



**TOWN OF MOUNTAIN VILLAGE**

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**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE AUGUST 17, 2023  
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Martinique Prohaska at 1:00 p.m. on Thursday, August 17, 2023. The meeting was held in person and with virtual access provided through Zoom.

**Attendance:**

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

Marti Prohaska, Mayor

Scott Pearson, Mayor Pro Tem

Harvey Mogenson

Jack Gilbride

Pete Duprey

Patrick Berry

Tucker Magid

**Also in attendance were:**

Paul Wisor, Town Manager

Michelle Haynes, Assistant Town Manager

Susan Johnston, Town Clerk

Kim Schooley, Deputy Town Clerk

Andrea Bryan, Assistant Town Attorney

Lizbeth Lemley, Finance Director

Chris Broady, Police Chief

Amy Ward, Community Development Director

Kathrine Warren, Public Information Officer

Molly Norton, Community Engagement Coordinator

Maegan Eckard, Administrative Assistant

Jim Soukup, Chief Technology Officer

JD Wise, Economic Development & Sustainability Director

Lauren Kirn, Environmental Efficiencies & Grant Coordinator

Lindsay Niehaus, HR Coordinator

Ashley Federici, Administrative Assistant to HR & Communications

Hector Delgado, Community Service Officer

Rob Johnson, Transit Operations Manager

Claire Perez, Planner I

Marleina Fallenius, Housing Manager

Lauren Tyler, GIS Administrator

Finn Kjome, Public Works Director

Jim Loebe, Transit & Recreation Director

Rob Connor

Sherri Reeder

Dan Cokley

Anton Benitez

Jean Nictakis

Tim Johnson

Jonathan Greenspan

Chris Knight

Cath Jett

Terry Elkins

Jennifer Zandari

Madeline Gomez

Heather Knox

Carson Taylor

Albert Roer

Kristina Lamb

Nicole Jarman

Diana Farrell

Pete Wagner

Mike Sanders

Chris Chaffin

Jim Mahoney

Kristin Farkas

Joe Coleman

Yvette Rauff

Kristen Decker

Douglas Tooley

Sarah Van Horn

Narcis Tudor

Cameron Kelly

Keith Hampton

Steven Paletz

Jon Stern

Matthew Shear  
Winston Kelly  
Glenn Robson  
Sally Courtney  
Matthew Minor  
Dan Caton  
Chad Hill  
Tom Ragonetti  
EllenAnn Hintermeister  
Natasha Applebaum  
KC Assem Kaissi  
Tracy Boyce  
Ryan Lerwill  
Peter Mitchell  
Rebekah Salguero  
Dale Reed  
Emma Gerona  
Ron Allred  
Avani Patel  
Ankur Patel  
George Harvey  
Alex Martin  
Laura Aleman  
Ben Jackson  
Linda McMahan  
Peggy Raible  
Rosie Cusack  
Felicity Thames  
Jessie Goldberg  
Tamas Paluska  
Chris Paulk  
Allison McClain  
Diana Koelliker

Gold Zaragoza  
Marcin Ostromecki  
Terrie Dollard  
Chris McGranahan  
Alonzo Wickers  
Cyndi Stovall  
Adam Raiffe  
Kristin Harris  
Steve Gold  
Diana Koelliker  
Michael O'Connor  
Zoe Dohnal  
Terry Elkins  
Ruth Fitzgibbons  
Henry Hintermeister  
Allison McClain  
Banks Brown  
Bill Kyriagis  
Matt Hintermeister  
Katsia Lord  
Chuck Horning  
Mickey Salloway  
Brian Eaton  
David Ballode  
Tracy Boyce  
Simon Alpin  
Bryan Thames  
Mark Goldberg  
Chad Horning  
Jim Cassel  
David Eckman  
Marc Cabrera

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

Public comment was received from Jonathan Greenspan.

**Executive Session for the Purpose of: (3)**

- a. **Receiving Legal Advice on Specific Legal Questions Under CRS Section 24-6-402(4)(b), Specifically Regarding the Citizen-Initiated Ordinance to Amend the Community Development Code**

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

- a. Receiving legal advice on specific legal questions under CRS section 24-6-402(4)(b), specifically regarding the citizen-initiated Ordinance to amend the Community Development Code

at 1:04 p.m.

Council returned to open session at 1:33 p.m.

**Staff Introductions: (4)**

- a. **Ashley Federici, Administrative Assistant to HR & Communications**
- b. **Hector Delgado, Community Service Officer**

HR Coordinator Lindsay Niehaus introduced a new Administrative Assistant to HR & Communications Ashley Federici and Police Chief Chris Broady introduced new Community Service Officer Hector Delgado.

**Consideration of Appointments: (5)**

- a. **Two Mountain Village Resident Seats on the Grant Committee**

Scott Pearson recused himself. Town Clerk Susan Johnston presented. Comments were received from Diana Farrell and Kristin Farkas. Council discussion ensued. On a **MOTION** by Tucker Magid and seconded by Harvey Mogenson, Council voted to appoint Liz Caton and Diana Farrell to the Mountain Village resident seats on the Grant Committee for two-year terms.

- b. **One Regular Seat on the Ethics Committee**

Scott Pearson recused himself. Susan Johnston presented. Comment was received from Diana Farrell. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted to appoint Heather Knox to the regular seat on the Ethics Commission for a two-year term.

**Liquor Licensing Authority: Quasi-Judicial (6)**

- a. **Consideration of a Special Event Liquor Application by Telluride Mountain Club Partnering with the Telluride Reserve for a Special Event on August 19, 2023 from 2:00 to 5:00 PM**

Susan Johnston presented. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Tucker Magid, Council voted unanimously to approve a Special Event Liquor Application by Telluride Mountain Club partnering with Telluride Reserve for a special event on August 19, 2023 from 2:00 to 5:00 PM.

**Update on Mountain Munchkins (7)**

Town Manager Paul Wisor and Mountain Munchkins Director Chambers Squier presented. Council discussion ensued.

**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: (8)**

- a. **Consideration of Approval of the July 18, 2023 Special Town Council Meeting Minutes**
- b. **Consideration of Approval of the July 20, 2023 Town Council Meeting Minutes**

Susan Johnston presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Scott Pearson, Council voted unanimously to approve the Consent Agenda as presented.

**Consideration of Approval of a Franchise Agreement with San Miguel Power Association (9)**

San Miguel Power Association representative Jim Link presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Tucker Magid, Council voted unanimously to approve a Franchise Agreement between the Town of Mountain Village and San Miguel Power Association, Inc. with the amendment to section 8.2(A) that SMPA provide as-built drawings.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending CDC Section 17.4.8 to Provide Temporary Authority for Additional Renewal of Expiring Land Use Approvals (10)**

Community Development Director Amy Ward presented. Mayor Prohaska opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted 7-0 to approve on first reading an Ordinance

amending chapter 17.4 of the Mountain Village Municipal Code concerning extensions of land use approvals as proposed in the staff memo of record dated August 10, 2023 and to set the second reading, public hearing and final Council vote for the September 20, 2023 Regular Town Council meeting.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Vested Property Rights Extension for a Site-Specific Development Plan for Lot 30, TBD Aspen Ridge Drive Pursuant to CDC 17.4.17 Quasi-Judicial (11)**

Amy Ward presented. Comments were received from applicants Chris Chaffin and Jim Mahoney. Mayor Prohaska opened the public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Tucker Magid, Council voted 7-0 to approve on first reading an Ordinance regarding the extension of a vested property right at Lot 30, TBD Aspen Ridge Drive, from October 7, 2023 to October 7, 2026 pursuant to CDC section 17.4.17 based on the evidence provided within the staff report of record dated August 9, 2023 and to set the second reading, public hearing and final Council vote for the September 20, 2023 Regular Town Council meeting.

With the following findings:

1. The proposal to extend the Lot 30 vested property rights meets all of the Criteria for Decision listed in 17.4.17(D)(1).

And with the following conditions:

1. Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: "Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq. and subject to the Town of Mountain Village's Community Development Code."
2. The Town shall publish a notice in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4)
3. All previous conditions of approval from the original 2021 Design Review approval remain applicable for any future development.

Council took a break from 2:15 p.m. to 2:28 p.m.

**Consideration of a Resolution Approving a Variance to Allow for a Detached Accessory Dwelling Unit on a Lot of Less than .75 acres at Lot 360, TBD Rocky Rd Pursuant to CDC 17.3 and 17.4.16 Quasi-Judicial (12)**

Amy Ward presented. Comment was received from applicant Narcis Tudor. Mayor Prohaska opened the public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 6-1 (with Harvey Mogenson dissenting) to approve a Resolution that allows for a detached ADU on a lot less than 0.75 acres for the project located on Lot 360, 112 Rocky Road based on the evidence provided in the staff memo of record dated July 24, 2023 and the findings of this meeting.

**Consideration of a Citizens' Petition Requesting a First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending the Community Development Code by Adding a New Section 17.3.23 Providing Standards and Requirements to Grant Variances from the Maximum Building Height in the Village Center Zone Set Forth in Section 17.3.12 Legislative (13)**

Coleman & Quigley, LLC attorney Joseph Coleman presented. Mayor Prohaska opened the public hearing. Public comment was received from Bill Kyriagis, Kristen Decker, Tami Richardson, Steven Paletz, Cath Jett, Sherri Reeder, and Winston Kelly. The Mayor closed the public hearing. Council discussion ensued. On a

**MOTION** by Scott Pearson and seconded by Pete Duprey, Council voted 7-0 to deny the citizens' petition requesting an Ordinance amending the Community Development Code by adding a new section 17.3.23 providing standards and requirements to grant variances from the maximum building height in the Village Center Zone set forth in section 17.3.12 on first reading.

Council took a break from 3:36 p.m. to 3:42 p.m.

Council moved to agenda item 20.

**Consideration of Action Regarding a Major Planned Unit Development (PUD) Amendment to the Formerly Named Mountain Village Hotel PUD, to Consider Amendments to the Existing PUD for Lot 109R for a Mixed-Use Hotel/Resort Development Including Plaza, Commercial, Hotel and Residential Use *This item was Continued from the June 15, 2023, Regular Town Council Meeting Quasi-Judicial (14)***

Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicants Avani Patel, Adam Raiffe, Bill Kyriagis, Rajesh Patel, and Katsia Lord presented. Mayor Prohaska opened a public hearing. Public comment was received from Ron Allred, Cameron Kelly, Chad Horning, Ben Jackson, Bryan Thames, Brian Eaton, Tamas Paluska, Tami Richardson, Kristen Decker, George Harvey, Chris Paulk, JR Kraft, Jessica Goldberg, Simon Alpin, Laura Aleman, Anton Benitez, Chuck Horning, Joe Coleman, Rosie Cusack, Meehan Fee, Douglas Tooley, Rob Connor, and Ryan Lerwill. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted 4-3 to approve (with Harvey Mogenson, Scott Pearson and Pete Duprey dissenting) on first reading an Ordinance to approve a Fourth Major PUD amendment for Lot 109R and portions of OS-3BR-2, and approve a vested property right for a site-specific development plan, with the findings and conditions stated in the Ordinance with the amendments that the Town Engineer will provide an opinion on the three-story underground garage, the Development Agreement will specifically state that the hotel/resort will be open year-round and state the number of restaurants on-site, and will have all traffic mitigation measures incorporated, and to set the second reading, public hearing and final Council vote for the September 20, 2023 Regular Town Council meeting.

With the following findings:

1. Village Center Open Space if rezoned, does not require replacement open space pursuant to CDC Section 17.3.10
2. Town Council incorporate the DRB's recommended conditions of approval as part of this motion. To the extent there are duplicate conditions, duplications need not be repeated in the approvals.
3. Town Council incorporate the major subdivision approval and associated rezoning with conditions as part of this motion. To the extent there are duplicate conditions, duplications need not be repeated in the approvals.
4. The applicants have affirmed this is not a phased development.

And the following conditions:

1. Revise the public improvements exhibit to include the Installation of a 4-way stop at the porte cochere and associated cost.
2. The Design Plans provided to Town Council replace the DRB final design plans, as they have addressed conditions of approval and revised the plans.
3. All conditions of the DRB approvals are conditions of this PUD amendment.
4. In accordance with the Design Regulations, this approval does not allow any violation of the CDC or design regulations or imply any approval of any errors that may be contained in this application that violate the CDC and/or the Design Regulations.

5. The 50 hotel rooms and employee housing need to be constructed concurrent with the residential development pursuant to CDC Section.
6. Payment of public benefits fees must be paid at building permit issuance.
7. Address all town engineer concerns as stated in the referral comment letter from SGM dated May 26, 2023 and included in this packet and record.
  - a. Construction Mitigation conditions are included in the Ordinance. Additionally, construction mitigation plan review is required to begin six months prior to an anticipated building permit submittal.
8. All Public Improvements to be accepted to the Town shall be constructed by the Developer at its expense pursuant to plans and specifications approved by the Town Engineer, and the Developer shall provide financial guarantee 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 town will accept improvements but will require the developer to construct, operate and maintain such improvements as outlined in the development agreement.
9. All representations of the Applicant, whether within the submittal or at the DRB or Town Council hearing or meetings from the December 1, 2022 DRB meeting, are conditions of this approval.
10. Any retaining walls necessary for proposed utilities on Lot OS-3J will have stone cladding to match existing See Forever hardscaping.
11. Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement:  
" Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101et seq. and subject to the Town of Mountain Village's Community Development Code."

Council took a break from 6:38 p.m. to 6:44 p.m.

**Consideration of Action for a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR2 *This Item was Continued from the June 15, 2023 Regular Town Council Meeting Quasi-Judicial (16)***

Michelle Haynes and Amy Ward presented. Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Harvey Mogenson, Council voted unanimously to continue a Resolution for a major subdivision to replat portions of property between Lots 109R and OS-3-BR2 to the September 20, 2023 Town Council meeting.

**Consideration of Action Regarding a Rezone of Portions of Town Owned Village Center Active Open Space (OS-3- BR2) to 109R PUD, and 109R PUD to Village Center Active Open Space (OS-3-BR2) and a Portion of 109R PUD to Active Open Space Right of Way (a Portion of the Mountain Village Blvd Bridge) Consistent with CDC Section 17.4.9 15. Related to the Concurrent Major Subdivision Application to Replat Portions of Property Between Lot 109R and OS-3-BR-2 *This Item was Continued from the June 15, 2023 Regular Town Council Meeting Quasi-Judicial (17)***

Michelle Haynes and Amy Ward presented. Mayor Prohaska opened a public hearing. Public comment was received from Kristen Decker. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Mayor Prohaska and seconded by Jack Gilbride, Council voted 7-0 to approve an Ordinance on first reading a rezone to former portions of OS-3BR-2 to Lot 109R2 site specific PUD and portions of 109R to OS-3BR-2R-1 Active Open Space Village Center and a small portion of former 109R rezone to Mountain Village Boulevard, Active Open Space Right of Way as shown on the proposed major subdivision

plat and to set the second reading, public hearing and final Council vote for the September 20, 2023 Regular Town Council meeting.

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.

And the following conditions:

1. All conditions of approval of the Major Subdivision Application as set forth in Resolution 2023-\_\_\_ (“Subdivision Approval”) are incorporated as conditions of this approval.
2. The approved rezone, further described on the Replat/Rezone attached hereto as attachment 1, shall be shown on a map reflecting the new zoning and associated boundaries, to be provided with second reading of this Ordinance as required by the CDC. The precise boundaries of each zone district shall conform to the approved final plat being considered as part of the Major Subdivision Application.
3. The rezoning created hereby shall not become effective until the Effective Date of this Ordinance.
4. Town staff shall update the Town’s Official Zoning Map to reflect the changes made by this Ordinance as soon as practicable after the Effective Date.
5. The Town and Developer shall enter into a Development Agreement in substantially the form set forth in the PUD amendment approval, 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.
6. 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.
7. The rezone approval is conditioned upon the major subdivision approval.

**Consideration of a Request for Emergency Funding for the Telluride Hospital District (18)**

Telluride Regional Medical Center Board of Directors Members Diana Koelliker, Mark Cabrera, and Allison McClain presented. Mayor Prohaska opened a public hearing. Public comments were received from George Harvey and Douglas Tooley. The Mayor closed public comment. Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Patrick Berry, Council voted unanimously to appropriate emergency funding of \$650,000 to the Telluride Hospital District, which will be dispersed at such time as the Mayor certifies that the hospital agrees to a set of conditions that will be jointly developed by the Town of Mountain Village, the Town of Telluride, and San Miguel County.

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to extend the meeting beyond six hours.

**Consideration of a Resolution Adopting the Ouray and San Miguel County Regional Climate Action Plan (19)**

Environmental Efficiencies & Grant Coordinator Lauren Kirn and Eco Action Partners Executive Director Emma Gerona presented. Mayor Prohaska opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Tucker Magid, Council voted unanimously to adopt a Resolution regarding the San Miguel &

Ouray County Regional Climate Action Plan with an amendment to the Executive Summary to state that the Town of Mountain Village shares 35% of the wastewater treatment plant.

Council moved to agenda item 21.

**Forestry Update Regarding the Douglas Fir Beetle (20)**

Town Forester Rodney Walters presented. Council discussion ensued. Council directed staff to remove the infested trees and to work with Dr. Siebold for additional resources.

Council moved to agenda item 14.

**Consideration of a Resolution Setting the Initial Sales Price for Units at Lot 644 – Meadowlark at Mountain Village (21)**

Paul Wisor presented. Mayor Prohaska opened a public hearing. Public comment was received from Cath Jett. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted 6-1 (with Harvey Mogenson dissenting) to ratify a Resolution setting the initial sales price for units at Lot 644 – Meadowlark at Mountain Village.

**Consideration of an Amendment to the Operating Agreement Between the Mountain Village Housing Authority and Meadowlark, LLC (22)**


Paul Wisor presented. Mayor Prohaska opened a public hearing. Public comment was received from Cath Jett. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Mayor Prohaska and seconded by Scott Pearson, Council voted unanimously to approve the Amendment to the Operating Agreement of Meadowlark 644, LLC and authorize the Mayor to execute the consent on behalf of the Town.

**Other Business (23)**

There was no other business.

There being no further business, on a **MOTION** by Scott Pearson and seconded by Pete Duprey, Council voted unanimously to adjourn the meeting at 8:21 p.m.

Respectfully prepared,

  
Kim Schooley  
Deputy Town Clerk

Respectfully submitted,

  
Susan Johnston  
Town Clerk