
Date: July 20, 2023 at 11:47:43 AM MDT
To: Marleina Fallenius <mfallenius@mtnvillage.org>
Cc: Paul Wisor <pwisor@mtnvillage.org>
Subject: **Support for Meadowlark Workforce Housing Project**

Dear Town of Mountain Village,

I hope this email finds you well. I am writing to express my wholehearted support for the Meadowlark Workforce Housing Project, which I believe is crucial for our community's development and prosperity. Please feel free to forward this email communication to the council members on my behalf.

Workforce housing is an essential component for fostering a thriving and diverse community. As our destination continues to grow, it is vital to cater to all income tiers, ensuring that our local workforce can reside in the same area they contribute to. The Meadowlark project, with its 29 units, is an appropriate and much-needed step in the right direction to continue addressing this pressing issue.

I am particularly impressed by the innovative programs that the Town is offering for the Meadowlark project. The equity investment program and the buydown program are

both fantastic initiatives that can make homeownership a reality for potential buyers who might otherwise struggle to enter the housing market.

While the initial pricing structure for the condos may appear high at first glance, I understand that it aligns with the current market pricing for both sales and new construction build expenses in today's economy. This makes the project economically viable and sustainable, ensuring its long-term success.

I firmly believe that the Meadowlark Workforce Housing Project will have a positive and lasting impact on our community. By providing additional workforce housing options and supporting homeownership through innovative programs, we can foster a more inclusive and vibrant place to live and work.

As a concerned member of this community, I urge the town council to support the Meadowlark project and take this opportunity to continue contributing to the betterment of our destination.

Thank you for your time and consideration.

Sincerely,

Rick



Huascar E. Gomez (Rick), MSA
Chief Financial Officer
Notary Public, State of Colorado

457 Mountain Village Blvd., Telluride, CO 81435

Office (970) 369-6002 **Cell** (617) 763-0630



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From: [Douglas Tooley](#)
To: [council](#)
Cc: [mvclerk](#); douglas@motleytools.com
Subject: Wastewater Committee Appointments/MV Council Meeting Process/Privatization of Public Capital Decisions/Gilbride
Date: Thursday, July 20, 2023 4:19:17 PM

In the context of David McConaughy's legal presentation I'd like to point out a procedural and substantive problem with the regional Wastewater planning effort. In my initial continuing research it appears these meetings are not open to the public based on the public meeting rules applying to single jurisdictions. This is creating a substantive error and the appearance of a conspiracy to privately control this decision and certainly the omission of consideration of competitive alternative solutions.

These problems are supported by the Council's refusal to take public comment without stated cause on all of the appointments for the 2023 Town Council under Mayor Prohaska.

You would think that testimony at the beginning of the meeting would be appropriate but it is impossible to know that in advance. By the letter of the law public testimony is blocked for all items that are not on the agenda.

This is a substantial flaw in the lawful operations of the Town. I will specifically refer you to the 1803 Supreme Court Marbury v Madison case which finds any governmental action not in compliance with the Constitution to be invalid.

My lack of due process to petition for recourse only continues these procedural and substantive concerns to the point where a discussion of non-governmental process is warranted starting from the first, second, and tenth amendments read in the context of the Declaration of Independence.

We will continue this discussion, but initially I will assert the invalidity of the Town of Mountain Village and as such allege a felony conspiracy. I believe I can also show that this rises to the level of a crime against humanity with a sexually malicious motivation.

This does not, at this time, reflect upon the individual members of the current Council with the exception of Jack Gilbride.

For this and separately for the goals of Diversity and Inclusion Jack Gilbride should be removed, for cause, from the Council. In his stead fifth place finisher Huascar Gomez should be appointed.

Although the judicial branch, in a gross violation of equal rights and the appearance of fairness places the Council above criminal accountability it is in fact imperative that any elected official hold themselves accountable to those same laws, as interpreted to apply to their constituents.

I can, and will, go on.

Thank you for your time.

-Douglas Tooley
415 Mtn Vlg Blvd