



**Town Council
Special Meeting
MEETING MINUTES**

Wednesday, November 09, 2022

4:15 PM

130 Kearns Road

Town Council Chambers

Snowmass Village, CO 81615

Mayor Madsen called to order the Special Meeting of the Snowmass Village Town Council on Wednesday, November 9, 2022, at 4:15 pm directly after the GID Meeting.

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

4:15pm

2. ROLL CALL

Council Members Present: Bill Madsen, Bob Sirkus, Alyssa Shenk, Tom Goode & Tom Fridstein.

Council Members Absent: none

Staff Present: Clint Kinney, Town Manager; John Dresser, Town Attorney; Greg LeBlanc, Assistant Town Manager; Marianne Rakowski, Finance Director; Anne Martens, Public Works Director; Doug Goldfluss, IT Manager; and Megan Boucher, Town Clerk.

Public Present: Adriane Sirkus & Doug Faurer.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.A. Presentation - In appreciation of Councilmember Bob Sirkus
Mayor presented Proclamation & presentation of pint

Mayor Madsen read and presented Mayoral Proclamation 05, Series 2022: A PROCLAMATION EXPRESSING THE TOWN OF SNOWMASS VILLAGE'S APPRECIATION TO BOB SIRKUS FOR HIS YEARS OF SERVICE. Madsen also presented Councilmember Bob Sirkus and his wife Adriane a framed print of Snowmass Village by artist Linda Roberts.

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)

None

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. 2022 Agenda Overview

[Pages 4-5](#) [2022 Agenda Overview](#)

- 5.B. ORD NO. 07, SERIES OF 2022 –SECOND READING OF AN ORDINANCE AMENDING THE 2022 BUDGET FOR THE POST GRANT FUND FOR THE TOWN OF SNOWMASS VILLAGE

[Pages 6-7](#) [Agenda Summary - Ordinance No. 07 of 2022-2nd Reading-POST FUND](#)

[Pages 8-9](#) [Ordinance 22-07 Revised Budget Ordinance No. 07---2nd reading-POST Grant](#)

[Pages 10](#) [POST Grant Budget Summary-2023](#)

Council decided to cancel the November 12th Work Session. Councilmember Shenk will be virtual on Monday November 21 and Councilmember Sirkus will not be attending Monday November 21st. Councilmember Goode will update staff on his availability for November 21st.

Councilmember Goode made a motion to approve the Consent Agenda. Councilmember Sirkus seconded. Role call vote: Councilmember Sirkus - yes. Councilmember Shenk - yes. Councilmember Goode - yes. Councilmember Fridstein - yes. Mayor Madsen - yes.

6. PUBLIC HEARINGS - QUASI-JUDICIAL 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. POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A. Ord 06, Series 2022 - STR - 2nd reading

[Pages 11-12 Agenda Summary Ordinance 06-2022 Regarding Short Term Rental Permits on 2nd Reading](#)

[Pages 13-15 ORD 06 of 2022 - STR Permits - Second reading](#)

Town Manager Clint Kinney presented the agenda item and gave a brief background for context. Councilmember Fridstein motioned to adopt Ordinance 06, Series 2022.

Council had a brief discussion regarding the ordinance in relation to the STR permit process. A typographical error was pointed out for correction. Councilmember Sirkus requested "Community character" be added to line 32 & line 36 of Ordinance 06, Series 2022. Shenk made an alternative suggestion to add to Line 26 after neighborhoods "and the Community as a whole". Council agreed to Shenk's suggestion.

Councilmember Shenk made a motion to amend line 26 of Ordinance 06, Series 2022 to include "and the Community as a whole" after the word neighborhoods. Councilmember Fridstein seconded. All in favor.

Mayor asked for public comment.

Doug Faurer, Alpine Property Management commented that line 51 and 57 should possible read “less than thirty consecutive days.” Council discussed changing it to “twenty-nine days or less.”

Town Attorney John Dresser clarified that no motion is needed as this is a correction rather than a modification.

Cody Truscott, commented on Community Character and that the Ordinance should reflect their guests and visitors as well as stressed inclusive rather than exclusive.

Councilmember Shenk and Sirkus addressed Truscott's comments.

Councilmember Sirkus moved to approve Ordinance 06, Series 2022 as amended.

Councilmember Fridstein seconded. Roll call vote: Councilmember Sirkus - yes.

Councilmember Shenk - yes. Councilmember Goode - yes. Councilmember Fridstein - yes. Mayor Madsen - yes.

7.B. Road Mill Levy

[Pages 16-17](#) [Road Mill Levy Fund Memo 2023 \(Public Hearing\)](#)

Anne Martens, Public Work Director summarized the Road Mill Levy Memo and clarified projects and funding. Clint Kinney clarified that the hearing was required as part of the property tax that voters approved and the memo specifically noted where the Town plans to spend that property tax. By code, the Town is required to have this specific hearing.

Mayor opened the public hearing for public comment. No public comment.

Mayor closed the public hearing (minute 24:40 of the recording - 4:39pm).

8. ADMINISTRATIVE REPORTS

8.A. Little Red Schoolhouse / Woody Creek Kids Contract Discussion

[Pages 18-19](#) [Agenda Summary - LRSB Lease Staff Report](#)

[Pages 20-26](#) [Woody Creek Kids TOSV Lease -3 year ends 12-31-25_FINAL](#)

Greg LeBlanc briefly presented the agenda item summary and updated the council on the status of the lease and future proposed construction project.

Councilmember Fridstein expressed concern that the lease might prevent the start of the construction project and suggested adding a clause regarding the potential construction.

Town Attorney John Dresser did not recommend putting that in the lease and advocated for the lease as drawn up. Dresser further clarified that the tenant is supportive of both the lease and the potential construction project.

Councilmember Shenk asked for clarification regarding why we are offering a \$1 lease to the for-profit that we offered to a non-profit. Kinney explained that early childcare has a very small profit margin and that the lease represents the Town's subsidy to help the program and keep a provider in the Village. Shenk had a suggestion to change the age to six rather than five in Section 5 of the lease, noting that not all kids are 5 when they go to kindergarten.

Staff will change it to six years old and bring it to the tenant.

Councilmember Fridstein made a motion to approve the lease as amended.
Councilmember Sirkus seconded. All in favor.

8.B. Resolution 26, Series 2022

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR THE TOWN OF SNOWMASS VILLAGE AND ADOPTING A BUDGET FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2023 AND ENDING ON THE LAST DAY OF DECEMBER, 2023 AND APPROPRIATING SUMS OF MONEY TO ALL FUNDS FOR THE 2023 BUDGET YEAR.

[Pages 27-28](#) [Agenda Summary-2023 Budget Resolution No. 26 2022 -11-09-22](#)
[Pages 29-38](#) [Resolution No. 26 Series of 2022 -\(adopt-appropriate 2023 budget\)--11-09-22](#)
[Pages 39-101](#) [Budget Backup - 2023 11-09-22](#)

Finance Director Marianne Rakowski presented the agenda summary which gave background and explained that changes that Council had approved in the last meeting were incorporated into the budget and this resolution.

Councilmember Sirkus asked a question regarding the fee structure and the analysis on projected revenue from the STR program in relation to the the budget.

Kinney clarified that staff had estimated all the potential expenses for STRs in the budget but not estimated the revues in light of Council's continued discussions on the permit and fee structures.

Mayor Madsen opened a public hearing to ask for any public comment. There was none.

Councilmember Goode motioned to approve Resolution 26, Series 2022.
Councilmember Fridstein seconded. All in favor.

8.C. STR Permit Process & Regulations

[Pages 102-103](#) [Agenda Summary Short-term Rental Permit Regulations](#)
[Pages 104-110](#) [Short-Term Rental Regulations-2022 102622](#)
[Pages 111-118](#) [SHORT-TERM RENTAL PERMIT TYPES 102622](#)
[Pages 119-120](#) [Short-Term Rental Self-Compliance Affidavit 102622](#)
[Pages 121-131](#) [Short-Term Rental Permit FAQ's 102622](#)
[Pages 132-137](#) [STR Good Neighbor Guide 110222](#)
[Pages 138](#) [STR Permit Requirement Chart](#)

Town Manager Clint Kinney briefly summarized and put into context the current STR permit and regulations that Council is to discuss and potentially approve in light of Ordinance 06, Series 2022 passed earlier in the meeting (minute 50:00).

Corrections and clarifications on documents were discussed including regulations (minute 52:00), sales tax remittance (minute 56:00), affidavit and owner responsibilities (minute 1:00:00), permit types (minute 1:05:00), language in the fines (minute 1:12:00), & violations (minute 1:15:00).

Public Comment –

Doug Faurer, Alpine Property Manager – commented on night minimums, permit types & fines (minute 1:20:46). Council discussed Faurer's comments.

Council continued discussions regarding 3 vs 4 vs no night minimum (minute 1:28:00) & multi-family A types (minute 1:30:00).

Public Comments –

Adam Gilbert, condo owner in several complexes. Question regarding fee structure of the permit types and enforcement of the occupancy limits. He is concerned that he will be responsible for his renter's violations (minute 1:34:00).

Cody Truscott, homeowner. Expressed concerns regarding renters not following rules, how best to self-report those violations without repercussions on the owners, concern regarding the 4-night minimum, and concern regarding the fines and the lost revenue for homeowners (minute 1:39:00).

Council continued further discussions on permit types and fee structures (minute 1:45:00), STR permit as owner responsibility & needs owner signature (minute 1:52:00), data collection & questions in the permit (minute 1:54:00), and sales tax remittance process (minute 2:00:00).

Public Comment –

Bob Olson commented that VRBO & AirBnB arrangement is important to owners and hope the Town will continue efforts with regards to sales tax remittance. Olson further asked for clarification regarding insurance requirements and if they needed a specific declaration/certification regarding STR (minute 2:03:30).

Council continued the discussion regarding insurance (minute 2:08:00), change to the affidavit to not upload the insurance (minute 2:10:00), fee structure question from Adam Gilbert (minute 2:15:00), self-compliance affidavit regarding egress and ventilation (minute 2:16:45), consistent days vs night language (minute 2:24:30), and the Good Neighbor Guide (minute 2:27:45).

Public Comment –

Bob Olson asked for clarifications on the Good Neighbor Guide (minute 2:35:00).

Council continued the discussion regarding staff needing to update the STR permit requirement chart in relation to the Council's changes from this meeting (minute 2:39:30), May 1st projected start for permit process (minute 2:40:00), and STR renewal date discussion (minute 2:41:00).

Council discussed approval process.

Councilmember Sirkus motioned to approve the STR rental policy regulations as amended with all discussed changes and corrections from the meeting. Councilmember Fridstein seconded. 4 in favor and 1 opposed.

9. TOWN COUNCIL REPORTS AND ACTIONS

- Reports and Updates

Councilmember Fridstein thanked both Bob Sirkus & Tom Goode for years of service.

Councilmember Sirkus thanked the community for the opportunity to serve. Sirkus thanked TOSV staff and SMV work force for helping to make the community such a wonderful place to live. He finished by thanking the Council for the years of working together.

Councilmember Shenk reflected on the years of working with Sirkus and Goode & thanked them both. Shenk reported on the recent COG budget meeting and reported that the RFTA meeting is coming up Thursday. She will report on that next time.

Councilmember Goode thanked the current council as well as the other candidates that ran against him. He plans to attend the November 21st Town Council meeting.

Mayor Madsen thanked the staff and the community for a smooth election.

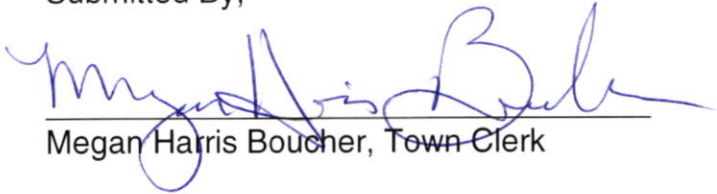
Councilmember Goode motioned to adjourn. Councilmember Fridstein seconded. All in favor.

10. ADJOURNMENT

7:12pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday November 21, 2022.

Submitted By,



Megan Harris Boucher, Town Clerk