



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 21, 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, March 21, 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
Christine Gazda, Assistant Town Attorney
Lizbeth Lemley, Finance Director
Chris Broady, Police Chief
JD Wise, Economic Development & Sustainability Director
Lauren Kirn, Environmental Efficiencies & Grant Coordinator
Amy Ward, Community Development Director
Kathrine Warren, Public Information Officer
Finn Kjome, Public Works Director
Scott Pittinger, Public Works Director
Marleina Fallenius, Housing Manager
Jim Loebe, Transit & Recreation Director
Rob Johnson, Transit Operations Manager
Jim Soukup, Chief Technology Officer
Drew Nelson, Senior Planner
Rodney Walters, Town Forester

Lauren Tyler, GIS Administrator
Jaime Holmes, HR Director
Tim Barber
Stephanie Fanos
Yvette Rauff
Allison McClain
Madeline Gomez
Tony Quinlan
David Averill
Sherri Reeder
Deb Dion
Jonathan Greenspan
Patrick Latcham
Laila Benitez
Fran Berg
Cathrine Jett
David Gerber
Kiernan Lannon
Kiera Skinner
Luke Kernell

Will Ellis
Leslie Browning
Keith Hampton

Joan May
Rube Felicelli

Mayor Prohaska added the following Executive Session item:

Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and/or instructing negotiators under CRS 24-6-402(4)(e) regarding the Ilium development.

Executive Session for the Purpose of: (2)

- a. **To Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection with Regional Wastewater Treatment Plant Update Pursuant to C.R.S. 24-6-402(4)(e)**
- b. **To Discuss the Purchase, Acquisition, Lease, or Sale of Real Personal, or Other Property Interest Under C.R.S. Section 24-6-402(4)(a)**
- c. **Receiving Legal Advice on Specific Legal Questions Under CRS 24-6-402(4)(b) Specifically Regarding Campaign Finance Laws and Municipal Elections**
- d. **Receiving Legal Advice on Specific Legal Questions Under CRS 24-6-402(4)(b) Specifically for an Update on Pending and Recent Litigation Including Lot 109R Development Challenge and Ken Alexander Municipal Court Trial**
- e. **Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Under C.R.S. Section 24-6-402(4)(b) for the Purpose of Determining Positions Relative to Matters That May be Subject to Negotiations, Developing Strategies for Negotiations and/or Instructing Negotiators Under C.R.S. 24-6-402(4)(e) Regarding the Ilium Development**

On a **MOTION** by Jack Gilbride and seconded Tucker Magid, Council voted unanimously to move into Executive Session for the purpose of:

- a. Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with regional Wastewater Treatment Plant update pursuant to CRS. 24-6-402(4)(e)
- b. Discussing the purchase, acquisition, lease, or sale of real personal, or other property interest under CRS Section 24-6-402(4)(a)
- c. Receiving legal advice on specific legal questions under CRS 24-6-402(4)(b) specifically regarding campaign finance laws and municipal elections
- d. Receiving legal advice on specific legal questions under CRS 24-6-402(4)(b) specifically for an update on pending and recent litigation including Lot 109R Development Challenge and Ken Alexander Municipal Court Trial

- e. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations and/or instructing negotiators under CRS 24-6-402(4)(e) regarding the Ilium development

at 2:02 p.m.

Council returned to open session at 3:04 p.m.

Staff Introductions: (3)

a. **Brittany Newell, Rental Properties Manager**

Finance Director Lizbeth Lemley introduced the new Rental Properties Manager Brittany Newell.

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 February 15, 2024 Regular Town Council Meeting Minutes**

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

On a **MOTION** by Jack Gilbride and seconded by Huascar E. Gomez (Rick), Council voted unanimously to convene as the Mountain Village Housing Authority.

Mountain Village Housing Authority: (5)

a. **Appointment of One Resident Seat for a One Year Term on the VCA Resident Committee**

Assistant Town Manager Michelle Haynes presented. Applicant Luke Kernell commented. Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Pete Duprey, Council voted unanimously to appoint Luke Kernell to complete the vacated seat term to expire in March 2025.

b. **Consideration of Village Court Apartments Phase IV, West Building Master Lease Program, Communications and Move-In and the MVHA to Establish Rental Pricing**

Michelle Haynes, Lizbeth Lemley, Brittany Newell, and Housing Manager Marleina Fallenius presented. Council discussion ensued. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Tucker Magid, Council voted unanimously to approve establishing the initial rent at \$3,600 per month for the 4-bedroom units and \$2,700 per month for the 3-bedroom unit at VCA Phase IV, West Building, Business Master Lease Program and to authorize staff to enter into lease agreements with terms as generally outlined in the staff memo.

On a **MOTION** by Jack Gilbride and seconded by Huascar E. Gomez (Rick), Council voted unanimously to reconvene as the Town of Mountain Village Town Council.

Finance: (6)

Lizbeth Lemley and Assistant Finance Director Julie Vergari presented.

- a. **Presentation of the February 29, 2024 Business & Government Activity Report (BAGAR)**
- b. **Consideration of a Resolution Approving Change Orders to Village Court Apartments Phase IV**

Council discussion ensued. On a **MOTION** by Tucker Magid and seconded by Huascar E. Gomez (Rick), Council voted unanimously to approve a Resolution approving Phase IV Change Orders 2 & 3 and appropriating additional funds to cover these items.

Department Updates (7)

Town Manager Paul Wisor presented. Council discussion ensued.

Council took a break from 4:06 to 4:16 p.m.

Council moved to agenda item 9.

Telluride Historical Museum Update (8)

Telluride Historical Museum Executive Director Kiernan Lannon presented. Council discussion ensued.

Council moved to agenda item 14.

Consideration of Sustainable Destination Marketing and Tourism Management Services Agreement Between the Town of Mountain Village and Telluride Tourism Board Legislative (9)

Economic Development & Sustainability Director JD Wise and Telluride Tourism Board Executive Director Kiera Skinner presented. On a **MOTION** by Huascar E. Gomez (Rick) and seconded by Scott Pearson, Council voted unanimously to approve the Sustainable Destination Marketing and Tourism Management Services Agreement between the Town of Mountain Village and Telluride Tourism Board with the clarification added in Section 4 that the number appointees from the Town of Mountain Village will be equal to the number of appointees from the Town of Telluride and with the correction of the word "Telluride" changed to "Mountain Village" in Section 5.

Council moved to agenda item 8.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Calling for a Special Election on July 9, 2024 and Setting Ballot Questions Regarding Proposed Amendments to the Mountain Village Home Rule Charter *Legislative (10)*

Town Attorney David McConaughy presented. Public comment was received from Jonathan Greenspan, Leslie Browning, Rube Felicelli, Joan May, and Cath Jett. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Scott Pearson, Council voted 5-2 (with Marti Prohaska and Tucker Magid dissenting) to approve on first reading an Ordinance calling for a Special Election for July 9, 2024, and submitting ballot questions to qualified electors at the Special Election to amend the Town of Mountain Village Home Rule Charter, and to set the second reading, public hearing, and final Council vote for the April 25, 2024 regular Town Council meeting with the following amendments: remove the term “Corporation” from the definition of owners of real property and the term “Commercial” from the definition of intended use of real property.

Council broke for dinner from 6:14 to 6:27

Consideration of Approval of an Agreement Regarding Fire Safety Improvements Relating to Ski Ranches Water System (11)

David McConaughy and Public Works Director Finn Kjome presented. Ski Ranches HOA Treasurer Keith Hampton made comments. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Huascar E. Gomez (Rick), Council voted unanimously to approve authorizing the Mayor to execute an agreement with Ski Ranches Association on substantially the terms set forth in the attachments to this memo, subject to final approval of the exhibits on a staff level.

Plaza Vending Committee: (13)

Community Engagement Coordinator Molly Norton and JD Wise presented.

a. Consideration of Approval of the Plaza Vending Committee Bylaws

Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Huascar E. Gomez (Rick), Council voted unanimously to approve the Plaza Vending Committee and its bylaws with amendments that the food and beverage business will be brick and mortar and a plaza vending representative will be appointed instead of a retail business representative.

b. Consideration of Approval of the Plaza Vending Regulations

Council discussion ensued. On a **MOTION** by Scott Pearson and seconded by Harvey Mogenson, Council voted unanimously to approve the Plaza Vending Regulations as presented.

Council moved to agenda item 15.

Consideration of a Resolution Approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, Pursuant to CDC Section 17.4.16 – Staff Requests This Item be Continued to the May 16, 2024 Regular Meeting Quasi-Judicial (14)

Senior Planner Drew Nelson presented. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Scott Pearson, 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 May 16, 2024 Regular Town Council meeting.

Council moved to agenda item 17.

Second Reading, Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations Legislative (15)

Community Development Director Amy Ward 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 Scott Pearson and seconded by Tucker Magid, Council voted 7-0 to approve on second reading an Ordinance amending CDC section 17.6.1.B-Wetlands Regulations with the deletion of Section 9.

Discussion Regarding Potential CDC Amendments Related to Updated Fire Mitigation and Tree Protection Standards (16)

Amy Ward and Town Forester Rodney Walters presented. Council discussion ensued. Council directed staff to find a contractor willing to test the proposed changes as a pilot project.

Scott Pearson left the meeting at 7:47 p.m.

Council moved to agenda item 18.

Council Boards and Commissions Updates: (17)

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

Council moved to agenda item 10.

Public Comment on Non-Agenda Items (18)

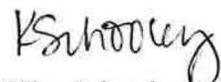
There was no public comment.

Other Business (19)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Huascar E. Gomez (Rick), Council voted unanimously to adjourn the meeting at 7:50 p.m.

Respectfully prepared,



Kim Schooley

Deputy Town Clerk

Respectfully submitted,



Susan Johnston

Town Clerk