



Town Council

Town Council Meeting Minutes

Monday, October 2, 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

1) [CALL TO ORDER](#)

2) [ROLL CALL](#)

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

Council Members Absent: None.

Staff Present: Clint Kinney; Town Manager (virtual), Jeff Conklin; Town Attorney, David Shinneman; Community Development Director, Brian Olson; Chief of Police, Anne Martens; Public Works Director, Marianne Rakowski; Finance Director, Doug Goldfluss; IT Manager, Barbara Peckler; Office Manager

Public Present: Kristin and Chuck Lohmiller, Mak Keeling, Chris Kiley, Chad Kumbier, Leslie Desmond, and others interested in tonight's agenda.

3) PROCLAMATIONS AND PRESENTATIONS

4) [PUBLIC COMMENT](#)

None

5) CONSENT AGENDA

5.A) 2023 Draft Agendas

[Pages 4-5 2023 Agenda Overview](#) 

5.B) Minutes for approval

Councilmember Shenk identified some grammatical errors that need to be corrected and has emailed them to Megan.

[Pages 6-11 08-21-23 TC Minutes - DRAFT](#) 

[Pages 12-16 09-05-23 TC MINUTES - DRAFT](#) 

[Pages 17-24 09-18-23 TC Minutes - DRAFT](#) 

5.C) [Ordinance No. 11, 2023 - RE Council Compensation - 2nd Reading](#)

[Pages 25-26 Agenda Item Summary - Council Compensation - 2nd Reading](#) 

[Pages 27-29 ORD No. 11 2023 - Council Compensation - Redline1](#) 

[Pages 30-32 ORD No. 11 2023 - Council Compensation - Clean1](#) 

No comments on Ordinance No. 11

Councilmember Shenk motioned to approve the Consent Agenda with the corrections to the minutes and the 2nd reading of Ordinance No 11, 2023-RE Council Compensation. Councilmember Marolt seconded.

Roll Call Vote: Councilmember Shenk; Aye, Councilmember Marolt; Aye, Councilmember Fridstein; Aye, Councilmember Gustafson; Aye, Mayor Madsen; Aye. All in Favor

6) [PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS](#)

6.A) [Resolution for SkiCO Cell Tower Plan - Cont from August 21st](#)

[Pages 33-35 Agenda Item Summary SkiCo Cell Towers 2023](#) 

[Pages 36-39 Attachment A - Reso No. 22 of 2023 Cell Towers Special Review draft](#) 

[Pages 40-91 Attachment B_SkiCo Special Review Application](#) 

[Pages 92 Attachment C TOSV Cell Tower Coverage Map](#) 

[Pages 93-96 Attachment D approved PC Resolution No. 4 of 2023](#) 

[Pages 97-124 Attachment E 2021 TOSV Broadband Vision Report](#) 

[Pages 125-131 Attachment F_Public Comment](#) 

[Pages 132-138 Attachment G_Vegetational Screening Graphic addendum](#) 

[Pages 139-169 Attachment G Amended Application Letter. Locations. and Graphics](#) 

Dave Shinneman, Community Development Director, began the discussion by highlighting that the item under consideration is a follow-up from the August 21st meeting. This continuation allows the ASC to revisit and make modifications based on the guidance the Council provided regarding cell tower placement. In this packet is Resolution No. 22, Series of 2023, with

modifications for Council approval.

Mak Keeling from Aspen Skiing Company acknowledged the valuable feedback received from the Council and is currently presenting a revised proposal that considers the comments and input provided by the Town Council.

The document presented today aligns with the Comprehensive Plan and the goals of the Council. The project addresses a clear need, as the current towers are deemed inadequate. It is expected to enhance voice and data connectivity throughout the community. This project is also a part of the Master Plan for Aspen Skiing Company (ASC), which will be presented to the Town Council later. Tonight's proposal outlines the construction of three towers across two sites in 2024 and five towers across five sites in 2025.

Mak continued the presentation by explaining each diagram included in the packet. These diagrams depict various locations where they have made efforts to integrate the towers more seamlessly into the surrounding trees and landscape. In some instances, they have even explored the possibility of consolidating two towers into a single location to reduce visual impact and environmental disturbance. Details were also provided on the height and finish of each Tower.

Last week, the Aspen Skiing Company received a Letter of Acceptance from the Forest Service concerning this project. Currently, the carriers that have shown interest are AT&T, Verizon, and T-Mobile, leaving space for one more carrier.

Summary of Council comments on the locations that still need improvement:

- Two Creeks site: The new location is an improvement, but letters from citizens have requested time to review the new location and are still not in favor of a tower at Two Creeks. The Ski Company has been meeting with Mr. Warren, a Two Creeks homeowner, and will continue to do so. The Tower is essential for coverage on the mountain's eastern side. The Skiing Company has moved it closer to their property, but they need to consider other homeowners in the area if they try to relocate the Tower.
- Mak side comment- after listening to comments from the Council, a load station will be added to the Spider Sabich area when the new lift goes in next summer.
- Sam's Knob- Was two Towers now one and moved further down the hill. The move placed it in Aspen trees that would not shield the Tower in the winter. Mak will look at moving it further down the mountain and try to locate it in the Pine trees but keep it on the ridge.
- Elk Camp-The Tower is not visible from the restaurant but very visible from the Meadows beginner ski hill where all the skiers are. Mak will come back with why the Tower needs to be 90 feet and other location options.

To provide Aspen Skiing Company with adequate time to revise their proposals for Two Creeks, Elk Camp, and Sams Knob Tower locations, they have requested that this discussion be postponed and continued to the Town Council Regular meeting scheduled for November 6th, 2023.

Public Comment

Chuck Lohmiller, who resides on Burnt Mountain Drive, expressed his concerns during the

meeting. He mentioned that he moved to the area primarily for its natural beauty and found the proposed Two Creek Towers highly objectionable. Chuck pointed out that the photos provided do not accurately represent the situation, especially since they do not include ice bridges. He emphasized that he believes there hasn't been enough time for public input and expressed the need for more time and input from Owl Creek homeowners. Chuck also inquired whether the Federal Communications Commission (FCC) approved the heat map for the Two Creeks location. ASC responded, saying that approval is granted upon installation. Additionally, Chuck proposed locating the towers at the Maintenance Facility on Owl Creek Rd as an alternative solution. He and his wife strongly object to the Two Creek's location for the towers.

Councilmember Shenk motioned to continue the Public Hearing on Resolution No. 22, Series of 2023 RE Granting Special Review Approval with Conditions for the Installation of Cell Towers and Associated Utility Equipment at Locations Throughout the Snowmass Mountain Ski Area until the Nov. 6th Regular Town Council Meeting. Councilmember Marolt seconded. All in favor.

7) [POLICY/LEGISLATIVE PUBLIC HEARINGS](#)

7.A) [Ordinance No. 7, 2023 - Re Leash Law - 2nd Reading](#)

[Pages 170-172 Agenda Item Summary - Leash Law - Continued 2nd Reading](#) 

[Pages 173-176 ORD No. 07, 2023 - Leash Law - Redline3](#) 

[Pages 177-180 ORD No. 07, 2023 - Leash Law - Clean3](#) 

[Pages 181-218 Public Comment Packet RE Leash Law for 100223 TC Meeting](#) 

[Chris Council Public Comment received after packet completed](#) 

Jeff Conklin, the Town Attorney, conducted the second reading for the amendment to the Town leash law, which was presented to the Council for the third time. During this round of discussions, two additional items were incorporated into the Ordinance:

1. A mechanism was introduced that allows owners of properties accessible to the public to request consideration by the Council for designation as a Mandatory Leash Zone.
2. It was established that having a dog on someone else's property without their consent would be deemed a violation of the law.

These additions reflect the ongoing refinement and improvement of the Ordinance in response to Council comments and community concerns.

Summary of Council Comments

Councilmember Fridstein- expressed his approval of the changes made to the Ordinance, noting that they significantly enhance it. However, he also highlighted the overwhelming response from the community, which indicates that the community does not want the Council to be involved in this matter. Fridstein emphasized the importance of considering this community sentiment during the decision-making process.

Councilmember Shenk mentioned that while supporters of the Ordinance may not have been submitting public comments, they do appreciate the new Ordinance. She emphasized that the Ordinance is essential for creating a structured framework and setting parameters for dog control within the community. The question posed to Jeff seeks clarification regarding the situation where a dog enters someone else's property. When the dog is off-leash, it's a violation; however, the question is about the scenario where the dog is on a leash – does this still constitute a violation?

Chief Olson: Yes, this is still considered a violation. Owners need to control their dogs and stay off personal property. He suggests that finding a middle ground involves respecting people's personal property rights, which includes keeping dogs off groomed grass areas. He also emphasizes the importance of mutual respect, stating that all dog owners should sharpen their skills in this regard, indicating that respect should be a two-way street.

Councilmember Gustafson- It's important to hear the whole issue and find the best compromise. Councilmember Marolt has acknowledged concerns raised by residents regarding the prospect of allowing dogs off-leash. She believes effectively communicating the new regulations will be challenging but also considers it critical to the program's success.

Chief Olson commented there will be social media posts, new signage, brochures, and Staff on the trails.

Mayor Madsen expressed that the proposed leash law amendment is a way to empower residents to take more responsibility for their dogs while also providing staff-specific guidelines as to what a "Dog at Large" means. He also believes the Council is on the right track with this approach, and if necessary, the program can be reviewed and adjusted in a year to make any necessary changes.

Public Comment:

During the public comment section, Jay Palace, the owner of a Seasons 4 Condominium, presented arguments as to why the proposed amendments would be detrimental to Snowmass Village and the residents. Jay expressed several concerns about the proposed leash law amendments, and these concerns were outlined in his memo included in the packet. He made it clear that he was firmly against both ordinances presented during the meeting tonight.

Councilmember Shenk motioned to approve the 2nd Reading of Ordinance No 07, 2023-RE Leash Law. Councilmember Gustafson seconded.

Roll Call Vote: Councilmember Shenk; Aye, Councilmember Marolt; Aye, Councilmember Fridstein; Nay, Councilmember Gustafson; Aye, Mayor Madsen; Aye. 4 in Favor 1 Against Motion Passed

7.B) [Ordinance No 10, 2023 - RE Mandatory Leash Zones - 2nd Reading](#)

[Pages 219-220 Agenda Item Summary - Mandatory Leash Zones - 2nd Reading](#) 

[Pages 221-222 ORD No. 10, 2023 - Leash Law - Mandatory Leash Zones](#) 

[Pages 223-230 Dog Leash Zone Maps](#) 

Jeff Conklin, the Town Attorney, introduced Ordinance No. 10, 2023. He explained that the Council's direction was for Ordinance No. 10 to be in place concurrently for them to feel comfortable approving Ordinance No. 7. This new Ordinance establishes zones where dog

owners must always have their dogs on a leash. Maps are attached to the Ordinance showing the seven areas.

Chief Olson reported that they will start installing signs and work on creating a consistent theme for signage. These signs will be placed in the leash zones and on the trails. He clarified that Nordic Trails are not included in the leash zones because dogs are prohibited on Nordic Trails.

Councilmember Fridstein believed that homeowners' associations (HOAs) should have been given the same option as commercial zones to participate in the Mandatory Leash Zones.

In response, Chief Olson explained that for an area to be part of the Mandatory Leash Zones, it must be a public area. Several HOAs are private, and therefore, they cannot be included in these zones. However, he noted that each HOA can establish and adapt its rules regarding dogs and leashes within their respective private communities.

Public Comment:

Jay Palace agreed with Tom's point regarding homeowners' associations (HOAs) and their involvement in the Ordinance. He believes that Ordinance 10 should not be voted on just yet, and the Council should take the time to communicate with the HOAs. Jay also suggested that the Town examine the map and consider designating densely populated areas as Mandatory Leash Areas.

Councilmember Shenk motioned to approve the 2nd Reading of Ordinance No. 10, RE Mandatory Leash Zones. Councilmember Gustafson seconded.

Roll Call Vote: Councilmember Shenk; Aye, Councilmember Marolt; Aye, Councilmember Fridstein; Aye, Councilmember Gustafson; Aye, Mayor Madsen; Aye. 5 in Favor Motion Passed

Additional Comments

Councilmember Gustafson wants to encourage our community to look at this as an opportunity to evaluate our own personal responsibility as dog owners. Both sides need to work together to create a better culture in our community. Be respectful to each other.

8) [ADMINISTRATIVE REPORTS](#)

8.A) Resolution in support of Ballot Question

[Pages 231-232 Agenda Item Summary RE In Support of Ballot Issue](#) 

[Pages 233 Resolution No. 23, 2023 RE In Support of Ballot Question 2A to Amend Charter](#) 

[Pages 234-236 Town Council Ordinance 08 2023 passed 8-21-23](#) 

Jeff Conklin, the Town Attorney, presented a Resolution in Support of Ballot Issue 2A.

Ballot Issue 2A proposes an amendment to the Town of Snowmass Charter, allowing elected officials to serve as non-voting members on Town Boards and Commissions as specified by the Ordinance. This issue will be presented to the voters during our November 7th coordinated election. The Council possesses the authority to adopt a resolution expressing a position on this ballot issue, and this resolution is designed to endorse and encourage voter participation in this

matter. It is worth noting that the Colorado Fair Campaign Practices Act explicitly sanctions this action, so it is being brought before you tonight as a resolution to demonstrate your support for this ballot issue.

The Council agrees and views this as a positive approach to remaining informed about the activities and initiatives of the various Boards and Commissions. The Boards must understand that Councilmembers in this capacity will serve as non-voting members. Adopting this resolution will facilitate the exchange of information between the Council and the Boards, ultimately enhancing transparency and collaboration.

Councilmember Shenk motioned to approve Resolution No. 23, 2023 RE In support of Ballot Issue 2A to Amend Charter. Councilmember Marolt seconded. 5 in Favor and 0 Against the Motion passed.

8.B) [Budget Introduction](#)

[Pages 237-238 Agenda Item Summary - Introduction to the 2024 Budget](#) 

[Pages 239-247 Budget Message Council - Final 10-2-23](#) 

[Pages 248-326 2024 Council Budget Presentation - PDF](#) 

[Pages 327-388 2024 Budget Backup - Council](#) 

Clint Kinney, Town Manager, introduced the 2024 Budget. Marianne Rakowski, Finance Director, was available for questions. The packet includes the 2024 Budget Message, the 2024 Budget Presentation, and a detailed line-item budget backup. The Budget Message, authored by the Town Manager and Finance Director, provides a comprehensive overview of the budget's objectives and the strategies in place to achieve them. It highlights significant changes and policy matters the Council may wish to address, serving as the initial guide for upcoming budget meetings.

Budget meetings are scheduled for October 2nd, October 9th, and October 16th, with the intention of adopting the budget via resolution on November 6, 2023. If desired, Staff can arrange for a more thorough review on an alternate date, allowing the Council flexibility in the review process. Staff is happy to go over to any level of detail the Council wants, but we think starting with this big picture is the way to begin the approval process. The Staff takes a very conservative approach to this budget. We try to underestimate revenues and overestimate expenses on purpose. We want to ensure that we are in a strong financial position. One of the ways we also take a conservative approach is to ensure that our operating numbers are well-funded. A number of years back, the Council initiated a 30% reserve policy for our funds, and we keep that in place for most all of our funds except for housing, which is slightly lower because of the way the rents work.

At this point, Clint summarized the 2024 Budget Letter of Introduction to Council in open session.

Highlighted points

- Probably the most significant change to the budget going forward is the creation of the tourism fund when in 2023 the voters approved the expansion of the marketing sales tax and the lodging tax so that those revenue sources could also be used for housing. The Town anticipates putting \$5 million from the tourism fund into housing in 2024.
- The overall county sales taxes are going up, but we're actually projecting to get less money than we used to because our slice of that pie is getting smaller. If we've got any kind of risky projection going forward in 2024, it's that share of the county sales tax. We will pay attention to that.
- A revenue issue that needs to be discussed by the Council is property tax revenue. Right now, there's still some finalization of those numbers, we are predicting an 85% increase in assessed valuation. What we projected in or what we believe right now in raw numbers, if no adjustments were made with the property taxes, we would bring in an additional \$2.4 million in property tax revenue, which is significant. What we're proposing in this budget is a \$1,000,000 rebate to the taxpayers, with the Town still netting \$1.4 million. Jeff is working through legal issues with us on how best to process the rebates. The Council needs to decide if they support a rebate program or any other form of reduction before Staff can move forward with this.
- The budget accounts for staff payroll and benefit increases, but there is concern over the new rate RFTA initiated for starting drivers. RFTA's starting pay is \$30/hr, and Snowmass Drivers start at \$25/hr. The Town may have to use savings on Insurance premiums to increase Shuttle Drivers' pay.
- Our zero-emissions vehicle transition plan is one of the more exciting things we've got budgeted for next year. The Council sets our environmental goals, so we want to electrify as much as possible. We hope to do that with the help of federal money.
- We have budgeted \$250,000 in "Discovery" for designing, fabricating, and installing a life-size Mastodon and a life-size slot at the base village and one at the mall.
- At the Council's direction, we did increase the sales tax rebate. We budgeted for an increase from \$50 to \$75.00.
- We did increase wildfire mitigation from 15,000 to 30,000. With the additional \$15,000, we think we might start investing in some town-owned property around our housing projects to ensure we get that investment where it is needed next year.
- The Town will start saving in 2024 to prepare for a large WeCycle program investment in 2025. Due to the nature of the Snowmass topography, the WeCycle program will be e-bikes.
- The Town anticipates collecting \$360,00 in STR fees. This revenue will go towards housing, but this is not mandated.
- We are in the process of the mall transit redesign using EOTC money and town funds. SEH is under contract per council direction. They're doing survey and design work, so we've kept the EOTC and town contributions the same with this project. We are looking at areas of improvement.
- We are also working with EOTC, requesting matching funds to put towards widening what we affectionately call the Donnie White curve by adding pedestrian and bike lanes.
- Funds are allocated to continue working on the roundabout design at Brush Creek and Owl Creek.

- \$500,000 is set aside for the continuation of the Draw Site, hoping to have enough information to go to a vote in November of 2024.

Council Questions

- What is the Town doing with the Fanny Hill Concert Venue?
 - I don't know precisely, but we spend about \$50,00-\$100,000 each year for improvements. In 2024, we will improve the entrance and the walking path up the hill. This is a continual investment in ensuring that the two 2k to 4k people a week who show up have a high-quality experience.
- Should we be spending more on Wildfire Mitigation?
 - If we succeed this upcoming year, we'll return to you with a larger number the following year.
- The Council asked for future updates on how the funds for the Mall Transit redesign are being spent.
- Why are we spending twice as much on trails compared to Roads?
 - The 2025 budget will see a significant increase in the road fund balance. Anne Martens, Public Works director, said they are working on a 5-year plan for all the roads.
- \$400,000 has remained in the budget for connecting the Town nodes. The Council needs to discuss how they see the nodes connected and how they would like to utilize these funds. Possibly to improve the Benedict Trail.
- The Council needs to make policy decisions on moving forward with the Brush Creek/Owl Creek roundabout. The Council needs to decide if they want to continue assigning funds towards this project. Council needs to make sure they are going in the right direction.
- Staff recommends the Town contribute \$250,000 to the West Slope Regional Housing Coalition for their Buy Down program. This is the nonprofit we've all joined in with several other communities up and down the valley. Betsy is the chair of the board right now. The Council will need to approve this donation.
- Are funds being allocated for improving the landscaping around the Snowmass Inn?
 - No, not at this time. If the Council would like to spend money on this, let Staff know, and we can plug it in.

Clint concluded by emphasizing that the budget aligns with many of the Council's goals. However, he also noted that the budget is a policy document, and the Council's input and suggestions are highly valued. The budget discussion will resume on the 9th, with a presentation by the tourism department regarding their \$9 million budget. Additionally, the Finance Advisory Board reviewed the budget approximately two weeks ago and will provide their recommendation to the Council for consideration. Your input and feedback are essential in shaping this policy document.

On another quick side note, on November 6th, the Council will also sit as the General Improvement District Board. Staff will have a GID budget for you to consider at that meeting.

8.C) [EOTC Prep for Oct 5th Meeting](#)

[Pages 389-390 EOTC Agenda Item Summary - EOTC Preparation Meeting - TOSV AIS](#) 

[Pages 391-392 Attachment 1 - October 5, 2023 EOTC Agenda](#) 

[Pages 393-395 Attachment 2 - EOTC Decisions Reached June 29, 2023](#) 

[Pages 396 Attachment 3 - AIS - 2023 Work Plan Updates](#) 

[Pages 397-400 Attachment 4 - AIS - 2024 EOTC Budget and Work Plan](#) 

[Pages 401 Attachment 5 - 2024 EOTC Budget](#) 

[Pages 402-403 Attachment 6 - Town of Snowmass Village Funding Request](#) 

[Pages 404-405 Attachment 7 - EOTC 2024 Budget WorkPlan - Snowmass Reso](#) 

Linda DuPriest, the Regional Transportation Director, provided an overview for the upcoming EOTC (Elected Officials Transportation Committee) meeting on October 5th, 2023. In today's packet is the PowerPoint presentation outlining the topics of the forthcoming meeting. Linda reviewed each agenda item, allowing for any comments or questions from the Council.

The Council had no questions and Councilmember Fridstein may attend virtually.

A ribbon-cutting ceremony for the Brush Creek Parking lot improvements is scheduled for October 26th, and everyone is welcome to join.

9) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Gustafson enjoyed the balloon festival. She believes it is such an extraordinary opportunity for our valley to really be exposed to what Snowmass has to offer and its glory. Unfortunately, a water line broke the same day and caused a lot of confusion. Is there a way to communicate in real time with the people sitting in traffic about what's happening, whether it's signage or perhaps even as simple as somebody walking down the line of traffic and explaining that there's a situation as opposed to just sitting in a traffic jam? It was noted Pitkin Alert did send out updates. Britta was looking forward to the town picnic this weekend. She thought, perhaps in the future, if there could be some kind of relationship or connection with bringing our community together around the balloon races.

Councilmember Shenk also enjoyed the Balloon Festival and looked forward to the Town Picnic. She asked if there was going to be more advertising for the picnic. Clint commented that additional advertising is going out, and the Town is planning on 125ish attendees. Shenk also recommends that if you have not checked out the new culvert, you should stop by and take a look. It is pretty impressive. They had to remove the pedestrian bridge to put in the temporary road for Labor Day weekend; when will it be put back into place?

Clint, the pedestrian bridge should be restored by November 1st.

Councilmember Marolt, none at this time

Councilmember Fridstein, none at this time

Mayor Madsen welcomed about 600 guests attending the Colorado Parks and Recreation Conference this week. He wanted to thank Andy Worline for helping to put together a great conference.

10) ADJOURNMENT

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

Adjourned at 7:45 pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, October 16th, 2023.

Submitted By,

Barbara Peckler

Barbara Peckler, Office Manager