



TOWN OF MOUNTAIN VILLAGE
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE OCTOBER 17, 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, October 17, 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
Jack Gilbride
Harvey Mogenson (via Zoom)
Pete Duprey
Tucker Magid
Huascar E. Gomez

Also in attendance were:

Paul Wisor, Town Manager	Len Rybicki
Michelle Haynes, Assistant Town Manager	Tom Kennedy
Susan Johnston, Town Clerk	Nicole Pieterse
David McConaughy, Town Attorney	Tim Barber
Lizbeth Lemley, Finance Director	Jack Wesson
Chris Broady, Police Chief	Cathy Barber
JD Wise, Economic Development & Sustainability Director	Sally Harris Porter
Kate Burns, Controller	
Drew Nelson, Senior Planner	
Rob Johnson, Transit Operations Manager	
Amy Ward, Community Development Director	
Jim Loebe, Director of Transit & Recreation	
Jaime Holmes, Director of Human Resources	
Claire Perez, Planner II	
Erin Howe, Planning Tech	
Kathrine Warren, Public Information Officer	
Brittany Newell, VCA Property Manager	

Public Comment on Non-Agenda Items (2)

There was no public comment.

Consideration of Approval to Ratify Contracts with Paul Wisor (3)

Town Attorney David McConaughy presented. Council discussion ensued. On a **MOTION** by Huascar Gomez (Rick) and seconded by Jack Gilbride, Council voted unanimously to ratify the contracts with Paul Wisor for his services as Town Manager and for Legal Services both dated as of January 20, 2022, and to confirm the Mayor's authority to amend either contract without further vote by the Town Council.

Consideration of a Proclamation Declaring October 2024 as Domestic Violence Awareness Month (4)

Town Clerk Susan Johnston presented. Council read the proclamation and advocate Sally Harris Porter accepted it and thanked Council for their continued support. On a **MOTION** by Scott Pearson and seconded by Pete Duprey, Council voted unanimously to adopt a proclamation declaring October 2024 as Domestic Violence Awareness Month.

Consent Agenda: (5)

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:

- a. **Consideration of Approval of the September 19, 2024 Regular Town Council Meeting Minutes**

Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Huascar Gomez (Rick) and seconded by Tucker Magid, Council voted unanimously to approve the Consent Agenda with the changes to agenda item 13 adding the following statement: *Council discussion ensued regarding agendaizing, at a future date, an item to amend the Community Development Code allowing for the re-division of a lot that had been previously combined.*

Department Updates and Business and Government Activity Report (BaGAR) (6)

Town Manager Paul Wisor presented. Council discussion ensued.

Finance: (7)

- a. **Consideration of Approval of the 3rd Quarter Financials**

Lizbeth Lemley presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride Council voted unanimously to approve the 3rd Quarter Financials as presented with the removal of future density.

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

Town of Mountain Village Housing Authority: (8)

- a. **Discussion of Village Court Apartments Reserve Study and Rental Rate Structure**

Lizbeth Lemley and VCA Property Manager Brittany Newell presented. Council discussion ensued.

On a **MOTION** by Tucker Magid and seconded by Pete Duprey, Council voted unanimously to reconvene as the Town Council.

Council moved to agenda item 10.

Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 373R and 374R per Community Development Code Sections 17.4.9 and 17.4.10 Quasi-Judicial (9)

Senior Planner Drew Nelson presented. Council discussion ensued. Attorney Tom Kennedy and representative to the applicant answered Council questions. The Mayor opened the public hearing. There was no public comment. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted 7-0 to approve an Ordinance regarding the Density Transfer and Rezone application, pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lots 373R and 374R and transfer 1 single-family density unit (4-person equivalent density) to the density bank based on the evidence provided within the staff report of record dated October 8, 2024, and with the following conditions:

1. 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 a lot or another person or entity

Council took a break from 3:20 p.m. to 3:35 p.m.

Council moved to agenda item 11

First Reading, Setting of a Public Hearing, and Council Vote on an Ordinance Regarding a CDC Amendment to CDC Section 17.5.14 Private Art, Pursuant to CDC Section 17.1.7 (10)

Drew Nelson presented. Council discussion ensued. Council asked David McConaughy to draw up a discussion memo regarding criteria to determine approval of public art. The Mayor opened public comment. No public comment was received. The Mayor closed public comment. On a **MOTION** by Huascar Gomez (Rick) and seconded by Tucker Magid, Council voted 7-0 to approve on first reading, an Ordinance regarding changes to the Community Development Code to Section 17.5.14 Private Art and to direct the Clerk to set the second reading, public hearing and Council vote for November 21, 2024.

Council moved to agenda item 9.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 1001 and 1005R per Community Development Code Sections 17.4.9 and 17.4.10 (11)

Planner II Claire Perez and Assistant Town Manager Michelle Haynes presented. Council discussion ensued. The Mayor opened a public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Tucker Magid and seconded by Jack Gilbride, Council voted 7-0 to

approve an Ordinance on first reading regarding the Density Transfer and Rezone application, pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to transfer 14 units of density on Lot 1001 and 8 units of density on Lot 1005R to the density bank based on the evidence provided within the staff report of record dated October 8, 2024, and with the following conditions:

1. 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 a lot or another person or entity.

And to direct the Clerk to set the second reading, public hearing and Council vote for November 21, 2024.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lot 644 per Community Development Code Sections 17.4.9 and 17.4.10 (12)

Claire Perez presented. Council discussion ensued. The Mayor opened a public hearing. No public comment was received. The Mayor closed the public hearing. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted 7-0 to approve an Ordinance on first reading regarding the Density Transfer and Rezone application, pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to transfer 12 units of density to the density bank based on the evidence provided within the staff report of record dated October 8, 2024, and with the following condition:

1. 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 a lot or another person or entity.

And to direct the Clerk to set the second reading, public hearing and Council vote for November 21, 2024.

Consideration of a Resolution Approving an Encroachment onto OSP 13B for the Development of Lot 389 (13)

Claire Perez presented. Council discussion ensued. Nichole Pieterse, representative for the owner presented. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted unanimously to approve a Resolution for a subsurface shoring Encroachment into Lot OSP 13B for the development of Lot 389, TBD AJ Drive, based on the evidence provided in the staff record of memo dated October 7, 2024, and the findings of this meeting, with the following conditions:

1. A license agreement with the Town for any general easement encroachments will be entered into prior to the issuance of a building permit. The form of the license agreement shall be reviewed by the Town Attorney and may be approved by the Town Manager without further Council action.
2. The encroachment agreement is premised on the site-specific design approvals. If the design approval expires, the right of way encroachment approval also expires.

Discussion Regarding Village Center Load & Delivery (14)

Town Manager Paul Wisor presented. Council discussion ensued.

Presentation of Bright Future's Early Childhood Education Report (15)

Cathy Barber presented. Council discussion ensued.

Consideration of Approval of a Public Waterline Easement Agreement (16)

Scott Pittenger, Director of Road & Bridge presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Scott Pearson, Council voted unanimously to approve the Public Waterline Easement Agreement as presented.

Gondola Campaign Update (17)

SMART Director David Averill presented. Council discussion ensued.

Council Boards and Commissions Updates: (18)

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**

Other Business (19)

There was no other business.

Council broke for dinner from 5:16 p.m. to 5:25p.m.

Executive Session for the Purpose of: (21)

- a. **Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding Wastewater Treatment Plant Pursuant to C.R.S. 24-6-402(4)(e)**
- b. **Determining Positions Relative to Matters that May be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Ilium Community Housing Parcel Pursuant to C.R.S. 24-6-402(4)(e)**
- c. **Conference with Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Under C.R.S. 24-6-402(4)(b), Specifically for an Update on Pending Litigation Involving Telluride Mountain Village Owners Association (TMVOA)**
- d. **Receiving Legal Advice on a Specific Legal Question Under C.R.S Section 24-6-402(4)(b), Specifically Regarding Suggested Municipal Code Updates**
- e. **Determining Positions Relative to Matters that may be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Managed Parking Agreements Pursuant to C.R.S. Section 24-6402(4)(e).**

On a **MOTION** by Tucker Magid and seconded Huascar Gomez (Rick), Council voted unanimously to move into Executive Session (with the added item) at 5:28 p.m. for the purpose of:

- a. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding a wastewater treatment plant pursuant to C.R.S. 24-6-402(4)
- b. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and conference with the town attorney for legal advice regarding an acquisition of land pursuant to C.R.S. 24-6-402(b) and (e)
- c. Conference with Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Under C.R.S. 24-6-402(4)(b), Specifically for an Update on Pending Litigation Involving Telluride Mountain Village Owners Association (TMVOA)
- d. Receiving Legal Advice on a Specific Legal Question Under C.R.S Section 24-6-402(4)(b), Specifically Regarding Suggested Municipal Code Updates
- e. Determining Positions Relative to Matters that may be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Regarding the Managed Parking Agreements Pursuant to C.R.S. Section 24-6402(4)(e)
- f. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the managed parking agreements pursuant to C.R.S. Section 24-6402(4)(e)

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Tucker Magid, Council voted unanimously to adjourn the meeting at 6:15 p.m.

Respectfully prepared and submitted by,

Susan Johnston
Town Clerk