



Town Council
Town Council Meeting Minutes
Monday, November 20, 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 November 20, 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**

4pm

2) **ROLL CALL**

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

Council Members Absent: none

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; David Shinneman, Community Development Director; Brian McNellis, Senior Planner; Anne Martens, Public Works Director; Betsy Crum, Housing Director; Terri Everest, Assistant Housing Director; Mitch Osur, Operations and Compliance Manager; and Megan Harris Boucher, Town Clerk.

Public Present: Patrick Rawley, Leslie Desmond, Linda & Mark Chapdelaine, Gus Oliver, Karlyn & Mark Stout, Bruce Dreher and Lucy Peterson.

Planning Commission members present: Brian Marshack, Elese Denis, Stan Clauson, David Seglin, Matt Dube and Jim Gustafson.

Planning Commission members absent: Doug Faurer

3) **JOINT SPECIAL SESSION WITH PLANNING COMMISSION**

3.A) Draw Site Workforce Housing - Sketch Plan PUD & Rezoning

[Pages 3-4 Agenda Item Summary Draw Site WFH joint meeting.pdf](#) 

[Pages 5-7 Attachment A - Staff Planning Summary.pdf](#) 

[Pages 8-204 Attachment B - Draw Site Workforce Housing PUD Sketch Plan Application.pdf](#) 

Senior Planner Brian McNellis briefly reviewed the code requirement for this 1st joint meeting with the Planning Commission for the Sketch Plan Review of the Draw Site Affordable Housing Project. McNellis went on to summarize the agenda item and introduce Patrick Rawley and Erica Golden, representing the applicant, TOSV.

McNellis also clarified that this was an informational meeting with no specific comments on the application by the Planning Commission of Council. Those comments will be part of an upcoming meeting of the Sketch Plan Review as part of a Public Hearing. Town Attorney Jeff Conklin clarified that Councilmember Marolt disclosed a possible conflict of interest but Conklin confirmed that it does not raise to that level and is not a conflict as it is not a direct relationship. Conklin also clarified that Commissioner Clauson's firm previously acted the Town's Planning Consultant but the Town's Planning Consultant is now Patrick Rawley and so no conflict exists.

McNellis summarized the general outline of the project, and went through materials provided in the packet regarding parcels C & D; the 2 acre developable area; plan for 80 units in the 2 buildings both 5 stories high; central structure for parking; 97 parking spaces total; and Kearns Road access.

McNellis reminded all of the Review Standards for Sketch Plan PUD: Use; Consistent with Comp Plan; Architecture & Landscaping; Natural Resources & Hazard area; Access & Circulation; Parking Code; Timetable; Community Welfare.

Presentation:

Housing Director Betsy Crum, Planning Consultant Patrick Rawley & Architect Erica Golden presented application and materials from the packet. Clarified that Erica Golden started a new firm, Site Architects.

Crum reiterated the high need for affordable housing and that we are in a regional housing crisis. Market research shows that the average monthly rate for a free market 1 bedroom apartment in SMV is \$7500/month.

Rawley clarified that the Sketch Plan Review is an opportunity for the Town and the applicant to engage in discussion on the development proposal, raise issues and concerns and examine alternative approaches to the development of the property.

Golden went through the history of how we got to this point and the project including some past design ideas. Golden and Rawley highlighted the site-first design approach; the charrette process; ways to incorporate economies of scale; the community purpose; challenges of access and natural hazards; parking requirements and options; and the cost of inaction.

Discussion that followed included clarification on the Sketch process and then Preliminary process; parking; storage; that Planning Commission will next see this on December 20th; green space vs parking vs additional parking level; and a future traffic study after the Sketch phase.

Chairperson Marshack adjourned the Planning Commission meeting at 4:50pm.

4) **PROCLAMATIONS AND PRESENTATIONS**

5) **PUBLIC COMMENT**

None

6) **CONSENT AGENDA**

6.A) 2023 & 2024 Town Council Agenda Overviews

[Pages 205-206 2023 Agenda Overview.pdf](#) 
[Pages 207-209 2024 Agenda Overview.pdf](#) 

Councilmembers mentioned an Aspen Times article on Aspen's outdoor lighting code and asked to add a discussion on an upcoming agenda to discuss the SMV outdoor lighting code. Staff suggested January 8, 2024.

Another addition to January 8th will be a discussion on adding a Council liaison to the Town Boards and Commissions. Following the discussion, an Ordinance will be drafted for Council to consider at a later date.

January 8th will also have some Sister Cities representatives from Shimukappu, Japan in attendance. 10 representatives will be in town celebrating 30 years of partnership.

6.B) Minutes for Approval

[Pages 210-215 11-06-23 TC Minutes - DRAFT.pdf](#) 

Councilmember Shenk had a few corrections which she emailed to Boucher.

6.C) Resolution 29, of 2023 Establishing Town Council Meeting dates for 2024

[Pages 216-217 Agenda Item Summary RE 2024 Meeting Dates.pdf](#) 

[Pages 218-219 Reso 29 of 2023 RE Town Council Meeting Dates for 2024.pdf](#) 

[Pages 220-223 2024 Calendars with Holidays Listed.pdf](#) 

Councilmember Shenk moved to approve the Consent Agenda. Councilmember Fridstein seconded. All in favor.

7) **PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS**

8) **POLICY/LEGISLATIVE PUBLIC HEARINGS**

9) **ADMINISTRATIVE REPORTS**

9.A) [Western Mountain Regional Housing Coalition Update](#)

[Pages 224-225 Agenda Item Summary WMRHC Housing Forum.pdf](#) 

[Pages 226-227 Attachment A - WMRHC Regional Housing Forum - November 30th.pdf](#) 

Housing Director Betsy Crum gave an update on the Western Mountain Regional Housing Coalition and goals for the group. Crum summarized what the group has accomplished since its inception in 2022. The Coalition has had to move the regional gathering from Dec to Jan due to Third Street Center schedule. Now planned for January 18th from 8:30am to Noon at the Third Street Center in Carbondale.

9.B) [Permanent Moderate Housing Regulations Review](#)

[Pages 228-230 Agenda Item Summary - Housing Regulations Review.pdf](#) 

[Pages 231-244 Attachment A - Permanent Moderate Housing Regulations redline 11-23.pdf](#) 

Housing Director Betsy Crum welcomed Assistant Housing Director Terri Everest and Operations and Compliance Manager Mitch Osur to assist with the agenda item. The last revision to these regulations was a minor revision in 2018 and before that it was 2002.

Crum reviewed the regulations one by one; Employment Qualification; Restrictions on Ownership of Other Real Property; Housing Unit Inspection; Notice of Intent to Sell; Energy Efficiency and Carbon Reduction Improvements; Biennial Requalification; Housing Unit Rental; and Exempt Transactions.

Council asked for clarification on definitions and suggested some consistency improvements. Staff will update language, add definitions, and clarify language.

Extensive discussion followed on the Exempt Transactions language, intentions and regulations. This regulation was drafted using language from APCA regulations. Staff does not recommend adopting this regulation on Exempt Transactions due to many complicating factors.

Public comment:

Debra Madsen – in favor of some form of passing deed restricted housing to children. Garfield County has a rule that you can only hand it down 1 generation.

Leslie Desmond ask about rental program and maintenance in units.

Mark Stout - Crossings resident. Stout would like to be able to pass their house to their kids. Right of first refusal or Beneficiary Deed? Could that apply for deed restrictive housing?

Gus Oliver, Stallion Circle resident. 23 years in SMV. Hope that Council will consider this language. Generations make a community. Believes right of first refusal good idea and deed restricted housing owners should have the same rights as free market housing owners.

Charley Podolak, Rodeo Road original owner and in the valley for 51 years. Thinks Council may be overthinking how many people will take advantage of it. Local businesses and local generations equal community. As an original owner, he believes that the original right to hand home down to kids was taken away without their knowledge.

Bruce Dreher- Rodeo Road in the Crossings – Won a 4-bedroom home and raised 3 children in that home. At the time of purchase, they could pass it to their kids. That right was taken away from them. Thought about downsizing. But it ended up being too expensive even though it was a smaller house. He has maintained the home. Likes the right of first refusal idea. Incentivizes the owner to maintain the home. Concerned about kids having to qualify as an applicant vs an employee.

Wendy Harris, Rodeo Road - won lottery in 2003. SMV Business owner as well.

Believes there is value in legacy. Value your workforce and those that have built this program, this community. Legacy is important. She would like to be able to leave their home to their children.

Alma Garrett – stated, “I take a lot of pride in SMV and I wish SMV would take a lot of pride in me.”

Mark Chapdelaine, Stallion Circle. Thinks first right of refusal is a good idea. Value small business owners, community, and legacy.

Additional topic of discussion regarding kids who grew up in SMV and the possibility of them earning points towards lottery for growing up here. The point was to value long time locals. One suggestion was to change the lottery so a kid who grew up here has an extra ball/s in lottery.

Staff will try to consolidate the Council’s options for this regulation from discussion points in this meeting. APCA Language, idea of right of first refusal for child/children after first spouse dies, limit exemption to one generation, and gift vs inheritance.

Council briefly discussed how to or if to prioritize essential workers and how that relates to qualifying for a deed restricted unit as a SMV employee and then changing jobs to outside SMV and being able to remain in housing.

A few typographical errors were pointed out in the regulations document and will be corrected.

10) TOWN COUNCIL REPORTS AND ACTIONS

3:15

Councilmember Fridstein attended the CORE meeting where the board passed a new governance. CORE changing to a new model based on grant & funding supported organization. They no longer have a required seat on the board from SMV, Aspen, Pitkin...It is changing and Fridstein will update as it progresses.

Councilmember Sherk attended NWCCOG where they gave an updated report on the joint CAST & NWCCOG Workforce Housing Report. It is on the NWCCOG website. They also had an interesting talk from a representative from Headwaters Economics - Proactive action equals success. Attended the RFTA along with Mayor Madsen. RFTA has joined the Western Housing Coalition. The Covenant Enforcement Committee on RFTA is making progress on the properties that are encroaching on the corridor.

Councilmember Marolt attended the Nordic Council. The Free Rental Skis program is progressing. Free skis, boots and poles will be available to free rental at Snowmass Village Recreation Center.

11) ADJOURNMENT

Councilmember Fridstein motioned to adjourn. Mayor Madsen seconded. All in favor.

Adjourned at 7:22 pm.

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, December 4, 2023.

Submitted By,

A handwritten signature in black ink, appearing to read "Megan Harris Boucher". The signature is fluid and cursive, with the first name "Megan" being the most prominent.

Megan Harris Boucher, Town Clerk