



TOWN OF MOUNTAIN VILLAGE  
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## TOWN OF MOUNTAIN VILLAGE MINUTES OF THE OCTOBER 21, 2021 REGULAR TOWN COUNCIL MEETING

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:01 p.m. on Thursday, October 21, 2021. 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  
Pete Duprey  
Jack Gilbride  
Marti Prohaska  
Harvey Mogenson (Via Zoom)

#### **The following Town Council members were absent:**

Also in attendance were:

Paul Wisor, Interim Town Manager  
Susan Johnston, Town Clerk  
Julie Vergari, Chief Accountant  
Chris Broady, Chief of Police  
Jaime Holmes, Human Resources Director  
Zoe Dohnal, Business Development and Sustainability Director  
Kathrine Warren, Public Information Officer  
Lauren Kirn, Environmental Sustainability and Grant Coordinator  
Michelle Haynes, Director of Planning & Development Services  
John Miller, Community Housing Program Director & Senior Planner  
Amy Ward, Planner  
Lauren Kirn, Environmental Efficiencies and Grant Coordinator  
Steven Lehane, Director of Broadband  
Finn Kjome Director of Public Works  
J.D. Wise, Assistant Public Works Director  
Rob Johnson, Transit Operations Manager  
Kate Burns, Controller  
Lindsay Niehaus, Human Resources Coordinator  
Luke Adamson, VCA Manager  
Samuel Quinn-Jacobs, Planning Technician

Paul Ruud  
Anton Benitez  
Julia Caulfield  
Stephanie Fanos  
Thomas Kennedy  
JJ Ossola  
Tyler Newman GM  
Miles Graham  
Kristina Lamb  
Chris Chaffin  
Jim Mahoney  
Randy Podolsky

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

No public comment was received.

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

- a. **Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategies for Negotiations, and Instructing Negotiators Pursuant to Section 24-6-402(4)(b) and (e) in Connection with Proposed**

**Community Housing Project Discussing Personnel Matter – Proposed Compensation Forum – Pursuant to Section 24-6-402(4)(f)(II), C.R.S.**

- b. **Purpose of Discussing Specialized Details of Security Arrangements or Investigations and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators Related to Third Party Broadband Provider Agreements Pursuant to 24-6-492(4)(d) and (e) C.R.S.**

On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted unanimously to move into Executive Session for (a) 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 pursuant to Section 24-6-402(4)(b) and (e) in connection with proposed Community Housing Project and (b) for the purpose of discussing specialized details of security arrangements or investigations and determining positions relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators Related to Third Party Broadband Provider Agreements Pursuant to 24-6-492(4)(d) and (e) C.R.S. at 2:01 p.m.

Council returned to open session at 2:42p.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 September 16, 2021 Regular Town Council Meeting Minutes**

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

**Consideration of a Proclamation Recognizing the Month of October as Domestic Violence Awareness Month (5)**

Mayor Benitez read the Proclamation. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, council voted unanimously to approve a Proclamation acknowledging October as Domestic Violence Awareness Month.

**Telluride Regional Wastewater Treatment Plant (TRWWTP) Update (6)**

Town of Telluride Public Works Director Paul Ruud presented. Council discussion ensued.

**Finance: (7)**

Chief Accountant Julie Vergari presented.

- a. **Presentation of the September 30, 2021 Business & Government Activity Report (BAGAR)**  
b. **Consideration of the August 31, 2021 Financials**

Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the August 31, 2021 Financials as presented.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regulating Weight Size of Motor Vehicles (8)**

Interim Town Manager/Town Attorney Paul Wisor presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted 7-0 to approve on first reading an Ordinance regulating weight size of motor vehicles and to set the second reading, public hearing and Council vote for November 18, 2021 with the clarification of enforcement processes.

**Town-Owned Properties Plan (9)**

Community Housing Program Director John Miller presented. Council discussion ensued.

**Consideration of a Resolution Approving Colorado Opioids Settlement Memorandum of Understanding (10)**

Interim Town Manager/Town Attorney Paul Wisor presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted unanimously to adopt a Resolution approving the Colorado Opioid Settlement and Recovery Memorandum of Understanding as presented.

**Consideration of a Resolution Amending the Town of Mountain Village Procurement Manual (11)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted unanimously to adopt a Resolution amending the Town of Mountain Village Procurement Manual as presented.

**Consideration of a Resolution Reimbursing the Town for Soft Costs Incurred in Connection with VCA Construction (12)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adopt a Resolution expressing the Authority's intent to be reimbursed for certain costs incurred in connection with the construction of VCA Phase IV.

**Consideration of a Resolution Authorizing the Housing Authority Manager to Contingently Enter Into Real Estate Contracts on Behalf of the Town (13)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 with Harvey Mogenson dissenting, to adopt a Resolution delegating to the Community Housing Program Director the authority to enter into agreements to purchase real estate, subject to certain conditions.

**Consideration of a Resolution Approving a Transit Vehicle Transfer Agreement with the San Miguel Authority for Regional Transportation (SMART) (14)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted unanimously to approve the Personal Property Transfer Agreement between the Town of Mountain Village and SMART for the conveyance of five transit vehicles.

Council moved to agenda items 18 and 19.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Rezone and Density Transfer Located at Lot 27A, Belvedere Phase III Development, Parcel Three-R, 112 Lost Creek Lane, Mountain Village to Develop 19 Condominium Units (15)**

Planning and Development Services Director Michelle Haynes and Paul Wisor presented. Chris Chaffin (applicant) and Attorney Jim Mahoney presented a statement. 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 a density transfer and rezone application at Lot 27A, Belvedere Phase III, 112 Lost Creek Lane, Parcel 3R from 17 condominiums, 10 lodge units and 2 efficiency lodge units, to 19 condominium units and 2 employee condominiums with the following findings and conditions:

With the following findings:

1. Phase I has 3 constructed condominiums, Phase II has 7 constructed condominiums and Phase III proposes 19 condominiums and two employee condominiums. In total the property in aggregate will have 29 condominium zoning designation units and two employee condominiums.
2. 10 lodge units and 2 efficiency lodge units will be transferred to the density bank.
3. The applicant will acquire two (2) condominium zoning designation units from the density bank and demonstrate the purchase/acquisition prior to recordation of the ordinance.
4. The application meets the rezone and density transfer criteria outlined in this memo.
5. The lot list will be updated to reflect the rezone approval.
6. The associated density certificate/s will be voided once the density is assigned to the lot concurrent with recordation of the ordinance.

With the following conditions:

1. The ordinance reflects that a Master Development Plan amendment and design review be submitted within 18 months of the rezone and density transfer approval.
2. The applicant affirms the design of the building will be consistent with the underlying zone district regulations.
3. The owner of record of density in the density bank, once transferred, shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.
4. If the applicant is unable to receive HOA consent to add two employee condominium units, the applicants will comply with the Affordable Housing Mitigation Ordinance (which applies the mitigation in arears) and or affordable housing mitigation methodology when adopted.

And to set the second reading, public hearing and final Council vote for November 18, 2021.

**First Reading, Setting of a Public Hearing of an Ordinance Regarding a Density Transfer and Rezone Located at Lot 27A, 112 Lost Creek Lane, Unit 2-3, to Transfer One Condominium Unit of Density from the Density Bank onto the Property Re-Separating Units 2 & 3 into Two Separate Condominium Units (17) Quasi-Judicial**

Planner Amy Ward presented stating that an error was noticed in the packet memo. She corrected the record by stating that the owner of record was MV BP LLC instead of Kirby's. Council discussion ensued. Public comment was received from Randy Podolsky. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 7-0 to approve on first reading an Ordinance regarding a density transfer and rezone application pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lot 27A Unit 2-3 and transfer 1 condominium density unit (3-person equivalent density) from the density bank to the lot based on the evidence provided within the staff report of record dated October 7, 2021, and with the following conditions:

1. Prior to the recordation of the associated ordinance approving the Density Transfer and Rezone, the owner must complete the Density Bank Transfer process with the Town and this change shall be reflected in the Town official Lot List.
2. The owner of record of density in the density bank, shall be responsible for all dues, fees, and any taxes associated with the assigned density and zoning until such time as the density is either transferred to this lot or another person or entity.
3. The final design of the newly separated condominium units shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
4. A condominium map and amendment showing Unit 23 as two separate condominium unit 2 and 3 must be executed for the legal separation of the units prior to a certificate of occupancy being issued.

And to set the second reading, public hearing and final Council vote for November 18, 2021.

**Consideration of a Resolution to Implement the Affordable Housing Mitigation Methodology (AHMM) in Arears for Large Scale Projects Submitted for Development in the Mountain Village Between November 1 and Adoption of the AHMM in 2022 (18)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Pete Duprey, Council voted unanimously to adopt a Resolution indicating the Town's intent to retroactively adopt a housing mitigation fee Ordinance.

On a **MOTION** by Jack Gilbride and seconded by Marty Prohaska, Council voted unanimously to convene as the Mountain Village Housing Authority.

**Mountain Village Housing Authority: (19)**

- a. **Policy Change Request Regarding Mountain Village Employees Who Receive Job Attached Housing at VCA**

John Miller presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the recommended policy change and exemptions as

discussed in the staff memo of record and direct town staff to modify the Mountain Village's Job Attached Housing Policy as it relates to VCA, requiring that town-owned employee housing at VCA be directly tied to terms of employment and otherwise shall not expire.

**b. Pilot Program to Incentivize Temporary Housing at VCA for Mountain Village Employees on the Employee Wait List Until Such Time a VCA Unit Becomes Available-Budget Neutral Request**

John Miller presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to approve the recommended incentive program for temporary staff housing, as discussed in this staff memo of record and direct Town staff to allocate financial resources towards this pilot program as necessary.

On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to re-convene as the Mountain Village Town Council.

Council moved to agenda item 22.

Council took a break from 4:47 p.m. to 5:04 p.m.

**Gondola Long Range Planning Update (20)**

Telluride Mountain Village Owners Association Executive Director Anton Benitez and GBSM Senior Communications Strategist Miles Graham presented. Council discussion ensued.

**Allocation of American Rescue Plan Act (ARPA) Funding to Mountain Munchkins (21)**

Environmental Efficiencies and Grant Coordinator Lauren Kirn presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Patrick Berry, Council voted unanimously to allocate the remaining ARPA local recovery funds to Mountain Munchkins. Funds are to be expended at the discretion of the interim Town Manager in consultation with the Mountain Munchkins Director and Public Works Director.

**Council Boards and Commissions Updates: (22)**

1. **Telluride Tourism Board - Berry**
2. **Colorado Flights Alliance - Gilbride**
3. **Transportation & Parking -Duprey/Mogenson**
4. **Budget & Finance Committee -Gilbride/Duprey/Mogenson**
5. **Gondola Committee - Caton/Berry**
6. **Colorado Communities for Climate Action - Berry**
7. **San Miguel Authority for Regional Transportation (SMART)- Caton/Prohaska**
8. **Telluride Historical Museum- Prohaska**
9. **Latinx Advocacy Committee (LAC) - Prohaska**
10. **Green Team Committee- Berry/Prohaska**
11. **Business Development Advisory Committee - Caton/Duprey**
12. **San Miguel Watershed Coalition- Prohaska**
13. **Telluride Mountain Village Owners Association Governance Auxiliary Committee - Duprey**
14. **Wastewater Committee- Duprey/Mogenson**
15. **Mayor's Update - Benitez**

Council took a break from 4:25 p.m. to 4:34 p.m.

Council moved back to agenda item 15.

**Staff Reports: (23)**

**a. Planning & Development Services**

Director Michelle Haynes presented. Council discussion ensued.

**b. Police Department**

Police Chief Chris Broady presented. Council discussion ensued.

**c. IT/Broadband**

Council discussion ensued.

**Consider of Approval of Engagement of Garfield & Hecht as Town of Mountain Village Special Council (24)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Dan Caton, Council voted unanimously to approve the engagement of Garfield & Heck as the Town of Mountain Village Special Council.

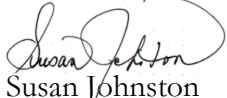
**Other Business (25)**

**a. Consideration of the 2022 Town Council Meeting Dates**

Susan Johnston presented the dates to Council. Council discussion ensued. Council consensus was in favor of the proposed 2022 Town Council meeting dates but directed staff to move the September meeting to the 22nd.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 6:02 p.m.

Respectfully prepared and submitted by,



Susan Johnston  
Town Clerk