



**Town Council
Town Council Meeting Minutes
Tuesday, September 11, 2023**

4:00 PM

130 Kearns Road

Town Council Chambers

Snowmass Village, CO, 81615

You can watch the meeting live online on our website at tosv.com

Mayor Madsen called to order the Regular Meeting of the Snowmass Village Town Council on Tuesday September 11, 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**

4:00pm

2) **ROLL CALL**

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

Council Members Absent: none.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Betsy Crum, Housing Director; Terri Everest, Assistant Housing Director; Dick Osur, Housing Department; and Megan Harris Boucher, Town Clerk.

3) **PROCLAMATIONS AND PRESENTATIONS**

4) **PUBLIC COMMENT**

None.

5) **CONSENT AGENDA**

5.A) 2023 Draft Agenda Overview

5.B) Minutes for Approval

Councilmember Gustafson motioned to approve Consent Agenda. Councilmember Shenk seconded. All in favor.

6) **PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS**

7) **POLICY/LEGISLATIVE PUBLIC HEARINGS**

8) **ADMINISTRATIVE REPORTS**

8.A) **8.A. Housing Regulations Update with Housing Director Betsy Crum**

Housing Director Betsy Crum, Assistant Director Terri Everest, and Operations and Compliance Manager Mitch Osur presented a review of the Town's employee housing regulations, continuing discussions from prior sessions in June and July 2023. The following policy areas were addressed:

Program Focus and Eligibility. Council reaffirmed that the fundamental eligibility requirement — full-time, year-round employment within the Town of Snowmass Village — should remain in place for existing housing units. Council Member Shenk dissented, arguing that employees of essential community institutions such as the school district and fire department, though not technically employed within town limits, are integral to the community and should be eligible. The majority of the Council concluded that, given a waiting list of approximately 237 qualified applicants, it was not the appropriate time to broaden eligibility for existing units. The recommendation to allow partner organizations to participate in eligibility for future housing developments was accepted.

Incentivizing Downsizing and Bedroom Utilization. Staff proposed sending a letter to all deed-restricted homeowners informing them of existing downsizing incentives. Additionally, regulations would be amended to permit seasonal rental of a bedroom to no more than two people for a minimum of four months. A third amendment would require that all bedroom rental rates be pre-approved by the Housing Department, with rates expected to align with the range of Town-owned studio units. Council consensus supported all three recommendations.

Work Requirement — Percentage of Employment in Snowmass Village. Staff proposed an additional qualification pathway: employees working a minimum of 1,600 hours annually with at least 70% of income earned in Snowmass Village (compared to the

existing standard of 1,400 hours and 80%) would become eligible. This modest relaxation would accommodate workers holding secondary employment outside of town. Council consensus supported the change.

Weighted Rental Wait List. No changes were recommended to the weighted rental wait list structure, which ranks applicants by cumulative years of employment in the Town. Staff proposed one amendment: applicants who voluntarily leave their rental housing and return would be required to complete one full year of re-employment in Snowmass Village before regaining wait list eligibility, in order to prevent returning residents from immediately displacing long-standing applicants. Council consensus supported this change.

Retirement Policy. No changes were recommended to the existing retirement provisions, which allow owners of deed-restricted for-sale units to retire in place upon reaching age 62 with at least 10 years of prior employment. Retirement protections do not apply to rental housing.

Compliance. Staff announced a significant ramp-up in compliance enforcement, transitioning from a self-certification model to mandatory third-party verification of employment, including pay stubs, tax returns, or employer confirmation of hours worked. Staff acknowledged this process may uncover noncompliance issues that will need to be addressed, with the goal of returning residents to compliance or requiring them to vacate.

Improvements to Deed-Restricted For-Sale Units. Staff recommended against permitting additional physical improvements beyond those already allowed by regulation, in order to preserve long-term affordability. Two regulatory clarifications were endorsed by Council: (1) the addition of a provision recognizing improvements that measurably reduce carbon emissions, building upon the existing 10% energy efficiency allowance; and (2) a requirement for a third-party home inspector — in addition to the current building inspector — to conduct a pre-sale inspection to identify items requiring remediation.

Generational/Inheritance Housing. This item generated substantial Council debate and considerable public comment. Under current regulations adopted in 2002, deed-restricted for-sale homes may not be bequeathed or gifted to a homeowner's children. Several Crossings at Horse Ranch residents testified that this provision was changed without their knowledge from the original 1994 ordinance, which had expressly permitted transfer by will, inheritance, or gift. Town Attorney Jeff Conklin confirmed that property is held subject to the code, which is subject to change, and that the 2002 ordinance was properly enacted through public hearings. Council Member Shenk noted the distinction between gifting and inheritance and raised equity concerns regarding children of free-market homeowners who are equally unable to afford to return to the community. Council Member Fridstein expressed the need for additional deliberation before any vote. Council consensus directed staff to draft multiple regulatory options for a future meeting, including: (1) no change to the current rules; (2) an APCHA-modeled

inheritance provision permitting transfer upon the death of both parents to a qualified employee-child; and (3) a generational lottery advantage providing additional points in the ownership lottery to applicants who grew up in Snowmass Village. Staff confirmed these options would apply uniformly to all deed-restricted for-sale housing, not solely to the Crossings.

8.B. Council Compensation Discussion

Town Manager Clint Kinney presented a proposal for a Council compensation ordinance. Per the Town Charter, the Council may not vote itself a raise but may establish compensation for future Councils. Staff proposed a 10% initial salary increase effective upon the November 2024 election, followed by a 6% increase per election cycle (equivalent to approximately 3% per year) going forward. Council Member Gustafson requested the inclusion of a provision allowing the Council to suspend scheduled increases in the event of a financial hardship year. Council Member Marrolt raised the potential of extending Town health care benefits or a recreation/ski pass benefit to Council members, which staff noted could be incorporated as taxable compensation. Staff was directed to have Town Attorney Conklin draft a formal ordinance for Council consideration.

9) **TOWN COUNCIL REPORTS AND ACTIONS**

Council Member Shenk noted an upcoming RAFTA meeting on Thursday. No additional reports were submitted.

10) **EXECUTIVE SESSION**

Mayor Madsen recited the statutory basis for executive session pursuant to C.R.S. § 24-6-402(4) and Snowmass Village Municipal Code § 2-45(c), for the purpose of conducting the performance review of the Town Manager.

A motion to convene in executive session was made by Council Member Shenk and seconded by Council Member Fridstein. The motion carried unanimously.

At 7:15 pm, Councilmember Fridstein moved to adjourn the Executive Session and reconvene the Regular Meeting, Councilmember Marolt seconded. All in favor.

Immediately following, Councilmember Shenk moved to adjourn the Regular Meeting, Councilmember Fridstein seconded. All in favor.

11) **ADJOURNMENT**

7:16 pm