

TOWN OF MOUNTAIN VILLAGE

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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE SEPTEMBER 20, 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 Wednesday, September 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:

Marti Prohaska, Mayor
Scott Pearson, Mayor Pro Tem (via Zoom) (arrived at 2:12 p.m.)
Harvey Mogenson
Jack Gilbride
Pete Duprey
Tucker Magid (via Zoom)
Patrick Berry (via Zoom) (arrived at 2:26 p.m.)

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
Lizbeth Lemley, Finance Director
Chris Broady, Police Chief
Amy Ward, Community Development Director
Kathrine Warren, Public Information Officer
JD Wise, Economic Development & Sustainability Director
Lauren Tyler, GIS Administrator
Jim Loebe, Transit & Recreation Director
Jaime Holmes, HR Director
Lindsay Niehaus, HR Coordinator
Maegan Eckard, Administrative Assistant
Kate Burns, Controller
Lauren Kirn, Environmental Efficiencies & Grant Coordinator
Molly Norton, Community Engagement Coordinator
Lauren "LT" Tyler, GIS Administrator
Lars Forsythe, Building Inspector
Clair Perez, Planner II
Marleina Fallenius, Housing Policy & Programs Manager
Chad Hill
Winston Kelly
David Foster
Len Rybicki
Anne Reissner
Mickey Salloway

Tim Barber
Adam Raiffe
Darshan Patel
Huascar (Rick) Gomez
Jennifer Zanardi
Jonathan Greenspan
Paul Savage
Yvette Rauff
Terry Elkins
Melanie Montoya
Kiernan Lannon
David Shear
John Miller
Marcin Ostromecki
Tim Johnson
Cyndi Stovall
Matt Skinner
Steven Paletz
Matthew Shear
Albert Roer
Madeline Gomez
Dovid Spector
Chris Hawkins
Jon Stern
Peggy Raible
Jackie Kadin
Linda Brown
Keith Hampton

Katsia Lord
Bill Kyriagis
Avani Patel
Matt Hintermeister
Nikoleta Angelova
Jon Duerr
Dan Jansen
Chris Chaffin
Ankur Patel
Chuck Horning
Patrick Latchem
Tamas Paluska
Erica McDonnell
Laura Aleman
Anton Benitez
Meehan Fee

Linda Tyler
Andrew Vidor
Douglas Tooley
Stacy Ostromecki
Brandyn Bair
Wesley Massey Hill
Karla Howard
Chris Paulk
Vijesh Patel
Jeff Walker
Chad Horning
Ron Allred
Mike Ialeggio
George Harvey
Morgan Ballou
Simon Aplin

On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to add to the Consent Agenda as item 5c, a Resolution Approving the Purchase of Real Property. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to remove agenda item 17, Consideration of an Update to the Town of Mountain Village Open Space Map Last Updated in 2012.

Executive Session for the Purpose of: (2)

- a. **Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Under CRS Section 24-6-402(4)(b), Specifically Regarding the 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**
- b. **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 Paid Parking Pursuant to C.R.S. 24-6-402(4)(b) and (e)**

On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, 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 under CRS Section 24-6-402(4)(b), specifically regarding the 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;
- b. 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 paid parking pursuant to C.R.S. 24-6-402(4)(b) and (e)

at 1:00 p.m.

Council returned to open session at 1:35 p.m.

Public Comment on Non-Agenda Items (3)

Public comment was received from Jonathan Greenspan.

Consideration of a Proclamation Declaring September 2023 as Suicide Prevention Awareness Month (4)

Tri-County Health Co-Executive Director Melanie Montoya presented. Mayor Prohaska read the proclamation. On a **MOTION** by Jack Gilbride and seconded by Harvey Mogenson, Council voted unanimously to approve a proclamation declaring September 2023 as Suicide Prevention Awareness Month in the Town of Mountain Village.

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: (5)

- a. **Consideration of Approval of the August 7, 2023 Special Town Council Meeting Minutes**
- b. **Consideration of Approval of the August 17, 2023 Town Council Meeting Minutes**
- c. **Consideration of a Resolution Approving the Purchase of Real Property**

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

Telluride Museum Update (6)

Telluride Historical Museum Executive Director Kiernan Lannon presented. Council discussion ensued.

Finance: (7)

- a. **2024 Draft Budget Review**

Finance Director Lizbeth Lemley and Assistant Finance Director Julie Vergari presented. Council discussion ensued.

Second Reading, Public Hearing and Council Vote on an Ordinance Amending CDC Section 17.4 of the Mountain Village Municipal Code Concerning Extensions of Land Use Approvals Quasi-Judicial (8)

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 Harvey Mogenson, Council voted 7-0 to approve on second 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 dated September 14, 2023.

Second Reading, 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 (9)

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 Harvey Mogenson and seconded by Jack Gilbride, Council voted 7-0 to approve 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 September 14, 2023.

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.

Second Reading, Public Hearing and Council Vote on an Ordinance Approving 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 Quasi-Judicial (10)

Assistant Town Manager Michelle Haynes, Amy Ward and Town Engineer Chad Hill presented. Applicants Avani Patel, Bill Kyriagis, and Vijesh Patel made comments. Mayor Prohaska opened a public hearing. Public comment was received from Dr. Walker, Laura Aleman, Wesley Massey Hill, Patrick Latcham, George Harvey, Anton Benitez, Morgan Ballou, Jackie Kadin, Len Rybicki, Chad Horning, Ron Allred, Dan Jansen, Albert Roer, Ann Reissner, Winston Kelly, Chris Paulk, Tamas Paluska, Chuck Horning, Meehan Fee, David Foster, and Simon Aplin. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Tucker Magid, Council voted 4-3 (with Pete Duprey, Harvey Mogenson, and Scott Pearson dissenting) to approve an Ordinance for 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, and adding an additional approved CDC variation for driveway grades as described in the staff memo.

Council took a break from 3:23 to 3:30 p.m.

Consideration of a Resolution approving a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR2 and a Portion of Property from 109R to Active Open Space Right of Way *This Item was Continued from the August 17, 2023 Regular Town Council Meeting Quasi-Judicial (11)*

Michelle Haynes and Amy Ward presented. Mayor Prohaska opened a public hearing. Public comment was received from David Foster. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted unanimously to approve a major subdivision by Resolution regarding a replat of Lot 109R and OS-3BR-2 to be replat as Lot 109R2, OS-3BR-2R-1R and Active Open Space Right of Way. The findings and conditions are contained within the resolution.

Second Reading, Public Hearing and Council Vote on an Ordinance 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 Quasi-Judicial (12)

Michelle Haynes and 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 Jack Gilbride Council voted 7-0 to approve an Ordinance rezoning former portions of OS-3BR-2 to Lot 109R2 site specific PUD and portions of 109R to OS-3BR-2R-1R 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 the rezone exhibit. The findings and conditions are contained within the ordinance.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding Approving a CDC Amendment Adding CDC Section 17.6.6.D.1 and Amending CDC Section 17.5.13.M to Allow for the Adoption of the Town of Mountain Village Addressing Standards Document Quasi-Judicial (13)

Amy Ward, GIS Administrator Lauren Tyler, and Police Chief Chris Broady presented. Mayor Prohaska opened a public hearing. Public comment was received from Len Rybicki and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 7-0 to approve on first reading an Ordinance proposing changes to the Community Development Code at Sections 17.6.6.D. (new) and 17.4.13.M. attached as exhibit A, and to set the second reading, public hearing and final Council vote for the October 19, 2023 Regular Town Council meeting.

Updates Regarding Meadowlark at Mountain Village Unit Selection Process with Tiered Priority Individuals and Organizations (14)

Town Manager Paul Wisor, Michelle Haynes, and Housing Policy and Programs Manager Marleina Fallenius presented. The Mayor opened a public hearing. Public comment was received from Stacy Ostromecki. The Mayor closed the public hearing. Council discussion ensued. Council directed staff to all essential organizations to purchase more than one unit. Council consensus was in favor of investing in three units for the Town to use for employee housing and recruiting.

Discussion Regarding Daytime Parking Fees and Parking Policy Changes (15)

Paul Wisor and Walker Consultants Parking Consultant Andrew Vidor presented. The Mayor opened a public hearing. Public comments were received from Erica McDonnell, Len Rybicki, Michael Ialeggio, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. Council directed staff to use the parking fees suggested by Walker Consultants and increase the parking fees for the Meadows Lot to match the Gondola Parking Garage. Implementation issues will be discussed on the parking committee level.

Council broke for dinner from 5:21 to 5:35 p.m.

Discussion Regarding Staff Reports and Financial Reporting to Town Council (16)

Paul Wisor presented. Council discussion ensued. Council directed staff to assemble a brief update from each director and present it to Council monthly and to adjust the financial reporting to present it to Council quarterly.

Consideration of an Update to the Town of Mountain Village Open Space Map Last Updated in 2012 (17)

This item was removed from the agenda.

Council Boards and Commissions Updates: (18)

1. **Telluride Tourism Board – Berry**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Mogenson & Duprey**
4. **Budget & Finance Committee – Duprey, Mogenson & Pearson**
5. **Gondola Committee – Berry & Mogenson**
6. **Colorado Communities for Climate Action – Berry**

7. San Miguel Authority for Regional Transportation (SMART) – Berry & Magid
8. Telluride Historical Museum – Prohaska
9. Alliance for Inclusion – Prohaska
10. Green Team Committee – Berry
11. Mountain Village Business Development Advisory Committee (BDAC) – Duprey & Pearson
12. Wastewater Committee – Duprey & Magid
13. Mayor's Update – Prohaska

Council Boards and Commissions updates were skipped.

Other Business (20)

There was no other business.

Executive Session for the Purpose of: (21)

- a. 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 to the Ice Rink Management Agreement Pursuant to C.R.S. 24-6-402(4)(b) and (e)
- b. 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 to the La Piazza del Villaggio Ristorante Plaza License Agreement Pursuant to C.R.S. 24-6-402(4)(b) and (e)
- c. 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 Proposed Wastewater Treatment Plant Pursuant to C.R.S. 24-6- 402(4)(b) and (e)
- d. 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)

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

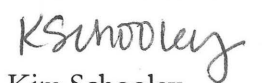
- a. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection to the Ice Rink Management Agreement pursuant to C.R.S. 24-6-402(4)(b) and (e);
- b. 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 to the La Piazza del Villaggio Ristorante Plaza License Agreement pursuant to C.R.S. 24-6-402(4)(b) and (e);
- c. 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 proposed Wastewater Treatment Plant pursuant to C.R.S. 24-6- 402(4)(b) and (e);
- d. 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)

at 5:42 p.m.


Council returned to open session at 7:20 p.m.

There being no further business, on a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted unanimously to adjourn the meeting at 7:20 p.m.

Respectfully prepared,


Kim Schooley
Deputy Town Clerk

Respectfully submitted,


Susan Johnston
Town Clerk