



TOWN OF MOUNTAIN VILLAGE

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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE JANUARY 18, 2024
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Pro Tem Scott Pearson at 2:01 p.m. on Thursday, January 18, 2024. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Scott Pearson, Mayor Pro Tem

Harvey Mogenson

Jack Gilbride

Pete Duprey

Tucker Magid

Huascar E. Gomez (Rick)

The following Town Council member was absent:

Marti Prohaska, Mayor

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

Haley Carner, Assistant Town Attorney

Lizbeth Lemley, Finance Director

Chris Broady, Police Chief

JD Wise, Economic Development & Sustainability Director

Amy Ward, Community Development Director

Kathrine Warren, Public Information Officer

Lauren Tyler, GIS Administrator

Drew Nelson, Senior Planner

Jim Loebe, Transit & Recreation Director

Lindsay Niehaus, Human Resources Benefits Coordinator

Marleina Fallenius, Housing Manager

Finn Kjome, Public Works Director

Scott Pittenger, Public Works Director

Julie Vergari, Assistant Finance Director

Chambers Squier, Childcare Director

Jason Habib, Planning Technician

Claire Perez, Planner

Tim Barber

Madeline Gomez

David Ballode

Yvette Rauff

Anton Benitez

Anne Reissner

James Mahoney

Katsia Lord

Todd Herrick
John Miller
Jonathan Greenspan
Bill Kyriagis
Jason Smith

Margaret Rinkevich
Chris McGranahan
Matthew Hintermeister
Chris Chaffin
Jonette Bronson

Public Comment on Non-Agenda Items (2)

Public comment was received from Paul Savage.

Executive Session for the Purpose of: (3)

- 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 With Mountain Village Wetlands and Sackett v. Environmental Protection Agency 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 With Town of Mountain Village v. Alexander 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 Wastewater Treatment Plant Pursuant to C.R.S. 24-6- 402(4)(b) and (e)**
- d. **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 Gondola Construction Pursuant to C.R.S. 24-6- 402(4)(b) and (e)**
- e. **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 Possible Charter Amendments Pursuant to C.R.S. 24-6-402(4)(b)**

On a **MOTION** by Pete Duprey and seconded 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 with Mountain Village Wetlands and Sackett v. Environmental Protection Agency 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 with Town of Mountain Village v. Alexander 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 Wastewater Treatment Plant pursuant to C.R.S. 24-6- 402(4)(b) and (e)
- d. 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 gondola construction pursuant to C.R.S. 24-6-402(4)(b) and (e)
- e. 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 possible charter amendments pursuant to C.R.S. 24-6-402(4)(b)

at 2:07 p.m.

Council returned to open session at 3:49 p.m.

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: (4)

- a. **Consideration of Approval of the December 14, 2023 Regular Town Council Meeting Minutes**

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

Liquor License Authority: Quasi-Judicial (5)

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

Susan Johnston presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, Council voted unanimously to approve the re-certification of the Mountain Village Promotional Association and Common Consumption Area with the condition that the applicant shall provide an updated insurance certificate to the Clerk's office by July 16, 2024 to show coverage for the remainder of the 2024 calendar year.

Finance (6)

Finance Director Lizbeth Lemley and Assistant Finance Director Julie Vergari presented.

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

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

Department Updates (7)

Town Manager Paul Wisor and Transit & Recreation Director Jim Loebe presented. Council discussion ensued.

Second Reading, Public Hearing and Council Vote on an Ordinance Reenacting Community Development Code Amendment at Section 17.4.13.M with Corrections *Legislative (8)*

GIS Administrator Lauren Tyler presented. Mayor Pro Tem Pearson opened the public hearing. There was no public comment. The Mayor Pro Tem closed the public hearing. Council discussion ensued. On a **MOTION** by Tucker Magid and seconded by Pete Duprey, Council voted 6-0 to approve on second reading an Ordinance with proposed changes to the Community Development Code at Section 17.4.13.M as presented.

Consideration of a Resolution Approving a Conditional Use Permit for Wok of Joy Food Trailer on Lot OS 3XRR, Conference Center Plaza, Pursuant to CDC Section 17.4.14 *Quasi-Judicial (9)*

Senior Planner Drew Nelson and Economic Development & Sustainability Director JD Wise presented. Applicant Jason Smith presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Huascar E. Gomez (Rick), Council voted 5-1 (with Harvey Mogenson dissenting) to approve a Resolution approving a Conditional Use Permit for a mobile food truck/trailer to be located in Conference Center Plaza on Tract OS 3XRR, owned by the Town of Mountain Village, based on the evidence provided in the staff memo dated January 18, 2024, and the finding of this meeting with the following conditions:

1. The Conditional Use Permit shall be valid for a period of three (3) years, expiring on December 31, 2026. The applicant shall be solely responsible for any reapplication in the future.
2. Prior to siting the mobile food truck/trailer, the applicant shall acquire a building permit for installation of an electric power source in conformance with all applicable building codes.
3. The applicant will enter into an agreement with the Town, the form of which to be approved by the Town Attorney, for monthly billing of electric utility, the rate to be determined by Town Manager.
4. The applicant shall provide proof of compliance to the Telluride Fire Protection District of Section 319 of the 2018 International Fire Code.
5. Prior to siting the mobile food truck/trailer, the applicant shall work with the Plaza Services Manager to site the truck/trailer in such a manner as to avoid driving over or parking on all underground parking structures.
6. Prior to purchasing the mobile food truck/trailer, the applicant shall provide designs and pictures of the proposed vehicle to the Business Development Advisory Committee Chairperson, the Design

Review Board Chairperson, the Community Outreach Coordinator, and the Community Development Director for review and approval. The applicant shall strive to acquire a vehicle that is visually interesting and complimentary to the existing resort infrastructure of Mountain Village.

7. Prior to operation of business, the applicant will execute a plaza license agreement with the Town for the trailer space.

Council took a break from 4:52 to 4:58 p.m.

Consideration of a Resolution Regarding a Conditional Use Permit for Driveway Access on Lot OSP 18A for a Single-Family Home on Lot SS811, Pursuant to CDC Section 17.4.14 Quasi-Judicial (10)

Drew Nelson presented. Applicants Katsia Lord, Bill Kyriagis, Chris McGranahan, and Chris Hazen presented. Public comment was received from Paul Savage, Clare Hart, and Matthew Hintermeister. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Pete Duprey, Council voted 5-1 (with Scott Pearson dissenting) to deny a Resolution approving a Conditional Use Permit for a driveway access on Lot OSP-18A to the adjacent Lot SS811, based on the evidence provided in the staff record of memo dated January 8, 2024.

Council broke for dinner from 5:44 to 5:54 p.m.

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 27A, TBD Lost Creek Lane Pursuant to CDC 17.4.17 Quasi-Judicial (11)

Planner Claire Perez presented. Applicants Chris Chaffin and Jim Mahoney presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 6-0 to approve on first reading of an Ordinance regarding the extension of a Vested Property Right at Lot 27A, Parcel 3R, TBD Lost Creek Lane, from April 6, 2024, to April 6, 2027, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated January 8, 2024, and to set the second reading, public hearing, and final Council vote for February 15, 2024.

With the following findings:

1. The proposal to extend the Lot 27A 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 2022 Design Review approval remain applicable for any future development.

Consideration of Approval of a Settlement Agreement with Ken Alexander Regarding the Temporary Restraining Order in Mountain Village Municipal Court Case No. 24M01 (12)

Town Attorney David McConaughy presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Huascar E. Gomez (Rick), Council voted 5-1 (with Pete Duprey dissenting) to approve a Settlement Agreement with Ken Alexander regarding the temporary restraining order in Mountain Village Municipal Court Case No. 24M01 as presented with the understanding that this settlement does not address fines/penalties which will be assessed later.

First Reading, Setting of a Public Hearing, and Council Vote on an Ordinance Regarding Helicopter Landing Within the Town of Mountain Village Legislative (13)

Paul Wisor and David McConaughy presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted 6-0 to approve on first reading an Ordinance adding new chapter 10.13 to the Mountain Village Municipal Code concerning helicopters and to set the second reading, public hearing, and final Council vote for the February 15, 2024, regular Town Council meeting with the change that helicopters cannot land any place that is not Town approved.

Telluride Regional Airport Authority (TRAA) Bi-Annual Report (15)

Telluride Regional Airport/FBO Manager Kenny Maenpa presented. Council discussion ensued.

Council Boards and Commissions Updates: (16)

1. **Telluride Tourism Board – Gomez**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Duprey & Mogenson**
4. **Budget & Finance Committee – Duprey, Pearson, & Mogenson**
5. **Gondola Committee – Mogenson, Prohaska, & Pearson**

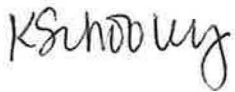
6. Colorado Communities for Climate Action – Pearson
7. San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez
8. Telluride Historical Museum – Prohaska
9. Collaborative Action for Immigrants (CAFI) – Gomez
10. Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey
11. Wastewater Committee – Duprey & Magid
12. Housing Committee – Duprey & Magid
13. Telluride Conference Center Committee – Duprey & Magid
14. Miscellaneous Boards and Commissions
15. Mayor's Update

Other Business (17)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to adjourn the meeting at 6:39 p.m.

Respectfully prepared,



Kim Schooley
Deputy Town Clerk

Respectfully submitted,



Susan Johnston
Town Clerk

