



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 MARCH 17, 2022
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:01 pm on Thursday, March 17, 2022. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, 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
Patrick Berry
Harvey Mogenson
Marti Prohaska
Jack Gilbride
Pete Duprey

The following Town Council members were absent:

DRB Members Present:

Banks Brown, Chair In person
Adam Miller
Greer Garner
Scott Bennett
Ellen Kramer (Via Zoom)
Liz Caton
David Craige
Shane Jordan
Cath Jett

Also in attendance were:

Paul Wisor, Town Manager
Susan Johnston, Town Clerk
Kim Schooley, Deputy Town Clerk
Lizbeth Lemley, Finance Director
Julie Vergari, Chief Account
Zoe Dohnal, Director of Operations and Development
Kathrine Warren, Public Information Officer
Lauren Kirn, Environmental Efficiencies and Grant Coordinator
Michelle Haynes, Director of Planning & Development Services
Amy Ward, Senior Planner
John Miller, Principal Planner
Sam Quinn-Jacobs, Planning Technician
David McConaughy, Town Attorney
Andrea Bryan, Assistant Town Attorney
Chris Broady, Police Chief
Jim Soukup, Chief Technology Officer
Kathrine Warren, Public Information Officer

Yvette Rauff
Tom Richards
Stefanie Solomon
Sherri Reeder
Michael Saftler
Matt Lewis
Mark Ruckoldt
Madeline Pena
Linda Brown
KC Kaissi
Katie Singer
Jon Dwight
John Reynders
Sean Deland
Douglas Tueller
Frost Prioleau
David Foster

JD Wise, Assistant Director of Public Works
Connor Reilly, VCA Property Manager
Lindsay Niehaus, Human Resources Coordinator
Dev Motwani, Developer Merrimac Ventures
Dale Reed, Merrimac COO
Jay Khoriaty, Developer Fort Partners
Kirsten Murray, Design Architect Olson Kundig
Jeff Busby, Design Architect Olson Kundig
Rob Rydel Architect of Record Oz Architecture
Jeff Zimmerman, Landscape Architect Design Workshop
Dave Ballode, Civil Engineer Uncompahgre
Dave Bulson, Surveyor
Chris Hazen, Wetlands Specialist
Lucas Glissendorf
Andy Nadel
Susie Schaefer
Bryan Thames
Bob Gleason
Bryan Yug
Chris Hawkins
Joni Knowles
Chad Horning
Dan Zempke
Bill Fandel
Dale Reed
Patrick Willis
Karen Kirby
Anton Benitez
Alex Martin
Brian O'Neill
Mark Salter
Ellie Schaefer
Rob Rydel
Rachel Shindman

Alline Arguelles
Julieta Ginevra
Margaret Rinkevich
Doug Ford
J. Meehan Fee
Tami Huntsman
Estee Portnoy
Huascar Gomez
Lee Shea Betten
Stephano Togni
Randy Podolsky
Shawna LaBorde
Chris Chaffin
Rob End
James Freeman
Stephanie Fanos
Gabby Clune
Penelope Gleason
Jason Corzine
David Cohen
Reggie Knowles
Joan May
Joe Coleman
Ana Bauling
Winston Kelly
Bohdan A. Iwanetz
Patrick Latcham
Jim Royer
Teri Steinberg
Randy Averitte
Felicity Twort
Jeff Busby
Andrew Knudtsen
Tommy Thatcher

Public Comment on Non-Agenda Items (2)

No public comment was received.

Introduction of the Telluride Foundation Executive Director Jason Corzine (3)

Telluride Foundation Executive Director Jason Corzine introduced himself to Council.

The Town Council and Design Review Board (DRB) Opened a Joint Special Meeting at 2:08 pm for the Purposes of Agenda Items 4-11.

Patrick Berry and Marti Prohaska recused themselves for agenda items 4 and 5.

Banks Brown called the joint meeting to order for the Design Review Board.

A Design Review Board Recommendation to Town Council Regarding a Conceptual Site-Specific Planned Unit Development (SPUD) Application for a Mixed-Use Hotel, Branded Residence and Condominium Project at 161CR, Lot 67, Lot 69R-2, Lot 71R, OS-3Y (Commonly Called the Pond Lots)(and a Request to Incorporate Portions of OS-3BR2 and OS-3XRR Owned by the Town of Mountain Village in the Amount of .478 acres) into the Site-Specific Development Approval (SPUD) with a Concurrent Vested Property Rights Request Continued from the February 17, 2022 Joint Town Council & Design Review Board Meeting(4)

The Mayor opened the public hearing stating that both agenda items 4 & 5 would be heard simultaneously. Director of Planning & Development Services Michelle Haynes, Senior Planner Amy Ward, Town Manager Paul Wisor, Town Attorney David McConaughy, Applicants Dev Motwani and Kirsten Murray presented. DRB discussion ensued. The Mayor opened public comment. Public comment was received by Teri Steinberg, Bob Gleason, James Freeman, Joseph Coleman, Karen Kirby, Douglas Tueller, Frost Prioleau, Stefano Togni, Mark Salter, Patrick Willis, Bill Fandel, Patrick Latcham, Brian O'Neil, Anton Benitez, Winston Kelly, Alline Arguelles and David Foster. The Mayor closed public comment. Dev Motwani addressed some of the public comments. DRB deliberations ensued. On a **MOTION** by Liz Caton and seconded by Greer Garner, DRB voted 6-1 (with Cath Jett dissenting) a recommendation to Town Council Regarding a Conceptual Site-Specific Planned Unit Development (SPUD) Application for a Mixed-Use Hotel, Branded Residence and Condominium Project at 161CR, Lot 67, Lot 69R-2, Lot 71R, OS-3Y (Commonly Called the Pond Lots)(and a Request to Incorporate Portions of OS-3BR2 and OS-3XRR Owned by the Town of Mountain Village in the Amount of .478 acres) into the Site-Specific Development Approval (SPUD) with a Concurrent Vested Property Rights Request.

Consideration of Approval of a Conceptual Site-Specific Planned Unit Development (SPUD) Application for a Mixed-Use Hotel, Branded Residence and Condominium Project at 161CR, Lot 67, Lot 69R-2, Lot 71R, OS-3Y (Commonly Called the Pond Lots) (and a Request to Incorporate Portions of OS-3BR2 and OS-3XRR Owned by the Town of Mountain Village in the Amount of .478 acres) into the Site-Specific Development Approval (SPUD) with a Concurrent Vested Property Rights Request Continued from the February 17, 2022 Joint Town Council & Design Review Board Meeting (5)

The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted unanimously 5-0 (with Patrick Berry and Marti Prohaska recused) to approve the Conceptual Site-Specific Planned Unit Development (SPUD) Application for a Mixed-Use Hotel, Branded Residence and Condominium Project at 161CR, Lot 67, Lot 69R-2, Lot 71R, OS-3Y (Commonly Called the Pond Lots)(and a Request to Incorporate Portions of OS-3BR2 and OS-3XRR Owned by the Town of Mountain Village in the Amount of .478 acres) into the Site-Specific Development Approval (SPUD) with a Concurrent Vested Property Rights Request.

Council took a break from 4:24 to 4:30

Design Review Board Recommendation to Town Council Regarding a Conditional Use Permit Development Application for the Placement of a Spider Jump and Ground School Activity Structures on OS3U, Active Open Space Quasi-Judicial Requested Motion to Continue to the April 21, 2022 Town Council Meeting (6)

On a **MOTION** by Cath Jett and seconded by Adam Miller, DRB voted unanimously to continue a Design Review Board Recommendation to Town Council Regarding a Conditional Use Permit Development Application for the Placement of a Spider Jump and Ground School Activity Structures on OS3U, Active Open Space to the April 21, 2022 Town Council Meeting.

Consideration of a Resolution to Consider a Conditional Use Permit Development Application for the Placement of a Spider Jump and Ground School Activity Structures on OS3U, Active Open Space Quasi-Judicial Requested Motion to Continue to the April 21, 2022 Town Council Meeting (7)

On a **MOTION** by Pete Duprey and seconded by Dan Caton, Town Council voted unanimously to continue the consideration of a Resolution to Consider a Conditional Use Permit Development Application for the Placement of a Spider Jump and Ground School Activity Structures on OS3U, Active Open Space to the April 21, 2022 Town Council Meeting.

Design Review Board Review and Recommendation to Town Council Regarding Amending Chapters 16.01, 16.02, 17.3 and 17.9 of the Community Development Code Concerning Affordable Housing Restrictions and Adopting Housing Impact Mitigation Requirements Legislative (8)

Banks Brown introduced the item. Town Manager Paul Wisor, EPS representatives Rachel Shindman and Andrew Knudtsen presented. DRB discussion ensued. Attorney David McConaughy explained the Ordinance. Public comment was received from Stephanie Fanos. On a **MOTION** by Liz Caton and seconded by Cath Jett, DRB voted unanimously to continue the item to the April 21, 2022 DRB Special Meeting and to not provide a recommendation to Town Council Regarding Amending Chapters 16.01, 16.02, 17.3 and 17.9 of the Community Development Code Concerning Affordable Housing Restrictions and Adopting Housing Impact Mitigation Requirements.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Chapters 16.01, 16.02, 17.3 and 17.9 of the Community Development Code Concerning Affordable Housing Restrictions and Adopting Housing Impact Mitigation Requirements Legislative (9)

Paul Wisor, Michelle Haynes, Rachel Shindman and Andrew Knudtsen presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to continue an Ordinance Amending Chapters 16.01, 16.02, 17.3 and 17.9 of the Community Development Code Concerning Affordable Housing Restrictions and Adopting Housing Impact Mitigation Requirements and set the second reading, public hearing and final Council vote for April 21, 2022.

Design Review Board Recommendation to Town Council Regarding Amendments to the Community Development Code Section 17.2.3 Design Review Board to Remove the Term Limit Provision, Change the Term from Two Years to Four Years, Amend the Meeting Date from the 4th Thursday to the 1st Thursday and Address Lot Owner and Residency Requirements as it Related to Board Composition (10)

Paul Wisor, Michelle Haynes and David McConaughy presented. DRB discussion ensued. On a **MOTION** by Greer Garner and seconded by Liz Caton, DRB voted unanimously on a recommendation to Town Council regarding Amendments to the Community Development Code Section 17.2.3 Design Review Board to remove the term limit provision, change the term from two years to four years, amend the meeting date from the 4th Thursday to the 1st Thursday and address lot owner and residency requirements as it related to board composition.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding Amendments the Community Development Code Section 17.2.3 Design Review Board to Remove the Term Limit Provision, Change the Term from Two Years to Four Years, Amend the Meeting Date from the 4th Thursday to the 1st Thursday and Address Lot Owner and Residency Requirements as it Related to Board Composition (11)

Paul Wisor, Michelle Haynes and David McConaughy presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted 7-0 to approve on first reading an Ordinance regarding amendments the Community Development Code Section 17.2.3 Design Review Board to remove the term limit provision, change the term from two years to four years, amend the meeting date from the 4th Thursday to the 1st Thursday and address lot owner and residency requirements as it related to board composition and set the second reading, public hearing and final Council vote for April 21, 2022.

On a **MOTION** by Banks Brown and seconded by Cath Jett, DRB voted unanimously to adjourn the Joint Town Council and Design Review Board meeting at 5:47 p.m.

The Regular Town Council meeting continued.

Consideration of and Public Hearing on an Application for a New Retail Liquor Store Liquor License for Mountain Village Wine, LLC, DBA Mountain Village Wine Merchant Located at 622 Mountain Village Blvd. #100 Quasi-Judicial (12)

Town Clerk Susan Johnston and applicant Brian Thames presented. The Mayor opened public comment. Public comment was received from Tommy Thatcher. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Harvey Mogenson, Council voted unanimously to approve the application for a new Retail Liquor Store Liquor License for Mountain Village Wine, LLC, DBA Mountain Village Wine Merchant located at 622 Mountain Village Blvd. #100.

Jack Gilbride left the meeting at 5:59 p.m.

Council broke for dinner from 6:00 pm to 6:10 pm.

Community Housing Mitigation Methodology (14)

Michelle Haynes, Paul Wisor, Ellie Schaefer, and Andrew Knudtsen presented. Council discussion ensued. Public comment was received from Chad Horning.

On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to convene as the Mountain Village Housing Authority. Marty Prohaska recused herself.

Consideration of a Resolution Amending the Mountain Village Housing Authority Operating Document that Governs Coyote Court, a Mountain Village Housing Authority Built for Sale Project (15)

Paul Wisor and Assistant Town Attorney Andrea Bryan provided a history of the Coyote Court deed restrictions. Council discussion ensued. Public comment was received from Stephanie Fanos and Shawna LaBorde. (with clarifications to the employee designation). On a **MOTION** by Patrick Berry and seconded by Pete Duprey, Council voted unanimously to approve the Resolution Amending the Mountain Village Housing Authority Operating Document that Governs Coyote Court, a Mountain Village Housing Authority Built for Sale Project subject to Ms. Bryan making the clarifications to the employee designation.

On a **MOTION** by Patrick Berry and seconded by Dan Caton, Council voted unanimously to re-convene at the Town Council.

Second Reading, Public Hearing and Council Vote on an Ordinance Amending Chapter 1.08-General Penalty-of the Mountain Village Municipal Code to Comply with HB19-1148 (16)

David McConaughy presented. Council discussion ensued. The Mayor opened a public hearing. On a **MOTION** by Dan Caton and seconded by Harvey Mogenson, Council voted 6-0 (with Jack Gilbride absent) to approve an Ordinance Amending Chapter 1.08-General Penalty-of the Mountain Village Municipal Code to Comply with HB19-1148.

Consideration of Approval of a Resolution Approving a Minor Subdivision to Vacate a Portion of the General Easement at Lot 166AR2-7, 6 Stonegate Drive Quasi-Judicial (17)

Principal Planner John Miller presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Harvey Mogenson, Council voted unanimously to table the above item.

Other Business (18)

There was no other business presented.

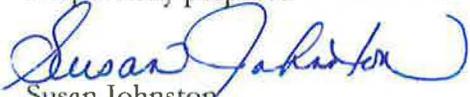
Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategies for Negotiations, and Instructing Negotiators Related to the Potential Sale or Lease of Town Assets Pursuant to Section 24-6-402(4)(a), (b) and (c) (19)

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to move into Executive Session for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators related to the potential sale or lease of town assets pursuant to Section 24-6-402(4)(b) and (c) at 7:52 p.m.

Council resumed regular session at 8:08 p.m.

There being no further business, on a **MOTION** by Patrick Berry and seconded Dan Caton, Council voted unanimously to adjourn the meeting at 8:08 pm.

Respectfully prepared and submitted by,


Susan Johnston
Town Clerk