



**TOWN OF MOUNTAIN VILLAGE**

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**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE JUNE 15, 2023  
REGULAR TOWN COUNCIL MEETING**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:00 p.m. on Thursday, June 15, 2023. 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

Harvey Mogenson

Marti Prohaska

Jack Gilbride

Pete Duprey

Patrick Berry

**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

Kate Burns, Controller

Maegan Eckard, Administrative Assistant

Molly Norton, Community Engagement Coordinator

Marleina Fallenius, Planning Technician/Housing Coordinator

Jaime Holmes, HR Director

Kathrine Warren, Public Information Officer

Connor Reilly, VCA Manager

Lauren Tyler, GIS Administrator

Terrie Dollard

James Mahoney

Stacy Ostromecki

Nicholas Mastroianni

Terry Elkins

Chris Chaffin

Sofia Bolio

Joan May

John Hirschfeld

Gretchen Koitz

Joe Stern

Nikoleta Angelova

Tim Barber

Kenny Maenpa

Katsia Lord

Cyndi Stovall

Chris McGranahan

Vijesh Patel

Thomas Ragonetti

Ann Barker

Cath Jett

Huascar Gomez

Jennifer Zandari

Madeline Gomez

Sarah Van Horn

Stephanie Fanos

Valerie Child

Henry Hintermeister

Cameron Kelly

Douglas Tooley

Sherri Reeder

Mark Goldberg

Robert Connor

Jean Nicktakis

Jackie Kadin

Niki Richards

Robin Lewis

Terrie Dollard

Andrew Butler

David Foster

Justin Criado

Steven Paletz  
Vijesh Patel  
Anton Benitez  
Emily Sadow  
Marcin Ostromecki  
Jenny Elkins  
Alonzo Wickers  
Alena McIntosh  
Tami Huntsman  
Joe Coleman  
Adam Raiffe  
Avani Patel  
Laura Fehrenbacher  
Ankur Patel  
Jessica Goldberg  
Matthew Shear  
Mickey Salloway  
Catherine Frank  
Hugo Suarez

Wesley Massey  
Naiomy Valerie Vasquez  
Anna Trentadue  
Chris Chaffin  
Kristin Decker  
Bill Kyriagis  
Deb Willits  
Jonathon Duerr  
Chris Hawkins  
Matt Hintermeister  
Tucker Magid  
Rosie Cusack  
Chris Knight  
Jolana Vanek  
David Ballode  
Narcis Tudor  
Anneliese Riebel  
Jim Mahoney  
Dan Jansen

**Executive Session for the Purpose of: (2)**

- a. **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 Proposed Wastewater Treatment Plant Authority Pursuant to C.R.S. 24-6-402(4)(b), and (c)**
- b. **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 and to Discuss the Purchase or Acquisition of Real Property (Lot 648-AR) Pursuant to CRS 24-6-402(4)(a), (b), and (c)**

On a **MOTION** by Harvey Mogenson and seconded by Dan Caton, 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, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with Proposed Wastewater Treatment Plant Authority pursuant to C.R.S. 24-6-402(4)(b), and (c)
- b. 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 and to discuss the purchase or acquisition of real property (Lot 648-AR) pursuant to CRS 24-6-402(4)(a), (b), and (c)

at 2:01 p.m.

Council returned to regular session at 2:26 p.m.

Council took a break from 2:26 to 2:34 p.m.

**Public Comment on Non-Agenda Items (3)**

Paul Wisor shared with Council that Amy Ward was presented with the Employee of the Year award. He also thanked Mayor Benitez and Mayor Pro Tem Dan Caton for their eight years of service to the Town. The other Council members thanked Mayor Benitez and Dan Caton for their service as well.

**Consideration of a Proclamation Declaring the June as Immigrant Heritage Month (4)**

Tri-County Health Immigrant Affairs Advocate Laura Fehrenbacher presented. The Mayor read the proclamation. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve a Proclamation declaring the June 2023 as Immigrant Heritage Month.

**Liquor Licensing Authority:**

**a. Consideration of an Application for a Special Event Liquor Permit for Telluride Art + Architecture for an Event on July 13, 2023 from 5:00-9:30 PM Quasi-Judicial (5)**

Town Clerk Susan Johnston presented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Patrick Berry, Council voted unanimously to approve an application for a Special Even Liquor Permit for Telluride Art + Architecture for an event on July 13, 2023 from 5:00-9:30 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: Quasi-Judicial (6)**

**a. Consideration of Approval of the May 18, 2023 Town Council Meeting Minutes**

Deputy Town Clerk Kim Schooley presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Marti Prohaska, Council voted unanimously to approve the Consent Agenda as presented.

**Telluride Regional Airport Authority Update (TRAA) (7)**

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

**Finance: (8)**

Finance Director Lizbeth Lemley presented.

**a. Presentation of the May 31, 2023 Business & Government Activity Report (BaGAR)**

**Second Reading, Public Hearing and Council Vote on an Ordinance of the Town Council Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the Town of Mountain Village, Colorado, for the Calendar Year Beginning on the First Day of January 2023, and Ending on the Last Day of December 2023 Legislative (9)**

Lizbeth Lemley presented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted 7-0 to approve on second reading an Ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the fiscal year 2023.

**Consideration of an Emergency Ordinance of the Town of Mountain Village, Colorado, Amending Ordinance No. 2023-05 Previously Approved by the Town Council of the Town Authorizing the Leasing of Certain Real Property in Connection with the Financing of Additional Multifamily Housing in the Village Court Apartments to Extend the Term of the Site Lease and the Master Lease, Ratifying and Affirming Ordinance No. 2023-05 and Other Actions Previously Taken in Connection Therewith; and Declaring an Emergency *Legislative (10)***

Town Manager Paul Wisor and Lizbeth Lemley presented. The Mayor 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 Dan Caton, Council voted 7-0 to approve the Emergency Ordinance providing a termination date of 2053 for the Site Lease between the Town and BOK (Bank of Oklahoma).

Council moved to agenda item 23.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone Application for Lot 648AR Unit 2-3D at 313 Adams Ranch Road, Pursuant to CDC Section 17.4.9 *This item was Continued from the May 18, 2023 Town Council Meeting Quasi-Judicial (11)***

Patrick Berry recused himself. Community Development Director Amy Ward presented. Applicant Deb Willits commented. The Mayor 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 Marti Prohaska, Council voted 6-0 to approve on first reading an Ordinance regarding a Density Transfer and Rezone Application to rezone Lot 648AR Unit 2-3D from employee condominium to condominium pursuant to CDC Section 17.4.9 & 17.4.10 of the Community Development Code and based on the evidence provided within the Staff Report of record dated June 7, 2023 and to set the second reading, public hearing and final Council vote for the July 20, 2023 Regular Town Council meeting.

Council moved to agenda item 20.

Council heard agenda items 12, 13, and 14 concurrently.

**Consideration of Action Regarding 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 *This item was Continued from the March 16, 2023, Regular Town Council Meeting Quasi-Judicial (12)***

Dan Caton withdrew the motion to deny the application from the January 19, 2023 Town Council meeting and Jack Gilbride withdrew the second. Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicant representatives Avani Patel, Adam Raiffe, Bill Kyriagis, Vijesh Patel, Chris McGranahan, and Chris Knight presented. The Mayor opened the public hearing. Public comment was received from Kristen Decker, Joseph Coleman, Chris Hawkins, Wesley Massey, Jackie Kadin, Robert Connor, Anna Trentadue, Andrew Butler, Alan Kadin, Cameron Kelly, Jessica Goldberg, Rosie Cusack, Anneliese Riebel, Dan Jansen, Meehan Fee, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 (with Pete Duprey dissenting) to continue the item to the August 17, 2023 Regular Town Council meeting.

**Consideration of Action 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 This Item was Continued from the March 16, 2023 Regular Town Council Meeting *Quasi-Judicial* (13)**

Dan Caton withdrew the motion to deny the application from the January 19, 2023 Town Council meeting and Jack Gilbride withdrew the second. Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicant representatives Avani Patel, Adam Raiffe, Bill Kyriagis, Vijesh Patel, Chris McGranahan, and Chris Knight presented. The Mayor opened the public hearing. Public comment was received from Kristen Decker, Joseph Coleman, Chris Hawkins, Wesley Massey, Jackie Kadin, Robert Connor, Anna Trentadue, Andrew Butler, Alan Kadin, Cameron Kelly, Jessica Goldberg, Rosie Cusack, Anneliese Riebel, Dan Jansen, Meehan Fee, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 (with Pete Duprey dissenting) to continue the item to the August 17, 2023 Regular Town Council meeting.

**Consideration of Action for a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR2 This Item was Continued from the March 16, 2023 Regular Town Council Meeting *Quasi-Judicial* (14)**

Dan Caton withdrew the motion to deny the application from the January 19, 2023 Town Council meeting and Jack Gilbride withdrew the second. Assistant Town Manager Michelle Haynes and Amy Ward presented. Applicant representatives Avani Patel, Adam Raiffe, Bill Kyriagis, Vijesh Patel, Chris McGranahan, and Chris Knight presented. The Mayor opened a public hearing. Public comment was received from Kristen Decker, Joseph Coleman, Chris Hawkins, Wesley Massey, Jackie Kadin, Robert Connor, Anna Trentadue, Andrew Butler, Alan Kadin, Cameron Kelly, Jessica Goldberg, Rosie Cusack, Anneliese Riebel, Dan Jansen, Meehan Fee, and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 6-1 (with Pete Duprey dissenting) to continue to the August 17, 2023 Regular Town Council meeting.

Council broke for dinner from 6:19 to 6:34 p.m.

Council heard agenda items 16 and 17 concurrently.

**Consideration of a Resolution Approving a Height Variance at Lot 137, TBD Granite Ridge, Mountain Village Pursuant to CDC Sections 17.3.11&12 and 17.4.16 *Quasi-Judicial* (16)**

Amy Ward presented. The Mayor 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 unanimously to approve a Resolution regarding a height variance of 12 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family home located at Lot 137, TBD Granite Ridge based on the evidence provided in the staff memo of record dated June 7, 2023 and the findings of the this meeting, and the following findings and conditions:

Findings:

1. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
2. The variance can be granted without substantial detriment to the public health, safety and welfare;
3. The variance can be granted without substantial impairment of the intent of the CDC;



4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
5. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
7. The variance is not solely based on economic hardship alone; and
8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Conditions:

The approved height variance is valid only with the design presented for initial DRB review on June 1, 2023 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.

The height variance is specific to the area described in the staff memo in figures 2,4 and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.

**Consideration of a Resolution Approving a Minor Subdivision to Vacate Portions of the General Easement on Lot 137 Pursuant to CDC 17.4.13 Quasi-Judicial (17)**

Amy Ward presented. The Mayor 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 unanimously to approve a Resolution regarding a minor subdivision to vacate a portion of the general easement on Lot 137, TBD Granite Ridge, based on the evidence provided in the staff memo of record dated June 7, 2023, and the following findings and conditions:

Findings:

1. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
2. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
3. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC;
4. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and
5. The proposed subdivision meets all applicable Town regulations and standards.

Conditions:

1. A revised plat showing the vacation of the GE will be recorded with the County prior to the issuance of a building permit.
2. The minor subdivision approval is valid for an 18-month period.
3. The approval of the minor subdivision is premised on the site-specific design approval. If the design approval expires, the subdivision approval to vacate the GE will also expire.

**Discussion Regarding Lot 30 and Lot 27A Phased Development and Potential Vested Property Rights Extensions (18)**

Amy Ward, Chris Chaffin, and Jim Mahoney presented. Council discussion ensued. Council consensus was in favor of extending the vested property rights extensions for Lot 30 to 12 months and Lot 27A to 3 years.

Council moved to agenda item 22.

**Consideration of a Development Agreement for Lot 644, Meadowlark at Mountain Village Between Triumph Development West and the Town of Mountain Village Housing Authority (19)**

Paul Wisor and Triumph Development West representative Michael O'Connor presented. The Mayor opened the public hearing. Public comment was received from Cath Jett, Douglas Tooley, and Joan May. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted unanimously to approve as to form the Operating Agreement between the Mountain Village Housing Authority and Triumph Development West of the development of the Meadowlark project, subject to future amendment to provide the final pricing.

Council moved to agenda item 24.

**Resolution Approving an Asset Purchase Agreement for the Sale of the Town's Broadband and Cable System to Vero Networks Legislative (20)**

Paul Wisor presented. The Mayor opened the public hearing. Public comment was received from Douglas Tooley and Huascar Gomez. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Pete Duprey, Council voted unanimously to approve the Network Asset and Purchase Agreement with Vero Broadband, LLC, with all documents approved to form and delegating to the Town Manager and Town Attorney the authority to make any administrative changes.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Approving the Lease of Certain Real Property, Commonly Known as the Headend, to Vero Networks for Continued Broadband and Cable System Operations Legislative (21)**

Paul Wisor presented. The Mayor opened the 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 Patrick Berry, Council voted 7-0 to approve a License Agreement with Vero Broadband, LLC for communications equipment space at 317 Adams Ranch Road Mountain Village, Colorado and to set the second reading, public hearing and final Council vote for the July 20, 2023 Regular Town Council meeting.

Council moved to agenda item 19.

**Consideration of a Resolution Adopting a San Miguel County Pre-Hazard Mitigation Plan (22)**

Police Chief Chris Broady presented. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted unanimously to approve a Resolution for adoption of the Pre-Hazard Mitigation Plan.

Council took a break from 3:31 to 3:39 p.m.

Council moved to agenda item 12.

**Consideration of Adoption of a Resolution Increase Fees for Mountain Munchkins (23)**

Lizbeth Lemley and Paul Wisor presented. The Mayor opened the public hearing. Public comment was received from Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a

**MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the fee increase for Mountain Munchkins as set forth in the Resolution.

Council moved to agenda item 11.

**Consideration of Approval of a Settlement Agreement Between Telluride Mountain Village Owners Association, Friends of Telluride Mountain Village Owners Association and the Town of Mountain Village (24)**

Mayor Benitez, Patrick Berry and Pete Duprey recused themselves. Town Attorney David McConaughy and Paul Wisor presented. The Mayor Pro Tem opened the public hearing. Public comment was received from Douglas Tooley. The Mayor Pro Tem closed the public hearing. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted 3-1 (with Dan Caton dissenting) to approve the Settlement Agreement Between Telluride Mountain Village Owners Association, Friends of Telluride Mountain Village Owners Association and the Town of Mountain Village as presented.

At 8:15 p.m., on a **MOTION** by Marti Prohaska and seconded by Harvey Mogenson, Council voted unanimously to extend the meeting beyond six hours.

**Council Boards and Commissions Updates: (25)**

1. Telluride Tourism Board – Berry
2. Colorado Flights Alliance – Gilbride
3. Transportation & Parking – Mogenson/Duprey
4. Budget & Finance Committee – Gilbride/Duprey/Mogenson
5. Gondola Committee – Caton/Berry/Prohaska
6. Colorado Communities for Climate Action – Berry
7. San Miguel Authority for Regional Transportation (SMART) – Berry/Prohaska/Mogenson
8. Telluride Historical Museum – Prohaska
9. Alliance for Inclusion - Prohaska
10. Green Team Committee – Berry/Prohaska
11. Business Development Advisory Committee – Caton/Duprey
12. Wastewater Committee – Duprey/Mogenson
13. Mayor's Update – Benitez

**Other Business (26)**

There was no other business.

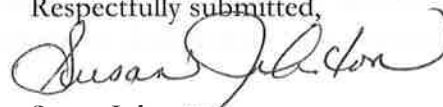
There being no further business, on a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 8:27 p.m.

Respectfully prepared,



Kim Schooley  
Deputy Town Clerk

Respectfully submitted,



Susan Johnston  
Town Clerk