



TOWN OF MOUNTAIN VILLAGE
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE OCTOBER 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, October 20, 2022. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

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

The following Town council members were absent:

Patrick Berry

Also in attendance were:

Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Susan Johnston, Town Clerk
Kim Schooley, Deputy Town Clerk
David McConaughy, Town Attorney (via Zoom)
Lizbeth Lemley, Finance Director
Zoe Dohnal, Director of Operations and Development
Matt Moir, Deputy Police Chief
Julie Vergari, Assistant Finance Director
Marleina Fallenius, Planning Technician/Housing Coordinator
Kate Burns, Controller
Amy Ward, Community Development Director
Jim Soukup, Chief Technology Officer
Jim Loebe, Transit & Recreation Director
Claire Perez, Planner
Connor Reilly, VCA Manager
Lindsay Niehaus, HR Coordinator
Rob Johnson, Transit Operations Manager
Finn Kjome, Public Works Director
JD Wise, Assistant Director of Public Works

Sean DeLand
Peter Hervald
Stephanie Fanos
Allison Ulmer
Jim Collins
Amie Martell
Kyle Beck
Carol Hiatt
David Averill
Jonathan Greenspan
Karen Guglielmone
Sherri Reeder
Cath Jett
Shelly D
Jacob Haslem
Tami Huntsman
Ed Healy

Executive Session for the Purpose of: (2)

- a. **Conference with the Town Attorney to Receive Legal Advice on Specific Legal Questions Pursuant to C.R.S. 24-6-402(4)(b) and for the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators, Under CRS 24-6-402(4)(e), Specifically Relating to Pending Litigation Involving the Telluride Mountain Village Owners' Association (TMVOA)**
- b. **Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators in**

Connection with Legal Advice Regarding Mountain Village Broadband Operations, Pursuant to CRS 24-6-402(4)(b) and (e)

On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to move into Executive Session for the purpose of:

- a. Conference with the Town Attorney to receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS 24-6-402(4)(e), specifically relating to pending litigation involving the Telluride Mountain Village Owners' Association (TMVOA)
- b. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators in connection with legal advice regarding Mountain Village broadband operations, pursuant to CRS 24-6-402(4)(b) and (e)

at 2:02 p.m.

Council resumed regular session at 3:06 p.m.

Council took a break from 3:06 to 3:12 p.m.

Public Comment on Non-Agenda Items (3)

Public comment was received from Jacob Haslem.

Consideration of Appointments: (4)

- a. **Appoint Two Members of Town Council to Participate in the TMVOA Mediation with the Judicial Arbitrator Group on November 2, 2022, or Alternatively to Consider Setting a Special Meeting on November 2, 2022 if More Than Two Members of Town Council will Participate**

Mayor Benitez recused herself. Town Attorney David McConaughy presented. Council discussion ensued. The Mayor Pro Tem opened a public hearing. There was no public comment. The Mayor Pro Tem closed the public hearing. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to appoint only one council member, which will be Harvey Mogenson to participate in the TMVOA mediation with the Judicial Arbitrator Group on November 2, 2022.

Staff Introductions: (5)

- a. **Claire Perez, Planner**

Community Development Director Amy Ward introduced new staff member Claire Perez as a Planner.

Consideration of a Proclamation Recognizing the Month of October as Domestic Violence Awareness Month (6)

Council member Marti Prohaska read the proclamation. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to approve a Proclamation recognizing the month of October as Domestic Violence Awareness Month.

Consent Agenda:

All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: (7)

- a. **Consideration of Approval of the September 22, 2022 Regular Town Council Meeting Minutes**
- b. **Consideration of Approval of the October 5, 2022 Special Town Council Meeting Minutes**

Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the Consent Agenda as presented.

Consideration of Appointment: (8)

a. One Regular Seat on the Ethics Committee

Susan Johnston presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted unanimously to appoint Keith Brown to the one regular seat on the Ethics Committee.

Finance: (9)

Finance Director Lizbeth Lemley presented.

a. Presentation of the September 30, 2022 Business & Government Activity Report (BaGAR)

b. Consideration of Approval of the August 31, 2022 Financials

Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the August 31, 2022 Financials as presented.

c. Village Court Apartments Budget Considerations

Council discussion ensued. Council consensus was in favor of increasing rent by 5% for all units.

Consideration of Proposed Changes to the 2022 and 2023 Parking Guidelines (10)

Transit and Recreation Director Jim Loebe and Transit Operations Manager Rob Johnson presented. The Mayor opened a public hearing. Public comment was received from Jonathan Greenspan, Carol Hiatt, and Cath Jett. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted 5-1 (with Harvey Mogenson dissenting) to approve the changes to the 2022 Parking Guidelines conditioned upon the following changes:

1. Resident parking permits will increase to \$100 annually for the Meadows lot (Lot M).
2. Residency requirements will change to proof of a one-year lease or longer.
3. Big Billie's will be allotted 25 parking permits at \$100 each for the season for the Meadows lot (Lot M).
4. Parking permits for the Airport lot (Lot R) will be \$50 each for the season.

Second Reading, Public Hearing and Council Vote on an Ordinance Amending Community Development Code Section 17.2.3, Design Review Board, to Consider Compensation for Attendance Legislative (11)

Mayor Pro Tem Dan Caton recused himself. Amy Ward presented. Council discussion ensued. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, Council voted 5-0 to adopt an Ordinance amending CDC Section 17.2.3 Design Review Board to provide compensation for attendance per month.

Consideration of a Resolution Approving a Road Right of Way Encroachment at Lot 166AR-2, 1 Stonegate Drive Pursuant to CDC 17.3.22 Quasi-Judicial (12)

Amy Ward presented. Council discussion ensued. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted unanimously to approve a Resolution for a Road Right-of-Way Encroachment at Lot 166AR2-2, 1 Stonegate Drive, based on the evidence provided in the staff record of memo dated October 11, 2022, and the findings of this meeting, with the following conditions:

1. Prior to issuance of building permit, the engineered soil nail design will be reviewed by Town Public Works and Town Engineers for necessary approvals.
2. Prior to building permit, a development agreement will be entered into between the Town and the applicant to ensure completion of the engineered retaining wall rebuild, inclusive of a financial guarantee for 125% of the projected cost. The form of the development agreement shall be reviewed by the Town Attorney and may be approved by the Town Manager without further Council action.
3. 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. The form of the license agreement shall be reviewed by the Town Attorney and may be approved by the Town Manager without further Council action.
4. 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.

5. 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.

Council took a break from 4:28 to 4:33 p.m.

Update on Telluride Regional Wastewater Treatment Plant (TRWWTP) Construction (13)

Town Manager Paul Wisor and Town of Telluride Public Works department representatives Karen Guglielmon, Kyle Beck and Amie Martell presented. Council discussion ensued.

Discussion Regarding Potential Wastewater Authority (14)

Paul Wisor and Attorneys Jim Collins and Allison Ulmer with Collins Cole Flynn Winn & Ulmer, PLLC presented. Council discussion ensued.

Harvey Mogenson and David McConaughy left the meeting at 5:41 p.m.

Staff Report: (16)

a. Mountain Munchkins

Council discussion ensued.

b. Police

Deputy Police Chief Matt Moir presented. Council discussion ensued.

Council Boards and Commissions Updates: (17)

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

Other Business (18)

a. Consideration of the 2023 Regular Town Council Meeting Dates

Susan Johnston presented. Council discussion ensued. Council consensus was in favor of the proposed 2023 Town Council meeting dates with the following changes:

1. Possibly cancel the April 20th meeting. Council will discuss cancelling the meeting at the March 16, 2023 meeting.
2. Move the September 21st meeting to Wednesday, September 20th to avoid conflict with the Bob Miller Memorial Golf Classic charitable event.

There being no further business, on a **MOTION** by Dan Caton and seconded Jack Gilbride, Council voted unanimously to adjourn the meeting at 6:14 p.m.

Respectfully prepared and submitted,



Kim Schooley
Deputy Town Clerk