

TOWN OF MOUNTAIN VILLAGE  
TOWN COUNCIL REGULAR MEETING  
THURSDAY, FEBRUARY 18, 2021, 8:30 AM  
TO BE HELD REMOTELY VIA ZOOM WEBINAR

AGENDA **REVISED 2**

[https://zoom.us/webinar/register/WN\\_tYP2RJSQa-9JLfP1D9APQ](https://zoom.us/webinar/register/WN_tYP2RJSQa-9JLfP1D9APQ)

(see login details below)

**Revised 2.12.21**

**Please note that times are approximate and subject to change.**

	Time	Min	Presenter	Type	
1.	8:30				Call to Order
2.	8:30	5			Public Comment on Non-Agenda Items
3.	8:35	5	Johnston	Action	Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these Items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: a. Consideration of Approval of the January 14, 2021 Special Meeting Minutes b. Consideration of Approval of the January 21, 2021 Regular Town Council Meeting Minutes
4.	8:40	15	Vergari	Informational Action	Finance: a. Presentation of the January 31, 2020 Business & Government Activity Report (BAGAR) b. Consideration of the December 31, 2020 Financials
5.	8:55	20	Vergari Holmes Montgomery	Informational	Discussion Regarding Current COVID/Recession Policy
6.	9:15	5	Wisor	Action	<b>Second Reading, Public Hearing and Council Vote on an Ordinance Designating Posting Locations for the Town's Ordinances and Public Notices</b>
7.	9:20	10	Wisor Caton	Action	Consideration of a Nomination of One Council Member to Serve on the Telluride Mountain Village Owners Association (TMVOA) Governance Auxiliary Committee
8.	9:30	10	Wisor	Action	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Providing for a New Chapter 1.15 to Title 1 of the Town of Mountain Village Municipal Code to Establish Campaign Finance Regulations
9.	9:40	10	Wisor	Action	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Chapter 3.16 of the Town of Mountain Village Municipal Code to Clarify the Collection of Use Taxes
10.	9:50	15	Montgomery	Action	Consideration of Funding of TRWWTP Covid-19 Testing Program Post Ski Season Through Year End to be Funded Jointly by Town of Telluride and Town of Mountain Village
11.	10:05	10	Montgomery Singer Telluride Foundation	Action	Consideration of Support for a Permanent Tribute to the Allred's and Jim Wells on Oak Street Plaza
12.	10:15	5	Miller Applicant	Action <i>Quasi-Judicial</i>	<b>Consideration of a Resolution Approving a Variance Request for Building Height Pursuant to CDC Section 17.4.16 on Lot 165, Unit 6 160 Cortina Drive</b>
13.	10:20	10	Miller Applicant	Action <i>Quasi-Judicial</i>	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer to Rezone Blue Mesa Lodge (Lot 42B), Unit <b>23A</b> from One (1) Efficiency Lodge Zoning Designation Unit to One (1) Lodge Zoning Designation Unit Pursuant to CDC Sections 17.4.9 and 17.4.10
14.	10:30	10	Miller	Action	First Reading, Setting of a Public Hearing and Council Vote on an

			Applicant	<i>Quasi-Judicial</i>	Ordinance Regarding a Rezone and Density Transfer to Rezone Blue Mesa Lodge (Lot 42B), Unit <b>23B</b> from One (1) Efficiency Lodge Zoning Designation Unit to One (1) Lodge Zoning Designation Unit Pursuant to CDC Sections 17.4.9 and 17.4.10
15.	10:40	10	Miller Applicant	Action <i>Quasi-Judicial</i>	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Located at Lot 60RA, 650 Mountain Village Blvd #C, to Rezone La Chamonix Unit C from One (1) Efficiency Lodge Zoning Designation to One (1) Lodge Zoning Designation Pursuant to CDC Sections 17.4.9 and 17.4.10
16.	10:50	15	Winkelmann Betts	Informational	Telluride Hospital District Board Update
17.	11:05	10	Maenpa	Informational	Telluride Regional Airport Authority (TRAA) Bi-Annual Report
18.	11:15	10	Martelon	Informational	Marketing Telluride Inc (MTI) Quarterly Report
19.	11:25	10	Haynes Adamson	Informational	Update on Village Court Apartments (VCA) Hardship Requests for Rent Relief
20.	11:35	15	Holmes Soukup Montgomery	Informational	Staff Reports: a. Human Resources b. Technology & Broadband Services c. Town Manager
21.	11:50	20	Town Council	Informational	Town Council Informational Council Boards and Commissions Updates 1. Telluride Tourism Board – Berry 2. Colorado Flights Alliance – Gilbride 3. Transportation & Parking – Benitez/Duprey 4. Budget & Finance Committee – Gilbride/Duprey 5. Gondola Committee – Caton/Berry 6. Colorado Communities for Climate Action – Berry 7. San Miguel Authority for Regional Transportation (SMART) – Caton/Prohaska 8. Telluride Historical Museum – Prohaska 9. Telluride Conference Center – Gilbride/Binder 10. Alliance for Inclusion – Binder 11. Green Team Committee – Berry/Prohaska 12. Business Development Advisory Committee – Caton/Benitez 13. Mayor's Update – Benitez
21.	12:10	5		Informational	Other Business:
22.	12:15				Adjourn

SJ  
2/05/2021

You are invited to a Zoom webinar.

When: Feb 18, 2021 08:30 AM Mountain Time (US and Canada)  
Topic: February 18, 2021 Regular Town Council Meeting

Register in advance for this webinar:

[https://zoom.us/webinar/register/WN\\_\\_tYP2RJSQa-9JLfP1D9APQ](https://zoom.us/webinar/register/WN__tYP2RJSQa-9JLfP1D9APQ)

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

Public Comment Policy:

- The Town Council will take your comments during all virtual Town Council meetings through the zoom conference app through the raise hand function where when called for the presiding officer will acknowledge those who have used the raise hand function and unmute such speaker.
- Please do not comment or use the raise hand function until the presiding officer opens the agenda item to public comment.
- All those wishing to give public comment must identify their full name and affiliation, if any, to the Town of Mountain Village.
- Please keep your comments as brief and succinct as possible and under two minutes. Please refrain from repeating what has already been said by others in the interest of time. You may simply state that you agree with a previous speaker's comments.
- No presentation of materials through Zoom screen sharing shall be allowed for non-agendized speakers unless submitted 48 hours prior to the meeting date.
- Commenters shall refrain from personal attacks and maintain a civil tone while giving public comment.
- Written materials must be submitted 48 hours prior to the meeting date in order to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted but shall not be included in the packet or be deemed of record.

**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE JANUARY 14, 2021  
SPECIAL TOWN COUNCIL MEETING  
DRAFT**

**Agenda Item 3a**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 3:00 p.m. on Thursday, January 14, 2021. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

**Attendance:**

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

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

**The following Town Council members were absent:**

Also in attendance were:

Kim Montgomery, Town Manager	Cheryl Kimleigh
Susan Johnston, Town Clerk	Anton Benitez
Christina Lambert, Senior Deputy Town Clerk	Cori Estrada
Paul Wisor, Town Attorney	Julia Caulfield
Dawn Katz, Director of Mountain Munchkins	Justin Craido
Jaime Holmes, Director of Human Resources	Piper Miller
Lindsay Niehaus, Human Resources Coordinator	Sarah G
Zoe Dohnal, Business Development and Sustainability Senior Manager	Amy Levek
Kathrine Warren, Public Information Specialist	Chuck Tomlinson
Michelle Haynes, Director of Planning & Development Services	Eric Whyte
John Miller, Senior Planner	Lee Roufa
Amy Ward, Planner	Richard Idler
Luke Adamson, VCA Manager	Joe Goldberger
Jim Loebe, Director of Transit & Recreation	Corenna Howard
Jim Soukup, Chief Technology Officer	Matt Lewis
Patrick Dasaro,	Sherri Reeder
Kate Burns, Controller	Trevor Browning
Finn Kjome, Director of Public Works	Kathy Green
JD Wise, Assistant Director of Public Works	Michael Martelon
Amanda Fulcomer	Madeline Gomez
Brian Quiggle	Chad Horning
Katie Cox	
George Ruther	



**Executive Session: (1)**

- a. **Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to Telluride Mountain Village Homeowners Association Election Pursuant to § 24-6-402(4)(b) and (e)**

Patrick Berry, Marti Prohaska & Laila Benitez recused themselves. On a **MOTION** by Natalie Binder and seconded by Pete Duprey, Council voted unanimously to enter into Executive Session for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators with respect to Telluride Mountain Village Homeowners Association election pursuant to § 24-6-402(4)(b) and (e) at 3:05 p.m.

Council returned to open session at 3:35 p.m.

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

No public comment was received.

**Consent Agenda: (3)**

**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:**

- a. **Consideration of Approval of the December 3, 2020 Special Meeting Minutes**  
b. **Consideration of Approval of the December 10, 2020 Regular Town Council Meeting Minutes**

Town Clerk Susan Johnston presented. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to approve the Consent Agenda with the discussed clarifications to the December 3, 2020 Special Town Council Meeting Minutes agenda item 10 regarding the dissolving of the Finance Committee.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Designating Posting Locations for the Town's Ordinances and Public Notices (4)**

Town Attorney Paul Wisor presented. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 7-0 to approve on first reading an Ordinance designating posting locations for the Town's Ordinance and Public Notices and to set the second reading, public hearing and final vote for February 18, 2021.

**Consideration of an Emergency Ordinance to Amend Chapter 3.12 of the Mountain Village Municipal Code to Require Marketplace Facilitators to Collect and Remit the 4% Accommodations Tax (5)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 7-0 to adopt an Emergency Ordinance amending Chapter 3.12 of the Mountain Village Municipal Code to require marketplace facilitators to collect and remit the 4% accommodations tax.

**Consideration for a Resolution for the Purchase of Cassidy Ridge Unit D-202 (6)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Patrick Berry, Council voted unanimously to adopt a Resolution for the purchase of Cassidy Ridge Unit D-202.

**Update on Law Governing Local Governments and Elected Officials (7)**

Paul Wisor presented. Council discussion ensued.

**Affordable Housing Worksession (8)**

Vail Housing Director George Ruther and Paul Wisor presented. Council discussion ensued.

### **Village Court Apartments Rent Waiver Discussion (9)**

Village Court Apartments Manager Luke Adamson presented stating that there are three resident assistance options under the current DOLA program.

1. Landlord reimbursement through DOLA
2. Tenant reimbursement program through DOLA with the tenants completing the necessary paperwork
3. An internal program with the Town waiving rents and utilizing the Housing Reserve Fund

Council discussion ensued. Public comment was received from Piper Miller and Matt Lewis. Council direction was to advertise the DOLA program and assist residents with the paperwork. The Town will be reimbursed directly from DOLA for those residents who apply for assistance. Council directed staff to provide DOLA rent/mortgage assistance information to the public.

### **Village Court Apartments Quarterly Update (10)**

VCA Manager Luke Adamson presented. Council discussion ensued.

#### **a. Consideration of an Appointment to the Village Court Apartment Resident Committee**

On a **MOTION** by Natalie Binder and seconded by Jack Gilbride, Council voted unanimously to appoint Trevor Browning and Matt Lewis for two-year terms to the Village Court Apartment Residents Committee.

### **Consideration of Approval for the Hiring of a Recently Vacated Full-Time Year-Round Groundskeeper Position and an additional Full Time Seasonal Groundskeeper Position in the Plaza Services Department (11)**

Assistant Public Works Director JD Wise presented. Council discussion ensued. Council directed staff that it was no longer a requirement to seek Council consent to fill vacant positions. On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to approve the hiring of a recently vacated full-time year-round groundskeeper position and an additional full-time seasonal groundskeeper position in the Plaza Services Department and to include an additional seasonal person.

### **Consideration of Approval for the Hiring of a Recently Vacated Mountain Munchkins Full-Time Staff Member (12)**

Mountain Munchkins Director Dawn Katz presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the hiring of a recently vacated Mountain Munchkins full-time staff member.

### **Consideration of Approval for the Hiring of a Recently Vacated Building Inspector Position in the Planning and Development Services Department (13)**

Michelle Hayes presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the hiring of a recently vacated Building Inspector position in the Planning and Development Services Department.

### **Consideration of Resolution to Approve an Intergovernmental Agreement to Provide Snowcat Grooming Services for Firecracker Sledding Hill (14)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution approving an Intergovernmental Agreement to provide snowcat grooming services for Firecracker Sledding Hill.

### **Other Business (15)**

- a. TMVOA President and CEO Anton Benitez, Spartan Senior Director of Business Development Cherie Bortnick, and Spartan Vice President of Production Michael Morris provided a presentation regarding the Spartan Ultra Championship October 8-11, 2021. Council discussion ensued. Council consensus was supportive of the 3-year event but requested more information to be presented regarding branding and parking at a future meeting.
- b. Council discussion ensued regarding meeting times and consensus was to continue holding Town Council Special Meetings at 3:00 p.m.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Natalie Binder, Council voted unanimously to adjourn the meeting at 6:47 p.m.

Respectfully prepared and submitted by,

Susan Johnston  
Town Clerk

DRAFT

**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE JANUARY 21, 2021  
REGULAR TOWN COUNCIL MEETING  
DRAFT**

**Agenda Item 3b**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, January 21, 2021. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

**Attendance:**

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

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

**The following Town Council members were absent:**

Also in attendance were:

Kim Montgomery, Town Manager	Steve Morton
Susan Johnston, Town Clerk	Anton Benitez
Christina Lambert, Senior Deputy Town Clerk	Jonathan Greenspan
Paul Wisor, Town Attorney	Liz Caton
Julie Vergari, Chief Accountant	Robert Stenhammer
Chris Broady, Chief of Police	Ellen Kramer
Lindsay Niehaus, Human Resources Coordinator	John Horn
Zoe Dohnal, Business Development and Sustainability Senior Manager	Banks Brown
Kathrine Warren, Public Information Specialist	Cath Jett
Michelle Haynes, Director of Planning & Development Services	David Craig
John Miller, Senior Planner	David Eckman
Amy Ward, Planner	Scott Bennett
Jim Loebe, Director of Transit & Recreation	Julia Caulfield
Jim Soukup, Chief Technology Officer	David Averill
Steven Lehane, Director of Broadband	John Howe
Kate Burns, Controller	
Finn Kjome, Director of Public Works	
JD Wise, Assistant Director of Public Works	
Kathy Smith, Accounts Payable	

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

No public comment was received.

**Liquor License Authority: Quasi-Judicial**

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

Town Clerk Susan Johnston presented stating that the applicant had asked to extend the CCA to year-round status. Council discussion ensued.

On a **MOTION** by Dan Caton and seconded by Peter Duprey, Council voted unanimously to approve the recertification with year-round status and to allow staff to make minor clarifying edits to the Common Consumption Area Map.

**Finance: (4)**

Chief Accountant Julie Vergari presented.

a. **Presentation of the December 31, 2020 Business & Government Activity Report (BAGAR)**  
Council discussion ensued.

b. **Consideration of the November 30, 2020 Financials**  
Council directed staff to include a COVID recession policy discussion on the regular February 18, 2021 Town Council agenda. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted unanimously to approve the November 30, 2020 Financials as presented.

**Consideration of a Letter of Response to a Referral from SMC Planning Department to TMV for the Society Turn Sketch Plan Review (5)**

Mayor Benitez recused herself because of her position on the Hospital Board. Senior Planner John Miller presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Natalie Binder, Council voted unanimously to approve a letter of response to a referral from San Miguel County Planning Department for the Town of Mountain Village for the Society Turn Sketch Plan review as drafted.

**Consideration of a Resolution Adopting Interim Small Cell Infrastructure Design Guidelines (6)**

Planner Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted unanimously to approve a Resolution implementing Interim Small Cell Infrastructure Design Guidelines, and directed staff to work together with the Design Review Board to expeditiously initiate an amendment to the Community Development Code with respect to the siting of small-cell infrastructure in Town Rights-of-Way and other Zone Districts.

**Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer Application to Rezone Columbia Place Condominiums (Lot 37) Units 5-12 (8 units total) from a Hotel Efficiency Zoning Designation to Lodge Zoning Designation Quasi-Judicial (7)**

Natalie Binder recused herself because she owns property adjacent to the applicant. Senior Planner John Miller presented. The Mayor opened the public hearing. Representative for the applicant Robert Stenhammer provided public comment. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 6-0 (with Natalie Binder recused) to adopt an Ordinance regarding a Rezone and Density Transfer Application to rezone Columbia Place Condominiums (Lot 37) Units 5-12 (8 units total) from a Hotel Efficiency Zoning Designation to Lodge Zoning Designation.

**A Joint Worksession between the DRB and Town Council Regarding Unit 12, The Ridge to Discuss a Variance to the Coonskin Ridge View Plane Exhibit Found in the Ridgeline Covenant and Town and County Settlement Agreement from a Height Restriction Limitation of 20 feet to 35 feet (8)**

John Miller presented. DRB members, Scott Bennett, Cath Jett, David Craige, Banks Brown, David Eckman, Ellen Kramer and Liz Caton were present for the discussion. Consultant and representative for the applicant John Horn presented and asked for clear guidance regarding the granting of a variance. Council discussion ensued regarding establishing multiple viewpoints. An offline discussion will determine who from Town Council, DRB and staff will meet to determine the appropriate viewpoint locations.

**Green Team Committee Quarterly Report (9)**

Green Team Committee Patrick Berry presented. Council discussion ensued regarding narrowing the focus of the Green Team to three items and the possibility of hiring an inhouse sustainability person. Public comment was received from Jonathan Greenspan.

**Staff Reports: (10)**

**a. Business Development and Sustainability**

Director Zoe Dohnal presented.

**b. Town Manager**

Kim Montgomery presented.

**Town Council Informational Council Boards and Commissions Updates (11)**

1. **Telluride Tourism Board – Berry**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Benitez/Duprey**
4. **Budget & Finance Committee – Gilbride/Duprey**
5. **Gondola Committee – Caton/Berry**
6. **Colorado Communities for Climate Action – Berry**
7. **San Miguel Authority for Regional Transportation (SMART) – Caton/Prohaska**
8. **Eco Action Partners – Berry/Prohaska**  
Council directed staff to remove this board from Council Boards and Commissions and stated that there will no longer be Council representatives on the Board.
9. **Telluride Historical Museum – Prohaska**
10. **Telluride Conference Center – Gilbride/Binder**
11. **Alliance for Inclusion – Binder**
12. **Green Team Committee – Berry/Prohaska**
13. **Business Development Advisory Committee – Caton/Benitez**
14. **Mayor's Update - Benitez**

**Other Business (12)**

**a. Consideration of Approval of a Letter of Support for the 5 Star Program**

Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve a letter of support for the 5 Star Program.

**Executive Session Pursuant to C.R.S. 24-6-402(4)(f) to Discuss Personnel Matters for Which the Employee has Consented: Town Manager Review (13)**


On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to go into Executive Session to C.R.S. 24-6-402(4)(f) to discuss personnel matters for which the employee has consented: Town Manager Review at 11:27 a.m.

Council returned to open session at 12:15 p.m.

There being no further business, on a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 12:15 p.m.

Respectfully prepared and submitted by,

Susan Johnston  
Town Clerk

<div></div> <div>Business and Government Activity Report</div> <div>For the month ending: January 31st</div>									
2021				2020			YTD or MTD Variance		
Activity	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
Cable/Internet <div>Reporting criteria is changing, prior period data not comparable. Disconnects: Moved</div>									
TV Residential Sunscribers	641	7		NA	NA		NA	NA	
TV Bulk Subscribers	451	(32)		NA	NA		NA	NA	
TV Inactive Digital Subscribers	106	(15)		NA	NA		NA	NA	
Cable Modem Residential Cable Modem Subscribers	879	9		NA	NA		NA	NA	
Cable Modem Business Net Service Subscribers	38	0		NA	NA		NA	NA	
Cable Modem Hospitality Subscribers	272	(6)		NA	NA		NA	NA	
Dark Fiber Transport	8	1		NA	NA		NA	NA	
Fiber Hospitality Subscribers	8	0		NA	NA		NA	NA	
Fiber Residential Subscribers	255	0		NA	NA		NA	NA	
Phone Subscribers	71	(2)		92	0		(21)	-22.83%	
Village Court Apartments									
Occupancy Rate	%	100.00%	0.91%	100.00%	99.09%	-0.46%	99.09%	0.91%	0.9%
# Vacated Units		2	0	2	2	0	2	0	0.0%
# Work Orders Completed		20	13	20	20	(2)	20	0	0.0%
# on Waiting List		251	(2)		202	4		49	24.3%
Public Works <div>The increase in service calls is due to an increase in number of UNCC line locates we have due to the fiber project</div>									
Service Calls		775	110	775	574	(40)	574	201	35.0%
Truck Rolls		148	121	148	na	NA	na	NA	NA
Snow Fall	Inches	48	11	48	57	19	57	(9)	-15.8%
Snow Removal - Streets & Prkg Lots	Hours	526	(54)	526	967	(163)	967	(441)	-45.6%
Roadway Maintenance	Hours	80	77	80	11	8	11	69	622.7%
Water Billed Consumption	Gal.	28,522,000	(10,618,000)	28,522,000	25,965,000	(20,857,000)	25,965,000	2,557,000	9.8%
Sewage Treatment	Gal.	8,041,000	849,000	8,041,000	10,157,000	1,736,000	10,157,000	(2,116,000)	-20.8%
Child Development Fund									
# Infants Actual Occupancy		5.42	(1.02)		6.15	0.20		(0.73)	-11.9%
# Toddlers Actual Occupancy		11.19	0.00		16.05	(0.07)		(4.86)	-30.3%
# Preschoolers Actual Occupancy		15.06	(1.50)		15.77	0.21		(0.71)	-4.5%
Transportation and Parking <div>Inbound traffic counter is not available at this time.</div>									
GPG (noon snapshot)		9,331	166	9,331	10,725	156	10,725	(1,394)	-13.0%
GPG Parking Utilization (% of total # of spaces occupied)		65.4%	1.10%	65.4%	75.20%	1.10%	75.2%	-9.8%	-13.0%
HPG (noon snapshot)		2,397	64	2,397	2,068	32	2,068	329	15.9%
HPG Parking Utilization (% of total # of spaces occupied)		72.9%	1.90%	72.9%	62.90%	0.90%	62.9%	10.0%	15.9%
Total Parking (noon snapshot)		16,457	(214)	16,457	16,841	99	16,841	(384)	-2.3%
Parking Utilization (% of total # of spaces occupied)		65.6%	-0.90%	65.6%	67.20%	0.40%	67.2%	-1.6%	-2.4%
Paid Parking Revenues		\$42,636	(\$3,849)	\$42,636	\$55,884	\$7,833	\$55,884	(\$13,248)	-23.7%
Bus Routes	# of Passengers	25	NA	25	0	(685)	0	25	NA
Employee Shuttle	# of Passengers	0	NA	0	1,446	12	1,446	(1,446)	-100.0%
Employee Shuttle Utilization Rate	%	0.00%	NA	0.0%	46.00%	0.50%	46.0%	-46.00%	-100.0%
Inbound (Vehicle) Traffic (Entrance)	# of Cars	0	NA	0	72,373	1,646	72,373	(72,373)	-100.0%
Part Time EEs: Council (7), Judge (1), Child Care (6) Seasonal EEs: Gondola Ops, Parking, Groundskeeper, Recreation New Hires: 2 streets operators, 1 gondola maintenance, 1 seasonal groundskeeper, 1 seasonal gondola operator Terms: 1 building inspector, 1 infant/toddler teacher Reason for Terms: 1 other employment, 1 resignation									
Human Resources									
FT Year Round Head Count		76	(6)		84	(2)		(8)	-9.5%
Seasonal Head Count (FT & PT)		5	1		1	(1)		4	400.0%
PT Year Round Head Count		14	0		13	(2)		1	7.7%
Gondola FT YR, Seasonal, PT YR Head Count		68	2		59	1		9	15.3%
Total Employees		163	(1)		157	(4)		6	3.8%
Gondola Overtime Paid	Hours	282	26	282	596	211	596	(314)	-52.7%
Other Employee Overtime Paid		102	22	102	82	43	82	20	23.8%
# New Hires Total New Hires		5	(3)	5	3	(2)	3	2	66.7%
# Terminations		2	(3)	2	7	1	7	(5)	-71.4%
# Workmen Comp Claims		3	3	3	1	(1)	1	2	200.0%
Workmen Comp Claims Costs		\$291	\$291	\$291	\$628	\$628	\$628	(\$337)	-53.7%
Number of Reported Injuries		3	3	3	1	(1)	1	2	200.0%
Marketing & Business Development <div>Town hosted meetings include Zoom meetings due to COVID-19</div>									
Town Hosted Meetings		5	0	5	4	1	4	1	25.0%
Email Correspondence Sent		13	5	13	16	6	16	(3)	-18.8%
E-mail List	#	7,914	1		7,403	571		511	6.9%
Ready-Op Subscribers		1,978	(3)		1,706	NA		272	15.9%
News Articles		24	(8)	24	21	(10)	21	3	14.3%
Press Releases Sent		1	(1)	1	3	0	3	(2)	-66.7%
Gondola and RETA <div>Current RETA revenues are unaudited, the gondola/chondola was shut down about Mid-March through Mid-June</div>									
Gondola	# of Passengers	229,739	21,415	229,739	373,223	43,257	373,223	(143,484)	-38.4%
Chondola	# of Passengers	21,337	(4,724)	21,337	32,095	2,253	32,095	(10,758)	-33.5%
RETA fees collected by TMVOA		\$ 1,076,904	\$ (968,068)	\$ 1,076,904	\$ 380,715	\$ (258,176)	\$ 380,715	\$696,189	182.9%

<div><div><div><div></div><div>2024</div><div>MOUNTAIN VILLAGE</div></div></div><div><div>Business and Government Activity Report</div><div>For the month ending: January 31st</div></div></div>									
2021					2020			YTD or MTD Variance	
Activity	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
Recreation <div>Winter = Nov 1 - Apr 30</div>									
Ice Rink Skaters	1205	350	1205	1327	(860)	1327	(122)	-9.2%	
Snow Cat Hours	11	7	11	126	36	126	(115)	-91.1%	
Platform Tennis Registrations	55	(5)	55	46	6	46	9	19.6%	
Police									
Calls for Service	# 568	(8)	568	429	(45)	429	139	32.4%	
Investigations	# 20	7	20	16	(11)	16	4	25.0%	
Alarms	# 29	(3)	29	25	(13)	25	4	16.0%	
Arrests	# 4	3	4	2	1	2	2	100.0%	
Summons	# 2	2	2	3	(6)	3	(1)	-33.3%	
Traffic Contacts	# 9	3	9	25	13	25	(16)	-64.0%	
Traffic Tickets Written	# 0	0	0	1	0	1	(1)	-100.0%	
Parking Tickets Written	# 493	75	493	481	(101)	481	12	2.5%	
Administrative Dismissals	# 5	(2)	5	13	5	13	(8)	-61.5%	
Building/Planning									
Community Development Revenues	\$147,642	\$78,231	\$147,642	\$12,041	(\$20,924)	\$12,041	\$135,601	1126.2%	
# Permits Issued	29	-12	29	37	4	37	(8)	-21.6%	
Valuation of Mtn Village Remodel/New/Additions Permits	\$4,032,000	\$3,295,164	\$4,032,000	\$185,000	(\$343,184)	\$185,000	\$3,847,000	2079.5%	
Valuation Mtn Village Electric/Plumbing/Other Permits	\$75,841	\$58,636	\$75,841	\$104,000	(\$19,432)	\$104,000	(\$28,159)	-27.1%	
Valuation Telluride Electric/Plumbing Permits	\$241,301	(\$1,203,949)	\$241,301	\$171,757	\$56,291	\$171,757	\$69,544	40.5%	
# Inspections Completed	456	70	456	288	(150)	288	168	58.3%	
# Design Review/Zoning Agenda Items	13	3	13	9	(10)	9	4	44.4%	
# Staff Review Approvals	6	(10)	6	5	(4)	5	1	20.0%	
Plaza Services									
Snow Removal Plaza	Hours 179	1	179	506	(13)	506.3	(327)	-64.6%	
Plaza Maintenance	Hours 639	45	639	443	132	443	196	44.2%	
Lawn Care	Hours 0	0	0	0	0	0	0	NA	
Plant Care	Hours 24	24	24	37	37	37	(12)	-33.6%	
Irrigation	Hours 0	0	0	0	0	0	0	NA	
TMV Trash Collection	Hours 112	10	112	96	(1)	96	16	16.4%	
Christmas Decorations	Hours 154	86	154	191	(122)	191	(37)	-19.2%	
Residential Trash	Pound 20100	(3,300)	20100	24,600	3,000	24600	(4,500)	-18.3%	
Residential Recycle	Pound 25676	(4,098)	25676	42,000	11,970	42000	(16,324)	-38.9%	
Diversion Rate	% 56.09%	0.10%	56.09%	63.06%	4.90%	63.06%	-6.97%	-11.1%	
Vehicle Maintenance									
# Preventive Maintenance Performed	15	(10)	15	14	1	14	1	7.1%	
# Repairs Completed	31	10	31	18	3	18	13	72.2%	
Special Projects	2	(1)	2	0	0	0	2	NA	
# Roadside Assists	1	1	1	0	0	0	1	NA	
Finance									
# Other Business Licenses Issued	850	820	850	801	779	801	49	6.1%	
# Privately Licensed Rentals	70	68	70	61	59	61	9	14.8%	
# Property Management Licensed Rentals	400	390	400	401	397	401	(1)	-0.2%	
# Unique VRBO Property Advertisements Listings for MV	480	0		437	0		43	9.8%	
# Paperless Billing Accts (total paperless customers)	1,238	(3)		1,103	11		135	12.2%	
# of TMV AR Bills Processed	2,169	16	2,169	2,185	7	2,185	(16)	-0.7%	
Accounts Receivable							General Fund Investment Activity		
Current 30+ Days 60+ Days 90+ Days over 120 days Total	TMV Operating Receivables (includes Gondola funding)		Utilities - Broadband and Water/Sewer		VCA - Village Court Apartments		Change in Value (Month) Ending Balance Investment Income (Month) Portfolio Yield Yield Change (Month)		
	\$459,323	96.1%	\$446,273	86.3%	\$2,956	34.5%	<div>(\$506,096)</div> <div>\$10,490,786</div> <div>\$5,313</div> <div>na</div> <div>na</div>		
	267	0.1%	37,201	7.2%	12	0.1%			
	600	0.1%	9,337	1.8%	47	0.6%			
	16,670	3.5%	12,073	2.3%	5,547	64.8%			
	971	0.2%	12,466	2.4%	-	0.0%			
Total	\$ 477,830	100.0%	\$ 517,351	100.0%	\$ 8,562	100.0%			
	Other Billings - CDF, Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR		Other Statistics		
	\$19,313	69.4%	\$ 927,865	89.9%	\$26,183	69.7%	Population (estimated) (Active) Registered Voters Property Valuation		
	3,543	12.7%	41,023	4.0%	8,533	22.7%	1,434 871 310,031,920		
	1,771	6.4%	11,755	1.1%	(16,450)	-43.8%			
	633	2.3%	34,922	3.4%	18,987	50.6%			
over 120 days Total	2,560	9.2%	15,998	1.6%	287	0.8%			
	\$27,820	100.0%	\$ 1,031,563	100.0%	\$ 37,540	100.0%			



**EXHIBIT A: ADDITION OF CHAPTER 1.04.100 TO TITLE 1 OF THE TOWN OF MOUNTAIN VILLAGE  
MUNICIPAL CODE**

**CHAPTER 1.04.100  
PERMANENT LOCATIONS FOR POSTING NOTICE OF PUBLIC MEETINGS**

The following places are designated as the permanent locations for posting notice of all meetings held by Council or any Board or Commission where posting notice of such meeting is required pursuant to state law:

Mountain Village Town Hall - 455 Mountain Village Blvd. Suite A, Mountain Village, CO 81435  
Mountain Village Town Hall Post Office - 455 Mountain Village Blvd, Mountain Village, CO 81435  
Mountain Village Police Station Bulletin Board - 411 Mountain Village Blvd # 1, Mountain Village, CO 81435  
Meadows Post Office - 300 Adams Ranch Rd., Mountain Village, CO 81435  
Town of Mountain Village website – <https://townofmountainvillage.com/>

The Town shall be deemed to have given full and timely notice of meetings of the Council or any Boards or Commissions required hereunder if the notice of the meeting is posted in the locations designated herein no less than twenty-four (24) hours prior to the holding of such meeting.



## Memorandum

**To:** Town Council  
**From:** Julie Vergari, Chief Accountant  
**Date:** February 11, 2021  
**Re:** Town of Mountain Village Financial Statements through December 2020

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### Mountain Village Financials Statements through December 2020

#### General Fund Summary

The December financials are unaudited and reflect revised budgets adopted for 2020. The General Fund reflects a surplus of \$65,815. Permit and use taxes are now under budget. Sales taxes show a decrease of 6.5% from prior year and are over the annual budget. Revenues of \$11.1 million were over the budget by \$465,600.

Total GF operating expenditures of \$9.35 million were under budget by \$285,000.

Transfers to other funds include:

<b>Fund</b>	<b>This Month</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Budget Variance</b>
Capital Projects Fund (From GF)	\$ -	\$ 89,646	\$ 51,701	(37,945)
Child Development Fund	\$ 28,913	\$ 173,075	\$ 123,067	(50,008)
Conference Center Subsidy	\$ -	\$ 283,162	\$ 211,666	(71,496)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 75,754	\$ 437,634	\$ 523,809	86,175
Broadband Fund	\$ -	\$ 1,719,043	\$ 1,598,969	(120,074)
Debt Service Fund	\$ 717,795	\$ 691,433	\$ 717,795	26,362
Vehicle & Equipment Acquisition Fund	\$ 46,774	\$ 172,271	\$ 109,221	(63,050)

Income transfers from other funds include:

<b>Fund</b>	<b>This Month</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Budget Variance</b>
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$ 10,984	\$ 596,032	\$ 573,280	(22,752)
*Tourism Fund	\$ 6,078	\$ 64,746	\$ 67,617	2,872
*This transfer is comprised of administrative fees, interest, and penalties collected.				
Debt Service Fund (Specific Ownership Taxes)	\$ 2,196	\$ 32,000	\$ 24,724	(7,276)

### Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached

The Bobcat leases were renewed and two police vehicles were purchased. \$109,221 has been transferred from the General Fund.

### Capital Projects Fund – No Fund Income Statement Attached

\$46,677 was spent on the Shop remodel and \$16,629 has been expended for safety improvements. \$51,701 has been transferred from the General Fund.

### Historical Museum Fund – No Fund Income Statement Attached

\$102,165 in property taxes were collected and \$100,114 was tendered to the historical museum. The county treasurer retained \$2,051 in treasurer's fees.

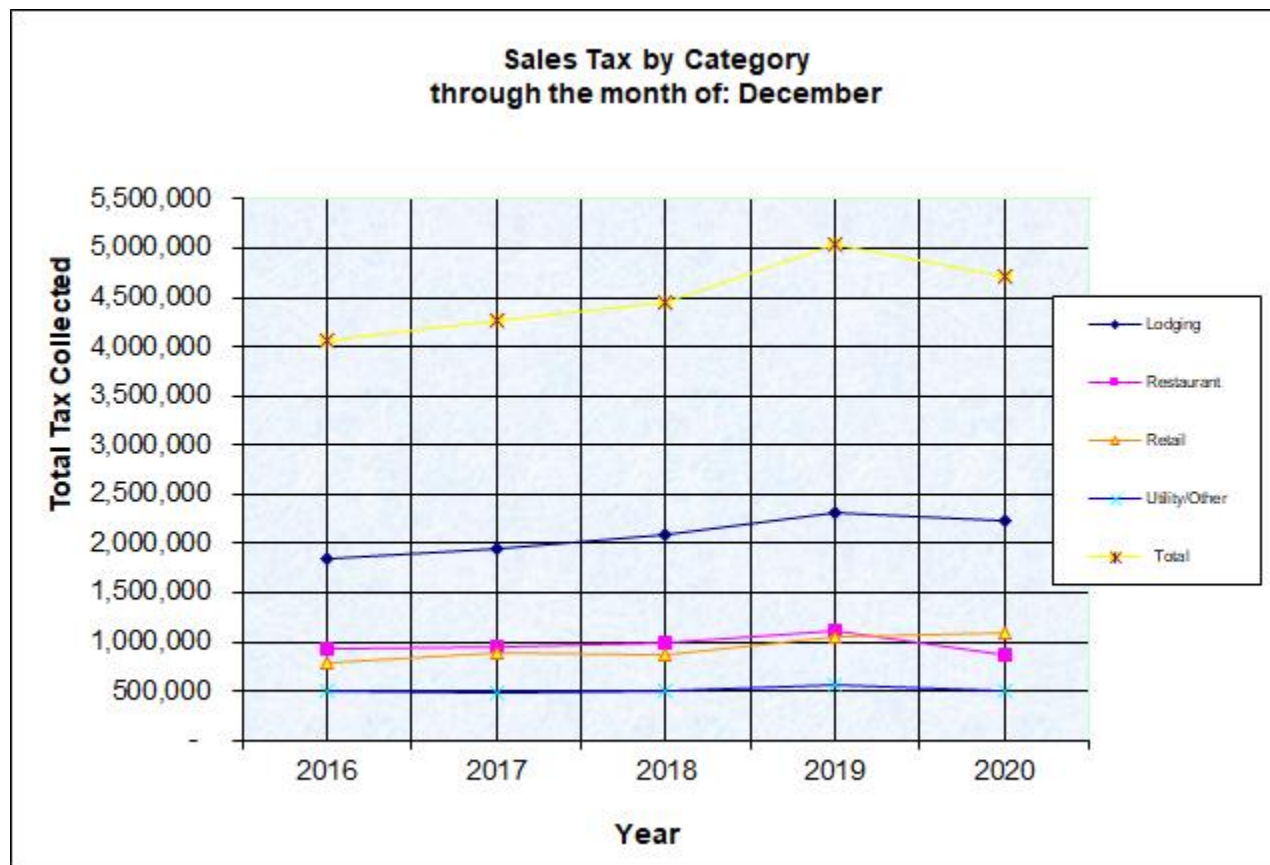
### Mortgage Assistance Fund – No Fund Income Statement Attached

\$30,000 in mortgage assistance was granted.

### Sales Tax

Sales taxes of \$4 million are 6.5% under 2019 through this period and are over budget. Restaurant shows the highest decrease at 21.25%, followed by Utility/Other at 9.12%.

Actual Sales Tax Base By Class, Through December 2020										
Category	Actual 2016	Actual 2017	PY % Increase	Actual 2018	PY % Increase	Actual 2019	PY % Increase	Actual 2020	PY \$ Variance	PY % Increase
	4.5%	4.5%	2016 to 2017	4.5%	2017 to 2018	4.5%	2018 to 2019	4.5%	2019 to 2020	2019 to 2020
Lodging	40,954,783	43,143,970	5%	46,228,740	7%	51,558,085	12%	49,558,740	(1,999,345)	-3.88%
Restaurant	20,589,021	21,149,461	3%	22,104,608	5%	24,655,994	12%	19,417,308	(5,238,686)	-21.25%
Retail	17,407,997	19,663,256	13%	19,245,734	-2%	23,196,007	21%	24,281,093	1,085,086	4.68%
Utility/Other	11,122,171	10,939,985	-2%	11,224,623	3%	12,535,053	12%	11,391,796	(1,143,257)	-9.12%
Total	90,073,972	94,896,671	5%	98,803,705	4%	111,945,139	13%	104,648,936	(7,296,203)	-6.52%



## Tourism Fund

2020 restaurant taxes totaling \$385,851 have been collected and \$378,134 was tendered to the airline guarantee program. \$1.966 million in lodging taxes were collected and \$1.937 million was tendered to the airline guarantee program and to MTI. The Town retained \$37,217 in administrative fees, and penalties and interest of \$2,770.

Lodging taxes are under prior year by 4.8% and over budget by 3.45%. Restaurant taxes are under prior year and over budget by 21.8% and 1.5%, respectively.

### Town of Mountain Village Colorado Lodging Tax Summary

	2016 Activity (4%)	2017 Activity (4%)	2018 Activity (4%)	2019 Activity (4%)	2020 Activity (4%)	2019 Var %	2020 Budget	Budget Var %
January	193,815	245,628	273,707	300,246	325,337	8.36%	309,715	4.80%
February	249,339	260,809	262,096	310,947	334,936	7.71%	320,726	4.24%
March	304,515	312,990	322,588	401,256	212,457	-47.05%	313,904	-47.75%
April	7,638	8,353	18,205	17,822	855	-95.20%	3,377	-294.87%
May	16,633	12,493	18,134	24,335	784	-96.78%	24,680	-3047.12%
June	106,415	122,193	137,760	139,428	55,111	-60.47%	133,091	-141.50%
July	153,342	158,585	170,730	196,062	242,218	23.54%	181,679	24.99%
August	111,760	112,264	136,080	160,993	226,104	40.44%	150,644	33.37%
September	139,363	148,624	171,040	158,287	172,283	8.84%	146,445	15.00%
October	31,322	34,399	34,696	46,789	94,751	102.51%	47,928	49.42%
November	14,725	18,535	17,307	14,761	38,475	160.66%	14,946	61.15%
December	261,808	290,808	283,658	295,803	263,345	-10.97%	251,617	4.45%
<b>Total</b>	<b>1,590,676</b>	<b>1,725,680</b>	<b>1,846,001</b>	<b>2,066,729</b>	<b>1,966,656</b>	<b>-4.84%</b>	<b>1,898,752</b>	<b>3.45%</b>
<b>Tax Base</b>	<b>39,766,902</b>	<b>43,142,003</b>	<b>46,150,032</b>	<b>51,668,223</b>	<b>49,166,389</b>		<b>47,468,800</b>	

	2016 Activity (2%)	2017 Activity (2%)	2018 Activity (2%)	2019 Activity (2%)	2020 Activity (2%)	2019 Var %	2020 Budget	Budget Var %
January	48,594	54,097	57,188	62,864	73,576	17.04%	61,033	17.05%
February	60,243	60,144	63,140	66,720	76,392	14.50%	64,777	15.21%
March	71,171	74,202	75,202	87,671	50,565	-42.32%	64,069	-26.71%
April	1,511	1,829	7,119	7,364	85	-98.85%	1,100	-1197.32%
May	4,568	4,448	4,838	4,299	553	-87.13%	736	-33.01%
June	34,359	34,365	39,048	38,614	9,040	-76.59%	27,215	-201.05%
July	44,827	46,470	46,603	60,113	37,654	-37.36%	42,805	-13.68%
August	35,020	34,998	39,031	44,673	37,777	-15.44%	30,740	18.63%
September	36,195	39,291	36,920	42,922	32,718	-23.77%	30,549	6.63%
October	11,312	13,519	12,695	17,657	19,674	11.43%	10,966	44.26%
November	5,099	5,352	7,221	3,503	8,215	134.51%	5,061	38.39%
December	59,070	54,303	53,383	57,178	39,602	-30.74%	40,966	-3.45%
<b>Total</b>	<b>411,969</b>	<b>423,017</b>	<b>442,390</b>	<b>493,579</b>	<b>385,851</b>	<b>-21.83%</b>	<b>380,017</b>	<b>1.51%</b>
<b>Tax Base</b>	<b>20,598,437</b>	<b>21,150,852</b>	<b>22,119,524</b>	<b>24,678,936</b>	<b>19,292,542</b>		<b>19,000,850</b>	

Business license fees of \$325,629 are over budget (2%) and prior year (1%). \$306,091 was remitted to MTI and \$30,065 in admin fees and penalties were transferred to the General Fund.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
December 2020**

	2020						2019	2018	2017
		Budget	Budget	Budget	Annual	Budget	Actual YTD	Actual YTD	Actual YTD
	Actual YTD	YTD	Variance	Variance	Budget	Balance			
		(\$)	(%)						
Revenues									
Charges for Services	\$ 302,874	\$ 302,458	\$ 416	0.14%	\$ 302,458	\$ (416)	\$ 364,489	\$ 388,660	\$ 489,267
Contributions	145,915	114,340	31,575	27.62%	114,340	(31,575)	39,781	8,783	74,551
Fines and Forfeits	68,175	11,841	56,334	475.75%	11,841	(56,334)	10,151	61,398	8,282
Interest Income	190,386	160,000	30,386	18.99%	160,000	(30,386)	277,886	156,638	32,522
Intergovernmental	572,124	534,135	37,989	7.11%	534,135	(37,989)	629,801	475,260	374,212
Licenses and Permits	395,985	420,065	(24,080)	-5.73%	420,065	24,080	422,603	353,865	566,818
Miscellaneous Revenues	680,860	975,657	(294,797)	-30.22%	975,657	294,797	88,086	65,618	245,763
Taxes and Assessments	9,728,543	9,100,768	627,775	6.90%	9,100,768	(627,775)	9,885,648	9,050,695	9,460,884
Total Revenues	12,084,862	11,619,264	465,598	4.01%	11,619,264	(465,598)	11,718,445	10,560,917	11,252,299
Operating Expenses									
Legislation & Council	71,613	78,285	(6,672)	-8.52%	78,285	6,672	85,346	84,204	96,623
Town Manager	302,962	309,560	(6,598)	-2.13%	309,560	6,598	271,102	254,752	250,003
Town Clerk's Office	329,269	339,347	(10,078)	-2.97%	339,347	10,078	376,466	361,634	367,609
Finance	915,641	916,174	(533)	-0.06%	916,174	533	828,910	833,372	811,431
Technical	409,032	472,291	(63,259)	-13.39%	472,291	63,259	370,245	336,654	193,434
Human Resources	351,896	359,050	(7,154)	-1.99%	359,050	7,154	327,158	352,818	296,357
Town Attorney	329,294	376,525	(47,231)	-12.54%	376,525	47,231	422,153	414,772	450,145
Communications and Business Development	1,463,801	907,009	556,792	61.39%	907,009	(556,792)	571,659	426,418	241,594
Municipal Court	32,026	31,640	386	1.22%	31,640	(386)	31,080	29,981	30,713
Police Department	962,208	1,022,762	(60,554)	-5.92%	1,022,762	60,554	957,066	828,532	779,607
Community Services	50,612	56,857	(6,245)	-10.98%	56,857	6,245	54,109	52,017	50,184
Community Grants and Contributions	120,370	120,370	-	0.00%	120,370	-	114,863	122,850	106,000
Roads and Bridges	774,374	889,093	(114,719)	-12.90%	889,093	114,719	1,077,722	1,033,147	1,067,792
Vehicle Maintenance	405,984	456,995	(51,011)	-11.16%	456,995	51,011	440,836	423,267	579,205
Municipal Bus	294,657	320,374	(25,717)	-8.03%	320,374	25,717	244,051	217,479	195,188
Employee Shuttle	41,663	64,804	(23,141)	-35.71%	64,804	23,141	49,102	72,359	44,498
Parks & Recreation	398,050	460,517	(62,467)	-13.56%	460,517	62,467	457,666	536,834	513,115
Plaza Services	1,175,440	1,352,786	(177,346)	-13.11%	1,352,786	177,346	1,292,510	1,194,366	1,094,831
Public Refuse Removal	62,742	61,098	1,644	2.69%	61,098	(1,644)	61,684	64,707	50,937
Building/Facility Maintenance	236,601	253,620	(17,019)	-6.71%	253,620	17,019	213,933	203,608	193,090
Building Division	323,208	370,572	(47,364)	-12.78%	370,572	47,364	273,566	322,544	296,639
Housing Division Office	22,182	21,511	671	3.12%	21,511	(671)	21,539	19,630	18,998
Planning and Zoning Division	278,016	300,449	(22,433)	-7.47%	300,449	22,433	347,206	534,894	390,394
Contingency	-	95,000	(95,000)	-100.00%	95,000	95,000	84,246	-	-
Total Operating Expenses	9,351,641	9,636,689	(285,048)	-2.96%	9,636,689	285,048	8,974,218	8,720,839	8,118,387
Surplus / Deficit	2,733,221	1,982,575	750,646	37.86%	1,982,575	(750,646)	2,744,227	1,840,078	3,133,912
Capital Outlay	21,481	48,000	(26,519)	-55.25%	48,000	26,519	272,035	181,646	940,709
Surplus / Deficit	2,711,740	1,934,575	777,165	40.17%	1,934,575	(777,165)	2,472,192	1,658,432	2,193,203
Other Sources and Uses									
Sale of Assets	2,500	-	2,500	NA	-	(2,500)	12,496	30,533	-
Transfer (To) From Affordable Housing	(523,809)	(437,634)	(86,175)	19.69%	(437,634)	86,175	(560,214)	(493,047)	(474,477)
Transfer (To) From Affordable Housing-Housing Off	22,182	21,511	671	3.12%	21,511	(671)	21,539	19,630	18,998
Transfer (To) From Broadband	(1,598,969)	(1,719,043)	120,074	-6.98%	(1,719,043)	(120,074)	(424,383)	10,000	-
Transfer (To) From Child Development	(123,067)	(173,075)	50,008	-28.89%	(173,075)	(50,008)	(105,019)	(155,694)	(120,404)
Transfer (To) From Capital Projects	(51,701)	(89,646)	37,945	-42.33%	(89,646)	(37,945)	-	(11,247)	(266,071)
Transfer (To) From Debt Service	(693,071)	(659,433)	(33,638)	5.10%	(659,433)	33,638	27,548	29,307	357,151
Transfer (To) From Overhead Allocation	573,280	596,032	(22,752)	-3.82%	596,032	22,752	567,972	540,924	482,133
Transfer (To) From Parking Services	-	-	-	NA	-	-	-	-	-
Transfer (To) From Conference Center	(211,666)	(283,162)	71,496	-25.25%	(283,162)	(71,496)	(197,239)	(202,543)	(199,089)
Transfer (To) From Tourism	67,617	64,746	2,872	4.44%	64,746	(2,872)	18,402	44,344	37,942
Transfer (To) From Vehicle/Equipment	(109,221)	(172,271)	63,050	-36.60%	(172,271)	(63,050)	(157,616)	(356,833)	(561,775)
Transfer (To) From Water/Sewer	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(2,645,925)	(2,851,975)	206,051	-7.22%	(2,851,975)	(206,051)	(796,514)	(544,627)	(725,592)

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Surplus / Deficit	\$ 65,815	\$ (917,400)	\$ 983,215	-107.17%	\$ (917,400)	\$ (983,215)	\$ 1,675,678	\$ 1,113,805	\$ 1,467,611

<u>Beginning Fund Balance Components</u>	<u>Actual YTD</u>	<u>Annual Budget</u>
Emergency Reserve	\$ 3,372,841	\$ 3,372,841
Unreserved	10,330,770	9,020,518
<b>Beginning Fund Balance</b>	<b>\$ 13,703,611</b>	<b>\$ 12,393,359</b>

<u>YTD Ending Fund Balance Components</u>		
Emergency Reserve	\$ 3,372,841	\$ 3,372,841
Facility Maint Reserve	155,000	155,000
Unreserved	10,241,585	7,948,117
<b>Ending Fund Balance</b>	<b>\$ 13,769,426</b>	<b>\$ 11,475,959</b>

#### Revenues

Taxes & Assessments - Property taxes are lagging budget \$11,144. This is mainly due to abatements. Specific Ownership taxes are over budget by \$6,100 and are \$3,900 less than prior year. Sales tax revenues are exceeding the (revised) budget but are 6.5% less than prior year. Construction use tax is 15% under budget.

Licenses & Permits - Construction permits and construction parking fees are under budget.

Intergovernmental - Intergovernmental revenues are over budget in SMART contributions and R&B taxes.

Charges for Services - DRB fees are over the budget, and plan review fees are under budget.

Fines & Forfeitures - Traffic fines are under budget but there was a significant building fine accessed.

Investment Income - Actual interest earned is exceeding budget but is 26% less than prior year.

Miscellaneous - Van rider revenues are under budget but made up for by SMART charges for bus service after the Gondola shut down. CARES grant amounts have been accrued and are pending request.

Contributions - Reimbursements for the roof waiver program and defensible space have been recorded, Gondola employee shuttle and TMVOA contributions have been made.

#### Top Ten Budget Variances

##### Over Budget

Communications and Business Development - \$556,792 Over budget due to grant funded BDAC Stimulus expenses.

Trash Removal - \$1,644 Employee expense and annual clean up costs are over budget and prior year.

Housing Division (Office) - \$671 Employee costs are over budget.

Municipal Court - \$386 Employee expenses are over budget and prior year.

##### Under Budget

Plaza Services - \$177,346 Savings in personnel expense and natural gas.

Road & Bridge - \$114,719 Under budget in paving repair, gasoline and employee expenses.

Technical - \$63,259 Under budget in contracted services, and certain software support fees.

Parks and Recreation - \$62,467 Natural gas for the Zamboni room, trail maintenance materials, and employee costs are under budget.

Police - \$60,554 Savings in housing allowance and worker's compensation and retirement benefits.

Vehicle Maintenance- \$51,011 Personnel costs, supplies, and oil are under budget.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
<b>Tourism Fund</b>									
<b>Revenues</b>									
Business License Fees	\$ 325,629	\$ 318,227	\$ 7,402	2%	\$ 318,227	\$ (7,402)	\$ 321,392	\$ 313,553	\$ 320,857
Lodging Taxes - Condos/Homes	1,204,798	1,140,613	64,185	6%	1,140,613	(64,185)	1,130,092	1,005,648	965,419
Lodging Taxes - Hotels	761,487	758,139	3,348	0%	758,139	(3,348)	929,287	834,041	755,468
Lodging Taxes - Prior Year	3,286	3,286	0	0%	3,286	(0)	5,311	6,751	692
Penalties and Interest	13,297	12,000	1,297	11%	12,000	(1,297)	10,759	23,208	14,565
Restaurant Taxes	385,851	380,017	5,834	2%	380,017	(5,834)	492,476	440,611	422,623
Restaurant Taxes - Prior Year	1,103	1,103	(0)	0%	1,103	0	1,779	394	-
<b>Total Revenues</b>	<b>2,695,450</b>	<b>2,613,385</b>	<b>82,065</b>	<b>3%</b>	<b>2,613,385</b>	<b>(82,065)</b>	<b>2,891,095</b>	<b>2,624,206</b>	<b>2,479,623</b>
<b>Tourism Funding</b>									
Additional Funding	-	-	-	NA	-	-	50,995	31,694	27,915
Airline Guaranty Funding	1,344,304	1,305,496	38,808	3%	1,305,496	(38,808)	1,496,068	1,336,941	1,257,744
MTI Funding	1,281,028	1,240,643	40,385	3%	1,240,643	(40,385)	1,324,130	1,208,727	1,153,787
<b>Total Tourism Funding</b>	<b>2,625,333</b>	<b>2,546,139</b>	<b>79,193</b>	<b>3%</b>	<b>2,546,139</b>	<b>(79,193)</b>	<b>2,871,193</b>	<b>2,577,363</b>	<b>2,439,446</b>
Surplus / Deficit	70,117	67,246	2,872	4%	67,246	(2,872)	19,902	46,844	40,177
<b>Administrative Fees</b>									
Audit Fees	2,500	2,500	-	0%	2,500	-	1,500	2,500	2,235
<b>Total Administrative Fees</b>	<b>2,500</b>	<b>2,500</b>	<b>-</b>	<b>0%</b>	<b>2,500</b>	<b>-</b>	<b>1,500</b>	<b>2,500</b>	<b>2,235</b>
Surplus / Deficit	67,617	64,746	2,872	4%	64,746	(2,872)	18,402	44,344	37,942
<b>Other Sources and Uses</b>									
Transfer (To) From Other Funds	(67,617)	(64,746)	(2,872)	4%	(64,746)	2,872	(18,402)	(44,344)	(37,942)
<b>Total Other Sources and Uses</b>	<b>(67,617)</b>	<b>(64,746)</b>	<b>(2,872)</b>	<b>4%</b>	<b>(64,746)</b>	<b>2,872</b>	<b>(18,402)</b>	<b>(44,344)</b>	<b>(37,942)</b>
Surplus / Deficit	\$ -	\$ -	\$ -		\$ -		\$ -	\$ -	\$ -

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
<b>Parking Services Fund</b>									
<b>Revenues</b>									
Contributions/Shared Facility Expenses	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ 5,985	\$ 12,230
Fines and Forfeits	24,535	22,075	2,460	11%	22,075	23,450	49,968	40,283	10,156
Gondola Parking Garage	115,701	79,708	35,993	45%	79,708	20,665	93,914	87,360	115,680
Heritage Parking Garage	238,270	154,782	83,488	54%	154,782	106,374	247,733	207,257	195,112
Parking in Lieu Buyouts	130,000	130,000	-	0%	130,000	-	-	-	80,000
Parking Meter Revenues	23,650	18,721	4,929	26%	18,721	10,390	25,527	21,914	18,105
Parking Permits	8,695	7,772	923	12%	7,772	6,390	11,350	14,115	12,546
Special Event Parking	-	-	-	NA	-	-	135,833	50,628	49,286
<b>Total Revenues</b>	<b>540,851</b>	<b>413,058</b>	<b>127,793</b>	<b>31%</b>	<b>413,058</b>	<b>167,269</b>	<b>564,325</b>	<b>427,542</b>	<b>493,115</b>
<b>Operating Expenses</b>									
Other Operating Expenses	15,068	5,458	9,610	176%	5,458	(9,610)	107,505	20,491	53,327
Personnel Expenses	131,467	129,086	2,381	2%	129,086	(2,381)	136,000	116,607	120,937
Gondola Parking Garage	42,870	68,834	(25,964)	-38%	68,834	25,964	55,751	42,640	76,389
Surface Lots	19,458	28,900	(9,442)	-33%	28,900	9,442	20,826	46,338	63,794
Heritage Parking Garage	92,441	86,830	5,611	6%	86,830	(5,611)	70,331	72,868	89,744
Meadows Parking	1,000	1,000	-	0%	1,000	-	1,016	1,000	1,000
<b>Total Operating Expenses</b>	<b>302,304</b>	<b>320,108</b>	<b>(17,804)</b>	<b>-6%</b>	<b>320,108</b>	<b>17,804</b>	<b>391,429</b>	<b>299,944</b>	<b>405,191</b>
Surplus / Deficit	238,547	92,950	145,597	157%	92,950	149,465	172,896	127,598	87,924
<b>Capital</b>									
Capital	5,415	4,800	615	13%	4,800	(615)	94,266	5,615	4,800
Surplus / Deficit	233,132	88,150	144,982	164%	88,150	150,080	78,630	121,983	83,124
<b>Other Sources and Uses</b>									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Overhead Allocation	(32,278)	(32,278)	-	0%	(32,278)	-	(42,374)	(33,571)	(32,899)
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>(32,278)</b>	<b>(32,278)</b>	<b>-</b>	<b>0%</b>	<b>(32,278)</b>	<b>-</b>	<b>(42,374)</b>	<b>(33,571)</b>	<b>(32,899)</b>
Surplus / Deficit	\$ 200,854	\$ 55,872	\$ -	0%	\$ 55,872	\$	\$ 36,256	\$ 88,412	\$ 50,225
<b>Beginning Fund Balance</b>	\$ 268,678	\$ 170,442	\$ 98,236						
<b>Ending Fund Balance</b>	\$ 469,532	\$ 226,314	\$ 243,218						

Parking revenues are over budget \$127,800. HPG revenues are over budget 54% and under prior year 3.5%. Parking meter (surface lots) revenues are over budget 26% and under prior year 7.4%. GPG is over budget and prior year 45% and 23%. Parking fines are slightly over budget. Personnel costs and other general expenses are over budget mainly for supplies. GPG is under budget in general maintenance, asphalt and concrete repairs and supplies. Surface lots is under budget in maintenance and parking meter expense. HPG has budget savings in tech support and supplies, although maintenance is over budget due to repairs to the garage door from damage. The 2020 transfer to the General Fund is \$23,278, which is the overhead allocation.



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	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
<b>Gondola Fund</b>									
<b>Revenues</b>									
Event Operations Funding	\$ 6,831	\$ -	\$ 6,831	NA	\$ -	\$ (6,831)	\$ 6,262	\$ 3,556	\$ 14,157
Event Operations Funding - TOT	-	36,000	(36,000)	-100.00%	36,000	36,000	36,000	36,000	36,000
Operations Grant Funding	1,063,349	1,195,512	(132,163)	-11.05%	1,195,512	132,163	141,241	145,719	149,982
Capital/MR&R Grant Funding	-	-	-	NA	-	-	699,570	737,063	88,000
Insurance Proceeds	-	-	-	NA	-	-	-	-	591
Miscellaneous Revenues	972	-	972	NA	-	(972)	781	7,164	-
Sale of Assets	-	-	-	NA	-	-	-	-	1,672
TMVOA Operating Contributions	2,861,435	2,802,383	59,052	2.11%	2,802,383	(59,052)	3,446,606	3,378,268	3,229,745
TMVOA Capital/MR&R Contributions	168,295	169,500	(1,205)	-0.71%	169,500	1,205	484,874	1,196,554	1,462,022
TSG 1% Lift Sales	146,951	150,000	(3,049)	-2.03%	150,000	3,049	212,387	188,099	186,075
<b>Total Revenues</b>	<b>4,247,833</b>	<b>4,353,395</b>	<b>(105,562)</b>	<b>-2.42%</b>	<b>4,353,395</b>	<b>105,562</b>	<b>5,027,722</b>	<b>5,692,423</b>	<b>5,168,244</b>
<b>Operating Expenses</b>									
Overhead Allocation Transfer	32,249	55,000	(22,751)	-41.37%	55,000	22,751	39,959	54,138	43,161
MAARS	70,162	82,260	(12,098)	-14.71%	82,260	12,098	68,079	65,018	73,595
Chondola	171,257	217,711	(46,454)	-21.34%	217,711	46,454	171,266	232,529	319,109
Grant Success Fees	-	8,500	(8,500)	-100.00%	8,500	8,500	27,001	8,474	8,736
Operations	2,011,708	1,898,941	112,767	5.94%	1,898,941	(112,767)	1,811,697	1,707,746	1,646,363
Maintenance	1,384,718	1,390,851	(6,133)	-0.44%	1,390,851	6,133	1,279,880	1,271,316	1,140,923
FGOA	409,444	410,632	(1,188)	-0.29%	410,632	1,188	445,396	398,549	386,335
Major Repairs and Replacements	155,903	155,000	903	0.58%	155,000	(903)	1,149,756	1,791,839	299,156
Contingency	-	120,000	(120,000)	-100.00%	120,000	120,000	-	21,036	-
<b>Total Operating Expenses</b>	<b>4,235,441</b>	<b>4,338,895</b>	<b>(103,454)</b>	<b>-2.38%</b>	<b>4,338,895</b>	<b>103,454</b>	<b>4,993,034</b>	<b>5,550,645</b>	<b>3,917,378</b>
Surplus / Deficit	12,392	14,500	(2,108)	-14.54%	14,500	2,108	34,688	141,778	1,250,866
<b>Capital</b>									
Capital Outlay	12,392	14,500	(2,108)	-14.54%	14,500	2,108	34,688	141,778	1,250,866
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund is \$105,600 under budgeted expenditures.

MARRS is under budget with savings in employee costs. Chondola expenses are under budget due mainly to employee costs, and Telski utilities. Gondola operations is under budget in recruiting and supplies, but is over budget in staff expenses. Maintenance is under budget with savings in facility costs and dues and fees. FGOA costs are under budget with small savings in several expenses. MR&R expenditures were for cabin refurbis, station upgrades, and lightning array repairs. Capital outlay was for a snowmobile.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Child Development Fund</b>									
<b>Revenues</b>									
Infant Care Fees	\$ 52,792	\$ 47,320	5,472	11.56%	\$ 47,320	\$ (5,472)	\$ -	\$ -	\$ -
Toddler Care Fees	98,239	119,898	(21,659)	-18.06%	119,898	21,659	266,717	254,675	272,382
Fundraising Revenues - Toddler	285	-	285	NA	-	(285)	15,008	10,992	16,768
Fundraising Revenues - Infant	-	-	-	NA	-	-	-	-	-
Fundraising Revenues - Preschool	165	-	165	NA	-	(165)	5,000	5,150	3,075
Regional Childcare Tax - Infant	15,000	15,000	-	0.00%	15,000	-	-	-	-
Regional Childcare Tax - Toddler	15,000	15,000	-	0.00%	15,000	-	-	-	-
Grant Revenues - Toddler	54,341	43,634	10,707	24.54%	43,634	(10,707)	60,363	34,005	25,650
Grant Revenues - Infant	41,067	36,067	5,000	13.86%	36,067	(5,000)	-	-	-
Grant Revenues - Preschool	30,543	19,134	11,409	59.63%	19,134	(11,409)	36,693	32,700	13,000
Preschool Fees	115,098	114,568	530	0.46%	114,568	(530)	193,895	174,909	162,438
<b>Total Revenues</b>	<b>422,530</b>	<b>410,621</b>	<b>11,909</b>	<b>2.90%</b>	<b>410,621</b>	<b>(11,909)</b>	<b>577,675</b>	<b>512,431</b>	<b>493,313</b>
<b>Operating Expenses</b>									
Infant Care Other Expense	14,680	27,889	(13,209)	-47.36%	27,889	13,209	-	-	-
Infant Care Personnel Expense	97,591	109,200	(11,609)	-10.63%	109,200	11,609	-	-	-
Toddler Care Other Expense	46,645	58,175	(11,530)	-19.82%	58,175	11,530	90,023	65,545	70,112
Toddler Care Personnel Expense	238,069	189,075	48,994	25.91%	189,075	(48,994)	365,599	383,771	345,127
Preschool Other Expense	35,070	48,213	(13,143)	-27.26%	48,213	13,143	53,801	55,596	39,395
Preschool Personnel Expense	113,542	151,144	(37,602)	-24.88%	151,144	37,602	173,007	163,477	159,083
<b>Total Operating Expenses</b>	<b>545,597</b>	<b>583,696</b>	<b>(38,099)</b>	<b>-6.53%</b>	<b>583,696</b>	<b>38,099</b>	<b>682,430</b>	<b>668,389</b>	<b>613,717</b>
Surplus / Deficit	(123,067)	(173,075)	50,008	-28.89%	(173,075)		(104,755)	(155,958)	(120,404)
<b>Other Sources and Uses</b>									
Contributions	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	123,067	173,075	50,008	28.89%	173,075	50,008	105,019	155,694	120,404
<b>Total Other Sources and Uses</b>	<b>123,067</b>	<b>173,075</b>	<b>50,008</b>	<b>28.89%</b>	<b>173,075</b>	<b>50,008</b>	<b>105,019</b>	<b>155,694</b>	<b>120,404</b>
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -		\$ 264	\$ (264)	\$ -

Child Development revenues are \$11,900 over budget. Toddler care fees are under projections, but grant monies make up for lost fees. The regional childcare tax was to help offset staff expenses in the toddler and infant rooms. Operating expenses are \$38,100 under budget due primarily to personnel expenses in the infant room and preschool, which have been affected by the closures. Other expenses budget savings include: facility rents due to the April rent waiver, playground improvements, and scholarships due to closures. The program has required \$123,067 in funding from the General Fund in 2020.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Water &amp; Sewer Fund</b>									
<b>Revenues</b>									
Mountain Village Water and Sewer	\$ 3,092,490	\$ 2,974,749	\$ 117,741	3.96%	\$ 2,974,749	\$ (117,741)	\$ 2,909,773	\$ 2,825,765	\$ 2,594,660
Other Revenues	7,488	8,650	(1,162)	-13.43%	8,650	1,162	10,294	8,693	10,373
Ski Ranches Water	261,383	226,050	35,333	15.63%	226,050	(35,333)	193,132	157,460	155,919
Skyfield Water	21,163	31,931	(10,768)	-33.72%	31,931	10,768	34,619	27,749	29,474
<b>Total Revenues</b>	<b>3,382,524</b>	<b>3,241,380</b>	<b>141,144</b>	<b>4.35%</b>	<b>3,241,380</b>	<b>(141,144)</b>	<b>3,147,818</b>	<b>3,019,667</b>	<b>2,790,426</b>
<b>Operating Expenses</b>									
Mountain Village Sewer	577,365	562,367	14,998	2.67%	562,367	(14,998)	500,570	475,835	507,191
Mountain Village Water	995,760	1,055,217	(59,457)	-5.63%	1,055,217	59,457	942,110	916,086	864,433
Ski Ranches Water	28,067	42,005	(13,938)	-33.18%	42,005	13,938	26,221	20,283	65,478
Contingency	-	35,000	(35,000)	-100.00%	35,000	35,000	-	-	-
<b>Total Operating Expenses</b>	<b>1,601,192</b>	<b>1,694,589</b>	<b>(93,397)</b>	<b>-5.51%</b>	<b>1,694,589</b>	<b>93,397</b>	<b>1,468,901</b>	<b>1,412,204</b>	<b>1,437,102</b>
Surplus / Deficit	1,781,332	1,546,791	234,541	15.16%	1,546,791		1,678,917	1,607,463	1,353,324
<b>Capital</b>									
Capital Outlay	502,535	875,937	(373,402)	-42.63%	875,937	373,402	801,557	562,700	389,153
Surplus / Deficit	1,278,797	670,854	607,943	90.62%	670,854		877,360	1,044,763	964,171
<b>Other Sources and Uses</b>									
Overhead Allocation Transfer	(170,876)	(170,876)	-	0.00%	(170,876)	-	(159,945)	(114,305)	(142,527)
Mountain Village Tap Fees	33,680	100,000	(66,320)	-66.32%	100,000	66,320	112,829	113,108	255,316
Grants	-	-	-	NA	-	-	-	-	-
Ski Ranches Tap Fees	-	5,000	(5,000)	-100.00%	5,000	5,000	6,000	-	21,232
Skyfield Tap Fees	-	2,000	(2,000)	-100.00%	2,000	2,000	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	352
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>(137,196)</b>	<b>(63,876)</b>	<b>(73,320)</b>	<b>114.78%</b>	<b>(63,876)</b>	<b>73,320</b>	<b>(41,116)</b>	<b>(1,197)</b>	<b>134,373</b>
Surplus / Deficit	\$ 1,141,601	\$ 606,978	\$ 534,623	88.08%	\$ 606,978		\$ 836,244	\$ 1,043,566	\$ 1,098,544

Mountain Village is over budget in excess, irrigation, and snowmaking water fees. Ski Ranch water is over budget while Skyfield is under budget in excess water fees. Other revenues are under in inspection fees. Sewer expenditures are over budget by 3%, primarily for TOT expenses. MV water is under budget in legal fees, repair and maintenance, and supplies. Ski Ranch operations is under budget with savings in employee costs and electricity. Capital costs are for Ski Ranches capital, a pump, and the sewer plant, a portion of which is accrued not having received a final year end invoice.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
December 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Broadband Fund</b>									
<b>Revenues</b>									
Cable User Fees	\$ 975,791	\$ 1,022,472	\$ (46,681)	-4.57%	\$ 1,022,472	\$ 46,681	\$ 993,838	\$ 954,525	\$ 890,845
Internet User Fees	1,161,287	946,666	214,621	22.67%	946,666	(214,621)	1,112,465	1,039,306	952,341
Other Revenues	49,018	62,640	(13,622)	-21.75%	62,640	27,152	48,369	63,876	65,219
Phone Service Fees	35,488	40,000	(4,512)	-11.28%	40,000	(9,018)	40,863	42,665	37,465
<b>Total Revenues</b>	<b>2,221,584</b>	<b>2,071,778</b>	<b>149,806</b>	<b>7.23%</b>	<b>2,071,778</b>	<b>(149,806)</b>	<b>2,195,535</b>	<b>2,100,372</b>	<b>1,945,870</b>
<b>Operating Expenses</b>									
Cable Direct Costs	791,728	912,854	(121,126)	-13.27%	912,854	121,126	836,649	810,900	792,333
Phone Service Costs	19,293	12,000	7,293	60.78%	12,000	(7,293)	22,326	24,344	24,240
Internet Direct Costs	179,615	213,000	(33,385)	-15.67%	213,000	33,385	257,744	205,620	214,500
Cable Operations	709,553	728,793	(19,240)	-2.64%	728,793	19,240	602,877	617,216	551,251
Contingency	-	3,000	(3,000)	-100.00%	3,000	3,000	-	2,313	55
<b>Total Operating Expenses</b>	<b>1,700,189</b>	<b>1,869,647</b>	<b>(169,458)</b>	<b>-9.06%</b>	<b>1,869,647</b>	<b>169,458</b>	<b>1,719,596</b>	<b>1,660,393</b>	<b>1,582,379</b>
Surplus / Deficit	521,395	202,131	319,264	157.95%	202,131		475,939	439,979	363,491
<b>Capital</b>									
Capital Outlay	1,931,835	1,732,645	199,190	11.50%	1,732,645	(199,190)	981,650	227,622	131,574
Surplus / Deficit	(1,410,440)	(1,530,514)	120,074	-7.85%	(1,530,514)		(505,711)	212,357	231,917
<b>Other Sources and Uses</b>									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer from General Fund	1,598,969	1,719,043	(120,074)	-6.98%	1,719,043	120,074	424,383	-	-
Transfer (To) From General Fund	-	-	-	NA	-	-	-	(10,000)	-
Overhead Allocation Transfer	(188,529)	(188,529)	-	0.00%	(188,529)	-	(169,531)	(163,416)	(145,028)
<b>Total Other Sources and Uses</b>	<b>1,410,440</b>	<b>1,530,514</b>	<b>(120,074)</b>	<b>-7.85%</b>	<b>1,530,514</b>	<b>120,074</b>	<b>254,852</b>	<b>(173,416)</b>	<b>(145,028)</b>
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -		\$ (250,859)	\$ 38,941	\$ 86,889
<b>Beginning (Available) Fund Balance</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>						
<b>Ending (Available) Fund Balance</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>						

Cable user revenues are under budget 4.6% and less than prior year. Although rates increased, subscribers decreased. Internet revenues are over budget 22.7% and over prior year 4%. Other revenues are under budget 22% due primarily to labor revenues and equipment rental. Although programming costs increased in 2020, direct costs for cable are under budget and lower than prior year because TV subscribers decreased. Internet costs are under budget. Phone service revenues are under budget by 11.3%, while phone service expenses are over budget by 61%. Broadband operating expenses are under budget due mainly to DVR purchases. Capital expenses are for continuing system upgrades and have exceeded budget.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
December 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Telluride Conference Center Fund</b>									
<b>Revenues</b>									
Beverage Revenues	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	NA	-	-	-	-	-
Facility Rental	-	-	-	NA	-	-	-	-	-
Operating/Other Revenues	-	-	-	NA	-	-	-	-	-
<b>Total Revenues</b>	-	-	-	NA	-	-	-	-	-
<b>Operating Expenses</b>									
General Operations	4,600	50,000	(45,400)	-90.80%	50,000	45,400	-	2,017	5,058
Administration	107,066	113,162	(6,096)	-5.39%	113,162	6,096	90,768	87,796	88,467
Marketing	100,000	100,000	-	0.00%	100,000	-	100,000	100,000	100,000
Contingency	-	-	-	NA	-	-	-	-	-
<b>Total Operating Expenses</b>	211,666	263,162	(51,496)	-19.57%	263,162	51,496	190,768	189,813	193,525
Surplus / Deficit	(211,666)	(263,162)	51,496	-19.57%	(263,162)		(190,768)	(189,813)	(193,525)
Capital Outlay/ Major R&R	-	20,000	(20,000)	-100.00%	20,000	20,000	6,471	12,730	5,564
Surplus / Deficit	(211,666)	(283,162)	71,496	-25.25%	(283,162)		(197,239)	(202,543)	(199,089)
<b>Other Sources and Uses</b>									
Damage Receipts	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	211,666	283,162	(71,496)	-25.25%	283,162	71,496	197,239	202,543	199,089
Overhead Allocation Transfer	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	211,666	283,162	(71,496)	-25.25%	283,162	71,496	197,239	202,543	199,089
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -		\$ -	\$ -	\$ -

Expenses for the year are HOA dues, consulting, and contracted marketing \$'s.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
December 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Affordable Housing Development Fund</b>									
<b>Revenues</b>									
Contributions	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Proceeds	-	-	-	NA	-	-	-	-	-
Rental Income	34,965	34,630	335	0.97%	34,630	(335)	33,623	13,050	13,165
Sales Proceeds	-	-	-	NA	-	-	-	-	-
<b>Total Revenues</b>	34,965	34,630	335	0.97%	34,630	(335)	33,623	13,050	13,165
<b>Operating Expenses</b>									
Community Garden	74	750	(676)	-90.13%	750	676	487	-	-
Property Purchase Expenses	-	-	-	NA	-	-	-	-	-
Leased Properties	21,000	21,600	(600)	-2.78%	21,600	600	20,729	-	-
HA Consultant	-	-	-	NA	-	-	-	-	4,900
RHA Funding	92,625	92,625	-	0.00%	92,625	-	92,625	107,668	87,776
Town Owned Properties	7,341	10,804	(3,463)	-32.05%	10,804	3,463	20,581	19,719	11,694
Density Bank	16,475	16,475	-	0.00%	16,475	-	14,580	8,856	8,856
<b>Total Operating Expenses</b>	137,515	142,254	(4,739)	-3.33%	142,254	4,739	149,002	136,243	113,226
Surplus / Deficit	(102,550)	(107,624)	(5,074)	4.71%	(107,624)	(5,074)	(115,379)	(123,193)	(100,061)
<b>Other Sources and Uses</b>									
Transfer (To) From MAP	(30,000)	(60,000)	30,000	-50.00%	(60,000)	(30,000)	(54,339)	(30,000)	-
Gain or Loss on Sale of Assets	(266,199)	-	(266,199)	NA	-	266,199	(5,486)	(4,512)	-
Transfer (To) From General Fund - Sales Tax	523,809	437,634	86,175	19.69%	437,634	(86,175)	560,214	493,047	474,477
Transfer (To) From General Fund Housing Office	(22,182)	(21,511)	(671)	3.12%	(21,511)	671	(21,539)	(19,630)	(18,998)
<b>Total Other Sources and Uses</b>	205,428	356,123	(150,695)	-42.32%	356,123	150,695	478,850	438,906	455,479
Surplus / Deficit	\$ 102,878	\$ 248,499	\$ 145,621	58.60%	\$ 248,499	\$ 145,621	\$ 363,471	\$ 315,713	\$ 355,419
<b>Beginning Fund Equity Balance</b>	\$ 2,184,135	\$ 2,091,257	\$ 92,878						
<b>Ending Equity Fund Balance</b>	\$ 2,287,013	\$ 2,339,756	\$ (52,743)						

Expenses consist of HOA dues, which were increased by 13% from prior year, lease payments for a rental unit, RHA funding, and maintenance and utilities on town owned properties.

**Town of Mountain Village Monthly Revenue and Expenditure Report**  
**December 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Vary (\$)	Budget Var (%)	Annual Budget	Budget Balance	Actual	Actual	Actual
<b>Village Court Apartments</b>									
<b>Operating Revenues</b>									
Rental Income	\$ 2,109,386	\$ 2,070,880	\$ 38,506	2%	\$ 2,070,880	\$ (38,506)	\$ 2,290,402	\$ 2,261,422	\$ 2,248,663
Other Operating Income	127,757	189,420	(61,663)	-33%	189,420	61,663	113,920	124,701	105,106
Less: Allowance for Bad Debt	-	-	-	NA	-	-	-	-	-
<b>Total Operating Revenue</b>	<b>2,237,143</b>	<b>2,260,300</b>	<b>(23,157)</b>	<b>-1%</b>	<b>2,260,300</b>	<b>23,157</b>	<b>2,404,321</b>	<b>2,386,123</b>	<b>2,353,769</b>
<b>Operating Expenses</b>									
Office Operations	170,557	197,649	(27,092)	-14%	197,649	27,092	201,175	188,876	175,688
General and Administrative	152,131	152,437	(306)	0%	152,437	306	114,769	108,484	127,667
Utilities	379,672	352,400	27,272	8%	352,400	(27,272)	403,479	376,517	370,625
Repair and Maintenance	530,333	625,266	(94,933)	-15%	625,266	94,933	495,507	381,500	385,612
Major Repairs and Replacement	158,842	197,323	(38,481)	-20%	197,323	38,481	267,306	316,385	195,032
Contingency	-	14,500	(14,500)	-100%	14,500	14,500	-	-	-
<b>Total Operating Expenses</b>	<b>1,391,536</b>	<b>1,539,575</b>	<b>(148,039)</b>	<b>-10%</b>	<b>1,539,575</b>	<b>148,039</b>	<b>1,482,235</b>	<b>1,371,762</b>	<b>1,254,623</b>
<b>Surplus / (Deficit) After Operations</b>	<b>845,607</b>	<b>720,725</b>	<b>124,882</b>	<b>17%</b>	<b>720,725</b>		<b>922,086</b>	<b>1,014,361</b>	<b>1,099,145</b>
<b>Non-Operating (Income) / Expense</b>									
Investment Earning	(1,378)	(3,500)	2,122	-61%	(3,500)	(2,122)	(7,830)	(5,383)	(1,264)
Debt Service, Interest	369,833	363,198	6,635	2%	363,198	(6,635)	381,884	394,539	406,401
Debt Service, Fees	2,500	-	2,500	NA	-	(2,500)	1,925	1,925	357,073
Debt Service, Principal	418,439	425,079	(6,640)	-2%	425,079	6,640	406,393	393,738	1,750
<b>Total Non-Operating (Income) / Expense</b>	<b>789,394</b>	<b>784,777</b>	<b>(4,617)</b>	<b>-1%</b>	<b>784,777</b>	<b>(4,617)</b>	<b>782,372</b>	<b>784,819</b>	<b>763,960</b>
<b>Surplus / (Deficit) Before Capital</b>	<b>56,213</b>	<b>(64,052)</b>	<b>120,265</b>	<b>-188%</b>	<b>(64,052)</b>		<b>139,714</b>	<b>229,542</b>	<b>335,186</b>
Capital Spending	9,723	9,723	-	0%	9,723	-	393,920	398,386	6,713
<b>Surplus / (Deficit)</b>	<b>46,490</b>	<b>(73,775)</b>	<b>120,265</b>	<b>-163%</b>	<b>(73,775)</b>		<b>(254,206)</b>	<b>(168,844)</b>	<b>328,473</b>
<b>Other Sources / (Uses)</b>									
Transfer (To)/From General Fund	(149,348)	(149,348)	-	0%	(149,348)	-	(156,163)	(140,169)	(118,518)
New Loan Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	(3,245)
Grant Revenues	175,837	175,837	-	0%	175,837	-	-	-	-
Transfer From AHDF	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources / (Uses)</b>	<b>26,489</b>	<b>26,489</b>	<b>-</b>	<b>0%</b>	<b>26,489</b>	<b>-</b>	<b>(156,163)</b>	<b>(140,169)</b>	<b>(121,763)</b>
<b>Surplus / (Deficit)</b>	<b>72,979</b>	<b>(47,286)</b>	<b>120,265</b>	<b>-254%</b>	<b>(47,286)</b>		<b>(410,369)</b>	<b>(309,013)</b>	<b>206,710</b>

Rent revenues are over budget 2% and under prior year 8% because of the April rent waiver. Grant funds of \$175,837 were received to offset the April rent waiver. Other revenues are under budget 35% due mainly to lease break fees and miscellaneous revenues. Office operations are under budget 14% which is mainly due to employee expenses caused by a vacancy, software support, and consulting fees. General and administrative is under budget less than 1%. Utilities are 8% over budget in electricity and water/sewer. Maintenance is under budget 15% due to employee costs due primarily to group insurance, and retirement benefits, and subcontracting costs. MR&R expenses include carpet, vinyl, and cabinet replacement, appliances, hot water heaters, sidewalk repair, signage, parking lot improvements, and the bobcat lease.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
December 2020**

	2020						2019	2018	2017
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Debt Service Fund</b>									
<b>Revenues</b>									
Abatements	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	(53,221)	\$ (68,358)
Contributions	199,600	199,600	-	0.00%	199,600	-	203,200	201,650	204,515
Miscellaneous Revenue	-	-	-	NA	-	-	-	-	-
Property Taxes	509,935	548,019	(38,084)	-6.95%	548,019	38,084	550,731	551,407	3,482,706
Reserve/Capital/Liquidity Interest	1,911	2,000	(89)	-4.44%	2,000	89	5,301	5,001	4,302
Specific Ownership Taxes	24,724	32,000	(7,276)	-22.74%	32,000	7,276	27,548	29,307	149,712
<b>Total Revenues</b>	<b>736,170</b>	<b>781,619</b>	<b>(45,449)</b>	<b>-5.81%</b>	<b>781,619</b>	<b>45,449</b>	<b>786,780</b>	<b>734,143</b>	<b>3,772,877</b>
<b>Debt Service</b>									
<b>2001/2011 Bonds - Gondola - Paid by contributions from TMVOA and TSG</b>									
2001/2011 Bond Issue - Interest	79,600	79,600	-	0.00%	79,600	-	83,200	86,650	89,515
2001/2011 Bond Issue - Principal	120,000	120,000	-	0.00%	120,000	-	120,000	115,000	115,000
<b>2005 Bonds - Telluride Conference Center - (refunding portion of 1998 )</b>									
2005 Bond Issue - Interest	-	-	-	NA	-	-	-	-	34,000
2005 Bond Issue - Principal	-	-	-	NA	-	-	-	-	680,000
<b>2006/2014/2020 Bonds - Heritage Parking</b>									
2014 Bond Issue - Interest	137,213	245,025	(107,812)	-44.00%	245,025	107,812	250,725	256,225	267,180
2014 Bond Issue - Principal	285,000	285,000	-	0.00%	285,000	-	285,000	275,000	505,000
<b>2007 Bonds - Water/Sewer (refunding 1997)</b>									
2007 Bond Issue - Interest	-	-	-	NA	-	-	-	-	89,513
2007 Bond Issue - Principal	-	-	-	NA	-	-	-	-	1,705,000
<b>2009 Bonds - Telluride Conference Center</b>									
2009 Bond Issue - Interest	-	-	-	NA	-	-	-	-	12,400
2009 Bond Issue - Principal	-	-	-	NA	-	-	-	-	310,000
<b>Total Debt Service</b>	<b>621,813</b>	<b>729,625</b>	<b>(107,812)</b>	<b>-14.78%</b>	<b>729,625</b>	<b>107,812</b>	<b>738,925</b>	<b>732,875</b>	<b>3,807,608</b>
Surplus / (Deficit)	114,357	51,994	62,363	119.94%	51,994		47,855	1,268	(34,731)
<b>Operating Expenses</b>									
Administrative Fees	84,001	84,682	(681)	-0.80%	84,682	681	2,256	3,158	2,175
County Treasurer Collection Fees	15,355	16,763	(1,409)	-8.40%	16,763	1,409	16,564	14,995	102,762
<b>Total Operating Expenses</b>	<b>99,356</b>	<b>101,445</b>	<b>(2,090)</b>	<b>-2.06%</b>	<b>101,445</b>	<b>2,090</b>	<b>18,820</b>	<b>18,153</b>	<b>104,937</b>
Surplus / (Deficit)	15,001	(49,451)	64,452	-130.34%	(49,451)		29,034	(16,884)	(139,668)
<b>Other Sources and Uses</b>									
Transfer (To) From General Fund	(24,724)	(32,000)	7,276	-22.74%	(32,000)	(7,276)	(27,548)	(29,307)	(149,712)
Transfer (To) From Other Funds	717,795	691,433	26,362	3.81%	691,433	(26,362)	-	-	(207,439)
Payment to Refunding Bonds Escrow	(6,168,071)	(6,084,982)	(83,089)	1.37%	(6,084,982)	83,089	-	-	-
Proceeds From Bond Issuance	5,475,000	5,475,000	-	0.00%	5,475,000	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>-</b>	<b>49,451</b>	<b>(49,451)</b>	<b>-100.00%</b>	<b>49,451</b>	<b>49,451</b>	<b>(27,548)</b>	<b>(29,307)</b>	<b>(357,151)</b>
Surplus / (Deficit)	\$ 15,001	\$ -	\$ 15,001	NA	\$ -		\$ 1,486	\$ (46,191)	\$ (496,819)
<b>Beginning Fund Balance</b>	<b>\$ 405,573</b>	<b>\$ 405,770</b>	<b>\$ (197)</b>						
<b>Ending Fund Balance</b>	<b>\$ 420,574</b>	<b>\$ 405,770</b>	<b>\$ 14,804</b>						



To: Town Council  
From: Kim Montgomery  
Date: 2/9/2021  
Re: COVID/Recession Revenue Actuals and Policy

## **AGENDA ITEM 5**

Pursuant to Town Council's request at the January regular meeting, I am attaching the latest shortfall analytic comparable table as of 12/31/2020. In addition, I have attached the most recent COVID/Recession Policy for Council's consideration.

Through year end 2020, actual revenues came in significantly higher than the March reforecast and for year-end were .05% (\$10,965) under the original budget adopted for 2020. This falls within what was defined as "normal" when the budget was reforecast for the onset of the COVID pandemic. In addition, Town reduced capital spending by \$4.2 million in 2020 and overall operating expenditures were under budget by \$911,000. Finally, due to many programs provided through state and federal funding, the Town was able to secure \$2.1 million in additional grant funds in 2020. \$176,000 of that grant funding went to reimbursing the Town for the VCA rent waivers in April, over \$1 million to offset transportation operating costs (primarily the gondola operations) and \$897,000 in Business Development infrastructure improvements.

The COVID/Recession policy has been updated periodically to reflect the latest efforts to protect our employees, residents and guests. As you recall we took significant action at the outset of the COVID pandemic including reduction in capital projects, staff furloughs, hiring and wage freezes. In addition, for furloughed employees Council authorized continued health premiums paid by the Town during those furloughs, utilization of payouts for Paid Time Off and continued wages for employees for testing, isolating and quarantining. The COVID/Recession Policy contemplated actions taken when "significant", "major" or "crisis/critical" reductions in revenues were realized as defined in the Policy. It is a prudent time to look at the existing Policy to determine what, if anything, may need to be adjusted while COVID still presents challenges.

# Shortfall Analytics as of December 31, 2020

	Adopted Budget	Reforecasted	Reflects actuals	+/- Reforecasted	+/- Reforecasted	Reflects actuals	Reflects actuals	Difference
	Dec-19	Mar-20	Dec-20	March to Adopted	March to Adopted	to Adopted	to Adopted	
January	\$ 2,012,500	\$ 2,261,958	\$ 2,262,067	\$ 249,458	12.40%	\$ 249,567	12.40%	0.01%
February	3,185,752	2,947,793	2,947,867	(237,959)	-7.47%	(237,885)	-7.47%	0.00%
March	2,463,242	1,937,437	1,941,034	(525,805)	-21.35%	(522,208)	-21.20%	0.15%
April	2,658,043	2,221,586	2,223,594	(436,457)	-16.42%	(434,449)	-16.34%	0.08%
May	1,424,028	1,257,403	1,259,366	(166,625)	-11.70%	(164,662)	-11.56%	0.14%
June	2,020,940	1,746,478	1,825,089	(274,462)	-13.58%	(195,851)	-9.69%	3.89%
July	1,809,041	1,346,646	2,546,650	(462,395)	-25.56%	737,609	40.77%	66.33%
August	1,526,649	1,116,298	1,805,499	(410,351)	-26.88%	278,850	18.27%	45.14%
September	1,530,420	1,101,520	1,843,240	(428,900)	-28.02%	312,820	20.44%	48.47%
October (2) (5)	1,272,282	986,169	1,460,086	(286,113)	-22.49%	187,804	14.76%	37.25%
November (2)	1,352,844	1,143,546	1,161,714	(209,298)	-15.47%	(191,130)	-14.13%	1.34%
December (2) (5)	1,924,409	1,228,389	1,892,980	(696,020)	-36.17%	(31,429)	-1.63%	34.53%
<b>Total</b>	<b>\$ 23,180,151</b>	<b>\$ 19,295,223</b>	<b>\$ 23,169,186</b>	<b>\$ (3,884,927)</b>	<b>-16.76%</b>	<b>\$ (10,965)</b>	<b>-0.05%</b>	<b>16.71%</b>

## December actuals to budget and reforecasted (3)

Sales Tax	\$ 739,274	\$ 569,314	\$ 679,830	\$ (169,960)	-22.99%	\$ (59,444)	-8.04%
Property Taxes (1)	-	-	13,893	-	#DIV/0!	13,893	#DIV/0!
Parking (4)	41,644	14,159	46,485	(27,485)	-66.00%	4,841	11.62%
VCA Rents	188,562	160,277	189,382	(28,285)	-15.00%	820	0.43%
Water and Sewer Services	319,888	319,888	325,430	-	0.00%	5,542	1.73%
Broadband Services	170,624	153,561	187,938	(17,063)	-10.00%	17,314	10.15%

## \* Emergency Levels:

Minus 0% - 12%	Normal
Minus 13% - 18%	Significant
Minus 19% - 25%	Major
Minus 26%+	Critical

## Footnotes:

1. Property tax abatements were refunded in October and are reflected in the shortfall from budget.
2. Monthly forecast from March now reflects the impact of the pandemic through December.
3. These actual results are a limited selection of key indicator revenues in December compared to the budget and reforecasted totals.
4. December parking revenue includes a \$130,000 parking buyout for a Ridgeline development project.
5. \$55,416 in CARES Act funds from Colorado were received in October and \$50,000 in BDAC grant funds received in November and December.

# MEMORANDUM

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To: Mayor and Town Council  
From: Jaime Holmes, HR Director  
Date: 2/18/2021  
RE: Employee Hardship Policy  
and COVID19/Recession  
Plan

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We are very sympathetic to our employees and their families during this time of a public health emergency. To protect our employees, residents and guests from the potential spread of a communicable disease, such as COVID, the Town has adopted the County's advice by actively encouraging employees to stay at home and get tested when sick, after traveling to high exposure areas, or who may have been exposed to COVID.

The Town is currently providing the following resources:

- Continuing to allow remote work for Admin Staff to help stop the spread of COVID
- Stagger schedules for other departments to work more in pod or cohort groups
- The town will continue to provide health insurance benefits. Employees will continue to pay dependent premiums to provide benefits for additional family members
- The Town has purchased and distributed KN95 masks for all staff use and encourages use while on duty and throughout the mandated mask regulations. Employees are being symptom and temperature checked when reporting to work
- The Town implemented a Paid Leave for Testing Benefit for all staff who have been asked to get COVID test and are at home awaiting results. This benefit allows for up to 5 days of leave and requires a negative test and to be symptom free to return to work
- Pursuant to Colorado's Health Families and Workplaces Act, employees are eligible for up to 80 hours leave for full time (average hours worked for part time) employees that meet the causes set forth by the Public Health Emergency Leave. Causes for leave must follow the Public Health Emergency Leave requirements. Our PTO policy is in compliance with the sick leave mandate, therefore, we are not making changes to the policy
- Employees may request a lump sum PTO payout as long as they maintain an 80-hour balance

## COVID19/Recession Plan

### Actions:

**SIGNIFICANT: A projected or unbudgeted reduction in revenues or reserves between 12% and 18%**

1. Defer a significant number of capital projects
2. Reduce capital budget by \$4,352,000
3. Reduce non-critical maintenance and repairs (staff provided definitions and details separately)
4. Require strong justification for large purchases over \$5,000. Expenditures are approved via budget but any potential purchases over this amount require Town Manager approval before an order is placed
5. Eliminate expenditures related to travel, meetings, and discretionary training
6. Review all Critical Staff designations and implement changes, as needed
7. Eliminate temporary, contract, and non-essential seasonal employees. Evaluate part time employees
8. Institute hiring freeze on all but essential safety positions, upon Council review (specifically, no creation of new positions, no refilling positions with turnover unless health and safety related, no hiring or recruiting for non-essential positions)
9. Furlough, leave of absence or termination of any non-critical staff
10. Continue to provide health insurance premium coverage to retain employees on furlough for a future return to work
11. Defer salary increases beyond what was implemented in first quarter 2020
12. Consider implementing employee cost reduction policies, such as a reduction in 401K matches; lower the 401K contribution

#### Seasonal employees (non-critical)

- End of season bonuses will be paid if budget allows
- Employees are eligible to be rehired when available

#### Non-critical employees

- Consider lay-off, furlough or termination
  - Health insurance benefits continue if on a leave of absence or furlough
- Leave of absence- Health insurance benefits continue (to be periodically discussed dependent on budget)
- Employees use PTO while on leave of absence (to be periodically discussed dependent on budget)

#### Necessary employees

- Continue to work regular/reduced hours as on the proposed spreadsheet from 2020 (provided separately by staff)
  - Use PTO if not working regular hours
- Health insurance benefits continue

#### Critical employees

- Continue to work regular/reduced hours as on the proposed spreadsheet from 2020 (provided separately by staff)
  - Use PTO if not working regular hours
- Health insurance benefits continue
- Gondola Ops/maintenance – use PTO

**MAJOR: A projected or unbudgeted reduction in revenues or reserves between 19% and 25%**

1. Further reduce capital expenditures and any non-essential expenditures throughout the budget including consideration of deferring maintenance
2. Continued hiring freeze as defined above
3. Continue to review all Critical Staff designations and implement changes
4. Implement a reduction-in-force strategy such that only critical employees remain full time and necessary staff are reduced hours or furloughed unless they can be re-tasked to other programs/projects
5. Consider continuing to provide health insurance premium coverage in an attempt to retain furloughed employees for a future return to work
6. Implement employee cost reduction policies such as a reduction in or elimination of 401K matches
7. Consider temporary reduction in salary, especially for senior staff

Necessary employees

- Consider lay-off, furlough or termination
- Employees use PTO while on furlough – to be discussed at the time of implementation
- Continue to provide current health insurance benefits for furloughed employees; employees continue to pay premiums for dependents

Critical employees

- Continue to work regular/reduced hours as on the proposed spreadsheet from 2020 (provided separately by staff)
- Continue current health insurance benefits; employees continue to pay premiums for dependents

**CRISIS: A crisis assumes that revenues have decreased in excess of 25% and reserves are being depleted and there is the potential for a deficit**

1. Stop all capital projects and purchasing
2. Eliminate programs and services (to be determined)
3. Implement reduction in force to critical staff and furlough necessary staff unless re-tasked to fill other programs/projects
4. Continue hiring freeze as defined above
5. Implement employee cost reduction policies such as elimination of 401K matches
6. Consider further increasing insurance premiums paid by employees
7. Continue to review all Critical Staff designations and implement changes
8. Consider continuing to provide health insurance premium coverage in an attempt to retain furloughed employees for a future return to work (in a crisis situation this may not be feasible)
9. The CFO and Town Manager may initiate any of these policies with direction from the Mayor and the consent of Council. If the economic conditions leading to the implementation of the COVID19/Recession Policy are likely to continue for several years, the cumulative effect of the reduction in revenues or reserves should be considered in determining the appropriate phased response

Non-critical employees

- Terminate non-critical employees and pay out PTO balance

Necessary Employees

- Employees remain on leave of absence and continue to receive unemployment benefits
- Consider continued health insurance coverage:
  - At the same level as current premium is paid by the town
  - Continued premium coverage with employee covering 25% (cost reduction: ~\$30,000)

Critical Employees

- Regular/ reduced hours
- Continue current health insurance benefits
- Reduce or eliminated 401(K) matches
  - Plan A: decrease match from 9% to 5%

- Plan B: decrease match from 5% to 2.5%
- OR Eliminate 401(k) match (~ \$208,000 budget reduction)
- Temporarily reduce salary especially for senior staff

#### **DEFINITIONS**

**Leave of Absence:** not working, eligible for health insurance benefits and paid leave

**Furloughed:** not working, no benefits

**Hiring freeze:** Specifically, no creation of new positions, no refilling positions with turnover unless health and safety related, no hiring or recruiting for potential summer positions



## Agenda Item 6

**TO:** Honorable Mayor Laila Benitez and Councilmembers  
**FROM:** Paul Wisor, Town Attorney  
**RE:** Ordinance [Designating Locations for Posting Notice of Public Meetings]  
**DATE:** February 12, 2021

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**SUMMARY:** Section 24-6-402(2)(c), C.R.S. requires the Town to annually designate the public place for posting notices in order to comply with the Colorado Open Meetings Law. At the first meeting of each year, staff has prepared, and Council has adopted, a resolution designating locations at which notice of meetings are to be posted in order to comply with the statute. In order to conserve time, the proposed ordinance permanently designates four locations, plus the Town's website as the permanent locations for posting notice of meetings.

**BACKGROUND:** The Colorado Open Meetings Law has long required municipalities to annually designate the public place for posting notices. However, in 2019, the Colorado General Assembly approved, and the Governor signed, HB 19-1087, which provides municipalities shall be deemed in compliance with the Colorado Open Meetings Law if a municipality designates its website as the public place for posting. The Town has long designated Mountain Village Town Hall, Mountain Village Town Hall Post Office, Mountain Village Police Station Bulletin Board, and Meadows Post Office, as well as the Town's website as the places for public posting. As such, the Town's past practices already comply with HB 19-1087. While the Town could merely post notices on its website, staff believes in the interest of full transparency it is a best practice to continue to post in locations throughout the community.

While state law indicates designation of posting locations should occur on an annual basis, the Town may invoke its home rule authority to satisfy the requirements of the Colorado Open Meetings Law through other approaches. No longer wishing to annually designate the same public places as the locations for posting notice of meetings, the proposed ordinance permanently designates Mountain Village Town Hall, Mountain Village Town Hall Post Office, Mountain Village Police Station Bulletin Board, and Meadows Post Office, as well as the Town's website as the locations for public posting of meetings. The proposed ordinance applies to all Council, Board and Commission meetings that are required to be noticed pursuant to state law.

**FINANCIAL CONSIDERATIONS:** None.

**RECOMMENDATION:** Staff recommends approval to comply with state statute.

**PROPOSED MOTION:** "I move to approve the proposed ordinance Designating Establishing Permanent Locations for Posting Notice of Public Meetings."

*Thank you, Paul*

**ATTACHMENTS:**

Exhibit A – Ordinance



**ADOPTING A NEW CHAPTER 1.04.100 OF TITLE 1 OF THE MOUNTAIN  
VILLAGE MUNICIPAL CODE ESTABLISHING PERMANENT LOCATIONS  
FOR POSTING NOTICE OF PUBLIC MEETINGS**

**ORDINANCE NO. 2021-**

**WHEREAS**, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the Town of Mountain Village (“Town”), the Town Council (“Council”) has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

**WHEREAS**, local public bodies, including Council, are required by the Open Meetings Law, and specifically §24-6-402(2)(c), C.R.S., to designate annually at the first regular meeting of each calendar year the locations at which public notice of each meeting will be posted at least twenty four (24) hours prior to each meeting; and

**WHEREAS**, Section 3.6(d) of the Town of Mountain Village Home Rule Charter authorizes Council to create any Boards and Commissions; and

**WHEREAS**, pursuant to Section 3.6(d) of the Town of Mountain Village Home Rule Charter, Council may establish rules governing the rules or procedures of any Board or Commission; and

**WHEREAS**, Boards and Commissions established by Council are “local public bodies” subject to the requirements of the Open Meeting Law, including the requirement found in §24-6-402(2)(c) to designate locations at which public notice of certain meetings will be posted at least twenty four (24) hours prior to each meeting; and

**WHEREAS**, Council wishes to comply with the requirements of §24-6-402(2)(c) by permanently establishing locations at which public notice of each meeting subject to notice requirements shall be posted at least twenty four (24) hours prior to each Council, Board or Commission meeting, as applicable; and

**WHEREAS**, Council finds that permanently establishing locations at which public notice shall be posted of each Council meeting and any other Board or Commission meeting subject to notice requirements will promote the health, safety and general welfare of the Town of Mountain Village community; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that Council desires to comply with the requirement of Section 5.2(c) of the Town of Mountain Village Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that Council, or any member of Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

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

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of Council.

**Section 2. Addition of Chapter 1.04.100 to Title 1 of the Town of Mountain Village Municipal Code.** Chapter 1.04.100, “Permanent Locations For Posting Notice For Public Meetings” to read as set forth in **Exhibit A: Addition of Chapter 1.04.100 to Title 1 of the Town of Mountain Village Municipal Code**, attached hereto.

**Section 3. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications 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. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 4. Effective Date.** This Ordinance shall take effect thirty (30) days after the date of final passage.

**Section 5. Safety Clause.** Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 6. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 7. Codification of Amendments.** The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes

as may be necessary to incorporate the provisions of this Ordinance within the Town of Mountain Village Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 8.**     **Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Section 5.9 of the Town of Mountain Village Home Rule Charter.

***[SIGNATURE PAGE FOLLOWS]***

**INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING** on January 14, 2021 and setting such public hearing for February 18, 2021 via virtual Zoom meeting.

BY:

ATTEST:

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Laila Benitez, Mayor

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Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED** by the Town Council of the Town of Mountain Village, Colorado this 18th day of February 2021.

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

BY:

ATTEST:

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Laila Benitez, Mayor

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Susan Johnston, Town Clerk

APPROVED AS TO FORM:

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Paul Wisor, Town Attorney

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

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a special meeting held via virtual Zoom meeting, on January 14, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held by virtual Zoom meeting, on \_\_\_\_\_, 2021. 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:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk

(SEAL)

**EXHIBIT A: ADDITION OF CHAPTER 1.04.100 TO TITLE 1 OF THE TOWN OF MOUNTAIN VILLAGE  
MUNICIPAL CODE**

**CHAPTER 1.04.100  
PERMANENT LOCATIONS FOR POSTING NOTICE OF PUBLIC MEETINGS**

The following places are designated as the permanent locations for posting notice of all meetings held by Council or any Board or Commission where posting notice of such meeting is required pursuant to state law:

Mountain Village Town Hall - 455 Mountain Village Blvd. Suite A, Mountain Village, CO 81435  
Mountain Village Town Hall Post Office - 455 Mountain Village Blvd, Mountain Village, CO 81435  
Mountain Village Police Station Bulletin Board - 411 Mountain Village Blvd # 1, Mountain Village, CO 81435  
Meadows Post Office - 300 Adams Ranch Rd., Mountain Village, CO 81435  
Town of Mountain Village website – <https://townofmountainvillage.com/>

The Town shall be deemed to have given full and timely notice of meetings of the Council or any Boards or Commissions required hereunder if the notice of the meeting is posted in the locations designated herein no less than twenty-four (24) hours prior to the holding of such meeting.

## **M E M O R A N D U M**

TO: Town of Mountain Village Council Members

FROM: Paul Wisor, Town Attorney

DATE: February 12, 2021

RE: Telluride Mountain Village Owner's Association – Board Governance Auxiliary Committee

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On February 8, 2021, the Telluride Mountain Village Owner's Association ("TMVOA") Board of Directors (the "Board") voted to form a Board Governance Auxiliary Committee (the "Committee"). The Committee is charged with providing the Board with suggested amendments to the TMVOA governing documents. The Committee will be comprised of three Board members, a residential member of TMVOA as well as a member of Town Council.

Town Council should nominate a Councilor who does not have a conflict of interest with respect to TMVOA to serve on the Committee.



February 12, 2021

**MEMORANDUM**

TO: Mountain Village Mayor and Town Council

FROM: Paul Wisor, Town Attorney

RE: An Ordinance Enacting Campaign Finance Regulations

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Included in this packet is ordinance enacting campaign finance regulations and a procedure for hearing third-party complaints for violations of municipal campaign finance rules.

Colorado's Fair Campaign Practices Act ("FCPA") is found at C.R.S. §§ 1-45-101 *et seq.*, and campaign finance restrictions are found in Article XXVIII of the Colorado Constitution. Both Article XXVIII and the FCPA refer to and cross-reference each other. These laws govern the amounts of campaign contributions, who can make contributions, how contributions may be spent and disclosure of contributions at all election levels within the State.

C.R.S. § 1-45-116 states that any home rule municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in the Fair Campaign Practices Act. The requirements of Colo. Const. Article XXVIII and the FCPA do not apply to home rule municipalities that have adopted charters, ordinance, or resolutions that address any of the matters covered by Colo. Const. Article XXVIII or the FCPA.

Several municipalities across Colorado have adopted their own campaign finance regulations. Some of them have enacted a limit on individual campaign contributions. By way of example, both the Town of Aspen and Town of Avon have \$250 contribution limits.

With an election approaching this November, it is timely that the Town of Mountain Village discuss, review, and consider enacting campaign-finance legislation. The proposed ordinance also responds to a July 2019 amendment to the FCPA requiring that "any complaint arising out of a municipal campaign finance matter. . . must be *exclusively* filed with the clerk of the applicable municipality." C.R.S. § 1-45-111.7(9)(b). The Town of Mountain Village currently does not have any procedures in place for processing complaints once they are received, and the attached ordinance establishes such a procedure.

In its current form, the proposed Ordinance, if enacted, would:

- Require all candidates for the office of Town Council to certify by affidavit that they are familiar with the provisions of the Chapter.

- Require all candidate committees, political committees and issue committees to register with the Town Clerk before accepting or making any contributions.
- Limit contributions and/or contributions in kind to the candidate committee of any candidate for the office of Town Council to \$250 per person.
- Require all candidate committees, political committees and issue committees to report to the Town Clerk their contributions and contributions in kind received that are \$20.00 or more, expenditures made, and obligations entered into by the committee.
- Prohibit contributions from any person who is not a legal permanent resident of the United States, or from a foreign government, corporation, labor union, or political party.
- Establish regulations for unexpended campaign contributions.
- Establish procedures for hearing third-party complaints related to municipal campaign finance violations
- Establish both civil and criminal penalties for violations of the Chapter.

**ATTACHMENT: Ordinance**

**TOWN OF MOUNTAIN VILLAGE, COLORADO  
ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE MOUNTAIN VILLAGE TOWN COUNCIL ADDING  
CHAPTER 1.16 TO TITLE 1 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE  
PERTAINING TO CAMPAIGN FINANCE**

**WHEREAS**, the Town of Mountain Village is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter;

**WHEREAS**, various efforts have been made to enact valid campaign financing and disclosure regulations and reforms at all levels of government; and

**WHEREAS**, §1-45-116, C.R.S., of the Colorado Fair Campaign Practices Act, state, in pertinent part: “Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act.”

**WHEREAS**, the manner of electing Town officers and of financing political campaigns supporting or opposing candidates for Town office and ballot issues and ballot questions referred to or initiated by Town electors for a vote of the entire Town electorate, are matters affecting the organization and structure of Town government and are matters affecting the elective franchise and potential abuses of the elective franchise; and therefore are within the constitutional and statutory authority of Town electors and the governing board to regulate by duly adopted home rule charter or ordinance; and

**WHEREAS**, as a result of its status as a home rule municipality, the Town of Mountain Village acknowledges the value and importance of transparency and disclosure in the financing of campaigns in local elections; and

**WHEREAS**, the Town of Mountain Village wishes to adopt campaign finance rules as well as a process for receiving and responding to third-party complaints alleging violations of the municipal campaign finance rules; and

**WHEREAS**, the Town of Mountain Village finds that this Ordinance furthers and is necessary for the promotion of public health, safety and welfare.

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

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2. Addition of Chapter 1.15 to Title 1 of the Town of Mountain Village Municipal Code.** Chapter 1.16, “Campaign Finance” is added to Title 1, “General Provisions,” of the

Mountain Village Municipal Code to read as set forth in **Exhibit A: Addition of Chapter 1.16 to Title 1 of the Town of Mountain Village Municipal Code**, attached hereto.

**Section 3.**     **Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications 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. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 4.**     **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Mountain Village, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 5.**     **No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 6.**     **Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 5.9 of the Town of Mountain Village Municipal Code.

**INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING** on February 18, 2021 and setting such public hearing for March 18, 2021 via virtual Zoom meeting.

BY:

ATTEST:

---

Laila Benitez, Mayor

---

Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED** by the Town Council of the Town of Mountain Village, Colorado this 18th day of March 2021.

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

BY:

ATTEST:

---

Laila Benitez, Mayor

---

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

---

Paul Wisor, Town Attorney

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

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at via virtual Zoom meeting, on February 18, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held via virtual Zoom meeting, on March 18, 2021. 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:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 18th day of March 2021.

---

Susan Johnston, Town Clerk

(SEAL)

## MEMORANDUM

TO: Town of Mountain Village Council Members

FROM: Paul Wisor, Town Attorney  
Andrea Bryan, Assistant Town Attorney

DATE: February 12, 2021

RE: Ordinance Amending Chapter 3.16 of the Town Municipal Code Regarding  
Collection of a Use Tax

---

### INTRODUCTION

Attached to this memorandum is an ordinance amending Chapter 3.16 of the Town Municipal Code regarding collection of a use tax. Specifically, the amendment seeks to clarify the “statute of limitations” for a refund or reconciliation of a use tax.

### DISCUSSION

The Town’s use tax imposes a tax on the use, storage, distribution, or consumption of construction material in the Town and is set forth in Chapter 3.16 of the Town Code. The Town adopted its use tax by a vote in 1996 via Ordinance 1996-15. In 2007, the voters approved an increase of the Town use tax. The use tax rate has remained unchanged since then at 4.5% on 40% of the valuation of a construction project as defined in Chapter 3.16.

As with many municipalities, the Code requires the prepayment of the use tax based on the initial valuation of the construction project, as determined by the Community Development Department Director, and is paid at the time a building permit application is submitted. In the event the actual valuation of a construction project decreases from the initial valuation, the Code provides that a person may request a refund in writing if: (a) the request is submitted in the same fiscal year when the Town Use Tax was paid and (b) the request is made within 30 days of the date of the issuance of a certificate of occupancy or a certificate of completion. *See* Sec. 3.16.040(D)(4).

Recently, issues have arisen when a property owner pays the estimated use tax, the construction project commences but is not completed, and the owner then sells the property. The proposed amendment to the Town’s code seeks to clarify the reconciliation timeframe for such scenarios and those similar to it. Specifically, the proposed amendments provide that an owner must seek reconciliation of the estimated vs actual valuation of the construction project within 90 days after a certificate of occupancy or certificate of completion is issued or their right to reconciliation is waived. It further provides that if a project changes ownership prior to completion, a person may request reconciliation if the request is submitted in writing within 90 days of the transfer of ownership. The amendments also clean up some of the language in the code but do not (and could not, without a vote) change the rate of the use tax or how it is calculated or collected.



## **RECOMMENDATION**

Staff recommends that Council adopt the ordinance amending Chapter 3.16 of the Town Municipal Code Regarding Collection of a Use Tax on first reading.

Proposed Motion: “I move to approve the ordinance Amending Chapter 3.16 of the Town Municipal Code Regarding Collection of a Use Tax.”

**Attachment: Ordinance Amending Chapter 3.16 of the Town Municipal Code Regarding Collection of a Use Tax**

**TOWN OF TOWN OF MOUNTAIN VILLAGE, COLORADO  
ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN  
VILLAGE, COLORADO, AMENDING CHAPTER 3.16 OF THE TOWN MUNICIPAL  
CODE REGARDING COLLECTION OF A USE TAX**

**WHEREAS**, Ordinance Number 1996-15 fixed a ballot question and called for a vote of the registered electors of the Town of Mountain Village, Colorado (“Town”) for a use tax in the amount of 1.5% on 40% of the valuation of a Construction Project as defined therein; and,

**WHEREAS**, a majority of the registered electors of the Town approved the ballot question on June 25, 1996 and established the Town Use Tax in the amount of 1.5% on 40% of the valuation of a Construction Project as defined therein; and, as set forth in Ordinance Number 1996-15; and,

**WHEREAS**, On November 6, 2007, the majority of registered electors of the Town approved a ballot question which increased the Town Use Tax from 1.5% to 4.5%; and,

**WHEREAS**, Ordinance Number 2007-13 adopted the approved the November 6, 2007 Ballot question, including but not limited to the increased 4.5% Town Use Tax; and,

**WHEREAS**, the Town Use Tax was adopted and imposed by Ordinance Numbers 1996-15 and 2007-13 in accordance with the requirements of Colorado law, including but not limited to C.R.S § 29-2-102; and,

**WHEREAS**, the Town subsequently adopted Ordinance 2012-01, clarifying the administration of the Town Use Tax and consolidating the Use Tax Regulations in to one Ordinance without repealing Ordinance Numbers 1996-15 or 2007-13;

**WHEREAS**, the Town desires to further clarify and simplify the administration of the Use Tax particularly with respect to the reconciliation of the estimated use tax by a property owner;

**WHEREAS**, this Ordinance does not establish a new tax.

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

**Section 1.**     Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town of Mountain Village Town Council.

**Section 2.** Amendment of Chapter 3.16. Chapter 3.16 of the Town Code is hereby amended as follows. Text in ALL CAPS indicates text that has been added, and text in ~~striketrough~~ indicates text that has been deleted:

## **CHAPTER 3.16**

### **USE TAX**

#### **Sections:**

- 3.16.010 Definitions
- 3.16.020 General Provisions
- 3.16.030 Collection, Administration and Enforcement
- 3.16.040 Severability
- 3.16.050 Exemptions
- 3.16.060 Required Record Keeping
- 3.16.070 Violations and Penalty
- 3.16.080 Chapter Effect

#### **3.16.010 Definitions**

- A. Construction or Building Materials. Tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a completed structure or project including public and private improvements. This term includes, but is not limited to such things as: asphalt, bricks, builders' hardware, caulking material, cement, concrete, conduit, electric wiring and connections, fireplace inserts, electrical heating and cooling equipment, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal site lighting, steel, stone stucco, tile, trees, shrubs and other landscaping materials, wallboard, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters and wood preserver and other similar materials used for construction. The above materials, when used for forms, or other items which do not remain as an integral or inseparable part of a completed structure or project, are not construction materials.
- B. Contractor. Any Person that contracts with another Person or Property Owner for the construction of a building, structure or other improvement.

- C. Person. Any individual, firm, limited liability company, partnership, joint venture, corporation, estate, or trust, or any group or combination acting as a unit and the plural as well as the singular number [Same as Ordinance 1996-15].
- D. Property Owner. The Person owning a lot on which a Project is located.
- E. Project. Any development that is required to obtain a building permit (electrical, mechanical, plumbing, etc.) in accordance with the then current building codes of the Town, or any project that must obtain an approval pursuant to the Town's adopted land use code(s) as amended from time to time.
- F. Construction Project. Means the erection, construction, enlargement, alteration, repair, moving or removing, conversion or demolition of any type of building or structure in the Town which requires the issuance of a Building Permit pursuant to the Building Permits Section of the Municipal Code and the 2009 International Building Code, as amended.
- G. Town Use Tax. Shall be as set forth in Section 3.16.020(A).
- H. Valuation. The total dollar value of work for which a permit is issued, including but not limited to all material costs, all labor costs [including any housing costs passed on to the developer] and all overhead and profit costs; but does not include Town fees or taxes. Valuation shall include the combined value of all required permits for a Project. This definition is intended to conform with the definition of Valuation in Ordinance Number 1996-15, with such determined by the Director of Community Development upon the review of the design, plans and specifications of a Project as further clarified in Section 3 below. (Ord. No. 2012-01 §1).

### 3.16.020 General Provisions

- A. USE TAX LEVY: THERE IS HEREBY LEVIED A TAX OR EXCISE UPON THE PRIVILEGE OF USING, STORING, DISTRIBUTING, OR OTHERWISE CONSUMING IN THE TOWN CONSTRUCTION MATERIALS AS DEFINED IN THIS CHAPTER FROM SOURCES INSIDE OR OUTSIDE THE TOWN, ON WHICH TOWN SALES TAX HAS NOT BEEN PAID. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2008, THE RATE LEVIED SHALL BE ~~Effective January 1, 2008~~ ~~there shall be levied and there shall be collected from every Person in the Town a tax or excise of 4.5% on 40% of the value of any construction project. (Ord. 07-13 § 2).~~
  - 1. ~~The Town Use Tax levied by Ordinance Numbers 1996-15 and 2007-13 of 4.5% remains in full force and effect without modification. (Ord. No. 2012-01 §2(A)).~~
- B. Town Use Tax Calculation. In accordance with Ordinance Numbers 1996-15 and 2007-13, the Town Use Tax shall be calculated as 4.5% of 40% of a Project's Construction or Building Materials Valuation. (Ord. No. 2012-01 §2(B)).

- C. Imposition. The Town Use Tax is imposed upon the Person, Property Owner or any Contractor purchasing at retail any Construction or Building Materials for a Project.
1. Materials purchased outside the Town and delivered into the Town are subject to the Town Use Tax.
  2. Generally, materials purchased outside the Town and delivered into the Town are not subject to the applicable jurisdictions' sales taxes by vendors except for State sales tax. The Town will issue a Use Tax Certificate to a Contractor, Person or Property Owner to present to vendors outside the Town requesting an exemption from that outside jurisdictions' sales tax. Nothing contained herein, shall be construed to require the Town to waive its use tax upon the refusal of an outside jurisdiction to exempt the purchase of materials within the outside jurisdiction which are to be used within the Town's jurisdiction.
  3. The liability for payment of the Town Use Tax is joint and several between the Property Owner and the Contractor. (Ord. No. 2012-01 §2(C)).
- D. Application of Funds. The proceeds of the Town Use Tax may be used by the Town for any lawful purpose. (Ord. No. 2012-01 §2(D)).

### **3.16.030 Collection, Administration and Enforcement**

- A. The Administration of the Town Use Tax is hereby vested in the Community Development Director or another Town employee or agent appointed by the Town Manager, who may prescribe forms and promulgate rules and regulations for proper administration and enforcement of the Town Use Tax, and who may delegate to any person the power and authority necessary for the proper administration and enforcement of the Town Use Tax. (Ord. No. 2012-01 §3(D)).
- B. The Use Tax on any construction project shall be due and payable to the Town at the time a Building Permit application is submitted. (Ord. 96-15 § 3).
- C. Determination of Initial Valuation
1. Prior to commencing any work on a Project, a Project, through its representative, shall submit one of the following documents as a condition to the issuance of a building permit or a Development Permit. In each such instance, the Director of Community Development shall determine the appropriate documentation to be submitted.
    - a. Preferred Document: An executed contract for the Project with the Property Owner, Person or Contractor showing Project Valuation and a breakdown of costs between labor, materials overhead and profit, preferably on a standard American Institute of Architects ("AIA") contract form, breaking down all labor and materials into standard schedules and costs, with associated summaries that also include overhead and profit.

- b. Next Best: Copy of construction loan documents showing the overall budget for the project broken down by line item costs.
  - c. Least Preferred Document: A spreadsheet breaking down Project Valuation. This option shall only be available upon a showing that no contract or construction loan documents exist and the Owner shall submit a sworn affidavit, under penalty of perjury that the numbers reflected on the spreadsheet are true and accurate.
- 2. The Director of Community Development or its designated staff person shall use the documentation submitted pursuant to Section 3.16.030(C)(1) to review the submitted designs, plans and specifications to determine if a Project's submitted Valuation is supported or should be adjusted.
  - 3. No permit for work to proceed shall be issued until the required Town Use Tax is paid.
  - 4. Any objection to the Community Development Department's decision on the initial valuation may be appealed to the Town Manager for a final determination. (Ord. No. 2012-01 §3(A).

D. Reconciliation to Determine Final Valuation

- 1. Prior to the Town issuing a certificate of occupancy or a certificate of completion, the Project, through its representative, shall submit one of the following documents reflecting final Project costs:
  - a. Final construction contract showing any change orders from the original contract, preferably on an AIA standard contract form.
  - b. Spreadsheet and receipts documenting final Project Valuation in the same manner as set forth in Section 3.16.030(C)(1)(c).
  - c. Final construction loan documents showing the total loan amount and Valuation.
- 2. The Community Development Department may audit all financial records, invoices and receipts of a Project in order to determine the final Valuation.
- 3. If the Valuation is increased over the initial Valuation, a Project, through its representative, shall remit the required Use Tax and other Town fees due on the increased Valuation amount.
- 4. If the FINAL Valuation is decreased from the initial Valuation, a Person may request a refund in writing if ~~(a) the request is submitted in the same fiscal year as when the Town Use Tax was paid; and (b) the request is made within 30-90 days of the date of the issuance of a certificate of occupancy or a certificate of completion.~~ IF A PROJECT CHANGES OWNERSHIP PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF

COMPLETION, A PERSON MAY REQUEST A REFUND IN WRITING FOR THE DIFFERENCE IN THE INITIAL VALUATION AND THE VALUATION OF THE INCOMPLETE PROJECT, AS DETERMINED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, IF SUCH REQUEST IS SUBMITTED IN WRITING WITHIN 90 DAYS OF SUCH TRANSFER OF OWNERSHIP. A FAILURE TO FILE FOR A REFUND WITHIN THIS TIME LIMIT WILL RESULT IN THE ABSOLUTE FORFEITURE OF THE RIGHT TO A REFUND. Any objection to the Community Development Department's decision on the final Valuation may be appealed to the Town Manager for a final determination. (Ord. No. 2012-01 §3(B)).

### **3.16.040 Severability**

The provisions of this Chapter are severable and the invalidity of any section, phrase, clause or portion of the Chapter as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Chapter. (Ord. No. 2012-01 §5).

### **3.16.050 Exemptions**

The following Projects shall be exempt from the payment of the Town Use Tax:

1. Projects of the Town or the Town Housing Authority.
2. Projects with a valuation of \$20,000 or less annually, with one exemption per property per calendar year. If a Project does not meet this exemption, the Project's full Valuation will be used to determine the Town Use Tax, and no deduction is made for the first \$20,000.
3. Projects with renewable energy systems, with only the Valuation of such renewable systems exempt from the Valuation of the overall Project costs.
4. The storage, use, or consumption of any Construction or Building Materials the sale of which is subject to a retail sales tax imposed by the Town.
5. The storage, use, or consumption of any Construction or Building Materials where such does not meet the definition of a Project.
6. The storage, use, or consumption of Construction or Building Materials by the United States government, or the State of Colorado, or its institutions, or its political subdivision in their governmental capacities only.
7. Fire mitigation or forestry management projects. If any new plantings are a part of the Project, Valuation over \$20,000 is subject to the Town Use Tax.
8. Any transaction which the Town is prohibited from taxing under the Constitution and laws of the United States of America, or under the Constitution of the State of Colorado. (Ord. No. 2012-01 §3(C)).

### **3.16.060 Required Record Keeping**

- A. Every Person, Contractor or Property Owner liable to the Town for any Town Use Tax shall maintain all books, records, reports, invoices and receipts which were used to determine the Town Sales Tax liability for a period of 90 days following the issuance of a final certificate of occupancy or a certificate of completion by the Town. (Ord. No. 2012-01 §3(E)).
- B. All such books, records, reports, invoices and receipts shall be open for examination at any time by the Director of Community Development. (Ord. No. 2012-01 §3(E)).

### **3.16.070 Violations and Penalty**

- A. It is a violation of the Town Use Tax regulations as established under this Chapter, Ordinance 1996-15 and Ordinance Number 2007-13 for any person subject to such use tax to:
  - 1. Submit any false or fraudulent use tax information to the Town;
  - 2. Make any false statement on any document used to calculate taxes due;
  - 3. Fail or refuse to make payment of any taxes dues;
  - 4. Evade the payment of any taxes due; or
  - 5. Aid or abet another in any attempt to evade the payment of any taxes due. (Ord. No. 2012-01 §3(F)).
- B. Any person who violates the Town Use Tax regulations shall be punished as provided for in Section 1-08-010 of the Town Municipal Code. (Ord. No. 2012-01 §3(F)).

### **3.16.080 Chapter Effect**

- A. This Chapter shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the Chapters repealed or amended as herein provided and the same shall be construed and concluded under such prior Chapters. (Ord. No. 2012-01 §4(A)).
- B. This Chapter does not repeal Ordinance Numbers 1996-15 or 2007-13 and does not increase or otherwise modify the use tax established pursuant to these Chapters except to clarify the terms and conditions of these ordinances as expressly stated herein. (Ord. No. 2012-01 §4(B)).
- C. To the extent there is any conflict between this Chapter and Ordinance Numbers 1996-15 and 2007-13, the following sections of this Chapter shall supersede and prevail over the provisions of Ordinance Numbers 1996-15 and 2007-13:
  - 1. Section 1: Definitions
  - 2. Section 2: Town Use Tax General Provisions



3. Section 3: Collection, Administration and Enforcement (Ord. No. 2012-01§4(C)).
- D. All ordinances, orders, bylaws and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Chapter, are hereby repealed to the extent only of such inconsistency or conflict. (Ord. No. 2012-01 §4(D)).
- E. Severability. The provisions of this Chapter are severable and the invalidity of any section, phrase, clause or portion of the Chapter as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Chapter.(Ord. No. 2012-01 §5).

**Section 3. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications 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. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 4. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Mountain Village, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 5. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 6.**     **Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 5.9 of the Town of Mountain Village Municipal Code.

**INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING** on February 18, 2021 and setting such public hearing for March 18, 2021 via virtual Zoom meeting.

BY:

ATTEST:

\_\_\_\_\_  
Laila Benitez, Mayor

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED** by the Town Council of the Town of Mountain Village, Colorado this 18th day of March 2021.

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

BY:

ATTEST:

\_\_\_\_\_  
Laila Benitez, Mayor

\_\_\_\_\_  
Susan Johnston, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Paul Wisor, Town Attorney

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

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held via virtual Zoom meeting, on February 18, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held via virtual Zoom meeting, Colorado, on March 18, 2021. 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:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 18th day of March, 2021.

---

Susan Johnston, Town Clerk

(SEAL)

**From:** [Mike Bordogna](#)  
**To:** [Ross Herzog](#); [Kim Montgomery](#)  
**Subject:** FW: 2021-01-19 Outline and Funding Cost of Continue WWT Testing Program Through 2021  
**Date:** Tuesday, January 26, 2021 3:28:25 PM  
**Attachments:** [2021-01-19 Outline and Funding Cost of Continue WWT Testing Program Through 2021.pdf](#)

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Hi Guys,

Here is the cost that Ross asked for today. The cost looks like \$13,295 for the remainder of the year, starting in mid-April (we paid through the 4/11 test) until 10/1. If you are good with only getting the UK variant tests through April, as is shown on this cost estimate, the cost to each town would be \$6,647.50 to continue this until December. Below are some answers to the follow-up questions I sent Greg Craig regarding the UK variant. The revised cost of :

- 1) It is the same sample kit with an add on test done at the back end BY GT Molecular to the sample
- 2) There is zero change in WWT treatment plant workload or process. To them it's exactly the same.
- 3) There is nothing to benchmark, we simply get back same report we get now but says YES or NO if UK variant was present in sample. That variant YES or NO isn't something that will have a track record over time like the current test.

Holler with any other questions, Mike

-----

Date: January 19, 2021

From: Greg Craig, Dr. Jeff Kocher

To: Grace Franklin, San Miguel County Public Health Director  
Mike Bordogna, San Miguel County

CC: Ross Herzog, Town of Telluride  
Kim Montgomery, Town of Mountain Village  
Dr. Sharon Grundy, San Miguel County Medical Officer  
Dr. Diana Koelliker, Director, Trauma and Emergency Services, Telluride Medical Center

Re: Outline and funding costs for continuing the wastewater monitoring partnership program for the remainder of 2021 with UK variant test add on built in for Jan 2021 – April 2021.

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At the recent intergovernmental meeting, the question was raised of funding the Telluride, Mountain Village, San Miguel County Cooperative SARS-CoV-2 Wastewater Testing Program. Further, at this past week's Board of County Commissioners/Board of Health Meeting the question of planning for the next few months and beyond was raised.

This memo addresses both questions for wastewater testing with a proposed program for continuing the wastewater testing program through the end of 2021 at a decreasing tempo as the year progresses. The total additional cost for this continuation would be \$13,300. Because of the dynamic nature of the pandemic, the potential spread of the "UK variant", unknowable information about speed of vaccine deployment and uptake in San Miguel County, and other variables this draft plan makes some assumptions. The plan also incorporates immediate use of a newly available, add-on test to our existing testing program that looks for the presence of the B.1.1.7 or "UK" variant of SARS-CoV-2.

#### Background

The current program consists of the Telluride Regional Wastewater Treatment plant staff using an autosampler to draw a 24-hour composite sample from the influent channel just after it enters the WWT plant. The sample is then packaged using the pre-paid kit, on ice, and shipped to GT Molecular in Fort Collins. GT Molecular is a commercial lab which is part of the CDPHE Front Range testing program. Results expressed in viral copies per liter are usually available within 48-72 hours of shipping. The information received from this test has been crucial to help understand the disease burden in the sewershed. Clinical PCR testing of people is looking into the past, the wastewater results tell us what is going on now and directionally where we are headed. The statement was made at the BOCC meeting that in epidemiology you usually only see the tip of iceberg. WWT sample and test gives us a view below the waterline at how big the iceberg is, at a cost of about \$0.065 per person per week. Currently the sampling occurs twice a week. Each GT Molecular "regular" sample kit in use now costs \$295 and includes shipping, packaging and analysis.

#### UK Variant/B.1.1.7

In the past few weeks concerned has risen at the state and federal level about the "UK variant" aka B.1.1.7 variant. This change in the virus was first seen in the United Kingdom where it was found to have far higher transmissibility, likely because the resulting infection generates more viral particles. Though not more lethal, it is much more infectious, accelerating what had been a waning pandemic to the point many parts of the United Kingdom have gone back to strict full lock downs in the space of less than a month. The CDC estimates that currently across the US the B.1.1.7 variant may make up 1% of cases. Currently CDPHE is requiring labs to send CDPHE PCR clinical samples which show characteristics associated with B.1.1.7 for genetic sequencing. CDPHE has confirmed five cases in Colorado as of this past week. The time lag between the PCR clinical test and CDPHE

identifying B.1.1.7 through sequencing can be significant. CDC modeling indicates the higher transmissibility of this variant indicates it might become the dominant strain by the end of March. We only have to look back a year to remember how quickly a handful of cases in Colorado turned into a major pandemic. As CDPHE and Governor Polis have said we are now in a race between vaccination and the B.1.1.7. Please see attached CDC materials and reference.

GT Molecular now has an add-on test available that checks wastewater samples for the UK variant (information attached). ***There is no change in workload or process for WWT staff.*** They draw the same sample, the same way but use the UK variant kit instead of the regular kit to ship to GT Molecular. The testing report will indicate the normal viral copies per liter (as is currently reported) and, additionally, a positive or negative result for the presence of B.1.1.7. The UK variant kit is \$300 more than the regular kit or \$595 each. This cost includes the regular viral copies per liter reporting plus a positive or negative result for presence of B.1.1.7.

The implications of a positive B.1.1.7 result need to be examined but will require much more careful compliance with basic protective measures and might force consideration of revisions to community interventions. *This should be discussed by relevant parties now before B.1.1.7 appears.*

#### Funding to Date

17 regular test kits for a total of \$5,015 were donated in the fall and were used approximately from 9/2/2020 to 12/21/2020. San Miguel County has purchased approximately 30 regular kits for about \$9,750 to be used between 12/21 and the end of ski season or just beyond. Recently two GT Molecular UK variant kits were donated at a total cost of \$1,190 to be used at a to-be-determined schedule, preferably as soon as possible. There is an existing inventory of approximately 23 regular test kits. Total amount spent to date: \$15,955.

#### Proposed Program

SAMPLING SUMMARY																	
Samples	Col																
	2020				2021												Total
Type	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Regular Kit	3	4	6	6	7	6	7	7	9	9	4	4	5	2	2	2	83
Reg+UK Variant					1	2	3	1									7
Total	3	4	6	6	8	8	10	8	9	9	4	4	5	2	2	2	90

Approximate Dates	Goal	Frequency of Sampling
9/2/2020 – 6/30/2021	Monitor current viral load in the sewershed to corroborate clinical test results, positivity rates, and provide visibility into community prevalence and likely volume of clinical presentations. Additional: through April use UK Variant test kit to check for arrival and presence of UK variant in sewershed to provide early warning ahead of the time delay from clinical results and subsequent sequencing or if clinical testing has missed it.	Ongoing- twice a week, Monday and Wednesday  UK variant test kit to be used every other week through end of ski season. <b><i>Begin as soon as possible</i></b>
7/7/2021- 9/22/2021	Monitor change in viral load as vaccine(s) deployment and uptake advance. No longer testing for B.1.1.7. <u>Key assumptions:</u> vaccination will continue to build momentum through spring, summer and fall, B.1.17 will either be dominant strain such that there is no longer a need to test for it or it, and other strains, will have been beaten back by vaccination.	Weekly with regular test kit.  Ongoing evaluation of need for B117 kit depending on circumstances.
9/29/2021- 12/22/21	Sentinel testing to monitor for resurgence of disease and monitor disease burden in community, if any.	Every other week (twice monthly) with regular test kit





Telluride Regional Cooperative Wastewater Monitoring Program							
	Per Test Cost	Regular		\$295			
		With UK Variant		\$595			
Who	Wh	Day of We	Kit Ty	Numb #	C	Cummulative C	
donated	9/2/20	Wed	Regular	1	\$ 295	\$ 295	
donated	9/16/20	Wed	Regular	1	\$ 295	\$ 590	
donated	9/30/20	Wed	Regular	1	\$ 295	\$ 885	
donated	10/7/20	Wed	Regular	1	\$ 295	\$ 1,180	
donated	10/14/20	Wed	Regular	1	\$ 295	\$ 1,475	
donated	10/21/20	Wed	Regular	1	\$ 295	\$ 1,770	
donated	10/26/20	Mon	Regular	1	\$ 295	\$ 2,065	
donated	11/2/20	Mon	Regular	1	\$ 295	\$ 2,360	
donated	11/9/20	Mon	Regular	1	\$ 295	\$ 2,655	
donated	11/11/20	Wed	Regular	1	\$ 295	\$ 2,950	
donated	11/18/20	Wed	Regular	1	\$ 295	\$ 3,245	
donated	11/23/20	Mon	Regular	1	\$ 295	\$ 3,540	
donated	11/30/20	Mon	Regular	1	\$ 295	\$ 3,835	
donated	12/2/20	Wed	Regular	1	\$ 295	\$ 4,130	
donated	12/7/20	Mon	Regular	1	\$ 295	\$ 4,425	
donated	12/14/20	Mon	Regular	1	\$ 295	\$ 4,720	
donated	12/21/20	Mon	Regular	1	\$ 295	\$ 5,015	17 kits used
SMCboug	12/25/20	Fri	Regular	1	\$ 295	\$ 295	
SMCboug	12/31/20	Thu	Regular	1	\$ 295	\$ 590	
SMCboug	1/4/21	Mon	Regular	1	\$ 295	\$ 885	
SMCboug	1/6/21	Wed	Regular	1	\$ 295	\$ 1,180	
SMCboug	1/11/21	Mon	Regular	1	\$ 295	\$ 1,475	
SMCboug	1/13/21	Wed	Regular	1	\$ 295	\$ 1,770	
SMCboug	1/18/21	Mon	Regular	1	\$ 295	\$ 2,065	7 kits used
donated	1/20/21	Wed	UK Variant	1	\$ 595	\$ 2,660	
SMCboug	1/25/21	Mon	Regular	1	\$ 295	\$ 2,955	
SMCboug	1/27/21	Wed	Regular	1	\$ 295	\$ 3,250	
SMCboug	2/1/21	Mon	Regular	1	\$ 295	\$ 3,545	
donated	2/3/21	Wed	UK Variant	1	\$ 595	\$ 4,140	
SMCboug	2/8/21	Mon	Regular	1	\$ 295	\$ 4,435	
SMCboug	2/10/21	Wed	Regular	1	\$ 295	\$ 4,730	
SMCboug	2/15/21	Mon	Regular	1	\$ 295	\$ 5,025	
need	2/17/21	Wed	UK Variant	1	\$ 295	\$ 5,320	
SMCboug	2/22/21	Mon	Regular	1	\$ 295	\$ 5,615	
SMCboug	2/24/21	Wed	Regular	1	\$ 295	\$ 5,910	
SMCboug	3/1/21	Mon	Regular	1	\$ 295	\$ 6,205	
need	3/3/21	Wed	UK Variant	1	\$ 595	\$ 6,800	
SMCboug	3/8/21	Mon	Regular	1	\$ 295	\$ 7,095	
SMCboug	3/10/21	Wed	Regular	1	\$ 295	\$ 7,390	
SMCboug	3/15/21	Mon	Regular	1	\$ 595	\$ 7,985	
need	3/17/21	Wed	UK variant	1	\$ 595	\$ 8,580	
SMCboug	3/22/21	Mon	Regular	1	\$ 295	\$ 8,875	
SMCboug	3/24/21	Wed	Regular	1	\$ 595	\$ 9,470	
SMCboug	3/29/21	Mon	Regular	1	\$ 295	\$ 9,765	
need	3/31/21	Wed	UK Variant	1	\$ 595	\$ 10,360	
SMCboug	4/5/21	Mon	Regular	1	\$ 295	\$ 10,655	
SMCboug	4/7/21	Wed	Regular	1	\$ 595	\$ 11,250	
SMCboug	4/12/21	Mon	Regular	1	\$ 295	\$ 11,545	
need	4/14/21	Wed	UK Variant	1	\$ 595	\$ 12,140	
SMCboug	4/19/21	Mon	Regular	1	\$ 295	\$ 12,435	
SMCboug	4/21/21	Wed	Regular	1	\$ 295	\$ 12,730	23 regular
SMCboug	4/26/21	Mon	Regular	1	\$ 295	\$ 13,025	kits in stock
SMCboug	4/28/21	Wed	Regular	1	\$ 295	\$ 13,320	5 variant
SMCboug	5/3/21	Mon	Regular	1	\$ 295	\$ 13,615	kits needed
need	5/5/21	Wed	Regular	1	\$ 295	\$ 13,910	
need	5/10/21	Mon	Regular	1	\$ 295	\$ 14,205	
need	5/12/21	Wed	Regular	1	\$ 295	\$ 14,500	
need	5/17/21	Mon	Regular	1	\$ 295	\$ 14,795	
need	5/19/21	Wed	Regular	1	\$ 295	\$ 15,090	
need	5/24/21	Mon	Regular	1	\$ 295	\$ 15,385	
need	5/26/21	Wed	Regular	1	\$ 295	\$ 15,680	
need	5/31/21	Mon	Regular	1	\$ 295	\$ 15,975	
need	6/2/21	Wed	Regular	1	\$ 295	\$ 16,270	
need	6/7/21	Mon	Regular	1	\$ 295	\$ 16,565	
need	6/9/21	Wed	Regular	1	\$ 295	\$ 16,860	
need	6/14/21	Mon	Regular	1	\$ 295	\$ 17,155	
need	6/16/21	Wed	Regular	1	\$ 295	\$ 17,450	
need	6/21/21	Mon	Regular	1	\$ 295	\$ 17,745	
need	6/23/21	Wed	Regular	1	\$ 295	\$ 18,040	
need	6/28/21	Mon	Regular	1	\$ 295	\$ 18,335	
need	6/30/21	Wed	Regular	1	\$ 295	\$ 18,630	
need	7/7/21	Wed	Regular	1	\$ 295	\$ 18,925	
need	7/14/21	Wed	Regular	1	\$ 295	\$ 19,220	
need	7/21/21	Wed	Regular	1	\$ 295	\$ 19,515	
need	7/28/21	Wed	Regular	1	\$ 295	\$ 19,810	
need	8/4/21	Wed	Regular	1	\$ 295	\$ 20,105	
need	8/11/21	Wed	Regular	1	\$ 295	\$ 20,400	
need	8/18/21	Wed	Regular	1	\$ 295	\$ 20,695	
need	8/25/21	Wed	Regular	1	\$ 295	\$ 20,990	
need	9/1/21	Wed	Regular	1	\$ 295	\$ 21,285	
need	9/8/21	Wed	Regular	1	\$ 295	\$ 21,580	
need	9/15/21	Wed	Regular	1	\$ 295	\$ 21,875	
need	9/22/21	Wed	Regular	1	\$ 295	\$ 22,170	
need	9/29/21	Wed	Regular	1	\$ 295	\$ 21,270	
need	10/13/21	Wed	Regular	1	\$ 295	\$ 21,270	
need	10/27/21	Wed	Regular	1	\$ 295	\$ 21,270	
need	11/10/21	Wed	Regular	1	\$ 295	\$ 21,270	
need	11/24/21	Wed	Regular	1	\$ 295	\$ 21,270	
need	12/8/21	Wed	Regular	1	\$ 295	\$ 21,270	
need	12/22/21	Wed	Regular	1	\$ 295	\$ 21,270	

***Emergence of SARS-CoV-2 B.1.1.7 Lineage — United States, December 29, 2020–January 12, 2021***

**Summary**

**What is already known about this topic?**

A more highly transmissible variant of SARS-CoV-2, B.1.1.7, has been detected in 10 U.S. states.

**What is added by this report?**

Modeling data indicate that B.1.1.7 has the potential to increase the U.S. pandemic trajectory in the coming months. CDC's system for genomic surveillance and the effort to expand sequencing will increase the availability of timely U.S. genomic surveillance data.

**What are the implications for public health practice?**

The increased transmissibility of the B.1.1.7 variant warrants universal and increased compliance with mitigation strategies, including distancing and masking. Higher vaccination coverage might need to be achieved to protect the public. Genomic sequence analysis through the National SARS-CoV-2 Strain Surveillance program will enable a targeted approach to identifying variants of concern in the United States.

**New virus variants that spread more easily could lead to a rapid rise in COVID-19 cases**

**NOW, more than ever, it is important to slow the spread**

**In the U.S.**

- ⚠ New cases are the highest ever and rising
- ⚠ Some health care systems are at or near capacity
- ⚠ New variants are emerging that spread more easily

**MORE SPREAD → MORE CASES → MORE DEATHS**

- Wear a mask
- Stay at least 6 feet apart
- Avoid crowds
- Get vaccinated when available to you

CDC.GOV [bit.ly/MMWR11521](https://bit.ly/MMWR11521) MMWR

### **Hyper-Transmissible SARS-CoV-2 Variant Detected in United States Wastewater**

**Fort Collins, CO – Jan. 15, 2021**

GT Molecular, a leader in wastewater-based epidemiological testing, has reported the detection of hyper-transmissible SARS-CoV-2 from the B.1.1.7 lineage in three wastewater treatment plants in the United States. This is an additional piece of evidence that the UK variant or a UK variant-like strain is spreading in the United States. GT Molecular detected the strain using its highly sensitive digital PCR test for the SARS-CoV-2 virus. This test is available *immediately* both as a fee-for-service and as a complete, ready-to-use PCR kit for testing labs.

"Molecular biologists from around the world have come together to advance wastewater-based epidemiological approaches over the last year. This is an excellent demonstration of the power of these approaches, wherein an entire community can be tested for the presence of a variant in a single sample in a matter of hours," says, Dr. Rose Nash, Director of R&D at GT Molecular.

GT Molecular will continue to screen communities around the country for the presence of this variant in their community wastewater through their nationwide wastewater testing program. Additionally, GT Molecular will provide the molecular reagents they designed and optimized for this analysis to the greater wastewater-based epidemiology community.

"Our team continues to respond rapidly to this pandemic by releasing both a fee-for-service test for communities and an all-in-one PCR kit for testing labs for this dangerous variant, says GT Molecular CEO Christopher McKee. "Our new analysis will allow communities and testing labs to quickly determine whether the SARS-CoV-2 B.1.1.7 variant is present while giving health officials timely data to make decisions that can better help manage outbreaks."

#### **About GT Molecular**

Whether for cancer, GMO or harmful pathogens, GT Molecular (GTM) is a leader in providing highly customizable, ultrasensitive digital PCR and qPCR tests for researchers and the Molecular Diagnostics community. GTM's molecular app technology is an easy-to-use, end-to-end solution for rapid deployment and provides reliable and consistent measurements while detecting as little as 1-3 molecules of target nucleic acid.

February 18, 2021

Town Council  
Town of Mountain Village  
455 Mountain Village Blvd., Suite A  
Mountain Village, CO 81435

Dear Town Council:

The Telluride Foundation wishes to honor the contribution of Ron and Joyce Allred and Jim Wells to the Telluride Ski Resort by placing a historical plaque on the Oak Street Plaza. We propose to place a plaque, about the history and development of the Ski Resort within a planter with seating. Currently, there are plaques to commemorate significant locations or historic events that shaped our community throughout Mountain Village. We believe this plaque is essential because the development of the ski resort was a pivotal event in the history of the region, enabling the local economy to move from mining, which was on the decline, to recreation and tourism, which defined the next era of the community.

We believe that Oak Street is the perfect location because it is the gateway connecting Telluride and Mountain Village. This plaza connects the two towns via the gondola, a vision turned reality by the Jim Wells, Ron & Joyce Allred.

Please see the attached mockup of the plaque and the rendering of the proposed planter for the Oak Street Plaza. We appreciate your consideration of this request.

Sincerely,

Katie Singer  
Telluride Foundation





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# The Vision of a World Class Resort

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Ever since Telluride's earliest days, skiing has been a part of life.

Immigrant miners brought the custom with them, both for fun and to reach mines perched in the snowy high country. Over the years, the sport remained a treasured hobby. In the 1930s, the mining community built a primitive rope tow and a ski trail near what is now the Telluride Town Park.

By the 1960s, many of the area's mines had shut down, and the population declined sharply. Telluride needed a new economy in order to survive. People like William "Senior" Mahoney, a longtime local miner and avid skier, encouraged the town to explore skiing as an option.

Mahoney's vision came to fruition in 1970, when a swiss firm named Simonis Visser and Joe Zoline formed a company that built a small ski area. By late 1970, the new ski area was offering snowcat skiing and a sack lunch for \$10 a day. During the next two years, a few lifts and a day lodge were constructed, and on Dec. 22, 1972, the Telluride Ski Area officially opened its doors. In 1978, the last of Telluride's mining operations closed, and the fledgling ski area struggled to recover from the crippling snow drought of 1976-77. Ron and Joyce Allred and Jim Wells arrived in town, fresh off of developing the town Avon, Colorado, and purchased the small Telluride Ski Area.

Believing that both the future of the ski area and the viability of Telluride's new economy resided in the creation of a "WORLD CLASS SKI RESORT," Allred spear-headed sweeping enhancements to the ski area, including lift upgrades, the construction of resort-based hotels and restaurants, the establishment of new trails, and the development of Mountain Village, a new residential community on the mountain.

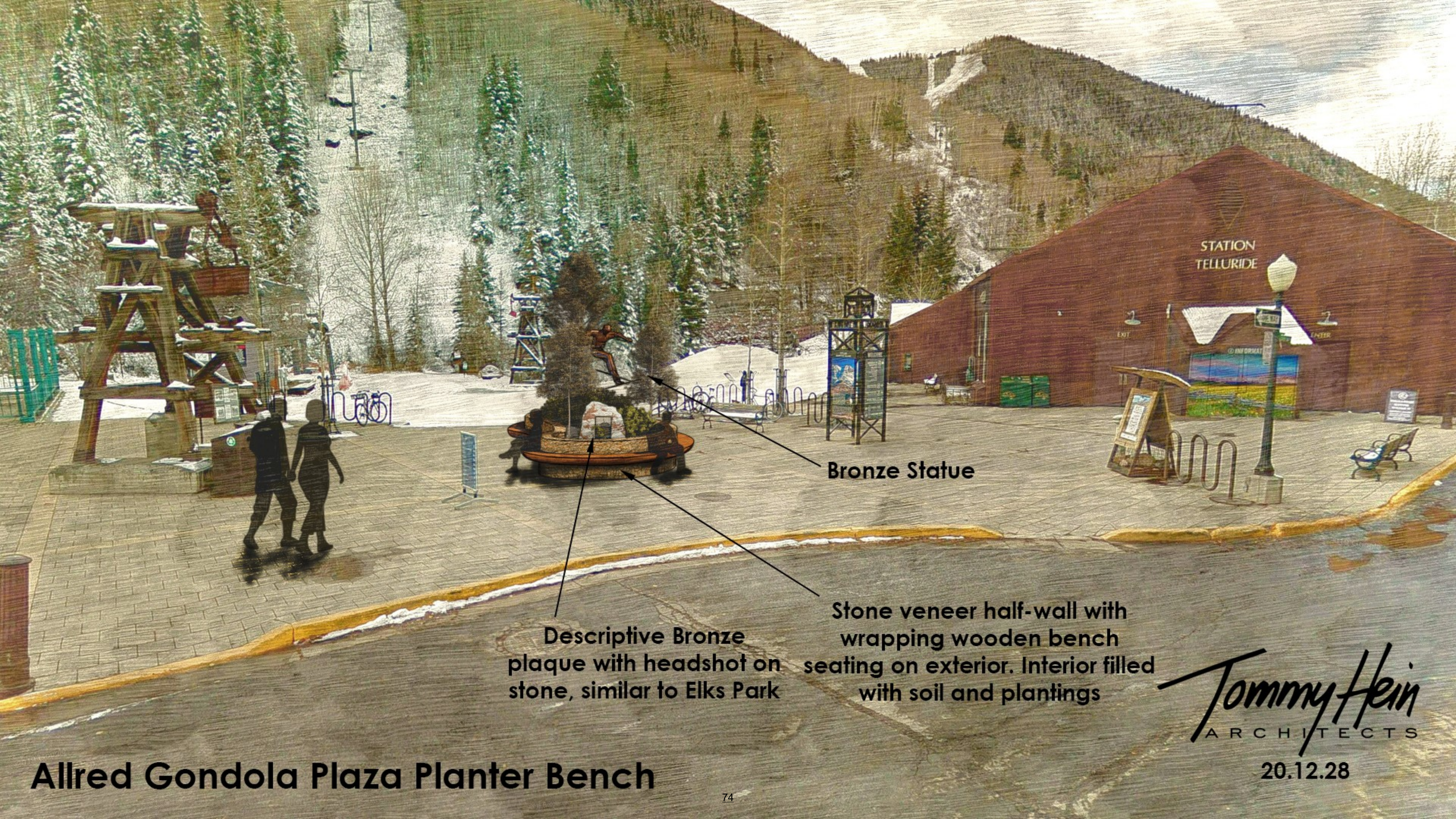
To make the isolated, new ski resort more accessible, Allred pushed for and achieved the development of the Telluride Regional Airport in 1985. To help ensure year-round activity on the mountain, the Telluride Ski Resort opened a golf course in 1992. And to move people more easily between the communities of Telluride and Mountain Village, Allred and Wells spearheaded Telski's multimillion-dollar gondola system – the first free public transportation system of its kind – in 1996.

Under Allred's leadership, the Telluride Ski Resort grew to become the world-class ski destination he had first envisioned in the late 1970s. As skiing became the backbone of the community, Telluride's local economy blossomed to levels not experienced since the height of the mining industry.

In 2011, Allred was inducted into the Colorado Snowsports Hall of Fame in recognition of his vision for and dedication to Telluride and the Telluride Ski Resort.

"All people dream. Some people build their dreams." – Ron & Joyce Allred





Bronze Statue

Descriptive Bronze plaque with headshot on stone, similar to Elks Park

Stone veneer half-wall with wrapping wooden bench seating on exterior. Interior filled with soil and plantings

# Allred Gondola Plaza Planter Bench

*Tommy Hein*  
ARCHITECTS

20.12.28





AGENDA ITEM 12  
**PLANNING & DEVELOPMENT SERVICE**  
**PLANNING DIVISION**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

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**TO:** Mountain Village Town Council

**FROM:** John Miller, Senior Planner

**FOR:** Town Council Public Hearing; February 18, 2021

**DATE:** February 12, 2021

**RE:** Consideration of a Resolution regarding a Variance to the Community Development Code Requirements for Lot 165, Unit 6 - to allow the Maximum Height to increase from 35'-0" to 50'-9" and the Maximum Average Height to increase from 30'-0" to 31'-6", pursuant to CDC section 17.4.16.

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**BACKGROUND:** The applicant for Agenda Item 12 has requested that their item be continued until the March 18, 2021 Town Council meeting. The memo is being provided not to open the public hearing but solely for the purpose of Town Council providing a motion to continue to the March meeting date.

**RECOMMENDED MOTION:** I move to continue, the consideration of a Resolution regarding a Variance to the Community Development Code Requirements for Lot 165, Unit 6 – granting a Variance to Maximum Height and the Maximum Average Height, pursuant to CDC section 17.4.16.

/JJM



**Agenda Item No. 13**  
**PLANNING AND DEVELOPMENT SERVICES**  
**DEPARTMENT**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 369-8250

**TO:** Mountain Village Town Council

**FROM:** John Miller, Senior Planner

**FOR:** Regular Town Council Meeting, February 18, 2021

**DATE:** February 8, 2021

**RE:** First reading of an Ordinance considering a rezone and density transfer application to rezone Blue Mesa Lodge Unit 23-A from an efficiency lodge zoning designation unit to a lodge zoning designation unit.

**PROJECT GEOGRAPHY**

**Legal Description:** *Condominium Unit 23-A, Lot 42B, Blue Mesa Lodge Condominiums*

**Address:** 117 Lost Creek Lane

**Owner:** The Entrust Administration, Bogna Nowak

**Zoning:** Village Center

**Existing Use:** Accommodations and Commercial

**Proposed Use:** Multi-Family Residential and Commercial

**Lot Size:** 0.16 Acres

**Adjacent Land Uses:**

- **North:** Village Center
- **South:** Village Center
- **East:** Village Center
- **West:** Village Center

**ATTACHMENTS**

- Exhibit A: Applicant's Narrative
- Exhibit B: Proposed Modifications
- Exhibit C: Existing Conditions



**CASE SUMMARY:**

Keith Brown, acting on behalf of The Entrust Administration, is requesting to rezone Blue Mesa Lodge Unit 23-A from an efficiency lodge zoning designation to a lodge zoning designation. In order to accomplish this request, the unit must meet the rezoning criteria, must fit within the definition of a lodge unit per the Community Development Code (CDC), and acquire the requisite density for the increase in person equivalents. A lodge unit is defined as a two-room space plus a mezzanine with up to two separate baths and a full kitchen.



## **BLUE MESA LODGES HISTORY**

### **Zoning Designation History of Blue Mesa Lodges:**

Blue Mesa Lodges (Lot 42B) were originally platted by the 1992 zoning map and preliminary PUD plat for eight condominiums and four hotels with a total person equivalent of 30 persons.

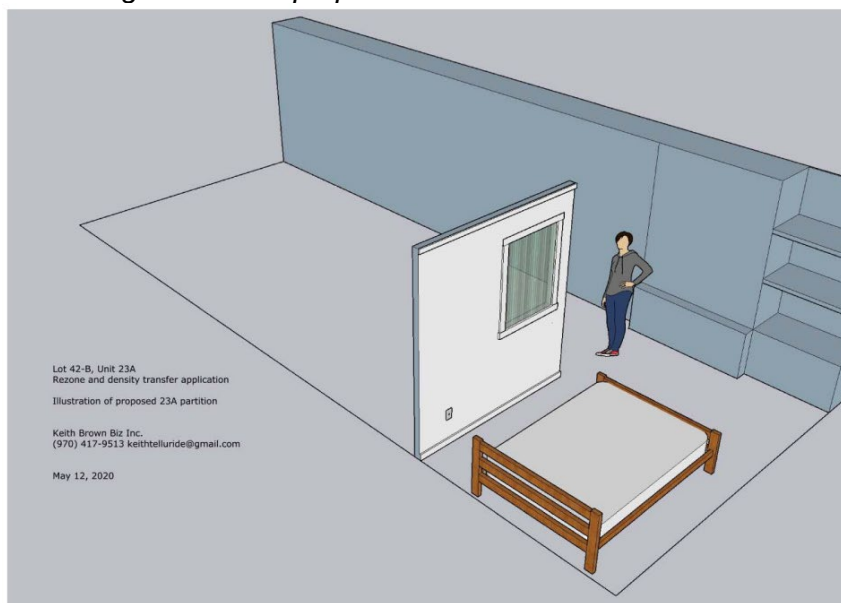
In 1997, Resolution No. 1997-0923-23 rezoned Lot 42B from 10 condominiums which included 18 lock-offs (the lock-offs carried no zoning designation or person equivalent, they were considered bedrooms to the condominium units), to 28 efficiency lodge units with a total of 14-person equivalent density. The Town allowed for parking to remain at 10 spaces, as a pre-existing condition and waived the additional four required parking spaces. The Town approved of the rezoning for the building as is, meaning that no interior or exterior alterations were required.

The condominium map unit configuration illustrates the units were labeled as Units A, B & C, units, for example, 20A, 20B, and 20C. These units had doors that connected the units between them. Each unit also had a door to the hallway so that they could be rented separately or used together. The most typical configuration was a former condominium unit and two lock-off bedrooms. In two cases, the 1998 condominium map only illustrated a unit A & B suite (no C unit).

### **Rezone and Parking History of Unit 23-A:**

Unit 23-A was purchased by The Entrust Administration in July of 2004. According to the applicant's narrative - since the purchase of the property the unit has been used almost exclusively as a long-term rental. The condominium map for Blue Mesa Lodge demonstrates the overall floor area of the unit at 424.7 sq. ft. In addition to the living area, there is also a 45 square foot exterior deck, a full kitchen that includes an oven with 4 burner range, a full-sized microwave, and a full-size refrigerator/freezer. The owners own a deeded interest in parking within the BML parking garage to meet the parking requirement of ½ a parking space. To meet the density requirements, the applicants will acquire 0.25 units of density from a neighboring unit for this rezone.

*Figure 1. Unit 23-A configuration and proposed modifications*



## **CRITERIA, ANALYSIS, AND FINDINGS**

The criteria for the decision to evaluate a variance and/or rezone that changes the zoning designation and/or density allocation assigned to a lot is listed below. The following criteria must be met for the review authority to approve the applications:

### **Chapter 17.4: DEVELOPMENT REVIEW PROCEDURES**

#### **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;

*Blue Mesa Lodge is not contemplated for redevelopment or future visioning in the Comprehensive Plan and is simply mapped as within the Village Center Zone District which allows for broad uses. The application conforms with Mountain Village Center Subarea Plan Principles, Policies, and Actions L., "Encourage deed-restricted units and full-time residency in Mountain Village Center, with provisions such as smaller units, the creation of a better sense of community, and other creative options."*

- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

*The Zoning and Land Use Regulations allow for the requested rezone from efficiency lodge to lodge provided these criteria are met and the unit meets the definition of a lodge unit. Generally speaking, the Village Center zoning designation allows for lodge units as a permitted use consistent with the Land Use Regulations.*

*It should be noted that because the current configuration of the space does not include physical separation of the bedroom and living room area, that in order to meet the intent of the definition of lodge, there will be a required installation of a partition wall to separate the spaces (see Figure 1). The applicants will also be required to demonstrate the modifications staff would require prior to the finalization of the rezoning process. This includes the installation of a partition wall, fire sprinklers, and smoke detectors. The Town Council has determined that a reconfiguration of an efficiency lodge unit in this manner, meets the definition of a lodge unit for the purposes of a rezone application..*

- c. The proposed rezoning meets the Comprehensive Plan project standards;

*There are no specific Comprehensive Plan project standards for Blue Mesa Lodge, thus, this criterion is not applicable.*

- 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;

*The proposed rezoning presents no public health, safety or welfare issues and is an efficient use of what is a mixed-use building carrying residential attributes. Building code requirements are being as a condition of approval.*

- 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;

*The proposed rezone is due to a change in condition in the vicinity, namely recent education and voluntary compliance regarding efficiency lodge zoning designations.*

- f. Adequate public facilities and services are available to serve the intended land uses;

*No additional public facilities are needed for the rezoning thus, they are adequate.*

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

*No change or negative impact.*

- h. The proposed rezoning meets all applicable Town regulations and standards.

*The conditions of approval address application town regulations that otherwise need to be met such as: 1) The provision of a partition wall as part of the conditions of approval, and associated building code requirements, the application meets the definition of a lodge zoning designation.*

*2) The purchase of the additional 0.25-person equivalent density*

*3) conditions are prior to the recordation of the associated ordinance rezoning the unit.*

#### **17.4.10: Density Transfer Process**

(\*\*\*)

##### **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 a rezoning are met since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
- b. The density transfer meets the density transfer and density bank policies; and.
- c. The proposed density transfer meets all applicable Town regulations and standards.

*Affirmed.*

#### **STAFF ANALYSIS**

The owner is proposing modifications to the space in order to provide for a 2/3 partition wall between the living room area and bedroom area in order to create two rooms consistent with the lodge definition and past approved applications. At the time this construction is completed, then the proposed layout would be compliant. The applicants currently comply with the CDC parking requirements . The owners are required to purchase an additional 0.25-person equivalent to comply with the 0.75-person equivalent density requirements for a lodge unit prior to any

finalization of the rezone request. Blue Mesa Lodges has never had onsite property management or amenities that would indicate accommodations use like a hotel therefore meeting the rezone criteria. Since Blue Mesa Lodges is also not identified in the Comprehensive Plan for redevelopment, rezoning the efficiency lodge unit to one lodge unit meets the Town criteria for a rezone application related to conformance with the Comprehensive Plan.

**DESIGN REVIEW BOARD RECOMMENDATION:** The Design Review Board reviewed the application for rezoning and density transfer for Lot 42B, Unit 23-A at their February 4, 2021, Regular Meeting and voted 7-1 to recommend approval to Town Council with staffs' recommended conditions.

**RECOMMENDED MOTION:** The Town Council may approve, continue, deny or request modifications to the application regarding the proposed Density Transfer and Rezone for Unit 23-A, Lot 42B.

**Motion for Approval:** *I move to approve, the first reading of an Ordinance regarding the rezone and density transfer application for Lot 42B, Blue Mesa Lodge Unit 23-A to rezone the subject unit from an efficiency lodge zoning designation to a Lodge zoning designation with the following findings and conditions as noted in the staff report of record dated February 8, 2021, and to ask the Town Clerk to set a public hearing for March 18, 2021:*

*Findings:*

- 1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.*
- 2. At the time the modifications to the unit, including the installation of the partition wall as shown, are complete, the applicant will meet the required definition of a Lodge Unit per the CDC. A 2/3 partition wall meets the definition of creating two rooms consistent with the definition of a lodge zoning designation unit.*
- 3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.*

*Conditions:*

- 1. The applicant should work with the Blue Mesa HOA to update the declarations to recognize Unit 23-A as one Lodge unit.*
- 2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.*
- 3. The applicant shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Unit 23-A from efficiency lodge to lodge unit.*
- 4. The applicant shall obtain a building permit and complete the proposed modifications prior to recording the associated ordinance rezoning Unit 23-A from efficiency lodge to lodge unit.*

*This motion is based on the evidence and testimony provided at the regular meeting held on February 18, 2021, with notice of such hearing as required by the Community Development Code.*

/JJM



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

REZONING/DENSITY TRANSFER APPLICATION			
APPLICANT INFORMATION			
<b>Name:</b> Keith Brown, Keith Brown Biz Inc.		<b>E-mail Address:</b> keithtelluride@gmail.com	
<b>Mailing Address:</b> 117 Lost Creek Lane, #41-A,		<b>Phone:</b> 970 4176 9513	
<b>City:</b> Mountain Village,	<b>State:</b> CO	<b>Zip Code:</b> 81435	
<b>Mountain Village Business License Number:</b> 001049			
PROPERTY INFORMATION			
<b>Physical Address:</b> Lot 42B, Unit 23A, 117 Lost Creek Lane MV		<b>Acreage:</b> n/a	
<b>Zone District:</b> MV Center	<b>Zoning Designations:</b> efficiency lodge	<b>Density Assigned to the Lot or Site:</b> 0.5	
<b>Legal Description:</b> CONDO UNIT 23A BLUE MESA LODGE CONDO ACC TO MAP REC IN PLAT BK 1 PAGE 2423 AND AMENDED DECLARATION REC IN BK 586 PAGE 258 AND THE FIRST AMENDMENT TO AMENDED			
<b>Existing Land Uses:</b> efficiency lodge			
<b>Proposed Land Uses:</b> Lodge zoning			
OWNER INFORMATION			
<b>Property Owner:</b> Bogna Nowak, The Entrust Administration		<b>E-mail Address:</b> skindoctor725@hotmail.com	
<b>Mailing Address:</b> 4564 EAST MCNEIL STREET		<b>Phone:</b> 480 310 2801	
<b>City:</b> Phoenix	<b>State:</b> az	<b>Zip Code:</b> 85044	
DESCRIPTION OF REQUEST			
Request to rezone to Lodge. 0.25 density will be purchased from Julie and Justin Peeler, Density Certificate is Number 053, dated April 09, 2020. The owner has 1/3 and 1/3 parking share in Lot 42 parking space 35 and 1/3 parking share in space 36 for a total of 1 full parking space ownership. A partition wall will be installed to meet the Lodge requirement.			

Keith Brown Biz Inc.  
 117 Lost Creek Lane, Apt 41-A  
 Mountain Village, CO 81435 (970) 417-9513

---

May 12, 2020

**Development Narrative for the Rezone to a Lodge designation of Apt. 23-A, 117 Lost Creek Lane, Lot 42-B, Mountain Village, CO 81435**

I am the Owner Agent for Bogna Nowak, Beneficiary of the Entrust Administration Inc., for an application for the Rezone to a Lodge designation of Apt. 23-A.

The owner seeks a Rezone to a Lodge designation so the designation is in conformance with the physical attributes and intended uses of the property. The owner purchased on 7.19.2004 on the basis the property was a Residential Condo. She would not have purchased if an Efficiency Lodge designation had been known. The owner learned her condo had an Efficiency Lodge designation on May 14, 2019.

20-B condo is 425 square feet with a 28 square foot deck. The condo has been used exclusively for long-term rentals. The tenant is a photographer employed by Telski and the Telluride Tourism Board.

The owners intend to install a partition wall in accordance with the December 9, 2019 Room interpretation as it relates to zoning designation definitions. The owner Bogna Nowak owns at Blue Mesa Lodge parking totalling one unit parking. The owner is willing to re-allocate parking ownership to meet the half parking space required for the rezone of 23-A.

The owner is applying for another property rezone at this time, Apt. 23-B, Lot 42-B.

The application meets the applicable criteria for a Rezone to a Lodge designation as follows:

A. The proposed rezoning is in General Conformance with the goals, policies and provisions of the Comprehensive Plan (CP) because:

- A Lodge designation of 23-A will help promote a rich social fabric within the community (page 9 CP) by allowing the continued use of the condo for locally employed housing meeting the goal of where “small-town values are important and people can make social and emotional connections.”
- A Lodge designation of 23-A is in compliance with the intended mixed-use of the Village Center Zone District.

B. The proposed rezoning is consistent with the Zoning and Land Use Regulations because:

- The Lodge designation is in keeping with the Land Use Plan Policy (page 39 CP) for a Mixed-Use Center.

- Given the prior use, the applicant believes a designation of Lodge is appropriate and reasonable for 23-A

C. The proposed rezoning meets the Comprehensive Plan project standards because:

- The 23-A building was designed, approved, built and managed as a Residential Condominium property.

D. The proposed rezoning is consistent with public health, safety and welfare as well as the efficiency and economy in the use of land and its resources because:

- The 23-A building was designed and approved as a residential condominium building and is physically suitable for Lodge use.
- A Lodge designation provides for a higher property valuation and range of use. That in turn helps create pride of ownership and a willingness to upgrade and improve the property beyond interior condo renovations.

The 23-A owners, along with the other owners of the property made substantial financial and personal contributions in upgrading and maintaining not only condominium interiors but also the building and plaza infrastructure. A partial list of infrastructure improvements includes garage fireproofing (2019), roof drainage, a snow melt system, heat tape safety circuit breakers (2009-2017), extensive waterproofing and plaza repairs (2016) and building structural repairs from snow melt salt damage (2009-10). Additionally the property owners allowed the town an easement to install the Sunset Plaza snow melt system and another easement allowing the town to use delivery vehicles across HOA property.

E. The proposed rezoning is justified because there are the following errors in the current zoning:

- 23-A condo as well as other units in the property have been used as long-term residences since the original construction. The history of the property is mixed-use, with long-term occupancy in multiple units, including 23-A. The original Lot 42 plat was and is for Condominium-Commercial, not Efficiency Lodge-Commercial use. Blue Mesa Lodge Lot 42-B had Residential Condominium designation for the first decade, until the 1998 Town resolution that changed the condominiums to Efficiency Lodge designation. There was no removal of full kitchens and no enforcement of the parking obligations in 1998 or afterwards.
- The 1997 application for conversion to Efficiency Lodge was at the request of the developer/declarant and not by a properly constituted HOA on behalf of Owners. The developer/declarant then recorded a misleading amended declaration (recording nbr 321574) as part of the HOA governing documents. The amended declaration stated the conversion was from a Residential Condo designation to a 'Residential Studio Apartment' designation 'for Residential use', which is a designation that did not and does not exist. The full chain of buyers (23 past & present owners contacted) thinking they had purchased Residential Condos. In sum, the rezone to Efficiency Lodge appears in error because the purchases and uses were for Residential Condominium.



F. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion because:

- The owner has parking ownership of 1 unit parking in total at the property.

G. The proposed rezoning meets all applicable Town regulations and standards because:

- The subject property was constructed to a Residential Condo standard.
- The Lodge designation allows for the intended use.

We want to thank town Planning and Town Council for considering this application and for the Council direction for the town to consider waiving related application fees.

Thank you,

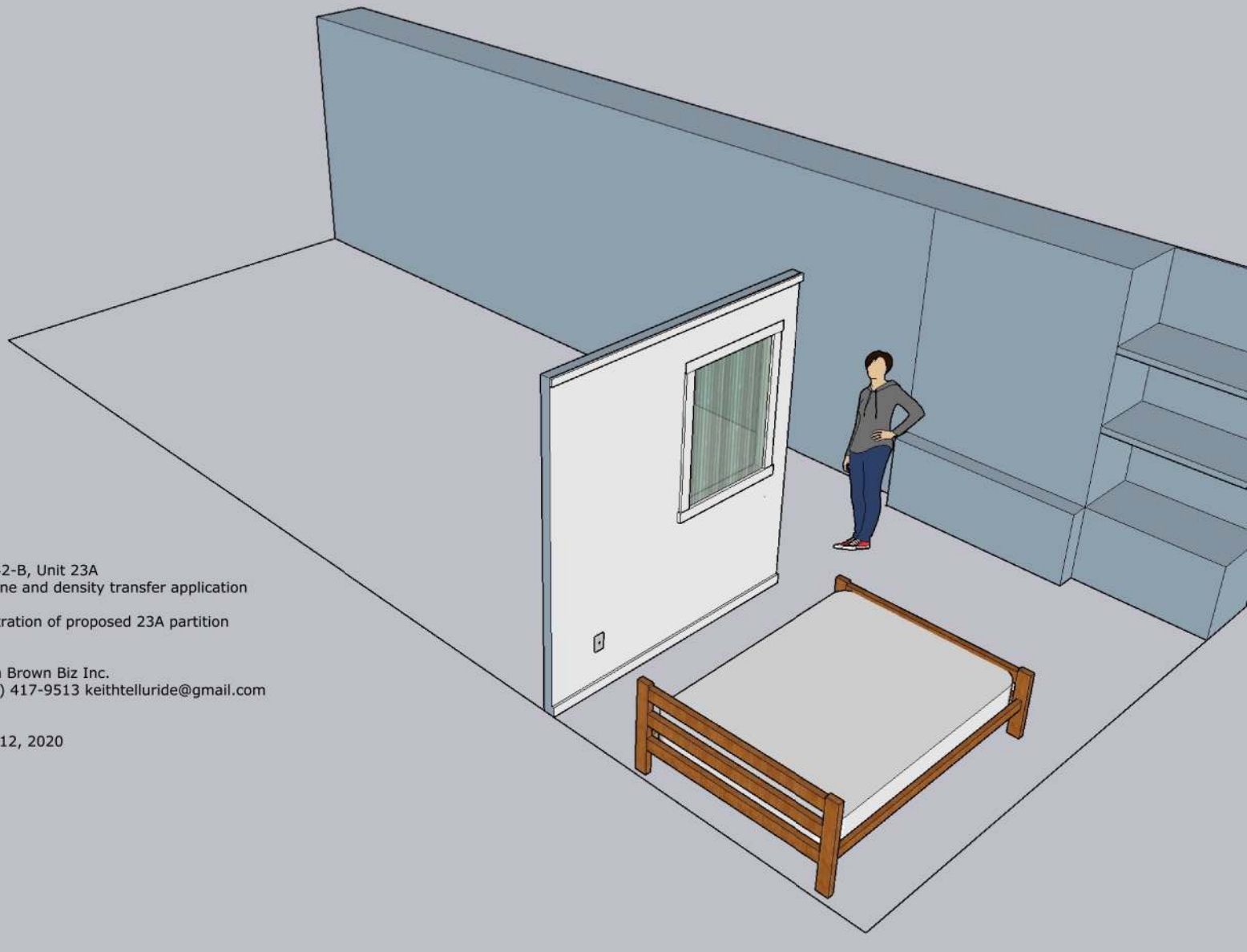
Most Sincerely, Keith Brown, Keith Brown Biz Inc. for Bogna Nowak, Beneficiary of the Entrust Administration Inc.

Lot 42-B, Unit 23A  
Rezone and density transfer application

Illustration of proposed 23A partition

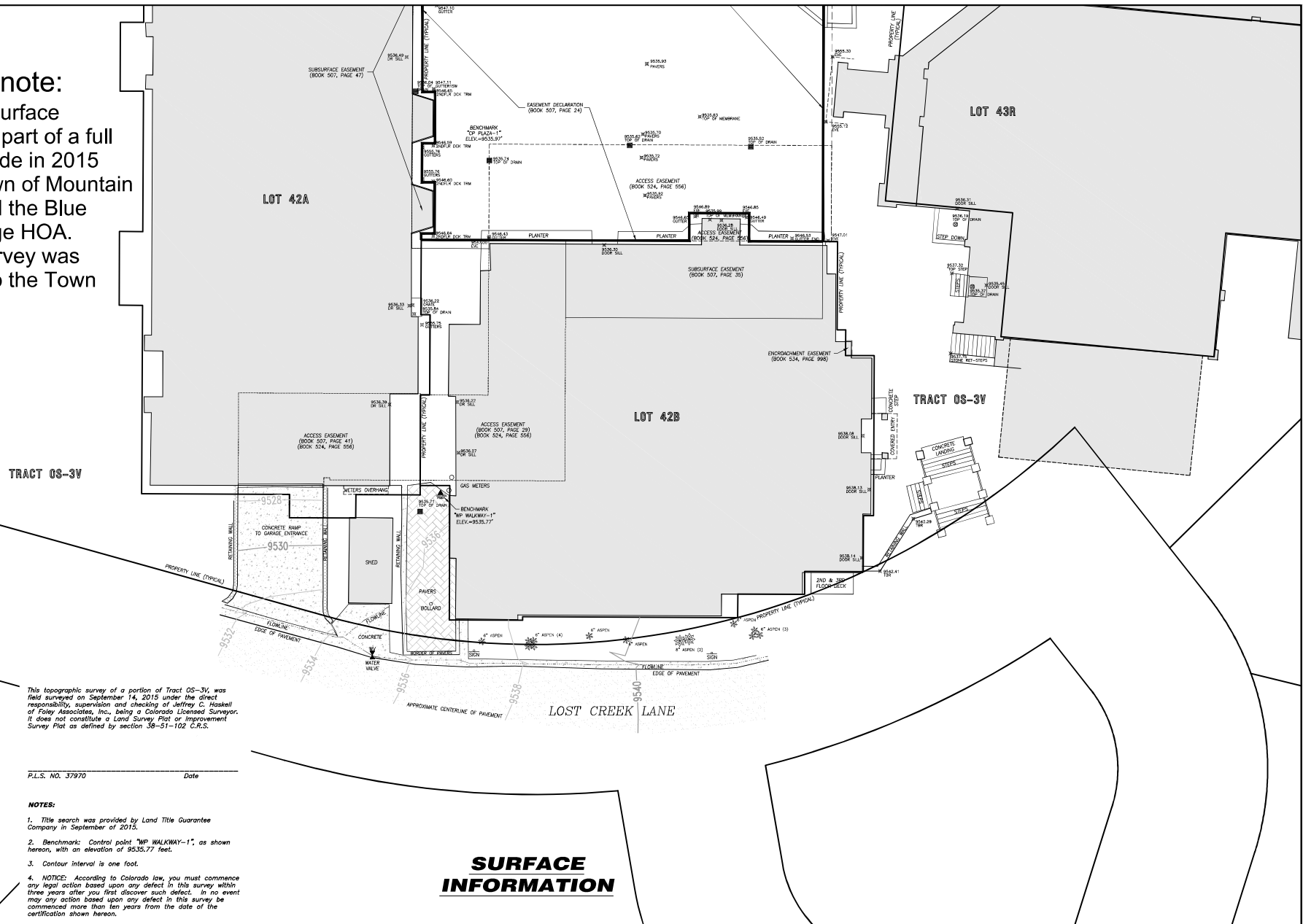
Keith Brown Biz Inc.  
(970) 417-9513 keithtelluride@gmail.com

May 12, 2020



### 8.30.19 note:

This Plat Surface Addition is part of a full Survey made in 2015 for the Town of Mountain Village and the Blue Mesa Lodge HOA. The full survey was provided to the Town in 2015.



### Existing Conditions for The Gondola Plaza Parking Condominium

Project Mgr.: JH	Rev.	Description	DATE	BY
Technician: MC				
Technician:				
Checked by: JY				
Start date: 09/14/2015				

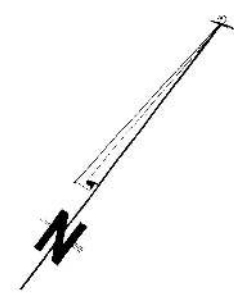
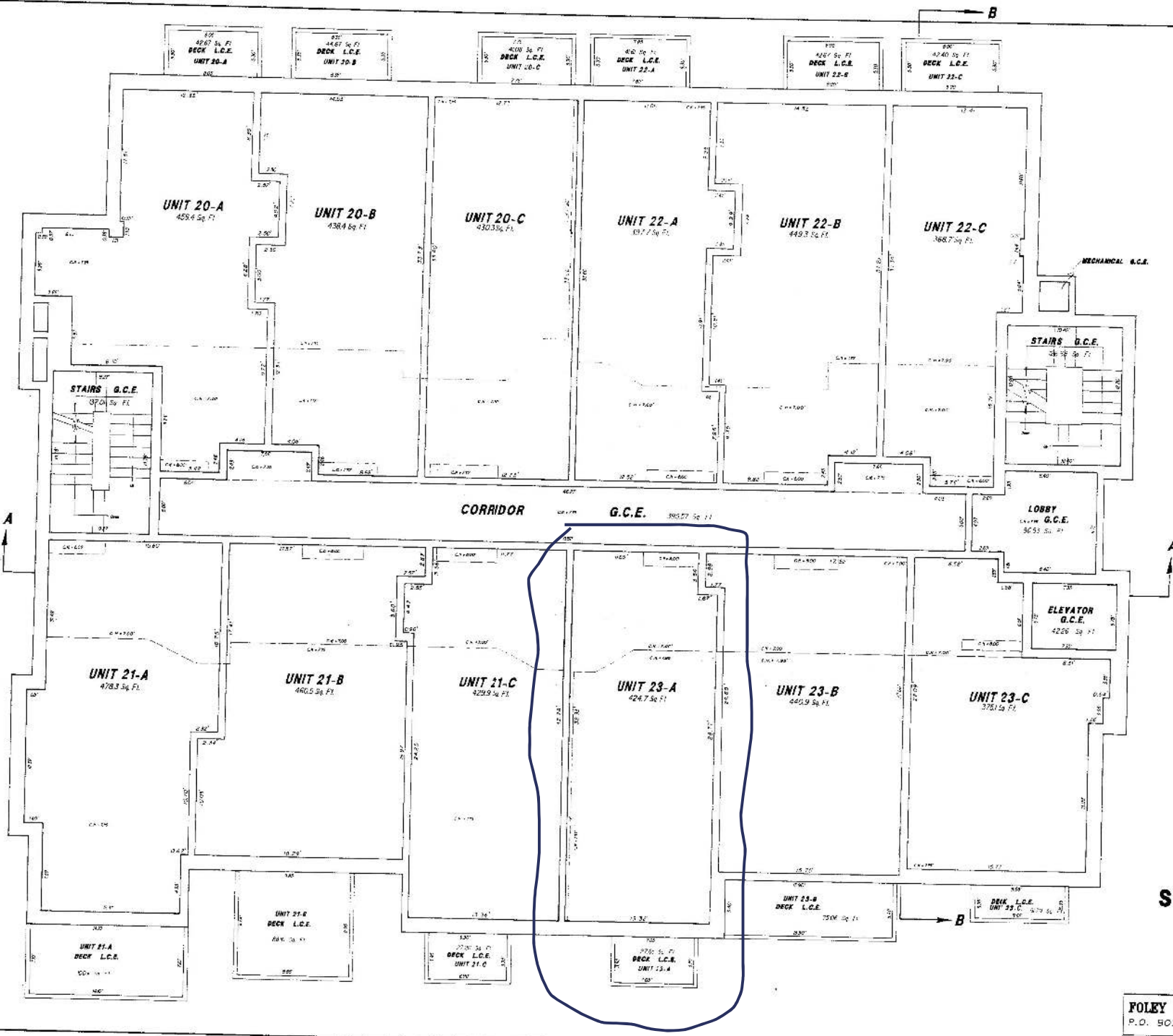
**FOLEY**  
ASSOCIATES, INC.

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

Drawing path: c:\g\33007 Surface Addition 09-15.dwg

Sheet1 of 1 Project #: 83007

1-2429  
7/12



# SECOND FLOOR PLAN

FOLEY ASSOCIATES, INC. ENGINEERING & SURVEYING  
P.O. BOX 1385 TELLURIDE, COLORADO 81435 303-728-6153  
2006 1997 SHEET 2 OF 10 1004

**ORDINANCE NO. 2021-\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING A REZONE AND DENSITY TRANSFER TO CONVERT BLUE  
MESA LODGES UNIT 23-A FROM AN EFFICIENCY LODGE ZONING DESIGNATION UNIT  
TO A LODGE ZONING DESIGNATION UNIT, LOT 42B.**

**RECITALS**

- A. The Entrust Administration (“**Owner**”) has submitted to the Town a rezoning and density transfer development application for a rezone of Unit 23-A, Blue Mesa Lodge Condominiums (Lot 42B) (“**Property**”) from one efficiency lodge zoning designation unit to one lodge zoning designation unit (“**Application**”); pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Owner is the owner of the Property, and the associated development rights and density allocated to the Property.
- C. The proposed rezoning and density transfer is to convert one efficiency lodge zoning designation unit into one lodge zoning designation unit pursuant to the requirements of the CDC.
- D. In order to rezone the Property, Owner needs an additional .25-person equivalent density to satisfy the CDC requirements. Owner intends to purchase the required .25-person equivalent density prior to the recordation of this ordinance.
- E. Owner of the Property meets the parking requirement of at least 0.5 parking spaces.
- F. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Figure 1. Current Zoning Designation for 23-A, Lot 42B Blue Mesa Lodge Condominiums

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
23-A	Village Center	Efficiency Lodge	1	.5

Figure 2. Proposed Zoning Designation

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
23-A	Village Center	Lodge	1	.75 <sup>1</sup>

<sup>1</sup> As noted above the deficient density of .25 will be acquired by Owner of the Property, prior to recordation of this ordinance.

Figure 3. Lot 42B Current Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
42B	Village Center	Efficiency Lodge	16	.5	8
	Village Center	Lodge	7	.75	5.25
	Village Center	Commercial	n/a	n/a	n/a

Figure 4. Lot 42B Proposed Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
42B	Village Center	Efficiency Lodge	15	.5	7.5
	Village Center	Lodge	8	.75	6.0
	Village Center	Commercial	n/a	n/a	n/a

- G. At a duly noticed public hearing held on February 4, 2021, the DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC by a 7-1 vote, Eckman dissenting.
- H. At its regularly scheduled meeting held on February 18, 2021 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- I. On March 18, 2021, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.
- J. The meeting held on February 4, 2021 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- K. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of 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.
  8. The proposed rezoning meets all applicable Town regulations and standards.
- L. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the Owner will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. At the time the modifications to the unit, including the installation of the partition wall as shown, are complete, Owner will meet the required definition of a Lodge Unit per the CDC. A 2/3 partition wall meets the definition of creating two rooms consistent with the definition of a lodge zoning designation unit.
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

1. Owner should work with the Blue Mesa HOA to update the declarations to recognize Property as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. Owner shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning the Property from efficiency lodge to lodge unit.
4. Owner shall obtain a building permit and complete the proposed modifications prior to recording the associated ordinance rezoning the Property from efficiency lodge to lodge unit.

**Section 1. Effect on Zoning Designations**

- A. This Ordinance does not change any other zoning designation on the Properties it only affects Unit 23-A.

**Section 2. Ordinance Effect**

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

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

**Section 4. Effective Date**

This Ordinance shall become effective on March 18, 2021 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 18<sup>th</sup> of March 2021 and conducted electronically pursuant to Mountain Village's Resolution No. 2020-0514-10.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18<sup>th</sup> day of February 2021.**

**TOWN OF MOUNTAIN VILLAGE**

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

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 18<sup>th</sup> day of March 2021**

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

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as To Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

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



1. The attached copy of Ordinance No. \_\_\_\_\_ (“Ordinance”) is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town (“Council”) at a regular meeting held via virtual Zoom meeting, Colorado, on February 18, 2021, 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				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held via virtual Zoom meeting, Mountain Village, Colorado, on \_\_\_\_\_, 2021. 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				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk

(SEAL)



**Agenda Item No. 14**  
**PLANNING AND DEVELOPMENT SERVICES**  
**DEPARTMENT**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 369-8250

**TO:** Mountain Village Town Council

**FROM:** John Miller, Senior Planner

**FOR:** Regular Town Council Meeting, February 18, 2021

**DATE:** February 8, 2021

**RE:** First reading of an Ordinance considering a rezone and density transfer application to rezone Blue Mesa Lodge Unit 23-B from an efficiency lodge zoning designation unit to a lodge zoning designation unit, Lot 42B.

**PROJECT GEOGRAPHY**

**Legal Description:** *Condominium Unit 23-B, Lot 42B Blue Mesa Lodge Condominiums*

**Address:** 117 Lost Creek Lane

**Owner:** Blue Mesa 23B Family LTD, Bogna Nowak

**Zoning:** Village Center

**Existing Use:** Accommodations and Commercial

**Proposed Use:** Multi-Family Residential and Commercial

**Lot Size:** 0.16 Acres

**Adjacent Land Uses:**

- **North:** Village Center
- **South:** Village Center
- **East:** Village Center
- **West:** Village Center

**ATTACHMENTS**

- Exhibit A: Applicant's Narrative
- Exhibit B: Proposed Modifications
- Exhibit C: Existing Conditions



**CASE SUMMARY:**

Keith Brown, acting on behalf of Blue Mesa 23B Family LTD, is requesting to rezone Blue Mesa Lodge Unit 23-B from an efficiency lodge zoning designation to a lodge zoning designation. In order to accomplish this request, the unit must meet the rezoning criteria, must fit within the definition of a lodge unit per the Community Development Code (CDC), and acquire the requisite density for the increase in personal equivalents. A lodge unit is defined as a two-room space plus a mezzanine with up to two separate baths and a full kitchen.

## **BLUE MESA LODGES HISTORY**

### **Zoning Designation History of Blue Mesa Lodges:**

Blue Mesa Lodges (Lot 42B) were originally platted by the 1992 zoning map and preliminary PUD plat for eight condominiums and four hotels with a total person equivalent of 30 persons.

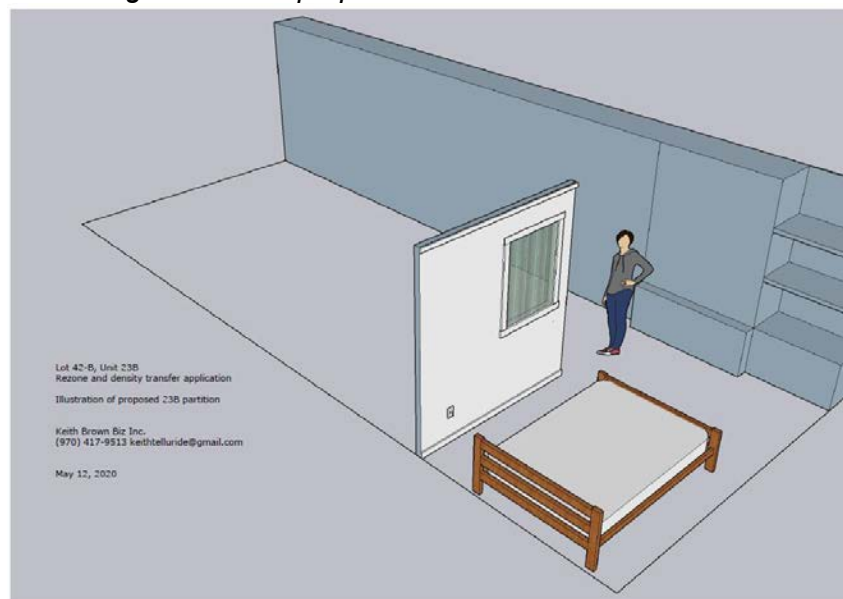
In 1997, Resolution No. 1997-0923-23 rezoned Lot 42B from 10 condominiums which included 18 lock-offs (the lock-offs carried no zoning designation or person equivalent, they were considered bedrooms to the condominium units), to 28 efficiency lodge units with a total of 14-person equivalent density. The Town allowed for parking to remain at 10 spaces, as a pre-existing condition and waived the additional four required parking spaces. The Town approved of the rezoning for the building as is, meaning that no interior or exterior alterations were required.

The condominium map unit configuration illustrates the units were labeled as Units A, B & C, units, for example, 20A, 20B, and 20C. These units had doors that connected the units between them. Each unit also had a door to the hallway so that they could be rented separately or used together. The most typical configuration was a former condominium unit and two lock-off bedrooms. In two cases, the 1998 condominium map only illustrated a unit A & B suite (no C unit).

### **Rezone and Parking History of Unit 23-B:**

Unit 23-B was purchased by Blue Mesa 23B Family LTD in July of 2004 (at the same time as Unit 23-A). According to the applicant's narrative - since the purchase of the property the unit has been used almost exclusively as a long-term rental. The condominium map for Blue Mesa Lodge demonstrates the overall floor area of the unit at 424.7 sq. ft. In addition to the living area, there is also a 45 square foot exterior deck, a full kitchen that includes an oven with 4 burner range, a full-sized microwave, and a full-size refrigerator/freezer. .. The owners own a deeded interest in parking within the BML parking garage to meet the parking requirement of ½ a parking space. To meet the density requirements, the applicants will acquire 0.25 units of density from a neighboring unit for this rezone.

*Figure 1. Unit 23-B configuration and proposed modifications*



## **CRITERIA, ANALYSIS, AND FINDINGS**

The criteria for the decision to evaluate a variance and/or rezone that changes the zoning designation and/or density allocation assigned to a lot is listed below. The following criteria must be met for the review authority to approve the applications:

### **Chapter 17.4: DEVELOPMENT REVIEW PROCEDURES**

#### **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;

*Blue Mesa Lodge is not contemplated for redevelopment or future visioning in the Comprehensive Plan and is simply mapped as within the Village Center Zone District which allows for broad uses. The application conforms with Mountain Village Center Subarea Plan Principles, Policies, and Actions L., "Encourage deed-restricted units and full-time residency in Mountain Village Center, with provisions such as smaller units, the creation of a better sense of community, and other creative options."*

- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

*The Zoning and Land Use Regulations allow for the requested rezone from efficiency lodge to lodge provided these criteria are met and the unit meets the definition of a lodge unit. Generally speaking, the Village Center zoning designation allows for lodge units as a permitted use consistent with the Land Use Regulations.*

*It should be noted that because the current configuration of the space does not include physical separation of the bedroom and living room area, that in order to meet the intent of the definition of lodge, there will be a required installation of a partition wall to separate the spaces (see Figure 1). The applicants will also be required to demonstrate the modifications staff would require prior to the finalization of the rezoning process. This includes the installation of a partition wall, fire sprinklers, and smoke detectors. The Town Council has determined in the past that a reconfiguration of an efficiency lodge unit could allow the unit to meet the requirements of a lodge unit and can be conditioned as part of any future approval.*

- c. The proposed rezoning meets the Comprehensive Plan project standards;

*There are no specific Comprehensive Plan project standards for Blue Mesa Lodge, thus, this criterion is not applicable.*

- 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;

*The proposed rezoning presents no public health, safety or welfare issues and is an efficient use of what is a mixed-use building carrying residential attributes.*

- 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;

*The proposed rezone is due to a change in condition in the vicinity, namely recent education and voluntary compliance regarding efficiency lodge zoning designations.*

- f. Adequate public facilities and services are available to serve the intended land uses;

*No additional public facilities are needed for the rezoning thus, they are adequate.*

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

*No change or negative impact.*

- h. The proposed rezoning meets all applicable Town regulations and standards.

*Provided the Town Council determines that the addition of a partition wall is appropriate in order to meet the standards that a lodge unit has a two-room space the application would be compliant with all applicable Town regulations and standards at the time that the proposed partition wall is constructed, and the purchase of the additional 0.25-person equivalent density units is finalized. Staff is requesting that any approval condition the completion of these items prior to the recordation of the associated ordinance rezoning the unit.*

#### **17.4.10: Density Transfer Process**

(\*\*\*)

##### **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 a rezoning are met since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
- b. The density transfer meets the density transfer and density bank policies; and.
- c. The proposed density transfer meets all applicable Town regulations and standards.

*Affirmed.*

#### **STAFF ANALYSIS**

The owner is proposing modifications to the space in order to provide for a 2/3 partition wall between the living room area and bedroom area in order to create two rooms consistent with the lodge definition. At the time this construction is completed, then the proposed layout would be compliant. This configuration is consistent with past approved Blue Mesa Lodge rezone applications. The applicants currently comply with the CDC parking requirements for Unit 23-B. With a total of 0.5-person equivalent density assigned to Unit 23-B, the owners will be required to

purchase an additional 0.25-person equivalent to comply with the 0.75-person equivalent density requirements for a lodge unit prior to any finalization of the rezone request. Blue Mesa Lodges has never had onsite property management or amenities that would indicate accommodations use like a hotel therefore meeting the rezone criteria. Since Blue Mesa Lodges is also not identified in the Comprehensive Plan for redevelopment, rezoning the efficiency lodge unit to one lodge unit meets the Town criteria for a rezone application related to conformance with the Comprehensive Plan.

**DESIGN REVIEW BOARD RECOMMENDATION:** The Design Review Board reviewed the application for rezoning and density transfer for Lot 42B, Unit 23-B at their February 4, 2021, Regular Meeting and voted 7-1 to recommend approval to Town Council with staffs' recommended conditions.

**RECOMMENDED MOTION:** The Town Council may approve, continue, deny or request modifications to the application regarding the proposed Density Transfer and Rezone for Unit 23-B, Lot 42B.

**Motion for Approval:** *I move to approve, the first reading of an Ordinance regarding the rezone and density transfer application for Lot 42B, Blue Mesa Lodge Unit 23-B to rezone the subject unit from an efficiency lodge zoning designation to a Lodge zoning designation with the following findings and conditions as noted in the staff report of record dated February 8, 2021, and to ask the Town Clerk to set a public hearing for March 18, 2021:*

*Findings:*

- 1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.*
- 2. At the time the modifications to the unit, including the installation of the partition wall as shown, are complete, the applicant will meet the required definition of a Lodge Unit per the CDC. A 2/3 partition wall meets the definition of creating two rooms consistent with the definition of a lodge zoning designation unit.*
- 3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.*

*Conditions:*

- 1. The applicant should work with the Blue Mesa HOA to update the declarations to recognize Unit 23-B as one Lodge unit.*
- 2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.*
- 3. The applicant shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Unit 23-B from efficiency lodge to lodge unit.*
- 4. The applicant shall obtain a building permit and complete the proposed modifications prior to recording the associated ordinance rezoning Unit 23-B from efficiency lodge to lodge unit.*

*This motion is based on the evidence and testimony provided at the regular meeting held on February 18, 2021, with notice of such hearing as required by the Community Development Code.*

/JJM

Keith Brown Biz Inc.  
 117 Lost Creek Lane, Apt 41-A  
 Mountain Village, CO 81435 (970) 417-9513

---

May 12, 2020

**Development Narrative for the Rezone to a Lodge designation of Apt. 23-B, 117 Lost Creek Lane, Lot 42-B, Mountain Village, CO 81435**

I am the Owner Agent for Bogna Nowak, Trustee of the Blue Mesa 23B Family Limited Partnership for an application for the Rezone to a Lodge designation of Apt. 23-B.

The owner seeks a Rezone to a Lodge designation so the designation is in conformance with the physical attributes and intended uses of the property. The owner purchased on 7.19.2004 on the basis the property was a Residential Condo. She would not have purchased if an Efficiency Lodge designation had been known. The owner learned her condo had an Efficiency Lodge designation on May 14, 2019.

20-B condo is 440.9 square feet with a 75 square foot deck. The condo has been used exclusively for long-term rentals.

The owners intend to install a partition wall in accordance with the December 9, 2019 Room interpretation as it relates to zoning designation definitions. The owner Bogna Nowak owns at Blue Mesa Lodge parking totalling one unit parking. The owner is willing to re-allocate parking ownership to meet the half parking space required for the rezone of 23-B.

The owner is applying for another property rezone at this time, Apt. 23-A, Lot 42-B.

The application meets the applicable criteria for a Rezone to a Lodge designation as follows:

A. The proposed rezoning is in General Conformance with the goals, policies and provisions of the Comprehensive Plan (CP) because:

- A Lodge designation of 23-B will help promote a rich social fabric within the community (page 9 CP) by allowing the continued use of the condo for locally employed housing meeting the goal of where "small-town values are important and people can make social and emotional connections."
- A Lodge designation of 23-B is in compliance with the intended mixed-use of the Village Center Zone District.

B. The proposed rezoning is consistent with the Zoning and Land Use Regulations because:

- The Lodge designation is in keeping with the Land Use Plan Policy (page 39 CP) for a Mixed-Use Center.



- Given the prior use, the applicant believes a designation of Lodge is appropriate and reasonable for 23-B.

C. The proposed rezoning meets the Comprehensive Plan project standards because:

- The 23-B building was designed, approved, built and managed as a Residential Condominium property.

D. The proposed rezoning is consistent with public health, safety and welfare as well as the efficiency and economy in the use of land and its resources because:

- The 23-B building was designed and approved as a residential condominium building and is physically suitable for Lodge use.
- A Lodge designation provides for a higher property valuation and range of use. That in turn helps create pride of ownership and a willingness to upgrade and improve the property beyond interior condo renovations.

The 23-B owners, along with the other owners of the property made substantial financial and personal contributions in upgrading and maintaining not only condominium interiors but also the building and plaza infrastructure. A partial list of infrastructure improvements includes garage fireproofing (2019), roof drainage, a snow melt system, heat tape safety circuit breakers (2009-2017), extensive waterproofing and plaza repairs (2016) and building structural repairs from snow melt salt damage (2009-10). Additionally the property owners allowed the town an easement to install the Sunset Plaza snow melt system and another easement allowing the town to use delivery vehicles across HOA property.

E. The proposed rezoning is justified because there are the following errors in the current zoning:

- 23-B condo as well as other units in the property have been used as long-term residences since the original construction. The history of the property is mixed-use, with long-term occupancy in multiple units, including 23-B. 23-B has an original, full kitchen. The original Lot 42 plat was and is for Condominium-Commercial, not Efficiency Lodge-Commercial use. Blue Mesa Lodge Lot 42-B had Residential Condominium designation for the first decade, until the 1998 Town resolution that changed the condominiums to Efficiency Lodge designation. There was no removal of full kitchens and no enforcement of the parking obligations in 1998 or afterwards.
- The 1997 application for conversion to Efficiency Lodge was at the request of the developer/declarant and not by a properly constituted HOA on behalf of Owners. The developer/declarant then recorded a misleading amended declaration (recording nbr 321574) as part of the HOA governing documents. The amended declaration stated the conversion was from a Residential Condo designation to a 'Residential Studio Apartment' designation 'for Residential use', which is a designation that did not and does not exist. The full chain of buyers (23 past & present owners contacted) thinking they had purchased

Residential Condos. In sum, the rezone to Efficiency Lodge appears in error because the purchases and uses were for Residential Condominium.

F. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion because:

- The owner has parking ownership of 1 unit parking in total at the property.

G. The proposed rezoning meets all applicable Town regulations and standards because:

- The subject property was constructed to a Residential Condo standard.
- The Lodge designation allows for the intended use.

We want to thank town Planning and Town Council for considering this application and for the Council direction for the town to consider waiving related application fees.

Thank you,

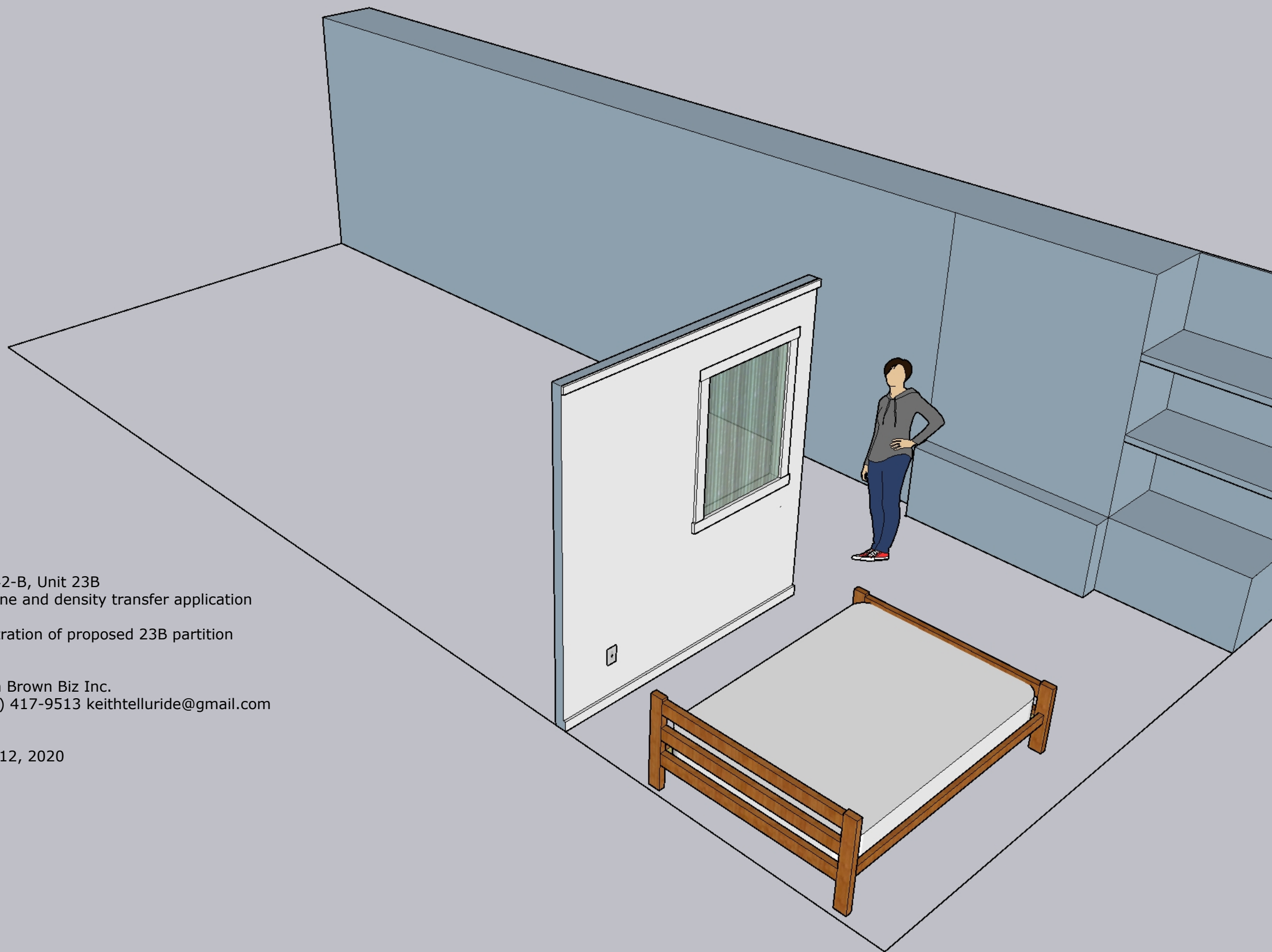
Most Sincerely, Keith Brown, Keith Brown Biz Inc. for Bogna Nowak, Trustee of the Blue Mesa 23B Family Limited Partnership

Lot 42-B, Unit 23B  
Rezone and density transfer application

Illustration of proposed 23B partition

Keith Brown Biz Inc.  
(970) 417-9513 keithtelluride@gmail.com

May 12, 2020



### 8.30.19 note:

This Plat Surface Addition is part of a full Survey made in 2015 for the Town of Mountain Village and the Blue Mesa Lodge HOA. The full survey was provided to the Town in 2015.

TRACT OS-3V

LOT 42A

LOT 42B

LOT 43R

TRACT OS-3V

This topographic survey of a portion of Tract OS-3V, was field surveyed on September 14, 2015 under the direct responsibility, supervision and checking of Jeffrey G. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

P.L.S. No. 37970

Date

#### NOTES:

1. Title search was provided by Land Title Guarantee Company in September of 2015.
2. Benchmark: Control point "WP WALKWAY-1", as shown hereon, with an elevation of 9535.77 feet.
3. Contour interval is one foot.
4. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

## SURFACE INFORMATION

### Existing Conditions for The Gondola Plaza Parking Condominium

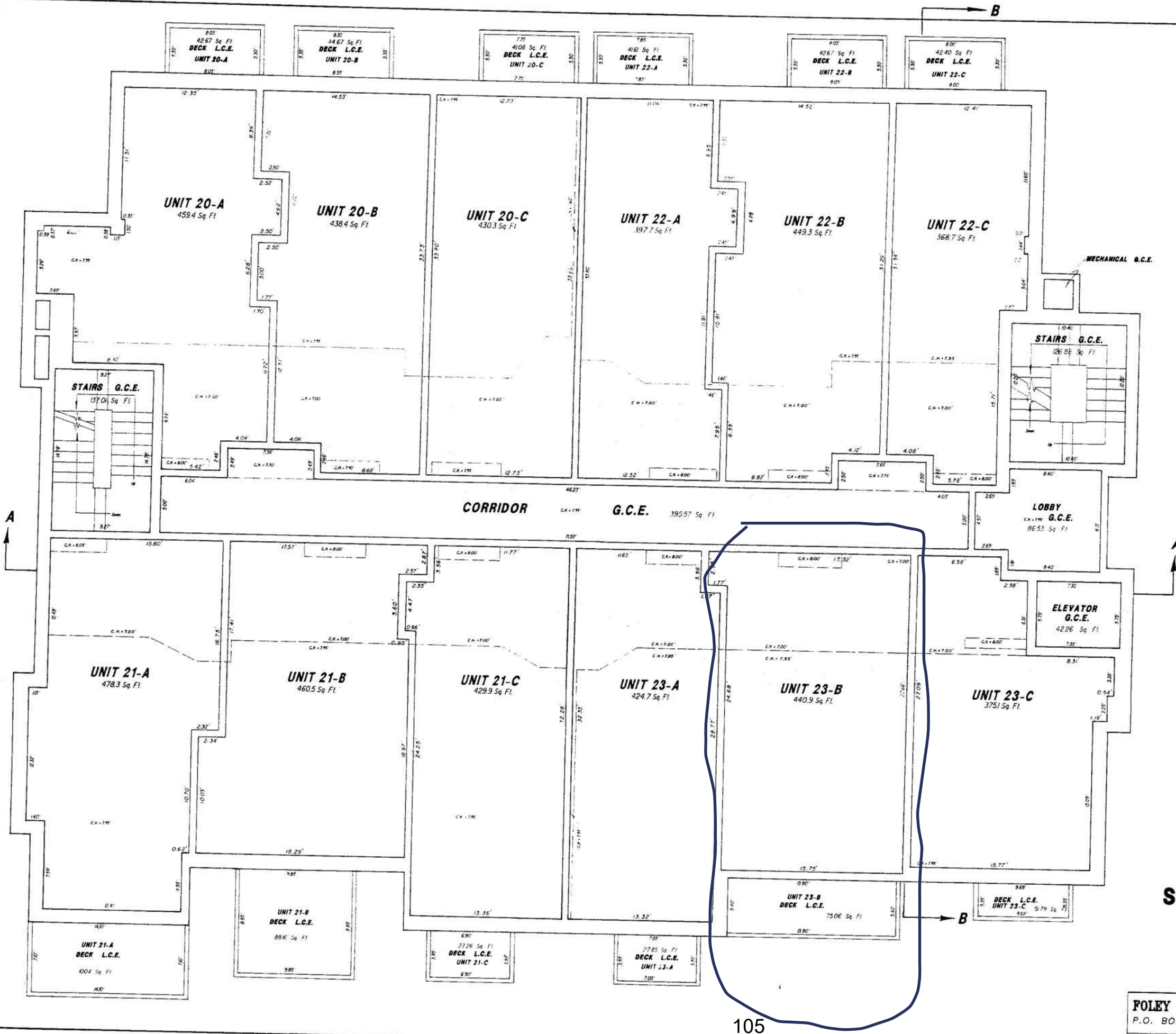
Project Mgr.	JH
Technician	MC
Technician	
Checked by	KV
Start date	09/14/2015

**FOLEY ASSOCIATES, INC.**  
SURVEYING & PLANNING CORPORATION

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

Drawing path: c:\g\3007 Surface Addition 09-15.dwg

Sheet1 of 1 Project #: 83007



# SECOND FLOOR PLAN

**ORDINANCE NO. 2021-\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING A REZONE AND DENSITY TRANSFER TO CONVERT BLUE  
MESA LODGES UNIT 23-B FROM AN EFFICIENCY LODGE ZONING DESIGNATION UNIT  
TO A LODGE ZONING DESIGNATION UNIT, LOT 42B.**

**RECITALS**

- A. Blue Mesa 23B Family LTD (“**Owner**”) has submitted to the Town a rezoning and density transfer development application for a rezone of Unit 23-B, Blue Mesa Lodge Condominiums (Lot 42B) (“**Property**”) from one efficiency lodge units to one lodge unit (“**Application**”); pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Owner is the owner of the Property, and the associated development rights and density allocated to the Property.
- C. The proposed rezoning and density transfer is to convert one efficiency lodge zoning designation unit into one lodge zoning designation unit pursuant to the requirements of the CDC.
- D. In order to rezone the Property, Owner needs an additional .25-person equivalent density to satisfy the CDC requirements. Owner intends to purchase the required .25-person equivalent density prior to the recordation of this ordinance.
- E. Owner of the Property meets the parking requirement of at least 0.5 parking spaces.
- F. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Figure 1. Current Zoning Designation for 23-B, Lot 42B Blue Mesa Lodge Condominiums

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
23-B	Village Center	Efficiency Lodge	1	.5

Figure 2. Proposed Zoning Designation

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
23-B	Village Center	Lodge	1	.75 <sup>1</sup>

<sup>1</sup> As noted above the deficient density of .25 will be acquired by Owner of the Property, prior to recordation of this ordinance.

Figure 3. Lot 42B Current Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
42B	Village Center	Efficiency Lodge	15	.5	7.5
	Village Center	Lodge	8	.75	6.0
	Village Center	Commercial	n/a	n/a	n/a

Figure 4. Lot 42B Proposed Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
42B	Village Center	Efficiency Lodge	14	.5	7.0
	Village Center	Lodge	9	.75	6.75
	Village Center	Commercial	n/a	n/a	n/a

- G. At a duly noticed public hearing held on February 4, 2021, the DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC by a 7-1 vote, Eckman dissenting.
- H. At its regularly scheduled meeting held on February 18, 2021 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- I. On March 18, 2021, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.
- J. The meeting held on February 4, 2021 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- K. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of 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.
8. The proposed rezoning meets all applicable Town regulations and standards.

- L. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the Owner will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. At the time the modifications to the unit, including the installation of the partition wall as shown, are complete, the Owner will meet the required definition of a Lodge Unit per the CDC. A 2/3 partition wall meets the definition of creating two rooms consistent with the definition of a lodge zoning designation unit.
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

1. Owner should work with the Blue Mesa HOA to update the declarations to recognize Property as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. Owner shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Property from efficiency lodge to lodge unit.
4. Owner shall obtain a building permit and complete the proposed modifications prior to recording the associated ordinance rezoning Property from efficiency lodge to lodge unit.

**Section 1. Effect on Zoning Designations**

- A. This Ordinance does not change any other zoning designation on the properties it only affects the Property.

**Section 2. Ordinance Effect**

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

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

**Section 4. Effective Date**

This Ordinance shall become effective on March 17, 2021 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 18<sup>th</sup> of March 2021 and conducted electronically



pursuant to Mountain Village's Resolution No. 2020-0514-10.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18<sup>th</sup> day of February 2021.**

**TOWN OF MOUNTAIN VILLAGE**

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

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 18<sup>th</sup> day of March 2021**

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

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as To Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

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

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held via virtual Zoom meeting, on February 18, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held via Zoom meeting, on March 18, 2021. 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:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk



**Agenda Item No. 15**  
**PLANNING AND DEVELOPMENT SERVICES**  
**DEPARTMENT**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 369-8250

**TO:** Mountain Village Town Council

**FROM:** John Miller, Senior Planner

**FOR:** Regular Town Council Meeting, February 18, 2021

**DATE:** February 9, 2021

**RE:** First reading of an Ordinance considering a rezone and density transfer application to rezone Lot 60R-AB, Le Chamonix Unit C, from an efficiency lodge zoning designation unit to a lodge zoning designation unit.

**PROJECT GEOGRAPHY**

**Legal Description:** Lot 60R-AB, Condominium Unit C, Le Chamonix Condominiums  
**Address:** 650 Mountain Village Boulevard #C  
**Applicant:** Nicole Y. Pieterse  
**Owner:** JDBL.K, LLC  
**Zoning:** Village Center  
**Existing Use:** Accommodations and Commercial  
**Proposed Use:** Multi-Family Residential and Commercial  
**Unit Size:** 797 square feet

**Adjacent Land Uses:**

- **North:** Village Center
- **South:** Village Center
- **East:** Village Center
- **West:** Village Center

**ATTACHMENTS**

- Exhibit A: Applicant's narrative



**CASE SUMMARY:**

Nicole Y Pieterse, acting on behalf of the Owner JDBL.K, LLC is requesting to rezone Lot 60R-AB, Unit C (Le Chamonix C) from one efficiency lodge unit zoning designation to one lodge unit zoning designation. In order to accomplish this request, the unit must meet the rezoning criteria, must fit within the definition of a lodge unit per the Community Development Code (CDC), and must acquire the requisite density for the increase in person equivalents. A lodge unit is defined as a two-room space plus a mezzanine with up to two separate baths and a full kitchen

### Zoning Designation History of Le Chamonix

Lot 60R-AB (Le Chamonix) was originally platted in 1986 under San Miguel County jurisdiction. At the time, the Lots were designated separately as 60R-A and 60R-B, with a total of 5 condominium units and approximately 7,600 square feet of commercial space (see reception no. 245470).

In 2002, by Resolution No. 2002-05014-09, the Lot Line between Lot 60A-R and 60B-R was vacated and the density was merged to create the following density assigned to the Lot:

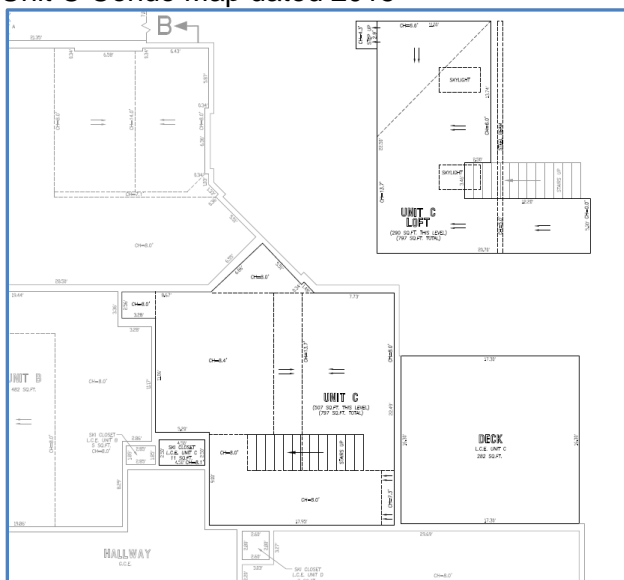
Lot 60R-AB	
5 Condominium units =	15 density
2 Efficiency Lodge =	<u>1 density</u>
	16 density
3 Employee Apartments =	<u>9 density</u>
	25 density
60R-AB 10,928 SF	
.2508724 Acres	

Ultimately through subsequent density transfers and rezonings, the combined Lot 60R-AB's density as assigned to today is as follows: 5 Condominium Units, 2 Efficiency Lodge Units, and commercial space on the ground floor. The parking for these units has been satisfied as part of a license agreement for parking within the Heritage Parking Garage.

### Rezone History of Unit C

According to Town Records Unit C was remodeled, expanded, and replatted with the consent of the Mountain Village in 2015 to include the addition of a second bathroom and a loft area. As evidenced by the condominium map shown below, Unit C approximately 797 sq. ft. and meets the definition of a lodge unit given the full kitchen, living area, separate bedroom, and loft space.

Figure 1. Le Chamonix Unit C Condo Map dated 2015



## **CRITERIA, ANALYSIS, AND FINDINGS**

The criteria for the decision to evaluate a rezone that changes the zoning designation and/or density allocation assigned to a lot is 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;

*Le Chamonix is not contemplated for redevelopment or future visioning in the Comprehensive Plan and is simply mapped as within the Village Center Zone District which allows for broad uses. The application conforms with Mountain Village Center Subarea Plan Principles, Policies and Actions L., "Encourage deed-restricted units and full-time residency in Mountain Village Center, with provisions such as smaller units, the creation of a better sense of community, and other creative options."*

- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

*The Zoning and Land Use Regulations allow for a rezone from efficiency lodge to lodge provided these criteria are met and the unit meets the definition of a lodge unit. The Village Center Zoning allows for broad uses including lodge units.*

- c. The proposed rezoning meets the Comprehensive Plan project standards;

*There are no specific Comprehensive Plan project standards for Le Chamonix, thus, these criteria are not applicable.*

- 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;

*The proposed rezoning presents no public health, safety or welfare issues and is an efficient use of what is a mixed-use building carrying residential attributes.*

- 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;

*The proposed rezone is due to a change in condition in the vicinity, namely recent education and voluntary compliance regarding efficiency lodge zoning designations.*

- f. Adequate public facilities and services are available to serve the intended land uses;

*No additional public facilities are needed for the rezone thus, they are adequate.*

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

*No change or negative impact.*

- h. The proposed rezoning meets all applicable Town regulations and standards.

*Affirmed.*

#### **17.4.10: Density Transfer Process**

(\*\*\*)

##### **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 a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
- b. The density transfer meets the density transfer and density bank policies; and .
- c. The proposed density transfer meets all applicable Town regulations and standards.

*Affirmed. See the criteria for rezoning.*

#### **STAFF ANALYSIS**

The existing configuration of the unit meets the definition of a lodge unit per the CDC. The applicants' have a total of 0.5 person equivalent density associated with the unit. Therefore they will be required and have suggested that they will obtain the necessary 0.25 person equivalent densities required to rezone the unit. Le Chamonix does not have onsite property management or amenities that would indicate accommodations use like a hotel so that it otherwise meets the rezone criteria. Since Le Chamonix is also not identified in the Comprehensive Plan for redevelopment, rezoning one efficiency lodge unit to one lodge unit meets the town criteria for a rezone application.

**DESIGN REVIEW BOARD RECOMMENDATION:** The Design Review Board reviewed the application for rezoning and density transfer for Lot 60R-AB, Unit C at their February 4, 2021, Regular Meeting and voted 7-0 to recommend approval to Town Council with staffs' recommended conditions.

**RECOMMENDED MOTION:** The Town Council may approve, continue, deny or request modifications to the application regarding the proposed Density Transfer and Rezone for Unit C, Lot 60R-AB.

**Motion for Approval:** *I move to approve, the first reading of an Ordinance regarding the rezone and density transfer application for Lot 60R-AB, Le Chamonix Unit C, to rezone the subject unit from an efficiency lodge zoning designation to a Lodge zoning designation with the following findings and conditions as noted in the staff report of record dated February 9, 2021, and to ask the Town Clerk to set a public hearing for March 18, 2021:*

*Findings:*

- 1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.*
- 2. Le Chamonix is not identified in the Comprehensive Plan for redevelopment.*

*Conditions:*

- 1. The applicant should work with the Le Chamonix HOA to update the declarations to recognize Unit C as one Lodge unit.*
- 2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.*
- 3. The applicant shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Lot 60R-AB Unit C from efficiency lodge to lodge unit.*

*This motion is based on the evidence and testimony provided at the regular meeting held on February 18, 2021 with notice of such hearing as required by the Community Development Code.*

*/jjm*



Revised 2.26.18

## 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

REZONING/DENSITY TRANSFER APPLICATION			
APPLICANT INFORMATION			
<b>Name:</b> Nicole Y. Pieterse, Atty.		<b>E-mail Address:</b> nicole.rplaw@gmail.com	
<b>Mailing Address:</b> PO Box 2673		<b>Phone:</b> 970-708-0411	
<b>City:</b> Telluride	<b>State:</b> CO	<b>Zip Code:</b> 81435	
<b>Mountain Village Business License Number:</b> 005396			
PROPERTY INFORMATION			
<b>Physical Address:</b> 650 Mountain Village Boulevard #C		<b>Acreage:</b> 797 square feet	
<b>Zone District:</b> Village Center	<b>Zoning Designations:</b> Efficiency Lodge	<b>Density Assigned to the Lot or Site:</b> Lodge	
<b>Legal Description:</b> CONDOMINIUM UNIT C, LE CHAMONIX CONDOMINIUMS (see title commitment submitted herewith)			
<b>Existing Land Uses:</b> residential condominium			
<b>Proposed Land Uses:</b> same			
OWNER INFORMATION			
<b>Property Owner:</b> JDBL.K, LLC		<b>E-mail Address:</b> jtkappes@mac.com	
<b>Mailing Address:</b> 4 Victoria Bluff		<b>Phone:</b> (843) 816-3501	
<b>City:</b> Bluffton	<b>State:</b> SC	<b>Zip Code:</b> 29910	
DESCRIPTION OF REQUEST			
Rezone/Density Transfer - Le Chamonix Condominium Unit C (from Efficiency Lodge to Lodge)			



## Narrative

### **Unit C, Le Chamonix Condominiums Rezone/Density Transfer from Efficiency Lodge to Lodge Unit**

The proposed rezone and concurrent density transfer to officially designate Le Chamonix Unit C as a Lodge unit meets the requirements set forth in Sections 17.3.8, 17.4.9 and 17.4.10 of the Community Development Code and should be approved for the following reasons:

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan because Lodge Units are identified in the Comprehensive Plan as an appropriate use within this location (Village Center) of Mountain Village ("MV").
2. The proposed rezoning is consistent with MV Zoning and Land Use Regulations because: Lodge units are an allowed use (by right) in the Village Center zone district and Unit C meets the spatial requirements of a Lodge unit (living area, separate bedroom, 2 separate baths and a full kitchen).
3. The proposed rezoning meets the Comprehensive Plan project standards for the Village Center Subarea and would not have any impact on future coordination with development of surrounding parcels.
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 because Unit C is actually used as a Lodge Unit, which for years has been consistent with and does not adversely impact surrounding uses, public health, safety or welfare.
5. The proposed rezoning is justified because Unit C was either improperly designated an Efficiency Lodge Unit and/or conditions have changed such that Unit C is better characterized as a Lodge Unit as opposed to an Efficiency Lodge Unit. For example: Unit C contains a full kitchen and was expanded, remodeled and re-platted, with MV authorization, in 2015 consistent with a Lodge Unit. The Comprehensive Plan contemplates a rezoning because the use is appropriate for the Subarea.
6. Adequate public facilities and services are available to serve the intended land uses because the proposed rezone does not contemplate any change in how Unit C is

actually used. Accordingly, the rezone will not require any additional public facilities or services.

7. The proposed rezoning will not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion because the proposed rezone does not contemplate any additional traffic and a dedicated parking space already exists for Unit C.
8. The proposed rezoning of Unit C to a Lodge Unit meets all applicable Town regulations and standards as set forth above.
9. Unit C's owner will acquire .25 person equivalents of density in order to meet the person equivalents requirements of a Lodge Unit.
10. Le Chamonix Condominiums do not have on-site property management or any hotel-like amenities (i.e., no front desk, spa facilities, conference space, valet parking, concierge service, room service, etc.).
11. Unit C has a dedicated space assigned to it in the Heritage Plaza Building.

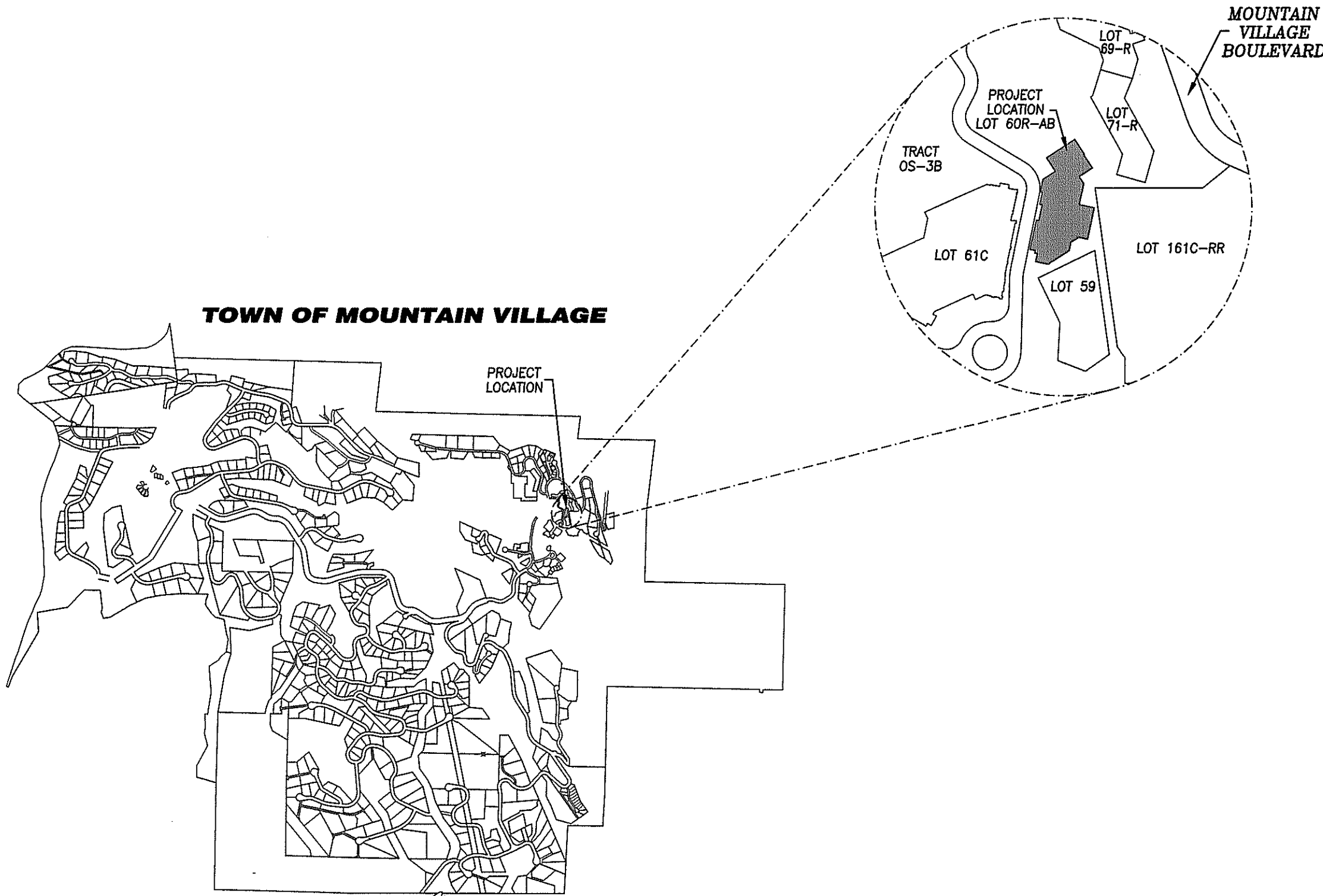
Respectfully submitted 12/31/19

442332  
REPLAT  
LE CHAMONIX CONDO ASSN,  
JDBLK LLC  
TO  
REPLAT  
LA CHAMONIX CONDOS  
UNIT C

State of Colorado )  
County of San Miguel ) ss  
Filed for Record at 11:00 O'Clock  
A.M. MAY 4, 2016  
and duly recorded in plat  
book PLAT 1 page 4797-4798

M. Kathleen Erie  
County Clerk & Recorder  
By: *[Signature]* Deputy  
Fees: \$210.00

442332  
Page 1 of 2  
SAN MIGUEL COUNTY, CO  
M. KATHLEEN ERIE, CLERK-RECORDER  
05-04-2016 11:00 AM Recording Fee \$21.00



VICINITY MAP  
NOT TO SCALE

Unit	Square Footage	Percentage	Unit Classification for purposes of voting only
Unit A	1,109	6.5%	Residential
Unit B	482	2.8%	Residential
Unit C	797	4.7%	Residential
Unit D	1,531	9.0%	Residential
Unit E	1,375	8.1%	Residential
Unit F	1,711	10.1%	Residential
Unit G1	1,255	7.4%	Commercial
Unit G2	910	5.4%	Commercial
Unit H	3,783	22.3%	Commercial
Unit I	1,832	10.8%	Residential
	16,944	100%	

**MORTGAGEE CONSENT:**

The undersigned Alpine Bank, a Colorado Banking Corporation, as a Beneficiary of that certain Deed of Trust dated March 20, 2013 which constitutes a lien upon Unit C, recorded at Reception No. 427373 in the Official Records, hereby consents to the Unit C Expansion and re-plat of real property as depicted on this Map amendment.

Alpine Bank, a Colorado Banking Corporation

By: *[Signature]*

Printed Name: *Todd Baize*

Title: *Vice President*

STATE OF *COLORADO*

COUNTY OF *SAN MIGUEL*

Acknowledged, subscribed and sworn to before me this

by *Todd Baize* as *Vice President* of Alpine Bank, a Colorado Banking Corporation.

My commission expires *April 12, 2016*

Witness my hand and official seal.

Notary Public *[Signature]*

NICOLE Y. PIETERSE  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 04/12/16

**TOWN APPROVAL:**

I, *Don Van Nimmen*, as the Community Development Director of Mountain Village, Colorado, do hereby certify that this Map has been approved by the Town in accordance with the Community Development Code as a staff subdivision.

*[Signature]* Date: *3-25-16*  
as Community Development Director

**TITLE INSURANCE COMPANY CERTIFICATE:**

Land Title Guarantee Company does hereby certify that we have examined the title to the property that is the subject of this Map and have determined that title to the same is currently vested in the name of JDBLK, LLC, A Colorado limited liability company and is free and clear of all liens and taxes, except those taxes for the current year, including all taxes now or heretofore assessed, due or payable and further except as follows: *Deed of trust recorded at Reception No. 427373.*

*[Signature]* Date: *3/21/16*  
Title Insurance Company Representative

**COUNTY TREASURER'S CERTIFICATE:**

I certify that according to the records in the San Miguel county Treasurer's office, there are no liens against Unit C for unpaid State, county or municipal taxes, assessments or other amounts certified to the County Treasurer for collection.

Dated this *18th* day of *March*, 2016.

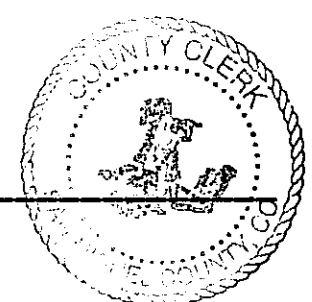
*[Signature]*  
San Miguel County Treasurer



**RECORDER'S CERTIFICATE:**

This Condominium Map was filed for record in the office of the San Miguel County Clerk and Recorder on this *4th* day of *MAY*, 2016, at Plat Book *433-438*, Page *433-438*, Reception No. *442332*, Time *11:00 A.M.*

*[Signature]*  
San Miguel County Clerk



**CERTIFICATE OF OWNERSHIP (cont.):**

IN WITNESS WHEREOF, the Association and Owner execute this Map amendment as of *March 4, 2016*, 2016.

ASSOCIATION: *[Signature]*  
Le Chamonix Condominium Association, a Colorado nonprofit corporation.

Printed Name: *Bob Gleason*

Title: *President*

STATE OF *COLORADO*

COUNTY OF *SAN MIGUEL*

Acknowledged, subscribed and sworn to before me this

by *Bob Gleason* as the *President* of Le Chamonix Condominium Association, a Colorado nonprofit corporation.

My commission expires *4/28/2020*

Witness my hand and official seal.

Notary Public *[Signature]*

NICOLE Y. PIETERSE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19964000311  
MY COMMISSION EXPIRES APRIL 12, 2020

OWNER:

JDBLK, LLC

By: *[Signature]*

Jonathan T. Kappes, Manager

STATE OF *COLORADO*

COUNTY OF *SAN MIGUEL*

Acknowledged, subscribed and sworn to before me this

by *Jonathan T. Kappes* as the Manager of JDBLK, LLC, a Colorado limited liability company.

My commission expires *4/28/2020*

Witness my hand and official seal.

Notary Public *[Signature]*

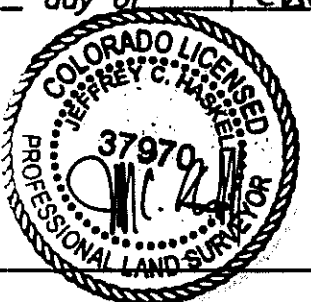
NICOLE Y. PIETERSE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19964000311  
MY COMMISSION EXPIRES APRIL 12, 2020

**SURVEYOR'S CERTIFICATE:**

I, Jeffrey C. Haskell, being a Registered Land Surveyor in the State of Colorado, do hereby certify that this map and survey of the FIRST AMENDMENT TO LE CHAMONIX CONDOMINIUMS AMENDED AND RESTATED CONDOMINIUM MAP (the "Map") (i) was made under my direct supervision, responsibility and checking; (ii) is true and accurate to the best of my knowledge and belief; (iii) is clear and legible; (iv) contains all the information required by C.R.S. 38-33.3-209; and (v) that all monuments and markers were set as required by Articles 50 and 51 of Title 38, C.R.S.

Dated this *29th* day of *February*, 2016.

*[Signature]* Jeffrey C. Haskell PLS 37970



**SURVEYOR PLAT NOTES:**

1. The following abbreviations are defined for this Map:

G.C.E. General Common Element  
L.C.E. Limited Common Element  
C.H. Ceiling Height (horizontal unit boundary)  
SQ.FT. Square Foot/Feet

2. Elevation datum referenced to Telluride Mountain Village project benchmark "RIM" established by Banner Associates, Inc. This benchmark is a 3 1/4" aluminum cap on a No. 5 rebar set in concrete, LS 17956. Elevation 9464.63'.

3. Easement research from Land Title Guarantee Company, Commitment Number TLR86004530, dated February 06, 2015 at 5:00 P.M.

4. Dimensions and areas as indicated hereon were measured to interior face of drywall.

5. Structural elements and/or utilities which may exist within the Unit boundaries of any condominium unit are General Common Elements.

6. BASIS OF BEARINGS. The bearing from monument "Overpass" to monument "Rim" was assumed to bear N31°16'24"W from Banner Associates, Inc. project bearings.

7. 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.

8. Lineal units depicted hereon are in U.S. Survey feet, or decimal portions thereof.

9. The total square footage of Unit C following the Unit C Expansion is now 797 Sq. Ft.

PAGE 4797

FOLEY  
ASSOCIATES, INC.  
ENGINEERING PLANNING SURVEYING

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

First Amendment to Le Chamonix Condominiums Amended and Restated Condominium Map,  
located on Lot 60R-AB, Town of Mountain Village.

Project Mgr:	JH	Rev.	description	date	by
Technician:	MC				
Checked by:	KV				
Start date:	04/01/2015				

Drawing path: dwg\Condo Unit C 04-15.dwg

Sheet1 of 2 Project #: 01132



Project Mgr: JH	Rev.	description	date
Technician: MC			
Technician:			
Checked by: KV			
Start date: 04/01/2015			

by **FOLEY**  
**ASSOCIATES, INC.**  
ENGINEERING • PLANNING • SURVEY

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

Drawing path: dwg\Condo Unit C 04-15.dwg

Sheet2	of 2	Project #: 01132
--------	------	------------------

**ORDINANCE NO. 2021-\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING A REZONE AND DENSITY TRANSFER TO CONVERT LOT  
60R-AB (LE CHAMONIX) UNIT C, FROM AN EFFICIENCY LODGE ZONING DESIGNATION  
UNIT TO A LODGE ZONING DESIGNATION UNIT.**

**RECITALS**

- A. JDBL.K, LLC (“**Owner**”) has submitted to the Town a rezoning and density transfer development application for a rezone of Lot 60R-AB, Le Chamonix Unit C (“**Property**”), from one efficiency lodge zoning designation unit to one lodge zoning designation unit (“**Application**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Owner is the owner of Lot 60R-AB Unit C, and the associated development rights and density allocated to Unit C, Le Chamonix.
- C. The proposed rezoning and density transfer is to convert one efficiency lodge zoning designation unit into one lodge zoning designation unit pursuant to the requirements of the CDC.
- D. In order to rezone Unit C, Owner needs an additional .25-person equivalent density to satisfy the CDC requirements. Owner intends to purchase the required .25-person equivalent density prior to the recordation of this ordinance.
- E. Owner of the Property meets the parking requirement of at least 0.5 parking spaces.
- F. Owner meets the definition of a lodge zoning designation unit in its existing condition.
- G. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Figure 1. Current Zoning Designation for 23-A, Lot 42B Blue Mesa Lodge Condominiums

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
C	Village Center	Efficiency Lodge	1	.5

Figure 2. Proposed Zoning Designation

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
C	Village Center	Lodge	1	.75 <sup>1</sup>

<sup>1</sup> As noted above the deficient density of .25 will be acquired by Owner of the Property, prior to recordation of this ordinance.

Figure 3. Lot 60R-AB Current Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
60R-AB	Village Center	Condominium	5	3	15
	Village Center	Efficiency Lodge	2	.05	1
	Village Center	Commercial	n/a	n/a	n/a

Figure 4. Lot 60R-AB Proposed Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
60R-AB	Village Center	Condominium	5	3	15
	Village Center	Lodge	1	.75	.75
	Village Center	Efficiency Lodge	1	.75	.50
	Village Center	Commercial	n/a	n/a	n/a

- H. At a duly noticed public hearing held on February 4, 2021, the DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC by a 7-0 vote.
- I. At its regularly scheduled meeting held on February 18, 2021 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- J. On March 18, 2021, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.
- K. The meeting held on February 4, 2021 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- L. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of 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.
8. The proposed rezoning meets all applicable Town regulations and standards.

- M. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Findings:

1. At the time the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation.
2. Le Chamonix is not identified in the Comprehensive Plan for redevelopment.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

1. The applicant should work with the Le Chamonix HOA to update the declarations to recognize the Property as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. Owner shall demonstrate the required requisite density has been acquired prior to recording the associated ordinance rezoning Lot 60R-AB Unit C from efficiency lodge to lodge unit.

**Section 1. Effect on Zoning Designations**

This Ordinance does not change any other zoning designation on the Properties it only affects Unit C, Lot 60R-AB.

**Section 2. Ordinance Effect**

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced, and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

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

**Section 4. Effective Date**

This Ordinance shall become effective on April 17, 2021 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 18th of March 2021 and conducted electronically pursuant to Mountain Village's Resolution No. 2020-0514-10.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18<sup>th</sup> day of February 2021.**

**TOWN OF MOUNTAIN VILLAGE**

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

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,  
Colorado this 18<sup>th</sup> day of March 2021**

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

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as To Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney



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

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held via virtual Zoom meeting, on February 18, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held via virtual Zoom meeting, on March 18, 2021. 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:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
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 18th day of March, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk

(SEAL)



Telluride Regional Airport Authority

Town of Mountain Village Update

February 18, 2021

### Airport Highlights

- ▲ Airline Update
  - Denver Air Connection (DAC)
    - 1 Daily Flight to DEN
    - 2<sup>nd</sup> limited flight DEN Jan-Mar 2021.
  - CFA continues to evaluate and enhance additional flights and airlines into TEX.
- ▲ Financial Update – All Revenue and Expenses operated within the Airport 2020 approved budget. TRAA is 100% self-sustaining operation.
- ▲ Airport Authority – Town of Mountain Village Appointees:
  - Richard Child - Vice Chair
  - Gary Bash – Finance Committee
  - Tom Richards – Finance Committee
  - Banks Brown - Alternate

### STATISTICS

<b>JANUARY – DECEMBER 2020</b>	<b>TRAA <u>2020</u></b>	<b>TRAA <u>2019</u></b>	<b>Percent <u>Change</u></b>
<b>AIRCRAFT OPERATIONS</b>			
General Aviation:	10,254	9,996	2.58%
Airline:	456	1,818	-74.92%
<b>AVIATION FUEL SALES (Gallons)</b>			
General Aviation:			
100LL AvGas:	26,701	25,078	6.47%
Jet-A	714,133	586,976	21.66%
Airlines:	<u>1,745</u>	<u>23,276</u>	-92.55%
<b>Total Fuel:</b>	<b>742,579</b>	<b>635,330</b>	16.88%
GA Passenger Enplanements:	12,043	16,054	-24.98%
Airline Enplanements:	3,199	5,481	-41.63%

\*Denver Air Connection partner with United Airlines initiated service 5/15/2019



## VILLAGE COURT APARTMENTS

415 Mountain Village Blvd, Suite 1  
Mountain Village, CO 81435  
(970) 728-1392

### Item No. 19

---

**TO:** Town Council  
**FROM:** Luke Adamson, Village Court Apartments Property Manager, Patrick Desaro, Payroll and Accounting Specialist & Michelle Haynes, Housing Director  
**FOR:** Meeting of February 18, 2021  
**DATE:** February 10, 2021  
**RE:** Village Court Apartments DOLA Rent Waiver Update

---

#### **DOLA Rent Waiver POP Program:**

- Luke Adamson and Patrick Desaro have been working together to compile all of the required documents for the POP program applications in hopes of waiving February's rent for anyone who submitted the declaration form by February 5<sup>th</sup>. They have now submitted all of the applications to DOLA through their website.
- A total of 121 declaration forms were submitted to the VCA office to request funding.
- A total of \$96,739.00 was requested on behalf of VCA residents.

#### **Approval Process:**

- VCA staff waived February's rent up-front for anyone who submitted the form. However, we must now wait to see which applications are approved or denied by DOLA. For any applications that are denied, those residents will still be responsible for paying February's rent. The VCA office will work with them on payment plans as needed.
- DOLA has indicated that the turn around time on the approval process, and sending us funding will be roughly 30 days from the date that we submitted the applications. All applications were submitted to DOLA on February 10<sup>th</sup>, 2021.

/la & mh

**Town of Mountain Village**  
**HUMAN RESOURCES DEPARTMENT**  
**Bi-annual Report to Town Council**  
*August 2020 – February 2021*

We make Mountain Village a great place to live, work & visit.

**HUMAN RESOURCES STAFF:**

Lindsay Niehaus, HR Coordinator

Jaime Holmes, HR Director

**SUMMARY:**

~As we move through the pandemic, we continue to adjust our practices accordingly. Thus far, we have implemented the following, with Mayoral approval, to help keep our employees, residents and guests safe during the County's Safer at Home Orders:

- Paid Leave for Testing Benefit through the Town for those who have been asked to get tested for COVID and are awaiting test results. This benefit provides for up to 5 days of leave (as needed) for full time and average hours worked for part time employees. The benefit was implemented to encourage employees to get tested when needed, isolate while waiting for results and use of PTO was not a factor.
- Admin staff work remotely when possible. On-site staff is adhering to a staggered work schedule to remain within County indoor guidelines of 25% capacity.
- All other staff staggered work schedules to remain in pods, or cohorts, of the same grouping to keep exposure and contact to a minimum to the extent possible, while enabling the Town to remain productive.
- All staff is required to wear provided personal protective equipment, KN95 masks, while on duty and throughout the pandemic.

~Effective 1.1.2021, Colorado initiated a Public Health Emergency Leave of up to 80 hours for full time employees and average hours worked for part time employees that meet the causes for public health emergency need for leave as set forth by the Healthy Families and Workplaces Act. This is subject to change monthly per Governor orders. This is separate from PTO benefits.

~The updated 2021 Employee Handbook is being reviewed by Human Resources consultants at Employers Council. The Handbook review is a free annual service provided by Employers Council. It is set to be completed and returned for approval in 4-6 weeks.

~Town wide email was implemented with the help of Chief Technology Officer Jim Soukup, thus granting all employees the ability to check Town email. Previously, Town email was not provided to employees working "in the field". IT performed an audit and additional email licenses were provided at minimal cost. This is routinely monitored by HR and IT, as well, to keep costs down and email up. A departmental protocol was developed for all employees to check their Town email at least once per week on provided kiosks and is not to interfere with productivity.

**Employee Surveys:**

In September 2020, an Employee Benefits and Wages Survey was sent to all TMV employees via email. The survey details and results are inserted as Attachment 1.

In January 2021, a Check-in Survey was sent to all employees via email. This data is still being collected and reviewed. The goal was to achieve a better understanding of how leadership can be supported without being able to see, talk and work with all team members on a daily basis.

1. **DOCUMENT MANAGEMENT:** Maintain accurate personnel files in compliance with the Colorado Retention Schedule.
  - Employee personnel documentation is retained according to the Record Retention schedule dates and in PaperVision as applicable.
  - Drug and alcohol reports are maintained in compliance with FTA regulations
2. **BENEFITS & COMPENSATION:** Administer benefits, compensation and recognition programs to attract and retain high-performing, well-qualified employees.
  - Open Enrollment was completed November 2020 with a January 2021 start date. This year, with the help of Public Information Officer Kathrine Warren, we implemented an electronic enrollment option for benefit changes. Additionally, with the help of HR Coordinator Lindsay Niehaus, we were able to put together a full benefit review of each employee's benefits they are currently enrolled in. The educational review was emailed to each employee.. Feedback from employees was very positive.
  - HR is currently working with Employers Council to develop the following: Compensation Policy, Pay Philosophy, a review and revision of pay structure to ensure competitiveness in the identified market and development of a long term strategy for budgeting increases.
  - Analyzing job descriptions for 2021 updates due to new laws. Will be working with Director's to review certification or education requirement updates to be revised within job descriptions.
  - Consolidated Appropriations Act of 2021 includes Flexible Spending Account relief. Under the Act, health care FSA's and Dependent Care FSA's may permit participants to carry-over unused funds from the 2020 plan year to the plan year ending in 2021. Changes to our FSA plans are currently being implemented by Discovery Benefits (Town's FSA provider). This change has no financial impact to our plan and will benefit approximately 16 employees.

**Benefit Stats:**

  - FSA: 26 enrolled in 2020 and dropped to 23 in 2021 (2 dependent care FSA and 21 medical FSA)
  - Aflac: 45 enrolled with no changes from 2020 to 2021
  - Standard Supplemental Life insurance: 15 enrolled, with 7 EE + SP, 7 EE + Child with no changes from 2020 to 2021
  - PERA Supplemental Life Insurance: 12 enrolled with no changes from 2020 to 2021.
  - 401k: 87 enrolled
  - CEBT 2020 dividend: \$60,000
3. **ENVIRONMENT:** Promote the Town's commitment to environmental sustainability by educating and engaging current and future employees.
  - Ongoing employee education, policies and programs (waste reduction, recycling, energy conservation measures, zero waste plan...) are communicated in employee orientations, and monthly HR newsletters to encourage all employees to take responsibility for recycling, waste reduction and energy conservation. HR will be working closely with Zoe Dohnal, Director of Business Development and of the Green Team, to see where possible updates and changes can be made to better our environmental program.
  - A Paperless W-2 is available for all employees through UltiPro with an option to import directly into TurboTax.
4. **FISCAL RESPONSIBILITY:** Prepare and stay within the HR department's approved budget.
  - Actively seek opportunities to optimize financial costs and investments when making decisions.
  - Continuing to monitor benefit utilization and look to reduce benefit expenses.
5. **POLICY ADMINISTRATION & ENFORCEMENT:** Administer and enforce town policies in compliance with state/federal laws and town goals.
  - Participated in Employer's Council Employment Law Update Conference (11/12-13/2020). Primary topic was the pandemic and ever-changing rules, regulations and laws
  - Ongoing communication/training with MSEC, CML, CIRSA, and Pinnacol regarding state and federal laws, employment regulations and Town goals
  - All Town policies are being reviewed and updated for compliance. New policies are being discussed and written where written policies were not in place previously.
  - 2021 Colorado minimum wage increased from \$12/hour to \$12.32/hour and the administrative, executive and professional exempt employee's threshold increased from \$684/week to \$778.85/week. We are in compliance.
5. 2021 Colorado's Equal Pay for Equal Work Act aims to increase pay equity and transparency. Highlights include: removing wage history information from job applications, regular employer audits of compensation practices, job posting notice

requirements. **RECRUITMENT/ ONBOARDING:** Assist management with timely and lawful recruitment processes to maintain proper staffing levels and reduce turnover.

- Improved our presence on Indeed, by adding photos and information about Mountain Village. It looks great! This helps market the Town as an Employer of Choice. Indeed is the #1 recruiting site and where most of our applicants come from.
- HR is currently involved in all hiring: helping hiring team manage applications, setting up interviews, creating equitable, skill and behavioral based interview questions, working with a hiring team to choose right candidate for job and workplace fit, and continuing immediate contact with candidate to get them relocated (if applicable) and onboarded.

**6. SAFETY:** Continue to provide a safe workplace and minimize workplace injuries

- Due to the pandemic and County orders limiting group size, the Safety Committee did not meet in November and December. The committee continues to evaluate and implement best practices to help create and maintain a safety culture throughout the organization. Due to the pandemic and travel restrictions, some CIRSA trainings have been limited.
- Conducted virtual harassment training through Triad EAP in October, open to all staff with some watching in own departments, at desks, remotely and/or Council chambers.

Workers Compensation: Dividends are increasing, and premiums are lower due to good claim history.

**Workers Compensation 2019**

Policy (audited)

- Deductible Discount (\$2,500/5.7%): \$14,524
- Cost Containment Certification Credit (5%): \$10,061
- Experience modification Credit (MOD .77): \$55,911
- Premium discount (8.7%): \$17,462

**Workers Compensation 2020**

Policy (estimated/not audited)

- Deductible Discount (\$2,500/6.1%): \$16,372
- Cost Containment Certification Credit (5%): \$11,809
- Experience modification Credit (MOD .95): \$12,749
- Premium discount (9%): \$21,202

**Workers Compensation 2021**

Policy (estimated)

- Deductible Discount (\$2,500/5.9%): \$16,066
- Cost Containment Certification Credit (5%): \$9,073
- Experience modification Credit (MOD .80): \$51,848
- Premium discount (8.6%): \$15,567

**7. TRAINING & PROFESSIONAL DEVELOPMENT:** Combine performance management with staff training & development

- Annual performance reviews for all staff were completed by December 2020. Average overall Manager rating for employees across organization was: 4.22 with the lowest scoring in the 2 range and highest at a 5.
- Aligning goals and competencies for 2021 is still being evaluated with updated job descriptions.

## Attachment 1

RE: Employee Benefits and Wages Survey – September 2020

Survey was sent to all TMV employees via email. Survey was open from 9/16/2020 – 9/28/2020.

Survey statement to employees read as follows:

**Purpose:** We strive to provide comprehensive, attractive and affordable benefit packages to TMV employees. Additionally, maintaining competitive wages to attract and retain high-performing, well-qualified employees is a valuable component to the total benefit and compensation package.

We are conducting an employee benefit and wage satisfaction survey open to fulltime, benefited employees. This coincides with an annual audit of our total benefit and compensation package currently offered to TMV employees.

Employee responses will remain anonymous and only collective results and general comments will be shared. We value your feedback and input and thank you in advance for your participation!

Department Option Breakdown: Admin, Police, Public Works, Gondola Ops, Munchkins, IT/Cable, Recreation/Plazas

Responses to questions are below with dialogue box answers on separate page:

### 41 Total

18 (43%) = Admin  
6 (14%) = Gondola Ops  
6 (14%) = Public Works  
4 (9%) = Police  
4 (9%) = Recreation  
2 (4%) = IT/Cable  
1 (2%) = Munchkins

Q: Are you satisfied with the Town's medical benefit package (UMR, Delta Dental, VSP):

**Yes – 80%**, No – 19%

Q: Are you satisfied with the amount of PTO offered by the Town?

**Yes – 75%**, No – 24%

Q: Are you satisfied with the Town's 401k match options? (2-5% based on years of service, before 2008 is at 9% match)

**Yes – 78%**, No – 22%

Q: Are you satisfied with the Town's ski pass/wellness reimbursement program?

**Yes – 85%**, No – 14%

Q: Are you satisfied with your current wage with the Town?

Yes – 48%, **No – 51%**

Q: How satisfied are you overall with the Town's benefits (includes: all medical benefits, retirement, PTO, wellness/ski pass)

On a scale from 1 – 5 with 1 being not satisfied and 5 being very satisfied:

1 = 0%, 2 = 7%, 3 = 17%, **4 = 53%**, 5 = 22%

Q: How important is the Town's current benefits package to you to remain as a Town employee?

On a scale from 1 – 5 with 1 being not important and 5 being very important:

1 = 0%, 2 = 4%, 3 = 2%, 4 = 17%, **5 = 75%**

Q: How important is your wage to you to remain as a Town employee?

On a scale from 1 – 5 with 1 being not important and 5 being very important:

1 = 0%, 2 = 4%, 3 = 4%, **4 = 24%**, 5 = 65%

Ranking of importance of the following benefits:

- 1. Wages = 48%**
- 2. Medical Insurance = 34%**
3. PTO = 29%
4. Retirement = 22%
5. Supplemental Plans = 29%
6. Wellness Reimbursement = 26%
7. Ski Pass = 22%

Key Takeaways:

1. More benefit education. Utilizing open enrollment 2021 to educate employees on what benefits they currently have. Also, displaying Town's cost for employee benefits.
2. Speak with CEBT about Delta Dental and lack of in-network providers in the area. Review and educate how to file dental claims for out of network providers.
3. Review of PTO. Health Families Act may require a sick bank with PTO in 2021. Review use of separate paid holidays bank over use of PTO? Continue education to employees about the match availability and increase their contributions to get to match and beyond.
4. Extremely low medical monthly premium cost to employees is well received and should be heavily weighed if changing in the future.
5. Conduct a wage and compensation data analysis study in 2021



**TOWN OF MOUNTAIN VILLAGE**  
**February 18<sup>th</sup>, 2021**  
**INFORMATION TECHNOLOGY BI-ANNUAL REPORT**

**INFORMATION TECHNOLOGY PROGRAM NARRATIVE**

Responsible for establishing the Town's technical and cybersecurity vision and leading all aspects of the Town's technology development. Manage the Town's technology resources and support facilities local, wireless, internet, telephone, and all related software programs.

**INFORMATION TECHNOLOGY DEPARTMENT GOALS**

1. Cyber security patching and maintenance.
2. Server administration and maintenance.
3. Upgraded Council Chambers audio video systems.
4. Network and Wi-Fi improvements.
5. Desktop support.
6. Fiscal Responsibility. Prepare and stay within the department's approved budget and actively seek opportunities to optimize financial costs and investments when making decisions.

**INFORMATION TECHNOLOGY DEPARTMENT PERFORMANCE MEASURES**

Item 1

- 1) Improved security on the HR kiosk machines protecting employee's personal identifiable information.
- 2) Windows patch Tuesday monitored and maintained.
- 3) Firewall daily updates applied.
- 4) Managed security patching and mitigation.
- 5) Managed email security systems monitored and maintained.
- 6) Changed CrowdStrike's security strategy based upon threatscape.
- 7) CrowdStrike reported 0 low severity detections.
- 8) CrowdStrike reported 0 System Remediations, 0 System Escalation, 0 Permit list, 0 Block list.

Item 2

- 1) Migrated one physical server service to TMV's virtual servers' system.
- 2) Configured a send mail relay server with proper settings enabling TMV to do bulk emails properly.
- 3) Changed Century Link's monthly phone bill invoicing to Granite's wholesale invoicing system saving TMV money and improving account management.
- 4) Worked with HR adding all TMV employees into email as well improving on/off boarding of employees.
- 5) Streamlined Microsoft office cloud user licensing optimizing expense.
- 6) Integrated new backup server and added one additional backup strategy to current system.
- 7) Moved offices for employees and upgraded those employee's phone services to VoIP.
- 8) Moved three more departments to the new file server.

Item 3

- 1) Finalized equipment order creating project install and configuration schedule.
- 2) Worked with AV Experts installing new camera.
- 3) Modified Crestron system integrating new equipment.
- 4) Began recording “how to” video training clips so that others can learn how to use the new system.
- 5) Worked with AV Capture integrating Council Chambers with Zoom and AV Capture live video streams.
- 6) Created TMV YouTube branded channel.
- 7) Also improved other meetings rooms.

Item 4

- 1) Overhauled Mountain Village Public Wi-Fi by redoing original network configuration.
- 2) Added 10Gbps switch at the Head-End providing ultra-fast network connectivity between servers.
- 3) Added Internet of Things (IoT) network.
- 4) Modernized TMV entry sign.
- 5) Corrected Wi-Fi calling and roaming issues by adding service and priority efficiencies into TMVs Wi-Fi networks.

Item 5

- 1) Respond to all calls within 24-hours in a professional manner and strive for 24-hour resolutions.
- 2) Added 15 “how to” training videos.
- 3) Continue to train the broadband team.

Item 6

- 1) Year-end expenditure totals do not exceed the adopted budget.

#### **INFORMATION TECHNOLOGY DEPARTMENT ACCOMPLISHMENTS**

1. TMV local area networks experienced only security maintenance outages which do not affect work activity.
2. Successfully moved three departments onto the new file server.
3. Assumed more ownership of phone system.
4. Improved streaming quality for public gondola web cameras.
5. Terminated old phone connection (PRI circuit) saving TMV unneeded expense.
6. Continue to monitor internet security.
7. Successfully spun up backup and restore images of servers.

**TOWN OF MOUNTAIN VILLAGE**

**February 18<sup>th</sup>, 2021**

**BROADBAND BI-ANNUAL REPORT**

BROADBAND DEPARTMENT PROGRAM NARRATIVE Mountain Village Broadband's goal is to provide high-speed internet access throughout the Town of Mountain Village with a high degree of reliability and redundancy, including any other surrounding areas as directed. The Focus of Broadband is on the development of a sustainable model that does not restrict but enables sustainable future growth.

**BROADBAND DEPARTMENT GOALS**

1. Introduce new fiber service to Mountain Village Blvd, Benchmark, and San Joaquin area customers by November 15, 2020.
2. Complete fiber pathway construction by October 30, 2020.
3. Restructure TMVs video service packaging options.
4. Fiscal Responsibility. Prepare and stay within the department's approved budget and actively seek opportunities to optimize financial costs and investments when making decisions.
5. Provide Mountain Village the highest level of customer service.

**BROADBAND DEPARTMENT PERFORMANCE MEASURES**

Item 1

1. Mountain Village Blvd, Benchmark, and San Joaquin have completed fiber pathway construction and new fiber service is currently being installed into residences.
2. 265 residential customers have been moved onto the new fiber network.

Item 2

1. Fiber pathway is 78% complete.
2. All fiber spliced from customers' homes to head-end by September 2021.
3. Conduit pathway construction within all streets in TMV to be completed by September 2021.
4. Micro-fiber to be successfully blown in all conduits respectively.
5. Lightworks continues to bore conduit to all homes without conduit.
6. All revegetation to be fixed as construction continues.

Item 3

1. Triple play service packages (video and internet) have been eliminated.
2. Added new TV service package with Resort Internet reducing cost of sales and increasing revenue.
3. New fiber service products are fully integrated into the billing system.
4. Promote product awareness by using marketing and communications strategies.

Item 4

1. Year-end expenditure totals do not exceed the adopted budget and revenues meet or exceed forecast.

Item 5

1. Respond to all calls within 24 hours in a professional matter.

#### **BROADBAND DEPARTMENT ACCOMPLISHMENTS 2020**

1. We had 0 Internet outage over the last 6 months as our redundant South route automatically switched over 9 times in this period.
2. We completed 177 service truck rolls and 323 cable locates for 2nd half of 2020.
3. Hooked up video service to all VCA units.
4. IP Blocks added into DHCP server and Vlans created and in place for total project.
5. All necessary equipment and materials have been purchased for the fiber project.
6. All FCC reports are current.
7. We completed approximately 47 service calls and change of service calls per month all within 24 hours of request.



## AGENDA ITEM # 20c

# TOWN OF MOUNTAIN VILLAGE TOWN MANAGER CURRENT ISSUES AND STATUS REPORT FEBRUARY 2021

### 1. Great Services Award Program

- **Great Services Award Nominations – MONTH OF JANUARY**
  - **Mark Martin, Police Department.** Nominated by Derek Medina, Security from Telluride Ski and Golf. “I just want to thank you and especially Officer Mark Martin for all of his help this past five days. We had challenging times here this week and Mark was always helpful and very understanding of our situation. Thanks again for the great help and services – **WINNER FOR JANUARY**”

### 2. Broadband

- Update will be provided in the bi-annual report

### 3. IT Updates

- Update will be provided in the bi-annual report

### 4. COVID-19

- Continue attending bi-weekly special and monthly regular TMV Town Council meetings to address any and all issues related to COVID-19 and any other agenda items necessary
- **Attend the bi-weekly Economic Recovery Committee to discuss emergence and recovery from the COVID-19 pandemic**
- Continue attending weekly San Miguel County meetings for COVID-19 discussions and updates
- Attending new monthly IG meetings to coordinate COVID-19 responses and communicate with our regional partners
- Working with staff on reimbursement/refund of money spent year to date on COVID initiatives including PPE, infrastructure, restaurant grants etc.

### 5. Miscellaneous

- **Lottery process for the two Cassidy Ridge Units was conducted and the two winners were Susan Johnston and Lindsay Neihaus. Closings on both units will be concluded either late February or early March. Congratulations to these very deserving employees and thanks to the Town for making these opportunities available.**
- **CFO Recruitment**
  - One additional Zoom interview was conducted and the applicant was not considered a top candidate
  - **The top candidate was invited to Mountain Village for further interviews and familiarization with the area, Council and staff February 9 - 11**

- Attended the monthly SMRHA Board meeting
- Attended an internal meeting to identify stakeholders for the interviews and meetings for MIG plus the bi-weekly meetings with MIG and Laila, Dan and staff for the Comprehensive Plan Amendment on January 27<sup>th</sup> and February 9<sup>th</sup>
- Conduct weekly succession planning meetings with designated staff
- Attended a special Meeting of Town Council on Tuesday February 2<sup>nd</sup> and 8<sup>th</sup>
- Attended a special meeting of TMVOA to discuss voting, organizational documents for TMVOA and a path forward for compliance
- Attended the Annual MVCOA Meeting for discussion of matters relating to the Town Hall HOA, budget adoption, etc.
- Scheduled and attending weekly meetings with Mayor Benitez
- Participating in certain organizational meetings relative to the Spartan Race scheduled to be held in October 2021
- Meetings with Planning and Building department to address hiring of a new Building Inspector and other resources to be utilized until that position may be filled, particularly with the building activity currently occurring
- Working with Rob Johnson and Jim Loebe to develop a parking needs assessment report including surveys of those utilizing parking, parking availability and costs associated with additional parking
- Met with staff, Laila and Dan to discuss the Safety Improvements Projects for vehicular, pedestrian and bike traffic planned for the Summer of 2021
- Attended Colorado Association of Ski Towns meetings on January 28<sup>th</sup> and 29<sup>th</sup>





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6		Monday	1-Feb	26%	31%	29%	47%	38%	41%	37%	61%	48%	40%		31%	9%	35%	
7		Tuesday	2-Feb	32%	32%	33%	47%	29%	35%	32%	26%	49%	35%		31%	4%	33%	
8		Wednesday	3-Feb	53%	41%	39%	47%	33%	41%	41%	46%	36%	42%		38%	4%	40%	
9		Thursday	4-Feb	53%	43%	42%	45%	29%	53%	51%	23%	25%	40%		44%	-3%	42%	
10		Friday	5-Feb	35%	49%	49%	47%	50%	53%	58%	53%	35%	48%		46%	1%	47%	
11		Saturday	6-Feb	29%	45%	55%	50%	33%	53%	59%	57%	47%	48%		43%	5%	45%	
12		Sunday	7-Feb	18%	38%	58%	32%	25%	41%	41%	46%	44%	38%		38%	0%	38%	
13		Monday	8-Feb	15%	35%	42%	37%	33%	29%	42%	34%	41%	34%		31%	3%	33%	
14		Tuesday	9-Feb	9%	30%	29%	39%	21%	35%	53%	26%	41%	31%		28%	3%	30%	
15		Wednesday	10-Feb	24%	32%	42%	40%	25%	41%	58%	42%	44%	39%		31%	8%	35%	
16		Thursday	11-Feb	32%	47%	52%	42%	42%	47%	49%	57%	47%	46%		42%	4%	44%	
17		Friday	12-Feb	38%	51%	60%	55%	42%	41%	58%	57%	54%	51%		51%	0%	51%	
18		Saturday	13-Feb	44%	59%	60%	58%	58%	41%	58%	53%	48%	53%		58%	-4%	55%	
19		Sunday	14-Feb	47%	60%	60%	55%	54%	41%	51%	53%	54%	53%		53%	-1%	53%	
20		Monday	15-Feb	15%	46%	49%	26%	42%	29%	31%	38%	38%	35%		41%	-6%	38%	
21		Tuesday	16-Feb	15%	41%	33%	34%	33%	29%	24%	34%	38%	31%		36%	-5%	34%	
22		Wednesday	17-Feb	24%	46%	46%	53%	42%	35%	25%	30%	38%	38%		38%	0%	38%	
23		Thursday	18-Feb	21%	54%	52%	58%	54%	41%	42%	57%	49%	48%		46%	2%	47%	
24		Friday	19-Feb	24%	51%	58%	58%	58%	35%	58%	57%	49%	50%		46%	4%	48%	
25		Saturday	20-Feb	21%	51%	58%	50%	58%	29%	56%	61%	50%	48%		43%	5%	46%	
26		Sunday	21-Feb	21%	38%	58%	24%	46%	35%	36%	38%	42%	38%		35%	3%	36%	
27		Monday	22-Feb	15%	31%	49%	18%	38%	29%	34%	19%	42%	31%		35%	-4%	33%	
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29		Wednesday	24-Feb	24%	44%	55%	37%	50%	35%	34%	15%	56%	39%		39%	0%	39%	
30		Thursday	25-Feb	26%	57%	58%	53%	42%	41%	46%	38%	55%	46%		43%	3%	44%	
31		Friday	26-Feb	24%	60%	52%	55%	54%	47%	44%	42%	51%	48%		42%	6%	45%	
32		Saturday	27-Feb	24%	60%	36%	58%	54%	41%	44%	50%	55%	47%		39%	8%	43%	
33		Sunday	28-Feb	9%	46%	29%	42%	54%	41%	25%	26%	35%	34%		28%	6%	31%	
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