



TOWN OF MOUNTAIN VILLAGE  
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**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE JANUARY 20, 2022  
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:00 p.m. on Thursday, January 20, 2022. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held in person and with virtual access provided through Zoom.

**Attendance:**

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

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

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

**Also in attendance were:**

Paul Wisor, Town Manager  
Susan Johnston, Town Clerk  
Kim Schooley, Deputy Town Clerk  
David McConaughy, Town Attorney  
Lizbeth Lemley, Finance Director  
Julie Vergari, Chief Accountant  
Kate Burns, Controller  
Jaime Holmes, Human Resources Director  
Lindsay Niehaus, Human Resources Specialist  
Zoe Dohnal, Business Development and Sustainability Director  
Kathrine Warren, Public Information Officer  
Lauren Kirn, Environmental Efficiencies and Grant Coordinator  
Michelle Haynes, Director of Planning & Development Services  
John Miller, Community Housing Program Director & Senior Planner  
Amy Ward, Senior Planner  
Sam Quinn Jacobs, Planning Technician  
Connor Reilly, VCA Manager  
Dylan Cornish, VCA Maintenance Manager  
Chris Broady, Police Chief  
Rachel Shindman  
Andrew Knudtsen  
Elly Schaefer

Alline Arguelles  
Andi Alexander  
Julia Caulfield  
Ken Alexander  
Madeline Gomez  
Stephanie Fanos  
Anton Benitez  
Frank Hensen  
David Becher  
Carolyn Shaw  
Chad Horning  
Tami Huntsman  
Larry Forsyth  
Lee Zeller  
Joan May

**Executive Session for the Purpose of: (2)**

- a. **Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategies for Negotiations, and Instructing Negotiators Pursuant to Section 24-6-402(4)(b) and (e) Potential Development Related to Meadows Subarea and Village Center Subarea**
- b. **Receiving Legal Advice Related to Updates on Active Litigation Matters Under C.R.S. Section 24-6-402(b) (2a and 2b)**

On a **MOTION** by Harvey Mogenson and seconded by Pete Duprey, Council voted unanimously to move into Executive Session for the purpose of (a) receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators pursuant to section 24-6-402(4)(b) and (e) potential development related to Meadows Subarea and Village Center Subarea and (b) for the purpose of receiving legal advice related to updates on active litigation matters under C.R.S. Section 24-6-402(b) at 2:01 p.m.

Marti Prohaska and Patrick Berry recused themselves at 2:03 p.m. and returned at 2:54 p.m.

Laila Benitez and Patrick Berry recused themselves at 3:01 p.m. and returned at 3:10 p.m.

Council returned to open session at 3:30 p.m.

**Public Comment on Non-Agenda Items (3)**

No public comment was received.

**Introductions (4)**

Interim Town Manager Paul Wisor introduced new Finance Director Lizbeth Lemley and announced the promotions of Amy Ward to Senior Planner, Connor Reilly to VCA Property Manager, and Dylan Cornish to VCA Maintenance Manager to Council.

**Consideration of Approval of Town Manager Contract (5)**

The Mayor presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Harvey Mogenson, Council voted unanimously to appoint Paul Wisor as Town Manager and to approve the associated employment agreement.

**Consideration of Appointment of the Town Attorney (6)**

David McConaughy of Garfield & Hecht introduced himself. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted unanimously to appoint David McConaughy as the Town Attorney.

**Consent Agenda (7)**

**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: (6)**

- a. **Consideration of Approval of the December 9, 2021 Regular Town Council Meeting Minutes**
- b. **Consideration of Approval of the December 16, 2021 Joint Town Council and Design Review Board Minutes**
- c. **First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Section 1.08 – General Penalties**

Town Clerk Susan Johnston presented. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve the Consent Agenda as presented and to set the second reading, public hearing and final Council vote for February 17, 2022.

Council recessed from 3:45 p.m. to 3:50 p.m.

**Liquor License Authority (8) Quasi-Judicial**

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

Susan Johnston presented. Council discussion ensued. Anton Benitez presented a statement regarding security. On a **MOTION** by Harvey Mogenson and seconded by Dan Caton, Council voted unanimously to recertify the Mountain Village Promotional Association and Common Consumption Area with the updated security plan.

**Finance (9)**

- a. **Presentation of the December 31, 2021 Business & Government Activity Report (BAGAR)**
- b. **Consideration of Approval of the November 30, 2021 Financials**

Chief Accountant Julie Vergari and Finance Director Lizbeth Lemley presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted unanimously to approve the November 30, 2021 Financials.

**Second Reading, Public Hearing and Council Vote on an Ordinance Regarding Amendments to the Community Development Code to Allow Accessory Dwelling Units (ADU's) Within Detached Condominium Development Projects in the Multi-Family Zone District and Single-Family Common Interest Zone District So Long as Vehicular Access can be Provided to the Lot**  
**Legislative (10)**

Director of Planning & Development Services Michelle Haynes presented. Council discussion ensued. The Mayor opened the public hearing. Public comment was received. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted to approve 7-0 on second reading an Ordinance regarding amendments to the Community Development Code to allow Accessory Dwelling Units (ADU's) within detached Condominium Development Projects in the Multi-Family Zone District and Single-Family Common Interest Zone District so long as vehicular access can be provided to the lot.

**Consideration of a Resolution Approving a Minor Subdivision to Vacate a Portion of the General Easement at Lot 138, 100 Granite Ridge, Mountain Village Pursuant to CDC Section 17.3.14 and 17.4.13 Quasi-Judicial (11)**

Senior Planner Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to approve a minor subdivision of Lot 138, 100 Granite Ridge based on the evidence provided in the staff record of memo dated December 31, 2021, and the findings of this meeting, with the following conditions:

1. A revised plat showing the vacation of the GE will be recorded with the County prior to the issuance of a building permit.
2. The minor subdivision approval is valid for an 18-month period.
3. The approval of the minor subdivision is premised on the site-specific design approval. If the design approval expires, the subdivision approval will also expire; pursuant to CDC Section 17.3.14 and 17.4.13.

**Consideration of a Resolution Approving a Road Right of Way Encroachment at Lot 138, 100 Granite Ridge, Mountain Village Pursuant to CDC Section 17.3.22 Quasi-Judicial (12)**

Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to approve a Resolution for a Road Right-of-Way Encroachment at Lot 138, 100 Granite Ridge based on the evidence provided in the staff record of memo dated December 31, 2021, and the findings of this meeting, with the following conditions:

1. A license agreement with the Town for any road right of way encroachments will be entered into prior to the issuance of a building permit.
2. An updated as built exhibit showing all constructed encroachments in the right of way will be recorded with the license agreement and recorded with the County prior to the issuance of a Certificate of Occupancy.
3. The right of way encroachments are premised on the subdivision and site specific design approvals. If the design approval expires, the right of way encroachment approval also expires; pursuant to CDC Section 17.3.22.

**Consideration of a Resolution Regarding a Height Variance at Lot 138, 100 Granite Ridge, Mountain Village Pursuant to Community Development Code Section 17.4.16 Continued from the December 9, 2021 Town Council Meeting Quasi-Judicial (13)**

Amy Ward presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously to approve a Resolution for a height variance of 5' above the allowable per the height restrictions listed in the CDC at a new single-family home located at Lot 138, 100 Granite Ridge based on the evidence provided in the staff record of memo dated December 31, 2021, and the findings of this meeting, with the following conditions:

1. The approved height variance is valid only with the design presented for Initial DRB review on January 6, 2022 and is valid only for the 18 month period of that design approval. One 6-month extension of the original design review approval is allowable; pursuant to Community Development Code Section 17.4.16.

**Housing Mitigation Methodology (14)**

Michelle Haynes, Rachel Shindman with EPS, and Andrew Knudtsen with EPS presented. Council discussion ensued.

Council broke for dinner from 5:26 p.m. to 5:40 p.m.

**Town Owned Properties Plan to Identify Future Owned Community Housing Opportunities (16)**

Community Housing Program Director & Senior Planner John Miller and Michelle Haynes presented. Council discussion ensued.

**Comprehensive Plan (17)**

- a. **Hotbeds**
- b. **Housing Inventory**
- c. **Public Benefits Table**

Michelle Haynes presented. Council discussion ensued.

**Community Housing Project Update VCA Phase IV, Lot 644, 1545 Spruce Street (18)**

Michelle Haynes, John Miller, and Paul Wisor presented. Council discussion ensued.

**Second Reading, Public Hearing and Council Vote on an Ordinance Regulating Weight Size of Motor Vehicles *Continue to the February 17, 2022 Town Council Meeting* (19)**

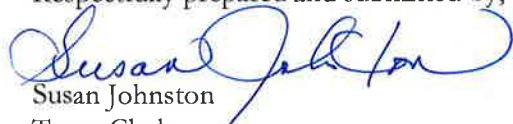
Paul Wisor presented. On a **MOTION** by Dan Caton and seconded by Harvey Mogenson, Council voted unanimously to continue the item to the February 17, 2022 Town Council meeting.

**Other Business (20)**

There was no other business.

There being no further business, on a **MOTION** by Dan Caton and seconded by Harvey Mogenson, Council voted unanimously to adjourn the meeting at 7:06 p.m.

Respectfully prepared and submitted by,

  
Susan Johnston  
Town Clerk