



Town Council

MEETING MINUTES

Tuesday, January 17, 2023

4:00 PM

130 Kearns Road

Town Council Chambers

Snowmass Village, CO 81615

Mayor Madsen called to order the Regular Meeting of the Snowmass Village Town Council on Tuesday January 17, 2023, at 4:00 pm.

A complete live recording of this meeting can be found at www.tosv.com under Town Council Meetings. This meeting will be archived indefinitely, allowing you to view it anytime.

1. CALL TO ORDER

4:00 pm call to order

2. ROLL CALL

Council Members Present: Bill Madsen, Alyssa Shenk, Susan Marolt, Britta Gustafson & Tom Fridstein.

Council Members Absent: none.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Dave Shinneman, Community Development Director; Brian McNellis, Planner; Doug Goldfluss, IT Manager; and Megan Boucher, Town Clerk.

Public Present: Jay Shumaker, Bill Turner, Debbie Coté, Vince Vito, Jami Downs, Gavin Trainor, Charlie Eldridge, Skip Sinclair, Bob Wolfe, Rita Oldham, Mary Blankenau, Karen Kunzer.

3. PROCLAMATIONS AND PRESENTATIONS

None

4. PUBLIC COMMENT

- This section is set aside for the Town Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the Town Council will not discuss the issue and will not take an official action under this section of the agenda. (Five Minute Time Limit)

Jay Shumaker, local resident and architect – Shumaker commented on the TOSV Website and the community voice page. He recommended that the town further develop this page to better allow town residents to communicate with Council and staff.

5. CONSENT AGENDA

- These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single Public Hearing will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed on the regular agenda.

5.A. 2023 Draft Agendas

[Pages 4-7](#) [2023 Agenda Overview](#)

5.B. Minutes for approval

[Pages 8-9](#) [01-03-23 Special Meeting Minutes - DRAFT](#)

[Pages 10-14](#) [01-03-23 Regular Meeting Minutes - DRAFT](#)

5.C. Resolution 04, Series 2023 Appointing New B & C members

[Pages 15-16](#) [Agenda Item Summary Appointing New B & C Members](#)

[Pages 17-18](#) [Resolution No. 04, Series 2023 Various Board Appts](#)

Councilmember Shenk will be traveling back from Orlando with the AHS Dance Team from competition and may have a conflict with 2/6/23. If her travels delay her, she will try to appear virtually. Shenk also sent a few corrections on the 1/3/23 minutes to Town Clerk Boucher. Shenk asked for clarification on the SAAB appointments and the staggered term dates. Boucher clarified that was to balance the term dates for the SAAB overall and applicants were notified of that last week with no objections.

Councilmember Shenk motioned to approve the consent agenda. Councilmember Fridstein seconded. All in favor.

6. ADMINISTRATIVE REPORTS

6.A. Approve Attorney Engagement Letter

[Pages 19-20](#) [Agenda Item Summary Town Attorney Hiring](#)

[Pages 21-25](#) [Town Attorney Engagement Letter](#)

Council welcomed Jeff Conklin and asked him a few questions including a clarification on the hourly rates for the firm regarding land use issues. Conklin explained that was typical across the state with land use applications where developers are reimbursing the town for the fees and costs.

Clint Kinney summarized the attorney hire process and history of how the Town Council came to the conclusion to propose this letter of engagement. Once the Council approves the letter of engagement, the contract is with the firm and Jeff Conklin is the lead attorney for the firm serving the Town.

Councilmember Marolt reported that the Council had discussed putting on the calendar at six months in the future a check in/review of how the relationship is working.

Jeff Conklin gave a brief introduction of his background and experience as well as some specifics on the firm and the role of each.

Councilmember Fridstein motioned to approve the proposed engagement letter for the Karp, Neu, Hanlon P.C law firm. Councilmember Marolt seconded. All in favor.

6.B. Community Survey Results

[Pages 26-27](#) [Agenda Item Summary Community Survey](#)

[Pages 28-165](#) [2022 TOSV Survey_Report](#)

[Pages 166-224](#) [2022 TOSV Survey_Comments](#)

Greg LeBlanc, Assistant Town Manager, briefly summarized the agenda item memo and introduce Jason Morado from ETC Institute who conducted the community survey. Morado , appearing virtually, presented materials from the packet and then opened it up for questions from the Council.

Mayor Madsen pointed out the 71% of respondents have lived in the Village for more than 10 plus months out of the year, showing more and more full-time residents; 51% of respondents have lived in SMV for over 15 years; and 38% of respondents under-utilize the public transportation because they are further from the bus stop, showing the need to continue to work on the first/last mile efforts.

Councilmember Marolt asked if this survey was a typical response rate compared to other communities that ETC has worked with. Morado reported that it was typical. LeBlanc mentioned that this survey did have a lower response compared with our last survey from 2019. Councilmember Shenk asked for clarification on the responses to the quality of services for Town Manager's Office. Morado reported that 55% of respondents were very satisfied or satisfied with only 16% of respondents were dissatisfied and 30%

were neutral. He further clarified that this was not a troubling or alarming rating. Shenk further asked for clarifications on the specific questions on composting. Shenk appreciated the respondents adding extensive comments.

Council agreed that this survey and the comments are very helpful and timely with their upcoming goal setting meetings.

Councilmember Marolt was concerned that 43% of respondents thought that the sense of community in the Village was getting worse.

LeBlanc wrapped up the item and reported that the results of the survey are available on our website at www.tosv.com.

6.C. Financial Request from Response for Capital Campaign

Pages 225-227 Response Grant Request Summary

Pages 228-229 Shelter Grant Request letter

Pages 230-234 Architectural Design Sketches

Pages 235 Project Budget

Shannon Meyer, Response Executive Director presented materials from the packet on Response's programming and services. Meyer asked the Council for support for their capital campaign which will develop a new site in Basalt to serve as both a shelter and an office complex.

Council asked some clarifying questions of Meyer.

Councilmember Fridstein motioned to approve the request from Response to help fund their capital campaign for 30 thousands dollars towards the new shelter in Basalt. Councilmember Marolt seconded. All in favor.

Kinney clarified that the official action would come in the form of an Ordinance for the additional appropriation in March 2023.

7. PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

- Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

7.A. Mall Transit Center Special Review

[Pages 236-237](#) [Agenda Item Summary Transit Center Special Review](#)

Kinney clarified that the Special Review of the Mall Transit is still before the Planning Commission and they have asked for several changes and further analysis. That review will continue before the Planning Commission at their February meeting. As this was noticed, Staff recommends that Council take public comment and continue it to the February 6th Town Council Meeting contingent on the Planning Commission finishing their review. McNellis and Shinneman pointed out that the applicant has submitted the affidavit of posting and mailing as required.

Mayor Madsen opened the public Hearing at 5:04pm and asked for public comments.

Dave Mercatoris, GM for the Pokolodi Lodge – Mercatoris expressed concerns about the impacts and disruptions due to construction of the Mall Transit Project. Without more specifics on the schedule/calendar, Mercatoris finds it hard to comment on the extent of those impacts but expressed concern while still wanting to be good neighbor to the Town. Mercatoris further commented on the severe lack of sufficient parking in the Village and how this project will impact parking.

Mary Blankenau, Timberline and Jami Downs, Laurelwood – Expressed concerns about the length of the project and the disruption to the Village businesses. They asked TOSV to work with local businesses to help address these concerns. They asked for details and communication regarding not only the Mall Transit Center but also the ramifications on Re-Zoning the parking lots. Kinney asked Blankenau and Downs to limit the comments to specifically to the Mall Transit project and come back at the next item if they want to comment on the Re-Zoning of the numbered lots.

Jay Shumaker, local resident and architect – presented a slideshow to Council commenting on the Mall Transit Center being the wrong solution for the Village and suggested other options for Council to consider.

Councilmember Shenk motioned to continue the Public Hearing on the Mall Transit Center to the February 6, 2023 Town Council Meeting. Councilmember Fridstein seconded. All in favor.

7.B. Ord 1, Series 2023 - Zoning of numbered lots - 2nd Reading

[Pages 238-239](#) [Agenda Item Summary_ Numbered Lots 5 and 6 Rezoning](#)

[Pages 240-244](#) [Attachment 1_Ord 1 2023 - Rezoning of Numbered Lots](#)

[Pages 245-248](#) [Attachment 2 PC Resolution No. 4 of 2022 Rezoning of Numbered Lots](#)

[Pages 249](#) [Rezone map](#)

[Pages 250-252](#) [Public Comment RE ReZoning- Keefer 01-08-23 emails Re_ Public Comment - Transit Center Project and Rezoning](#)

[Pages 253-255](#) [Public Comment RE ReZoning - Ilfeld 01-11-23 Re_ Public Comment - Transit Center Project and Rezoning](#)

Brian McNellis, Planner - presented materials from the packet and summarized Ordinance No. 01, Series 2023, second reading regarding the zoning of numbered lots 5 and 6.

McNellis and Shinneman clarified that re-zoning the Specially Planned Area to Public allows for improvements such as snowmelt and utilities. Shinneman further clarified that housing is currently not allowed under Public Zoning. A Special Review process would be required for any major improvements or significant improvements. SPA Zoning areas can expand the current use of the existing function but nothing else. Special Review process vs a PUD process was discussed for clarification.

Town Attorney Conklin weighed in that the presentation and process was consistent with what he has experienced within other municipalities.

Public Comment:

Mary Blankenau, Timberline – asked for clarification on the mailing which she read and received calls from owners regarding employee housing being proposed in the re-zoned area.

Shinneman and Kinney clarified that the Public Zone does not currently allow for housing and for that to change, a Special Review process would have to take place. Blankenau emphasized her concerns and their owners concerns regarding density and parking if housing was considered in this zone.

Shinneman again confirmed that Public Zoning does not currently allow for housing and if future Council wanted to put housing on this area, a Special Review would have to occur for that to be considered.

No other public comment.

Councilmember Sherk motioned to approve Ordinance No. 01, Series 2023. Mayor Madsen seconded. Roll call vote. Passed unanimously.

8. POLICY/LEGISLATIVE PUBLIC HEARINGS**9. TOWN COUNCIL REPORTS AND ACTIONS****- Reports and Updates**

Councilmember Gustafson has no reports from outside meetings yet and looks forward to the goal setting sessions to further discuss community comments from the survey.

Councilmember Fridstein and Gustafson have a CORE meeting which overlaps and conflicts with the goal setting session Thursday morning and asked for the time to shift thirty minutes later to accommodate both. Council agreed and staff will notice the session's new time. Moved to 9:30 am to 12:30pm Thursday.

Mayor Madsen reported that he will be meeting with Ashley Long regarding RWAPA and confirmed that Marolt will be at the Nordic Council since he has to miss the meeting. Nordic Council is discussing options for getting rentals in SMV for Nordic equipment.

Councilmember Shenk reported on the recent RFTA meeting including the 27th Street underpass project, work plan for 2023, existing and expanding electric bus program, outreach to Garfield County, Bike Share MOU and plan, RFTA Board elections, and that the RFTA website is the best and most up-to-date information for the public regarding bus schedule changes and cancelations. Shenk also reported on the Covenant Enforcement Commission that she sits on as part of RFTA. This commission focuses on reviewing and clearing encroachments along the Highway 82 railroad corridor. Shenk will attend the upcoming NWCOG meeting with Gustafson. Shenk reported that the Sister Cities program and the Shimukappu visit went very well. She thanked everyone for welcoming the Shimukappu students, Mayor and the two Planners.

10. ADJOURNMENT

Councilmember Fridstein motioned to adjourn. Marolt seconded. All in favor.

Adjourned at 6:07pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, February 6, 2023.

Submitted By,



Megan Harris Boucher, Town Clerk