



TOWN OF MOUNTAIN VILLAGE

455 Mountain Village Blvd. Suite A

Mountain Village, CO 81435

970-728-8000

970-728-4342 Fax

mvclerk@mtnvillage.org

**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE FEBRUARY 15, 2024
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Marti Prohaska at 2:00 p.m. on Thursday, February 15, 2024. 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

Tucker Magid

Huascar E. Gomez (Rick)

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 Carmer, Assistant Town Attorney

Lizbeth Lemley, Finance Director

Chris Broady, Police Chief

JD Wise, Economic Development & Sustainability Director

Lauren Kim, Environmental Efficiencies & Grant Coordinator

Amy Ward, Community Development Director

Kathrine Warren, Public Information Officer

Finn Kjome, Public Works Director

Scott Pittinger, Public Works Director

Lindsay Niehaus, HR Benefits Coordinator

Jim Loebe, Transit & Recreation Director

Claire Perez, Planner

Drew Nelson, Senior Planner

Rodney Walters, Town Forester

Lauren Tyler, GIS Administrator

Jaime Holmes, HR Director

Jason Habib, Planning Technician

Tim Barber

Chris Chaffin

Kristine Perpar

Ruthie Boyd

Matthew Skinner

Madeline Gomez

Peter Mitchell

Victor Toce

Madeleine Kunda

Diana Farrel

Randy Podolsky



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Executive Session for the Purpose of: (2)

- 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 the Development of the Alexander Property 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 Wastewater Treatment Plant 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 Gondola Construction Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- d. **Receiving Legal Advice on Specific Legal Questions In Connection With Changes to State Law Pursuant to C.R.S. 24-6-402(4)(b)**

On a **MOTION** by Jack Gilbride and seconded Pete Duprey, 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 the development of the Alexander Property 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 wastewater treatment plant 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 gondola construction pursuant to C.R.S. 24-6- 402(4)(b) and (e)
- d. Receiving legal advice on specific legal questions in connection with changes to state law pursuant to C.R.S. 24-6-402(4)(b)

at 2:01 p.m.

Council returned to open session at 3:53 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: (3)

a. Consideration of Approval of the January 18, 2024 Regular Town Council Meeting Minutes

Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Tucker Magid, Council voted unanimously to approve the Consent Agenda with an additional statement to Agenda Item 12 that the settlement agreement was approved as presented with the understanding that this settlement does not address fines/penalties which will be assessed at a later date.

Finance (4)

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

a. Presentation of the January 31, 2024 Business & Government Activity Report (BAGAR)

b. Consideration of the December 31, 2023 Financials

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

Department Updates (5)

Town Manager Paul Wisor presented. Council discussion ensued.

Second Reading, 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 (6)

Planner Claire Perez presented. Mayor Prohaska opened the public hearing. Public comment was received from Randy Podolsky. 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 second reading 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 February 5, 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.

Second Reading, Public Hearing, and Council Vote on an Ordinance Regarding Helicopter Landing Within the Town of Mountain Village (7)

Town Attorney David McConaughy presented. 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 7-0 to approve on second reading an Ordinance adding new chapter 10.13 to the Mountain Village Municipal Code concerning helicopters.

On a **MOTION** by Scott Pearson and seconded by Tucker Magid, Council voted unanimously to convene as the Town of Mountain Village Housing Authority.

Consideration of a Resolution Amending the Meadowlark Deed Restriction/Covenant (8)

Assistant Town Manager Michelle Haynes and Assistant Town Attorney Haley Carmer presented. The Housing Authority discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Jack Gilbride, the Housing Authority voted unanimously to approve a Resolution amending and restating the Meadowlark at Mountain Village, Lot 644 Deed Restriction and directed staff to update the Mountain Village Housing Authority fee schedule accordingly with changes to section 3(I)(i) to include other organizations and section 8(E) to include remedies including, but not limited to, those set forth in the Town Municipal Code and Ordinances.

On a **MOTION** by Jack Gilbride and seconded by Scott Pearson, Council voted unanimously to reconvene as the Town of Mountain Village Town Council.

Council moved to agenda item 10.

Consideration of a Resolution Approving a Height Variance Application for Lot 165 Unit 3, TBD Cortina Drive, Pursuant to CDC Section 17.4.16 Quasi-Judicial (9)

Senior Planner Drew Nelson presented. Applicant Kristine Perpar presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, Council voted unanimously to adopt a Resolution approving a height variance a maximum height of 18.31 feet above the allowable and an average height of 5.76 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family detached condominium located at Lot 165 Unit 3, 130 Cortina Drive based on the evidence provided in the staff record of memo dated February 15, 2024, and the findings of this meeting and with the following conditions:

1. The approved height variance is valid only with the design presented for Initial DRB review on March 7, 2024, 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 in figure 2 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.

Council moved to agenda item 19.

Consideration of a Resolution Approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, Pursuant to CDC Section 17.4.16 – Staff Requested This Item be Continued to the March 21, 2024 Regular Meeting Quasi-Judicial (10)

Drew Nelson presented. Council discussion ensued. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Jack Gilbride, Council voted unanimously to continue the consideration of a Resolution approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, pursuant to CDC section 17.4.16 to the March 21, 2024 Regular Town Council meeting.

Council took a break from 4:41 to 4:51 p.m.

Council moved to agenda item 9.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations Legislative (12)

Community Development Director Amy Ward and Haley Carmer presented. Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Huascar E. Gomez (Rick), Council voted 7-0 to approve on first reading an Ordinance amending CDC section 17.6.1.B-Wetlands Regulations and to set the second reading, public hearing, and final Council vote for the March 21, 2024 Regular Town Council meeting with a

modified statement in section 2(d) to read that all state and federal permits related to the disturbance or fill applicable within home rule municipalities (if any) have been approved.

Staff Update Regarding Potential Meadows Subarea Improvements (13)

Amy Ward presented. Council discussion ensued. Council directed staff to fund a study to determine a secondary access route out of the Meadows, to pursue short term rental regulations with HOAs, to pursue the sidewalk improvements for the south side of the existing sidewalk on Adams Ranch Road, to proceed with improvements to surface parking, and to pursue bus stop improvements for Big Billie's and VCA. These items are to be considered in 2024 or 2025.

Council moved to agenda items 18.

Discussion Regarding Trails Master Plan Implementation (14)

Transit & Recreation Director Jim Loebe presented. Council discussion ensued. Council directed staff to add a formal trail from Ski Ranches to Mountain Village, contact TMVOA (Telluride Mountain Village Owners Association) engineering about widening road shoulders to allow for bike paths, add Mountain Village trails to an application like AllTrails or something similar.

Discussion Regarding the Town of Mountain Village Forestry Program Update (15)

Town Forester Rodney Walters presented. Council discussion ensued.

Council moved to agenda item 20.

Consideration of a Letter of Support for Conservation Protections for the Public Lands of the Dolores River Canyon Country (16)

Sheep Mountain Alliance Program Coordinator Ruthie Boyd presented. On a **MOTION** by Scott Pearson and seconded by Harvey Mogenson, Council voted unanimously to approve a letter of support for Conservation Protections for the Public Lands of the Dolores River Canyon Country.

Update on the Climate Action Implementation Roadmap (17)

Economic Development & Sustainability Director JD Wise and Environmental Efficiencies & Grant Coordinator Lauren Kirn presented. Council discussion ensued.

Council moved to agenda item 14.

Colorado Flights Alliance Update (18)

Colorado Flights Alliance CEO Matt Skinner presented. Council discussion ensued.

Council moved to agenda item 16.

Consideration of Funding for the Boomerang Bridge Egress (19)

Paul Wisor presented. Council discussion ensued. Council directed staff to work with the US Forest Service to ensure funding is received from San Miguel County and the Town of Telluride in addition to the Town of Mountain Village.

Paul Wisor presented Council with a letter of support for a RAISE Grant Application for funding the gondola. On a **MOTION** by Harvey Mogenson and seconded by Jack Gilbride, Council voted unanimously to approve a letter of support for a RAISE Grant Application and to include that the Town of Mountain Village purchases offset credits to make the gondola carbon free, add a paragraph regarding the environmental impact, and to tailor the letter more specifically to the Town of Mountain Village.

Council moved to agenda item 12.

On a **MOTION** by Huascar E. Gomez (Rick) seconded by Jack Gilbride, Council voted unanimously to continue the meeting beyond six hours.

Council Boards and Commissions Updates: (20)

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**

Public Comment on Non-Agenda Items (21)

There was no public comment.

Other Business (22)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Tucker Magid, Council voted unanimously to adjourn the meeting at 8:16 p.m.

Respectfully prepared,


Kim Schooley

Deputy Town Clerk

Respectfully submitted,


Susan Johnston

Town Clerk