



**TOWN OF MOUNTAIN VILLAGE**

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**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE APRIL 20, 2023  
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, April 20, 2023. The meeting was held in person and with virtual access provided through Zoom.

**Attendance:**

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

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

**Also in attendance were:**

Paul Wisor, Town Manager  
Michelle Haynes, Assistant Town Manager  
Kim Schooley, Deputy Town Clerk  
David McConaughy, Town Attorney (via Zoom)  
Lizbeth Lemley, Finance Director  
Chris Broady, Police Chief  
Amy Ward, Community Development Director  
Kathrine Warren, Public Information Officer  
Jaime Holmes, HR Director  
JD Wise, Economic Development & Sustainability Director  
Jeff Horn, Police Officer  
Kate Burns, Controller  
Jim Loebe, Transit & Recreation Director  
Rob Johnson, Transit Operations Manager  
Lindsay Niehaus, HR Coordinator  
Tim Barber  
Ariana Sites  
Mitzi Ayala  
David Averill  
Patrick Shanahan  
Martin Stetina  
Jamie Daugaard

John Pandolfo  
Cory Kalanick  
Andy Rutz  
Michael K.  
Chad Horning  
Andrew Vidor  
Darla Calloway  
Monica Rost  
Cath Jett  
Anton Benitez  
Jennifer Zanardi  
Madeline Gomez  
Sherri Reader  
Stephanie Fanos  
Valerie Child  
Bryan Woody  
Tucker Magid  
Heather Knox  
Gary Bash  
Chris Hawkins  
Mark Bertelsen

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

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

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

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

at 2:03 p.m.

Council returned to regular session at 3:28 p.m.

Council took a break from 3:28 to 3:35 p.m.

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

There was no public comment.

**Discussion of a Potential 2023 Bond Proposal from the Telluride School District (4)**

Superintendent of Telluride Schools John Pandolfo presented. Council discussion ensued.

**Introduction and Swearing In of Officer Jeff Horn (5)**

Police Chief Chris Broady introduced Officer Jeff Horn. Mayor Benitez swore in Officer Horn.

**Consent Agenda:**

**All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: *Quasi-Judicial* (6)**

- a. **Consideration of Approval of the March 16, 2023 Town Council Meeting Minutes**
- b. **Consideration of Approval of the March 30, 2023 Special Town Council Meeting Minutes**

Deputy Town Clerk Kim Schooley presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve the Consent Agenda as presented.

**Finance: (7)**

Finance Director Lizbeth Lemley presented.

- a. **Presentation of the March 31, 2023 Business & Government Activity Report (BaGAR)**
- b. **Consideration of Approval of the March 31, 2023 Financials**

Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the March 31, 2023 Financials as presented.

**Discussion with Telluride Ski & Golf Regarding the Importance of Managed Parking (Part 2) (8)**

Transit & Recreation Director Jim Loebe, Walker Consultants Principal/Director of Studies Andrew Vidor, and Telluride Ski & Golf Co-Owner Chad Horning presented. Chad Horning stated that he supports paid parking but is also looking for some buyout of the current agreement. Council discussion ensued. Council consensus was in favor of moving forward and having further.

On a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted unanimously to convene as the Mountain Village Housing Authority.

**Consideration of Approval of a Resolution of the Town of Mountain Village Housing Authority, Authorizing the Leasing of Certain Real Property to the Town of Mountain Village, Colorado, and the Execution and Delivery by the Authority of a Master Lease Agreement, and Other Documents Incidental Thereto, All for the Purpose of Financing a Portion of the Cost of Acquiring, Constructing and Equipping an Additional Approximately 35 Units of Multifamily Housing in Village Court Apartments (9)**

Town Manager Paul Wisor and Lizbeth Lemley presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted unanimously to approve the Resolution authorizing the lease of certain real property to the Town of Mountain Village, Colorado, and the execution and delivery by the Authority of a Master Lease Agreement, and other documents incidental thereto, all for the purpose of financing a portion of the cost of acquiring, constructing and equipping an additional approximately 35 units of multi-family housing in Village Court Apartments and further move that the Master Lease Agreement be approved in substantially the form presented.

On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to re-convene as the Town Council.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Authorizing the Leasing of Certain Real Property and the Execution and Delivery by the Town of a Master Lease Agreement, a Site and Improvement Lease Agreement, and a Lease Purchase Agreement, and Other Documents Incidental Thereto, All for the Purpose of Financing a Portion of the Cost of Acquiring, Constructing and Equipping Approximately 35 Units of Additional Multifamily Housing in Village Court Apartments (10)**

Paul Wisor and Lizbeth Lemley presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride Council voted 7-0 to approve on first reading an Ordinance authorizing the leasing of certain real property and the execution and delivery by the Town of a Master Lease Agreement, a Site and Improvement Lease Agreement, and a Lease Purchase Agreement, other documents incidental thereto, all for the purpose of financing a portion of the cost of acquiring, constructing and equipping approximately 35 units of additional multi-family housing in Village Court Apartments; setting forth certain parameters and restrictions with respect to the financing, authorizing officials of the Town to take all actions necessary or appropriate to carry out the transactions contemplated hereby; and providing for other matter related thereto, and further move the related agreements are approved substantially the form presented in the Ordinance and set the second reading, public hearing and final Council vote for the first available date.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending the Municipal Code Section 2.10.040 Relating to Town Council PERA Compensation (11)**

Human Resources Director Jaime Holmes presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted 7-0 to approve on first reading an Ordinance amending section 2.10.040 of the Mountain Village Municipal Code concerning Public Employees Retirement Association Benefits and to set the second reading, public hearing and final Council vote for the May 18, 2023 Regular Town Council meeting.

Council moved to agenda item 17.

Council heard agenda items 13 and 14 concurrently.

**Consideration of a Resolution Approving a Major Subdivision Application for Lots 126R, 152R, OSP-118 and OSP-126 per Community Development Code Section 17.4.13 *Continued from the March 16, 2023 Town Council Meeting Quasi-Judicial* (13)**

Crescendo Planning + Design representative Andy Rutz presented on behalf of staff. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted unanimously to approve a Resolution regarding a Major Subdivision to replat Lots 126R, OSP-118, and OSP-126 into Lots 126R-1, 126R-2, 126R-3, 126R-4, 126R-5, 126R-6, 126R-7, 126R-8 and 126R-9 and Access Tract 126R, consistent with the tables, minor corrections, finding and conditions as set forth in the staff memo and with the following findings:

1. The proposed major subdivision is in general conformance with the future land use map and Comprehensive Plan.
2. The proposed major subdivision is consistent with the criteria for review.
3. The proposed major subdivision is consistent with the subdivision purpose and intent at 17.4.13.A.
4. The proposed access tract will remain in private ownership and privately maintained by the owner/future HOA.
5. Consistent with CDC Section 17.4.4.D.2.d. the applicants indicated a form a homeowner's association to hold and maintain common property or common improvements in a condominium community.

6. Pursuant to CDC Section 17.5.16 Lot 126R is identified as a Ridgeline Lot and subject to the Ridgeline Lot requirements.
7. The town will work with the county 911 emergency coordinator to appropriately address the property prior to issuance of a building permit.
8. The applicant will conform to the public improvements to the requirements of CDC Section 17.4.13.L. Public Improvements Policy and as found in the associated Development Agreement.
9. The applicants have agreed to mitigate new construction as it relates to the housing mitigation requirements at 100% for development for all proposed uses.
10. The onsite employee housing unit counts towards the housing mitigation requirements for Lot 152R.

And the following conditions:

1. The Town Council must separately approve the related Rezoning Application for the Property. If the Rezoning Application is not approved within ninety (90) days after adoption of this Resolution, this Resolution shall become null and void.
2. All conditions of the approval as set forth in Town Council Ordinance No. 2023-\_\_ (“Rezoning Approval”) are conditions of this Subdivision Approval
3. The Town and Developer shall enter into a Development Agreement in substantially the form set forth in Exhibit C, attached hereto, which shall incorporate by reference all conditions of this Subdivision Approval and the Rezoning Approval. The final form of the Development Agreement and related exhibits may be approved by the Town Manager without further action by the Town Council, provided the agreement is consistent with this Resolution and the Rezoning Approval.

All Public Improvements to be dedicated to the Town, including those required as conditions of the Subdivision Approval, shall be constructed by the Developer at its expense pursuant to plans and specifications approved by the Town Engineer, and the Developer shall provide a letter of credit or other security, in a form subject to approval by the Town Manager (which shall not be unreasonably withheld), to secure the construction and completion of such improvements based on engineering cost estimates to be approved by the Town Engineer. The procedures for providing and releasing security, inspection and acceptance of public dedications, and construction warranties shall be addressed in the Development Agreement and/or a supplement thereto to be executed prior to issuance of a building permit when final plans and specifications and cost estimates are complete.

The Developer shall coordinate with Town Staff and the Town Attorney to ensure that the Property Replat creates all necessary easements, vacates all obsolete easements over the Property or Town-owned property, and modifies existing easements as appropriate prior to recordation of the Property Replat, provided that certain easements as identified in the Development Agreement may be granted after construction based on as-built conditions but prior to a certificate of occupancy for the structures such easements are intended to benefit. Any covenants or easements to be created or amended must be provided for review and approval by the Town Attorney prior to recordation of the Property Replat. Any such easement agreements with the Town shall be recorded at the same time as the Property Replat.

4. The Developer shall adequately address facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate service for the Property.
5. Any utility lines that are abandoned and not relocated shall be remediated appropriately by the Developer in accordance with the conditions of the building permit issued for the Property.
6. The Developer shall submit a revised utility plan prior to Subdivision Approval that includes water and sewer service lines to each property line in accordance with CDC Section 17.4.13.I.1-5.
7. The private road within the proposed development on the Lot 126R shall be owned and maintained by the owners’ association, and the declaration of covenants for the Property shall give the Town

the right, but not the obligation, to maintain the road if the association fails to do so, to bill the association for all such expenses incurred by the Town, and to lien all or a portion of the Property if the association fails to pay.

8. The Developer shall relocate the 16' wide trail connection from Country Club Drive to the junction of the Jurassic/Boomerang Trails. The Developer shall revise the civil drawings to show the trail and access easement in more detail, including decomposed granite/trail mix meeting Town specifications, and no hardscape or landscape in this area to accommodate snowcats for access. The trail and access easement shall be granted to the Town on or before the recordation of the Property Replat but may be modified after construction based on a survey of as-built conditions. The trail and access easement area shall accommodate the turning radius of snow grooming equipment and should the easement area need to be altered from the plans and specifications submitted as part of this approval, such alteration may be approved by Town staff.
9. The single-family setback shall be renamed to "General Easement" on the Replat and reduced from 16' to 8'. The Town will draft the General Easement plat note, which shall name the Town as beneficiary and limit the General Easement to below-grade utilities with no public access.
10. Town Staff will review and must approve the final proposed Property Replat to verify consistency with CDC Section 17.4.13.N Plat Standards, including subsection 3 Plat Notes and Certifications, and provide redline comments to the Developer prior to execution of the final mylar.
11. Town Staff has the authority to provide ministerial and conforming comments on the mylar prior to recordation of the Property Replat.
12. Permanent monuments on the external boundary of the subdivision shall be set within thirty (30) days of the recording of the Property Replat. Block and lot monuments shall be set pursuant to C.R.S. § 38-51-101. All monuments shall be located and described. Information adequate to locate all monuments should be noted on the Property Replat.
13. All recording fees related to the recording of the Property Replat in the records of the San Miguel County Clerk and Recorder shall be paid by the Developer.
14. The Developer will work with Town Staff and San Miguel County's Emergency Management Coordinator to create a street address for the Property consistent with applicable regulations.
15. The Developer shall be responsible for any additional street improvements that may be determined necessary by the Town following the Town's review of final construction drawings for the project described in the Subdivision Application, and Town Staff shall have authority to enter into an amendment to the Development Agreement to provide for any such additional street improvements and security therefor.
16. The affordable housing deed restriction shall be finalized prior to recordation of the Property Replat.
17. All representations of the Developer, whether within the Subdivision Application materials or made at the DRB or Town Council meetings, are conditions of this Subdivision Approval.
18. The subdivision approval is valid for 18 months.

**Second Reading, Public Hearing and Council Vote on an Ordinance Considering a Rezone and Density Transfer Application for Lots 126R and 152R per Community Development Code Section 17.4.10. *Continued from the March 16, 2023 Town Council Meeting Quasi-Judicial (14)***

Crescendo Planning + Design representative Andy Rutz presented on behalf of staff. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride Council voted 7-0 to approve an Ordinance considering a Rezone and Density Transfer Application for Lots 126R and 152R and Tracts OSP-118 and 126 with the finding and conditions set forth in the Ordinance and with the following findings:

1. The proposed rezone is in general conformance with the future land use map.
2. The proposed rezone and density transfer is consistent with the criteria for review.

3. The proposed rezone and density transfer is consistent with the rezoning purpose and intent at 17.4.9.A and the density transfer purpose and intent at 17.4.10.A.
4. The applicants will mitigate at a rate of 100% for all development and uses proposed on the properties.
5. The one employee condominium proposed counts towards the mitigation requirements on lot 152R.

And the following conditions:

1. All conditions of the approval of the Subdivision Application as set forth in Town Council Resolution No. 2023-\_\_ (“**Subdivision Approval**”) are incorporated by reference as conditions of this approval.
2. The Town and Developer shall enter into a Development Agreement in substantially the form set forth in Exhibit C, attached hereto, which shall incorporate by reference all conditions of this approval and the Subdivision Approval. The Town Manager is authorized to approve the final version of the Development Agreement and, upon such approval, the Development Agreement and all related documents necessary to effectuate the intent of this Ordinance may be executed by the Town Manager, Director of Community Development, Mayor, and Town Clerk, as appropriate or necessary.
3. The Developer is responsible for all dues, fees, and any taxes associated with the existing density and density once placed into the Density Bank.
4. The open space locations and zoning will be consistent with the Replat associated with the Subdivision Approval.
5. The Density Bank certificates will be issued concurrently with the recording of the Replat.
6. If the employee zoning designation density is approved to be moved into the Density Bank, except for the one (1) Employee Condominium proposed, then the housing mitigation requirement is set at 100% for all buildings and relevant structures and uses on Lots 126R and 152R, as proposed to be replatted. This requirement will be outlined in the Development Agreement.
7. The one (1) proposed Employee Condominium is subject to the affordable housing deed restriction requirements of the Mountain Village Municipal Code at 16.02.
8. In the event that a use on the Property is contemplated outside of the CDC requirements in the condominium maps and/or governing documents, the Developer shall apply for such use via the appropriate Town process.
9. Town Staff shall update the Mountain Village Zoning Map consistent with this approval and the Subdivision Approval.
10. All representations of the Developer, whether within Rezoning or Subdivision Applications submittal materials or at the DRB or Town Council public hearings, are conditions of this approval.

**Consideration of a Resolution Approving a Height Variance Request to the Coonskin View Corridor on Lot161A-4, Unit 6 The Ridge, Pursuant to CDC Section 17.4.16 & 17.5.16 Quasi-Judicial (15)**

Amy Ward presented. Alpine Planning President Chris Hawkins presented on behalf of the applicant. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve a Resolution approving a height variance to the Coonskin View Plane for Lot 161A-4 Unit 6 TBD Bridge Lane based on the evidence provided within the staff memo of record dated April 12, 2023, with the following conditions:

1. The approved height variance is valid only with the design presented for Initial DRB review on March 30, 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.
2. The height variance is specific to the area described in the staff memo and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, the variance would not cover portions of the building that are not thus described.

**Discussion with the Town of Telluride Public Works Department Regarding Status of Wastewater Treatment Plant Expansion (16)**

The applicant requested this agenda item be removed prior to the start of the meeting.

Council moved to agenda item 18.

**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

The Mayor directed staff to remove the San Miguel Watershed Coalition and the Telluride Mountain Village Owners Association Governance Auxiliary Committee from further Council Board and Commissions Updates.

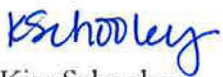
Council moved to agenda item 13.

**Other Business (18)**

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to adjourn the meeting at 6:34 p.m.

Respectfully prepared,



Kim Schooley  
Deputy Town Clerk

Respectfully submitted,



Susan Johnston  
Town Clerk