



**Town Council
Town Council Meeting Minutes
Monday, September 18, 2023**

4:00 p.m.

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 (Virtual), Tom Fridstein, Britta Gustafson, and Susan Marolt

Council Members Absent: None.

Staff Present: Clint Kinney; Town Manager, Jeff Conklin; Town Attorney, Brian Olson; Chief of Police, Barbara Peckler; Office Manager

Public Present: John Mele; Fire Marshall, Scott Thompson: Fire Chief and other members of the public

3) [PROCLAMATIONS AND PRESENTATIONS](#)

3.A) [Proclamation honoring Robert de Wetter](#)

[Page 3 Proclamation No. 02, 2023 - Robert de Wetter](#)

At the Town Council meeting, Mayor Madsen began by reading a Proclamation that recognized the extensive years of service and celebrated Robert's numerous contributions during his dedicated tenure at the Snowmass Chapel. It was a moment of heartfelt appreciation as Robert graciously accepted this honor. In response, he sincerely thanked the community for affording him the privilege to serve Snowmass Village. It was a touching acknowledgment of his remarkable journey and his enduring commitment to our Town.

3.B) [Fire Mitigation Update](#)

[Page 4 Agenda Item Summary - Fire Mitigation](#) 

John Mele, Fire Marshal for the Roaring Fork Fire Authority, provided an update on the Wildfire Mitigation Program. He highlighted the historical impact of the program and showcased before-and-after photos illustrating the positive effects of thinning and clumping, strategies aimed at slowing down wildfires by reducing available fuel. Mele emphasized the importance of periodic mitigation efforts, suggesting a five-year cycle.

He encouraged homeowner participation in these efforts and noted that new constructions in Snowmass are built with fire-resistant measures. Additionally, Mele mentioned collaborative efforts with Holy Cross to clear utility easement areas and stressed the significance of community members signing up for wildfire alerts.

During the discussion, Mayor Madsen raised concerns about homeowners' insurance denials for certain properties. Alyssa inquired about available resources and asked if the Fire Department could provide a synopsis of their mitigation efforts to share with insurance companies.

Mele acknowledged the challenges of finding companies for mitigation work and suggested creating a resource list on the website. He also mentioned that pitkinwildfire.com already provides a list of available companies specializing in wildfire mitigation. Mele expressed gratitude for the Town's support in these wildfire mitigation efforts.

4) [PUBLIC COMMENT](#)

none

5) [CONSENT AGENDA](#)

5.A) [2023 Agenda Overview](#)

No Changes to the Consent Agenda

Councilmember Fridstein motioned to approve the Consent Agenda, and Councilmember Shenk seconded. All in favor.

6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

7) POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A) [Ordinance No. 07, Series 2023 RE Leash Law - 2nd Reading](#)

Jeff Conklin, Town Attorney, provided a concise overview of Ordinance No. 7, highlighting the current provisions and the proposed changes.

The Ordinance aims to amend the town code concerning the definition of dogs "at large." Under the proposed amendment, dogs are not considered "at large" if they are under visual, electronic, or voice commands, within 10 feet of their owner, and not in a mandatory leash zone.

Brian Olson, Chief of Police, supports the change to the leash regulations and feels it could work in Snowmass. This Ordinance will give his officers an actual off-leash description and verification of what control looks like. People with dogs off-leash will have to sharpen their skills; this Ordinance creates a standard they must comply with. He explained that the "circle of control" concept aligns with the current code, which mandates a 10-foot leash. The "circle of control" is defined as the area within 10 feet around the foot of the person in control of the dog. Owners must also carry a leash and poop bags at all times.

It was mentioned that a separate ordinance would be introduced to designate mandatory leash zones.

During the discussion, several council members provided their perspectives on the proposed changes to the Ordinance:

Councilmember Fridstein: Suggested approving a one-year trial period for the proposed changes. Additionally, he offered to include a penalty clause stating that if a dog is not adequately trained, leash use becomes mandatory. He also expressed interest in allowing Homeowners' Associations (HOAs) to create their own mandatory leash zones.

Councilmember Sherk highlighted that some people may not have thoroughly read the Ordinance and that the proposed changes aim to establish parameters. She emphasized the importance of mutual respect among community members and clarified that the intent is not to abolish leash laws but to create defined parameters.

Public members now had the opportunity to voice their opinions on the proposed Ordinance.

George Falk (Horse Ranch Owner): George expressed skepticism about the feasibility of enforcing the proposed voice command and electronic voice control. He believed the current leash law works well and questioned the effectiveness of monitoring off-leash dogs. He mentioned he supported the concept of "Tom's sunset law" and was concerned about complicating the existing regulations.

Sharon Winder (Horse Ranch Resident): Sharon shared concerns that dogs not on leashes might wander further into private yards and advocated for maintaining the leash law.

Ale Mulsaky: Ale expressed doubts about the ability of the police to measure the 10-foot radius mentioned in the proposal accurately.

Bill Boinea (Divide Resident): Bill mentioned that he walks his dog off-leash but respects others on the trail and will call his dog back when others are present. He agrees that in appropriate areas, having dogs off-leash is a good idea. He suggested putting up signs to clearly indicate where dogs are allowed off-leash, such as on the sleigh ride trail.

Maralee Foley: Maralee voiced concerns about the safety of dogs being off-leash and raised questions about how guests and visitors would be informed about the rules. She stressed the importance of spreading awareness about leash regulations.

Howard Foley (Club Commons Resident): Howard expressed concern about potential lawsuits resulting from dog injuries when the Town Code allows dogs to be off-leash. He urged the Council to consider the risks that people might face, especially concerning aggressive dogs. Howard also suggested that Homeowners' Associations (HOAs) should be able to enforce the current code.

Jeff Conklin (Town Attorney): Jeff Conklin, the Town Attorney, responded by noting that there are already laws in place, with or without the proposed changes, to address vicious dog attacks. He expressed that he was not overly concerned about the associated risks.

The Council agreed to continue the discussion on the second reading of Ordinance No 07, Series 2023, RE Leash Law, to the next meeting scheduled for October 2.

Additional comments from Council for amendments to the existing Ordinance:

After a discussion between Council members, it was agreed to add the wording outlining the process for HOAs to be added to the mandatory leash zones.

Brian noted that during the one-year review, the Council could reconsider the penalty and fine structure. It was emphasized that there would be a learning curve, and time would be needed to educate dog owners about the Ordinance.

Councilmember Fridstein motioned to continue the public hearing on Ordinance No 07, Series 2023 RE Leash Law, to the October 2nd meeting. The motion includes a request for the Town Attorney to formulate language that would allow for the inclusion of a mechanism to establish additional mandatory leash zones. Councilmember Marolt seconded the motion. The motion passed All in favor.

7.B) [Ordinance No. 10, Series 2023 RE Mandatory Leash Zones - 1st reading](#)

Jeff Conklin, the Town Attorney, explained Ordinance No. 10, a companion ordinance to Ordinance No. 7. It was said that this Ordinance aims to establish leash zones and designates seven areas, primarily within the commercial core areas of the Town.

The background for designating these areas was shared, emphasizing that the principal property owners were contacted and requested these areas be designated as mandatory leash zones. Additionally:

- Brian Olson, Police Chief, mentioned the ski company's bike patrol would assist in enforcing the leash rules in on-mountain areas.

- The Rim Trail, being heavily populated and located near wildlife areas, are subject to county leash requirements.

The Council reached an agreement to proceed with these seven leash zones and to review their effectiveness at a later date.

Alyssa suggested creating a brochure that includes information about the fines associated with leash violations. Brian, in response, mentioned that this was a work in progress and that he would update the brochure and present it to the Council. This information was also suggested to be added to the Hike Snowmass website.

Councilmember Marolt motioned to approve the first reading of Ordinance No. 10, Series 2023 Mandatory Leash Zones 1st reading. Councilmember Shenk seconded. Motion passed All in Favor. The 2nd reading of Ordinance No. 10 is scheduled for the October 2nd meeting.

7.C) [Ordinance No. 09, Series 2023 Re STR Enforcement - 2nd Reading](#)

Jeff Conklin, the Town Attorney, presented the second reading of an ordinance to amend the Town's short-term rental enforcement regulations. The proposed amendments are primarily focused on revising the enforcement provisions of the STR regulations. These revisions aimed to align the rules with more traditional enforcement procedures. Under the proposed changes, citations could be written, and cases could be subject to normal prosecution in the Municipal Court.

Jeff noted comments made by Councilmember Fridstein during the first reading had been incorporated into the second reading.

Councilmember Shenk provided clerical corrections, noting that the Ordinance is Ordinance #9, not #10 as listed. Additionally, on Line 23, a correction is needed to read "wishes to amend." Shenk also sought clarification regarding Exhibit A, specifically related to "Grievances and Hardships," which was explained by the Town Attorney.

Following the presentation, there was an opportunity for public comment.

Tom Cuccio, the Area Director of Revenue for the Hyatt Hotel in this region, who also represents some homeowners, presented a comprehensive overview of the various types of units available in Snowmass. He emphasized the value of the new Short-Term Rental (STR) permitting system as an effective means of gathering essential data.

In response to suggestions from the lodging industry, Tom proposed the creation of a distinct permitting category tailored to professionally managed companies overseeing ten or more properties and reporting to Desi Metrix. This adjustment would facilitate the

handling of violation complaints by directing them to the management company rather than the property owner, providing clarity on the sources of such complaints.

Clint Kinney, the Town Manager, acknowledged that this proposal had been considered. He mentioned that this idea could potentially be incorporated when the STR permitting system undergoes review in a year. For now, the Town's primary objective is to gather essential information to understand better and address the challenges posed by short-term rentals.

Councilmember Fridstein motioned to approve the 2nd reading of Ordinance No. 9, 2023, RE STR Enforcement, with the clerical amendments. Mayor Madsen seconded.

Roll Call Vote Councilmember Fridstein, Yea, Councilmember Gustafson Yea, Councilmember Shenk, Yea, Councilmember Marolt, Yea, Mayor Madsen, Yea

All in favor, motion passed.

7.D) [Ordinance No. 11, Series 2023 RE Council Compensation - 1st Reading](#)

A discussion was held at a Council work session comparing compensation packages of other municipalities. From this discussion, the Council directed staff to draft an ordinance to amend the compensation for council members to ensure that the compensation adequately accounts for the time and commitment required for serving on the town council.

The Town Charter restricts changing wages during a council member's term. Consequently, the proposed Ordinance would amend the code concerning compensation for council members taking office starting in 2024. Under this Ordinance, there would be an initial 10% increase from the current pay, followed by an automatic annual increase of 1.5,% ensuring that the compensation remains meaningful and reduces the need for future councils to address this matter.

It was also discussed that while the code does not permit options to decline the increase, any council member can voluntarily give back their increased compensation.

During the discussion, Councilmember Fridstein raised a question regarding the proposed 1.5% annual increase. He recalled it was for a 3% increase per year. Following this clarification, the Council collectively agreed that a 3% annual increase would be more appropriate, ensuring that future councils do not have to revisit this issue.

Councilmember Fridstein motioned to approve the 1st reading of Ordinance No. 11, 2023 RE Council Compensation, with the amendment that the annual increase is 3%. Councilmember Marolt seconded. All in favor.
2nd Reading will be on Oct. 2nd on the Consent Agenda

8) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Shenk: Shared updates from a recent RFTA meeting where they announced there will be a decrease in service due to a shortage of drivers. The increased pay scale was announced as a way to recruit more drivers. Additionally, a presentation on a Public Outreach Plan emphasized the importance of engaging, educating, informing, and empowering the public. Councilmember Shenk suggested developing a more formal outreach plan to be used in engaging the community and soliciting feedback, especially with regard to town projects. Shenk attended a Sister City meeting, noting the Aspen kids would visit the sister city in October.

Councilmember Marolt: No report at this time.

Mayor Madsen: Attended an event at Anderson Ranch, which was well-attended and enjoyable. He praised the Rotary Club for hosting the wine festival.

Councilmember Fridstein: No report at this time.

Councilmember Gustafson: She looks forward to the upcoming balloon festival this weekend and encourages everyone to attend.

9) EXECUTIVE SESSION

9.A) Executive Session - Deliver Manager Review and Attorney Update

[Pages 57](#) [Agenda Item Summary for Exec Session](#) 

[Pages 58](#) [Executive Session Agenda language for performance review](#) 

Mayor Madsen motioned to go into Executive Session amending to add an additional purpose, the Town Attorney update report. Councilmember Fridstein seconded. All in favor.

Council adjourned to Executive Session at 7:00 p.m.

Motion to reconvene the regular meeting by Councilmember Fridstein, Seconded by Councilmember Marolt. All in Favor

Regular meeting reconvened at 8:20 p.m.

10) **ADJOURNMENT**

Councilmember Marolt motioned to adjourn the Town Council Regular meeting.
Councilmember Fridstein seconded.
All in favor.

They adjourned at 8:20 p.m.

The Snowmass Village Town Council approved this set of meeting minutes at their
Regular Meeting on Monday, October 2, 2023.

Submitted By,

A handwritten signature in blue ink, reading "Barbara Peckler", is written over a horizontal line.

Barbara Peckler, Office Manager

From: Janet Koran <jmkh428@gmail.com>
Sent: Friday, September 15, 2023 4:35 PM
To: Snowmass Town Council
Subject: Leash law

I do not understand why “freedom” for dogs is so important. Dogs are animals. They do NOT always respond to their caregivers. A leash makes many people feel more comfortable around dogs. Aren’t humans worth providing some additional comfort and ease?

In addition, has anyone taken into account the problems of dogs coming in contact with wildlife? Doesn’t a leash not only protect humans, but also the dogs?

Finally, both Pitkin County and National forests mandate dog leashes. If Snowmass lifts its leash requirement, it will confuse everyone and lead to more problems, since all areas adjacent to Snowmass mandate leashes at all times. Jan Koran

From: Lois Upper <loisupper912@gmail.com>
Sent: Sunday, September 17, 2023 5:31 PM
To: Snowmass Town Council
Subject: Relax the current leash laws

To the attention of Snowmass Village Council,

My family is very much for a relaxed leash law. We have been residents of SMV for over 40 years and have been effected by many changes.

Thank you for considering our thoughts on the leash matter

1. Dogs are more friendly with one another when off leash. When leashed they sometimes become more aggressive towards other dogs, as they are naturally protective of their personal space & owners!
2. Dogs should be under control by voice & sight at all times by owner 18 years old or older.
3. Leashes should remain enforced in parking lots and congested areas, but not on Trails where dogs like to explore their environment!

Thank you again.
Lois Upper
302 Meadow Road
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Sent from my iPhone

From: Marylee Foley <mzfoley@me.com>
Sent: Sunday, September 17, 2023 8:38 PM
To: Snowmass Town Council
Cc: Mone Anathan
Subject: Leash Law

Dear Mayor Bill Madsen and Council,

Why are you considering doing away with the leash law when it seems to be working so well in Snowmass Village? I understand 4 out of the 5 of you are dog owners and are heavily favoring the abolishment of the current law. During our COVID lockdown we have seen double if not triple the number of dogs being walked through our neighborhood. Most all pass through without incident. If the leash law is abandoned, I fear for the safety of young children and small dogs and their owners who have been bitten by unrestrained dogs while protecting their animals. I might add cyclists and walkers to the list who stand to be compromised by free wheeling dogs and their undetected poop that is never picked up.

Once again, I respectfully ask that you consider our position.

Marylee Foley
Snowmass Country Club Townhomes

Sent from my iPhone

From: Patricia Jayne Keefer <pjkeefee@gmail.com>
Sent: Monday, September 18, 2023 8:47 AM
To: Snowmass Town Council
Subject: Mandatory Leash areas

Thank you for the dog responsibilities brochure to help folks know Snowmass responsibilities, courtesies and safeties wrt our canine friends.

Also thanks for reinforcing the leash requirement on Vista Trail and all the listed public areas.

In the diagrams I noticed that the flat-ish lawn area where Village Express ski loading happens in the winter was excluded from both Base Village and Fanny Hill diagrams. I don't know if this was intentional but given the number of events held there, perhaps it should be included in the mandatory leash areas.

Again, thanks for the thoughtful work on this.

Wishing You Blue Skies and Tailwinds™,

Pat

Patricia Jayne (Pat) Keefer
FAI Gold Medalist, Round the World Air Race
Director, Lone Star Flight Museum Board
Recipient, Wright Master Pilot Award
Donor, Twin Comanche PA39-10 to Lone Star Flight Museum
President, Patricia Jayne Keefer Foundation

™ of Tailwinds.com

From: Drew Slocum <mail4mrdrew@gmail.com>
Sent: Monday, September 18, 2023 11:13 AM
To: Snowmass Town Council
Subject: Leash conversations

I would like to voice my opinion on the current leash requirements for dogs in Snowmass Village- less is better. We have some of the best behaved dogs anywhere, trained well and behaved parents too. We do not have a lot of problems reported.

I would not cater to one persons complaints and rather look after the entire community in making this decision. Less leash requirements is better for Snowmass Village.

Drew Slocum
Snowmass Mountain condos.

From: Katie Reeves <kdsreeves@gmail.com>
Sent: Friday, September 15, 2023 1:14 PM
To: Snowmass Town Council
Subject: Leash laws

Katie Reeves
20 Martingale Lane

Dear Council Board,

I'd like to express my opinion regarding the debatable leash laws.

As we value our dogs and our neighbors, I believe the responsibility should be on the owner to keep the dog at voice and sight controlled.

If a dog is not trained to come back to its owner, then a leash is required! If a dog is trained, then they can be unleashed. Dogs also need to run, explore and be dogs!!

If a leash law is mandated in every place in Snowmass Village, as well as dogs being cooped up in house's & apartments.... That is just another form of cruelty to our pets!

Just like every issue we're faced with in our new era of what's the right answer... (as e-bikes vs hikers)!

"We need to all work together and be considerate of others!"

Thank you,
Katie Reeves
Home owner of Snowmass Village

Public Comment



Date 9/16/2023

Name Matthew Owens

Address (optional) Street Address

19 Stables Grv

Address Line 2

City

Snowmass Village

Postal / Zip Code

81615

State / Province / Region

CO

Country

USA

Would you like a follow-up,? Yes (provide your email)

Email (Optional) redhawk1984@protonmail.com

Does it apply to an upcoming Town Council Meeting Yes

Date of Town Council Meeting 9/18/2023

Comment Topic Dog Leashes in Snowmass Village - Keep leashes on

Public comments Leashes:

Hello, my name is Matthew. I am a 19-year resident of Snowmass Village. I am the HOA President of Coffey Place and I also own a property that borders town park and trails. I am not representing the HOA, I am only representing myself. However, I have had many conversations with neighbors in regards to this issue who feel the same way.

From my kitchen window I see incidents almost daily. I think that most incidents go under reported because of the small nature of this town, not wanting to get labeled by community members and a general disinterest in taking the time to report.

Personally, when I moved into my house, I witnessed 10+ dogs a day in my yard. Most of these were from patrons using the parks, playgrounds and pickleball courts next to my house that left their dogs to free roam while they played elsewhere. I took matters into my own hands by installing signage, garden barriers and even a surveillance system to protect my family and property from unwanted visitors and piles of poop. I've personally spent over \$2000 on these efforts.

Even with these countermeasures, I have had incidences. For example, a few months ago there was an off-leash, 75-pound husky running circles around my yard for over 5 minutes before I finally had to come outside and help the owner (who was playing pickle ball) retrieve his dog. I was bitten on the hand but no blood was drawn and I did not report the incident. I did get the incident on my surveillance camera

and I did not report the incident. I did get the incident on my surveillance cameras and I have many other incidences in my growing video library.

It is my understanding that the town is considering loosening leash restrictions. I am sure you are aware that Pitkin County continues to have a leash ordinance in place. Considering the frequency of safety incidents that I have witnessed on a regular basis, I think that loosening restrictions, is a bad idea and only encourages more incidences, accidents, and liability for the town.

In general, dogs, even friendly ones, are a safety threat to the following:

- Children, especially the very young who get knocked over and scared by even the friendliest most well-intentioned dog
- Other dogs, especially an unfriendly or easily frightened dog on a leash for a reason... that gets bombarded by an off-leash dog
- Other animals and wildlife
- People who are allergic and do not want dogs running up to them
- Elderly and disabled who can easily be knocked over by excited off leash dogs
- People who do not want dogs jumping on them, especially when dogs are wet and muddy or the person is wearing shorts or nice clothes
- People who are sincerely scared of dogs
- Hikers, people on bikes, scooters, cross, country skis, e-bikes, etc. that are trying to enjoy the public trails and do not want to be bothered, chased, or end up in a collision with a free roaming dog

There are obviously several sanitary safety health concerns with dogs pooping and peeing. Examples I see regularly such as; the cross-country skier with multiple off leash dogs, or the guy with his three German shepherds off leash running all over the playgrounds, or the hiker with a dog 200 yards ahead of them; these people cannot keep track of every time their dogs poop, much less pick it up. I personally witness this happening on a regular basis and find it hard to enjoy any park or trail without running across a few piles left behind.

All of that said, being a dog lover myself and owning dogs over the years, I do recognize the importance of being able to let your dog's run around, get exercise, have fun chasing a ball etc. I think a good balance would be to designate certain zones that are clearly marked and mapped out for people to have less restrictions on leashes, while still maintaining certain safety protocols. These areas would have to be clearly marked with plenty of signage and I think large fields in town would be the best spot.

Owners should use common sense, if there is a soccer game going on, your dog should be leashed. If it's an open field, let your dog go crazy while you keep a watchful eye over them. Dogs in the park that are off leash should not be allowed to free roam into the adjacent neighborhoods, trails, pickle ball courts, skate parks, and areas where others are trying to enjoy public spaces. This is a common-sense safety protocol and respect for others.

People who violate the ordinance should be reported to law-enforcement and citations should be issued more frequently. Given the reluctance of most people to report, I suggest that animal control make regular sweeps through these areas to

make sure people are following the ordinance.

Please keep the ordinance in place. I suggest that a map be drawn with designated off-leash areas, and then also clearly mark the areas in which leashes are mandatory. The trails that border the town park and adjacent neighborhoods, pickleball courts, etc. ... leashes should be required on those trails and I am requesting that the town make it clear to people using those areas, that leashes are mandatory.

Thanks for your time,

Matthew