Town Council
Tuesday, September 3, 2024
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.
Agenda

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PROCLAMATIONS AND PRESENTATIONS**

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)

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. 2024 Agenda Overview
5A 2024 Agenda Overview.pdf

5.B. Minutes for Approval
5B 1 08-05-24 TC Minutes - DRAFT.pdf
5B 2 08-19-24 TC Minutes - DRAFT.pdf

5.C. Leash Law Update
5C 1 Agenda Item Summary - Amended Leash Law One Year Review.pdf
5C 2 Attachment A - Mandatory Leash Zone signs.pdf

6. ADMINISTRATIVE REPORTS

6.A. Resolution regarding Ballot Language

6A Agenda Item Summary - Resolution 18 Regarding Ballot Language.pdf
6A Attachment A - Resolution 18 Regarding Ballot Language.pdf

6.B. Resolution regarding Town Council "in support of Ballot Question"

6B Agenda Item Summary - Draw Site Reso of Support.pdf
6B 1 Resolution 19 of Support.pdf
6B 2 FCPA Article.pdf
6B 3 FCPA Memo.pdf
Public Comment for 09-03-24 Town Council Meeting updated_Redacted.pdf

6.C. SAAB update and request for mural approval

6C 1 Agenda Item Summary- SAAB Mural Approvals.pdf
6C 2 Rendering of Mall Mural.pdf
6C 3 Rending of Tunnel Mural.pdf

7. PUBLIC 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.

8. POLICY/LEGISLATIVE PUBLIC HEARINGS

8.A. Ordinance adopting new Black Hills Energy Franchise Agreement - 1st reading

8A Agenda Item Summary - Natural Gas Franchise - Black HIlls.pdf
8A 1 Ordinance No. 11, 2024 - Black Hills Franchise Agreement.pdf
8A 2 Snowmass Village proposed franchise agreement - BHE Clean - JJC Clean2.pdf
8A 3 BHE Snowmass Village presentation.pdf

9. TOWN COUNCIL REPORTS AND ACTIONS

Reports and Updates

10. ADJOURNMENT

DRAFT 2024 Agenda Items

- Regular Meetings begin at 4:00 p.m. unless otherwise noted
- Work Sessions begin at 4:00 p.m. and aim to end at 6:00 p.m.
- The dates on which agenda items are listed are only a best approximation. Agenda items are added to this list as they arise. Agenda items may well be moved to different meeting dates. Agendas are generally not finalized until the Thursday prior to the meeting.
- In addition to agenda items, this document also lists expected absences of Town Council members. In compliance with section 2-49 of the municipal code, once the consent agenda is approved, the absences noted will be considered to have received the prior approval necessary of the majority of the Council for members to be absent from meetings.

Topic to incorporate:

- MJ signage regs / tax rate should they be revised?
- Lighting Code Discussion – September
- Landfill discussion & Update from Pitkin Couty
- Food Pantry update after summer

Monday Aug 19 – Regular Meeting

- Presentation- entrance to Aspen -COA staff
- ORD – AEU Ordinance – Second Reading (cont from 8/5/24)
- *Election – Reso Re Ballot Language and/or 8/19/24 (Ballot Language has to be to Cty by 9/6/24
- ORD - Bs and Cs Update - Ord – 2nd Reading
- EOTC Budget/work plan – Linda DuPriest
- Habitat for Humanity

~~EOTC – Thursday August 22 – Pitkin County -~~ CANCELED

Tuesday Sept 3 – Regular Meeting

- Review Leash Laws
- *Election – Reso Re Ballot Language for 8/19/24 – 2nd reading (Ballot Language has to be to Cty by 9/6/24)
- Reso in support of ballot question
- ORD – Adopt/Grant new Black Hills Energy Franchise Agreement – First Reading
- SAAB mural review/approval

Tuesday Sept 10 – Work Session (note This a Tuesday)

- Initial review of proposed/ updated lighting code
- B & C application & appointment procedure update
- Construction Mitigation Opportunities
-

Monday Sept 16 – Regular Meeting,

- ORD – AEU Ordinance – Second Reading (cont from 8/5 and 8/19)
- Roaring Fork Safe Passages follow up request for funding for Wildlife Corridor study?
- Owl creek Round about update
-

Monday Oct 7 – Regular Meeting

As Of: Thursday, August 29, 2024

- Budget
- Gas Franchise ordinance 2nd reading

Monday Oct 14 – Work Session

- Budget
- HOA ADU discussion

Monday Oct 21 – Regular Meeting

- POST Grant – 1st reading?
- Budget
-

EOTC – Thursday October 24 – City of Aspen

Wednesday Nov 6 – Regular Meeting

- GID Meeting - Adopting the GID Budget
- Budget Adoption
- B & C Applications

Tuesday Nov 12 – Work Session

Monday Nov 18 – Regular Meeting

- B & C Interviews
- POST Grant – 2nd reading
- New Council Members Oath of Office
- Final owners review of Draw Site

Monday Dec 2 – Regular Meeting

- Reso RE 2024 Meeting Dates
- Reso on Delinquent Solid Waste / Trash

Monday Dec 9 – Special Meeting

- **GID Meeting – set Mill Levy**

Monday Dec 16 – Regular Meeting

- B & C Resolution appointing new Members

In 2025 - Town Attorney and Town Clerk provide an Ordinance to Review Town Ordinances – Required every five years since 1994 Re-codification Adoption per the Town Charter. See Ord 19, Series 2020 as example.

Summer 2025 – Water Plant tour with Darrell Smith and Kit Hamby.

Topics for Work Sessions or Other Meetings Requested by Town Council Members

- Schedule Updates will all of the Town Boards to review priorities and current initiatives.
  - EAB
  - FAB

As Of: Thursday, August 29, 2024

- PTRAB
- POSTR
- Marketing
- Grants – Recent Awards; Review of Criteria; Purpose, etc.
- SAAB
- Planning

Town Council
Town Council Meeting Minutes
Monday, August 5, 2024
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 Monday August 5, 2024, at 4 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 at any time.

1) CALL TO ORDER

4 pm

2) ROLL CALL

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

Council Members Absent: None.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Jim Wahlstrom, Senior Planner; Dave Shinneman, Community Development Director; Betsy Crum, Housing Director; Mike Horath, Town Engineer; Anne Martens, Public Works Director and Megan Harris Boucher, Town Clerk.

Public Present: Paul Taddune, Maja Decker, Gail Schwartz, Gene Burrows, J Garzoli.

3) PROCLAMATIONS AND PRESENTATIONS

3.A) English in Action, Update from Maja Decker & Heather Hicks

3A 1 Agenda Summary - English in Action.pdf
3A 2 Aspen Times Article - English In Action.pdf

Maja Decker gave a brief summary of English in Action and thanked Town Council for the 2024 grant. English In Action helps immigrants learn English and develop the skills they need to pursue their dreams. They bridge cultural divides and offer opportunities to celebrate and learn about our diverse community.

From 2005-2008, English In Action operated under the umbrella of Denver's Colorado Nonprofit Development Corporation. The organization became a fully independent nonprofit organization in 2008, led by current executive director, Lara Beaulieu. The organization now has a primary office in El Jebel, a satellite office in the Pitkin County Library in Aspen and maintains strong relationships with the Basalt Regional Library.

4) PUBLIC COMMENT

Gail Schwartz – President of Habitat for Humanity Roaring Fork Valley and past SMV resident. Schwartz gave a brief summary of what Habitat for Humanity is currently working on in the valley, including - Basalt Vista, Wapiti Commons and GWS for a total of 65 homes and plans for a total of 100 plus in the next 5 years! They helped build 60 units WITH families between 1999 and 2022. Schwartz is hoping to come back to Council to further discuss joint opportunities in the near future.

5) CONSENT AGENDA

5.A) Town Council Draft Agendas

5A 2024 Agenda Overview.pdf

5.B) Minutes for Approval

5B 1 07-08-24 TC Work Session - Joint meeting with PC - DRAFT.pdf
5B 2. 07-15-24 TC Minutes-Draft.pdf
5B 2a. 7-15-24 addition to minutes Airport presentation.pdf

Councilmember Shenk motioned to approve the consent agenda. Councilmember Gustafson seconded. All in favor.

6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

7) POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A) Ordinance regarding AEU - Ordinance No. 10, Series of 2024 - Second Reading

7A Agenda Summary - AEU LUDC changes.pdf
7A 1 TC Ord 10, 2024 AEU Code Amdts - per 1st Read action, 7-1-24.pdf
7A 2 EXHIBIT 'A' Ord 10 PROPOSED CODE CHANGES, 2024, MASTER as amended 7-1-24, REDLINE.pdf
7A 3 EXHIBIT 'A' Ord 10 PROPOSED CODE CHANGES, 2024, MASTER as amended 7-1-24, FINAL.pdf
7A 4 Town Atty comments re plat declarations, 7-25-24.pdf
7A 5 AEU Inventory (2024 Update).pdf
7A 6 ACU Inventory (2024 Update).pdf
7A 7 SAMPLES OF ACCESSORY UNIT FLOOR PLANS WITH KITCHENS.pdf
7A 8 SHOA Letter to TOSV 7.19.24.pdf
7A 9 SHOA Letter TOSV AEU 6.28.24.pdf
7A 10 Snowmass HOA.Ltr.SV Mayor.Town Council.5.31.24.pdf

Senior Planner Jim Wahlstrom and Community Development Director Dave Shinneman summarized the agenda item and gave a brief history. They went through the proposed code changes which include definitions; combining the current ACU and AEU code language in Chapter 16A; modified use and location parameters for AEU placement on the property; standards for AEUs; and other miscellaneous updates. This is the 2nd reading and they included a red line and a clean copy/final version plus supporting documents for Council to consider.

They opened it up for questions and discussion. Some discussion points included the SHOA submitted letter which raises their concern regarding the 1000 sq ft allowable for AEU being too big; SHOA's feels the definition of "accessory" is problematic; AEU and building envelopes; the caretaker provision; concerns and confusion regarding who chooses the renters(property owner) and who sets the rent cap(Housing Dept); limiting AEU to 750 sq feet rather than the 1000sq feet;

Jeff - Code amendment could move forward. Still some question on the HOA declarations.

Councilmember Shenk motioned to continue 2nd reading and the Public Hearing to August 19, 2024 adding the additional language discussed. Mayor Madsen seconded.

All in favor to continue to 8/19/24.

7.B) Ordinance regarding Boards & Commissions update - Ordinance No. 3, Series 2024 - First Reading

7B 1 Agenda Summary - Ord - B&C.pdf
7B 2 Ord 3, 2024 - B&C Updates - First Reading.pdf
7B 3 Exhibit A - Ord - B&C Updates (Redline Changes to Code).pdf

7B 4 Exhibit B - Ord - B&C Updates (Clean Code).pdf

Town Attorney Jeff Concklin summarized agenda item and ordinance as an opportunity to clean up other area in our code regarding boards and commissions and incorporate the allowance of one Town Councilmembers to be a non-voting member to Town Boards, but not the Planning Commission. Other changes include cleaning up some redundancy and clarification on "advisory" boards. Intent is to further engage with our Town Boards.

Council had a few clarification questions and briefly discussed Chair limits, term limits, and the added language regarding the Tourism Board and it's purpose incorporating sustainable tourism.

Councilmember Shenk motioned to approve Ordinance 3, 2024 as amended on first reading and set second reading for August 19, 2024. Councilmember Marolt seconded. All in favor.

8) ADMINISTRATIVE REPORTS

8.A) Little Red Schoolhouse Update

8A 1 Agenda Summary - Little Red Schoolhouse Project Update.pdf
8A 2 Little Red Schoolhouse Design Overview.pdf
8A 3 Little Red Schoolhouse Programmatic Overview.pdf
8A 4 Little Red Schoolhouse Shade Study.pdf
8A 5 Little Red Schoolhouse Site Plan.pdf
8A 6 Early Childhood Education Needs Assessment.pdf

Town Engineer Mike Horath and Assistant Town Manager Greg LeBlanc gave a brief history and summary on status of project and reintroduced Taylor Higgins with Land & Shelter.

Team went through several highlights from the project including a shelter/shade study was conducted which shifted the playground slightly to take advantage of winter sun longer; the four classroom model; construction considerations and budget; increased parking and layout; minor wetland permit; and safety concerns with drop off area.

Discussion included the walkable areas and pathways, concerns about the playground areas with sun and space; potential phases of the project; concern about the drop off area and safety and asked the design team to look for a better solution like a U shape or circle with one way traffic.

Council confirmed that this is the right direction but asked for the drop off area to be looked at again, knowing the site limitations but concerned about safety. Councilmembers like the plans and solutions - a few tweaks but correct direction.

Councilmember Shenk motioned to submit for Land Use Review with second phase option and up to 35 parking spots and a possible second entrance.

Fridstein wants to see this again in Owner Review before we submit, asking them to look at

parking and make it one way.
Staff suggested phasing - 2nd phase - parking surface; one way parking lot and exit on side with path re-routed. Phase 1 to get land use approval in place and then phase 2.

Higgins said they have done this before , designed in the flexibility and could do the phased parking as an option.

Council, as Owners, need to feel comfortable with the 24 spaces, how it is currently drawn and add flexibility.

Conklin clarified to build in the right and not the obligation..."design with as much flexibility going forward."

Councilmember Shenk amended her motion to authorize the submitting of a Land Use Application that includes what was presented and in addition the right to construct additional parking and a second access point but not the obligation to do so. Councilmember Marolt seconded. All in favor.

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5 Minute Break

8.B) Draw Site Cost Estimate Review and Ballot Language Discussion for November Election

8B Agenda Summary - Draw Site Cost Estimate and Ballot Language Discussion.pdf
8B Attachment A Draw Site Renderings.pdf
8B Attachment B1 Draw Site Schematic Drawings.pdf
8B Attachment B2 Draw Site Outline Specifications.pdf
8B Attachment C Detailed Cost Estimate.pdf

Housing Director Betsy Crum summarized the agenda item including reviewing the cost estimate and discuss next step for a ballot question.

In total, the conservative estimate is $86 million, or just over $1,000 per square foot. In 2022 the TOSV voters approved a change which adding workforce housing as an allowed expenditure of the existing lodging tax and marketing sales tax revenue. This produces approximately $5million annually for workforce housing projects. We have projected dedicating $3 million of this already-approved annual revenue to debt service on this project's capital financing, along with the revenue from monthly rents on the 79 apartments. Based on these two revenue sources alone, DA Davidson currently projects that they can capitalize approximately $75 million at current rent rates.

Staff has drafted the some ballot language and asks Council to approve language so we can create a resolution to approve the actual ballot language.

Areas of discussion included the 75 to 86 million jump from original estimates; Kearns Road redesign; changes in language from “projected” to “anticipated” or no modifier at all; need for extensive informational page on website and outreach as ballot language is limited in length; and request for FAB to give Council an advisory report after their meeting on the 14th.

Council directed to bring the ballot question discussion back on August 19th to incorporate the language changes discussed and review of the FAB report.

8.C) Community Survey Discussion

8C 1 Agenda Summary - 2024 Community Survey Staff Report.pdf
8C 2 2022 Community Survey Results.pdf
8C 3 2019 Community Survey Results.pdf

Fridstein needed to leave early. He made some brief comments regarding the survey including recommending it done once again professionally and suggests including part-time residents.

LeBlanc summarized agenda item. The Town of Snowmass Village performs community surveys approximately every other year. The last survey was conducted in 2022 and was not statistically valid. The 2019 and 2022 surveys were “openly”, which means both residents and those outside the community could respond. Staff received feedback that the previous community surveys took too long to complete. The 2022 & 2019 surveys consisted of nearly 50, multi-part questions that took approximately 20 minutes to complete.

For the 2024 Community Survey, staff recommends that we survey residents with a shorter, reduced survey instrument. Staff asked for input from the Town Council to determine what information would be most useful for the Council to receive.

Council suggestions included formatting in multiple choice with option to add specific additional information; reviewing Pitkin County recent survey for suggestions; possibly rank projects in terms of importance; use agree or disagree with a statement style of question; asking if resident full time or part time, resident renter or owner, visitor, employee, and then break down of each response by resident status; keeping it 10 minute max to complete; and no need to go through every Town service. Council suggested keeping it more general.

9) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Shenk – upcoming RFTA meeting on Thursday. This is Dan's last meeting. Shenk attended the ice cream social last Friday. It was fun and good to have all these little actions. The Highline Road bike path is looking great and happy to see it being used! Concern about Rodeo tickets and how they have been purchased by a third party and resold for $85 to $150. Not good. How can we help...?

Councilmember Marolt attended a Nordic Council meeting last week. No major updates. They are still discussing the snowmaking options for early season coverage to help expand the season and give the area a better base.

Mayor Madsen has sat in a few meeting with Community Citizens for Common Ground Airport. Their focus seems to be to help educate the community on the discussions surrounding the airport. Madsen expressed that the runway discussion is really not about bigger planes but rather bigger wings and a wider and safer airport.

10) ADJOURNMENT

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

Adjourned at 8:08 pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Tuesday, September 3, 2024.

Submitted By,

____
Megan Harris Boucher, Town Clerk

Town Council
Town Council Meeting Minutes
Monday, August 19, 2024
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 Monday August 19, 2024, at 4 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 at any time.

1) CALL TO ORDER

4pm

2) ROLL CALL

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

Council Members Absent: None.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Jim Wahlstrom, Senior Planner; Dave Shinneman, Community Development Director; Betsy Crum, Housing Director; Sam Guarino, Transportation Director and Megan Harris Boucher, Town Clerk.

Public Present: Morgan Fixel, Ed Mettelman, Patrick Keelty, Mark Umbarger, Cecily DeAngelo, Joseph Goodman, Lucy Peterson, Pete Rice, Jenn Ooton and Linda DuPriest.

3) PROCLAMATIONS AND PRESENTATIONS

3.A) Entrance to Aspen Update

3A 2024 8-19 TOSV Castle Creek Bridge Memo.pdf

City of Aspen Director of Transportation Pete Rice and Senior Project Manager Jenn Ooton presented an update the Snowmass Town Council on the Castle Creek Bridge and Entrance to Aspen project. The presentation included highlights of the information presented to the Aspen Council and from the attachments included in the packet.

Discussion followed the presentation and included specifics from the Record of Decision, open space changes, Preferred Alternative route, the Alternatives Footprint Analysis, Funding and Financial Assessment and Construction Phasing.

Snowmass Village Councilmembers expressed that they are all generally in favor of the proposed Preferred Alternative route and appreciate the presentation and having their opinions heard. Council will consider drafting a Resolution in Support once Aspen decides on the ballot language for their election.

4) PUBLIC COMMENT

Josh Goodman – SMV resident and business owner – Goodman commented on the Entrance to Aspen Presentation and the need to continued transit solutions and traffic reduction efforts.

Cecily DeAngelo – SMV resident – DeAngelo commented on construction issues and challenges in her neighborhood of North Ridge Lane. She expressed concern regarding emergency traffic being delayed by the current project. Asked Council to consider limiting construction and to continue to consider sustainability, mobility needs and construction impacts to the community and its residents.

Morgan Fixel – SMV resident – Fixel expressed further concerns regarding construction and residential traffic impacts. Noted safety concerns and convergence of both private and public construction projects.

Josh Goodman – Supportive of previous comments on construction and urged Council to continue to reflect on the Snowmass Village Comprehensive Plan for context.

5) CONSENT AGENDA

5.A) 2024 Agenda Overview

5A 2024 Agenda Overview.pdf

5.B) Minutes for approval

5B 1 08-12-24 TC minutes Draft.pdf

5B 2 08-12-24 attach to minutes Attachment A Habitat Priority Project Summary and Request.pdf

Council would like to move September 9th work session to September 10th.

Councilmember Shenk suggested a work session with Community Development to further discuss these construction concerns and ways to help manage the challenges. Council added to Sept 10th Work Session.

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

6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

7) POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A) Ordinance No. 3, 2024 regarding Boards & Commissions Update - 2nd Reading

7A Agenda Item Summary - regarding Ordinance No. 3, 2024 - B&C - 2nd Reading.pdf
7A 1 Ord 3 - B&C Updates - 2nd Reading.pdf
7A 2 Ord - B&C Updates - Exhibit A (Redline Changes to Code) - 2nd reading.pdf
7A 3 Ord - B&C Updates - Exhibit B (Clean Code) - 2nd reading.pdf

Town Attorney Jeff Conklin summarized the proposed Ordinance which would amend Chapter 2 of the TOSV Municipal Code to implement Ordinance No. 8, Series of 2023, by allowing Town Council to appoint members of Town Council to serve on Town Boards and Commissions (except the Planning Commission) in a non-voting capacity. In addition, the proposed Ordinance would amend the Code to make miscellaneous changes for the purposes of clarification, consistency, and improvement of Town operations. Such changes include adopting generally applicable provisions related to vacancies, removal, bylaws, terms of chair, and open meetings.

Conklin highlighted some of the changes from 1st reading which were incorporated into the Ordinance.

Council suggested a few typographical or small edits and had questions regarding the vacancy language, attendance, and appointments to boards.

Councilmember Shenk motioned to approve Ordinance 3, Series 2024 with the amendment to section 2-5 2H to add above and 2-1 5D to add that interviews will be conducted if needed. Councilmember Marolt seconded. Roll call vote. All in favor.

7.B) Ordinance No. 10, 2024 regarding AEUs - 2nd Reading

7B Agenda Summary - AEU LUDC changes.pdf
7B 1 TC Ord 10, 2024 AEU Code Amdts.pdf
7B 2 EXHIBIT 'A' Ord 10 PROPOSED CODE CHANGES, 2024, MASTER as amended 8-5-24, REDLINE.pdf
7B 3 EXHIBIT 'A' Ord 10 PROPOSED CODE CHANGES, 2024, MASTER as amended 8-5-24, FINAL.pdf
7B 4 Town Atty comments re plat declarations, 7-25-24.pdf

7B 5 Prior SHOA letters dated 7.19.24, 6.28.24 and 5.31.24.pdf

Senior Planner Jim Wahlstrom and Community Development Director Dave Shinneman summarized the Council direction from the August 5, 2025, meeting, to add two amendments to the proposed Ordinance.

1. The maximum an Accessory Employee Unit (AEU) could exceed the floor area cap for a property be reduced from the proposed 1,000 square feet to 750 square feet.
2. Revise the definition for Caregivers and Caretaker. The definitions for Caretaker and Caregiver were modified to further describe and better distinguish between the two occupancy types.

Areas of discussion and clarification included the 1000 sq ft / 750 sq ft language; concerns regarding the detached unit from SHOA; potential perceived conflicts from TOSV code and the Snowmass HOA; clarification that TOSV already has an ordinance which allows for ACUs and AEUs and this Ordinance just combines the nomenclature and clarifies the definitions.

Community members Patrick Keelty, John Kenny and Mark Umbarger, not officially representing the SHOA, communicated their concerns and commented that some of these changes, definitions and regulations are in conflict with the SHOA Master Declarations and not desirable in the neighborhoods.

Council suggests an additional meeting with SHOA and continue the public hearing and 2nd reading of Ordinance 10, Series 2024 to September 16, 2025.

Mayor Madsen motioned to continue the public hearing to September 16, 2024.
Councilmember Fridstein seconded. All in favor

8) ADMINISTRATIVE REPORTS

8.A) EOTC Budget/Work Plan Presentation

8A 1 TOSV AIS 2024 EOTC Work Plan & Budget Supplement_08_19_2024.pdf
8A 2 Draft Volpe-Maroon Bells CRMP Implementation SOW 073124.pdf

Regional Transportation Director Linda DuPriest summarized the EOTC proposal of two additional regional transportation projects for late 2024 to the workplan and budget.
1. Maroon Bells Transportation implementation steps piece of the Rec plan.
2. Trans Plan for AABC & Lumberyard development
Seeking approval for these two projects at an additional expenditure of approximately $136,800.

Councilmember Marolt motioned to approve. Councilmember Gustafson seconded.
All in favor.

8.B) Resolution regarding Ballot Language for Nov. 5, 2024 Ballot Question

8B Agenda Item Summary - Draw Site Ballot Language Discussion.pdf

8B Attachment A Res 18 - Ballot Question - Project Spending Limitation - Draw Site.pdf

Housing Director Betsy Crum and Town Manager Clint Kinney summarized the agenda item. Crum introduced FAB Chairperson Phil Sirianni to present the FAB memo regarding their recommendations regarding the Draw Site Project. Memo will be added to the packet and these minutes.

Council had a robust discussion regarding FAB advice including the workforce housing shortage, high cost of construction, and financial plan for the Draw site. Council discussion continued regarding other opportunities for workforce housing, size of the project, community tolerance for construction, and ballot question language.

Ballot Language discussion included suggestions for the language to allow for broader interpretation, for example remove “approximately” and add "up to" 79 units and "up to" 86 million, request to build in flexibility to the question and make less intimidating as voters read and decide.

Council decided to continue the approval of the resolution regarding ballot language to 9/3/24 and get some additional public opinion.

8.C) Habitat for Humanity Priority Program

8C Agenda Item Summary - Habitat Priority Program.pdf
8C Attachment A - Habitat Priority Project Summary and Request.pdf

Housing Director Betsy Crum summarized the agenda item and a unique opportunity offered by Habitat for Humanity of the Roaring Fork Valley to secure a housing priority for our employees to purchase a condominium in West Glenwood Springs. Habitat is offering some units for “Employer Priorities.” In exchange for $150,000 per priority purchase, the employer would have the ability to have their employees move to the front of the line to purchase a unit. The units will be priced to be affordable to the purchaser, who can live in the condominium as long as they wish and who may have access to additional financing or downpayment assistance from Habitat for Humanity. When they leave or take employment elsewhere, another Town employee would have the first right to purchase the next available unit. If the priority is no longer needed or wanted, it can be sold to another area employer. Staff recommends that the Town Council authorize the Town Manager to enter into an agreement to purchase two (2) priorities through this program, for a total cost of $300,000.

Council discussed that while it is still being developed and not all details are worked out yet, it is a reasonable amount to invest in the potential units.

Councilmember Fridstein motioned to approve. Councilmember Gustafson seconded. All in favor.

9) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Fridstein had a CORE Board Meeting. They continue to progress the Coal Basin Methane Gas mitigation project. Looking to US Forest Service for some additional funds.

Councilmember Marolt has a Nordic Meeting coming up.

Councilmember Shenk suggested rescheduling Coffee with Council as none can be there.

Councilmember Gustafson Sister Cities students are here from Abetone, Italy and others from Shimukappu, Japan will be arriving soon.

Mayor Madsen went to Pitkin County Commissioners to request more money for the Little Red Schoolhouse Project. They are considering it for their 2025 budget.

10) ADJOURNMENT

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

Adjourned at 7:52 pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Tuesday, September 3, 2024.

Submitted By,

____

Megan Harris Boucher, Town Clerk

To: Mayor and Town Council
From: Finance Advisory Board
Date: August 19, 2024
Re: A Recommendation Regarding the Draw Site Project

The Finance Advisory Board (FAB) met on August 14, 2024, to review the most updated financing proposal for the 79 Unit Draw Site proposal. The FAB centered their review by focusing on the overall Tourism Fund revenues and the proposed project proforma. The FAB had previously reviewed the Housing Master Plan, financing mechanisms and earlier iterations of the proforma; therefore, the Board started with a high level of familiarity with the project.

Comments from the FAB regarding the Draw Site Employee Housing included:

- Reviewing the Tourism Fund, financing plan, and proforma, the Town can likely pay for this **$86,095,615** project with the combination of the proposed tourism tax, rental income and still to be identified grant funds. A quick summary of the draw site plan from a financial perspective is as follows:

$23,500,000	2025A Bond financing (COP or lease revenue bond)
47,180.000	2025B Bond financing (COP or lease revenue bond)
10,000,000	State & other local gov't Grants (estimated)
5,415,615	Local partner funding (local businesses)
$86,095.615	**Sources of Funds**

$1,355,774	Annual P&I on 2025A Bonds ($23,500,000, 4.00%, 30 years)
2,894,104	Annual P&I on 2025B Bonds ($47,180,000, 4.51%, 30 years)
$4,249,878	**Total Annual Bond Financing Costs**
- 1,608,583	Rental Income on 79 units (Year 1)
+ 273,422	Operating Expenses on 79 units (Year 1)
+ 47,400	Replacement Reserve on 79 units (Year 1)
$2,962,117	**Annual Net Expense (Financing Costs less Net Rental Income)**

The town proposes to fund the $2,962,117 (call it **$3,000,000**) annual net expense of the project from the approximate **$5,000,000** annual surplus in the Tourism Fund. Note that the 2025 Tourism Budget includes $14,907,730 of Sales Tax Revenue and $9,520,952 of Expenditures leaving a surplus of $5,386,778 for Housing.

- The FAB notes that while $70,680,000 of the project is being funded by 2025A&B bonds, FAB recommends the estimated $10 million in State or other local governmental grants and $5,415,615 of local partner funding be secured along with the bond financing before moving forward with the project.
- Due to the volatile construction market, there is a very real concern of potential cost overruns. The current cost estimate is fair, but there is a risk of rising costs that needs to be understood and acknowledged.
- Considering the $3 million annual financing of the project is being funded solely from the annual Tourism fund surplus, the potential material risk factors such as cost overruns, pandemics, poor snow years, forest fires, recessions, etc. could result in reduced sales tax revenues and therefore reduced annual surpluses in the Tourism fund.
- The Council should acknowledge that the Tourism Fund is only projecting a contribution to housing capital projects of $5 million annually. Earmarking $3 million of the annual $5 million contribution to a single project, 60% of those funds, could create a significant opportunity cost by not having adequate funds available for future projects.
- Specifically, regarding the opportunity cost: investing 60% of this revenue source in this single project leaves inadequate revenue to reach the goal of 200 new units. Other financing approaches will likely need to be pursued for future projects.
- To achieve the proposed affordable rents, requires this $3 million annual contribution. This is a major subsidy, equating to approximately $38,000 per unit per year (over $3,000 per month) for 30 years. The Council should evaluate, consider, and ensure this amount of subsidy is acceptable.
- The draw site is one of only a few locations in town that can have this many units constructed on it.
- Although a for-sale project would be easier to finance and have less long-term expense to the Town, the rental approach as recommended is agreed to be the correct approach at this time.
- The Town Council may want to reevaluate the entire approach to the housing master plan. With the cost per square foot of construction is only expected to go up, the Council should consider building units at down valley locations (eg: brush creek park n ride/intercept lot) where the cost per square foot of construction would be lower and more units could be developed at the same expense. In short, there could be more bang for the buck, more units constructed to meet the need, if this investment of public funds were made down valley rather than in the Village.

SUMMARY:
The FAB cannot speak to how this project specifically meets the existing TOSV Housing policy, but it can state the funding sources and expenses are accurately represented and are reasonable. The FAB strongly encourages the Council to consider the opportunity cost of investing 60% of the currently available Tourism Tax dollars into this single project. In addition to building on this

site, the FAB strongly encourages the Town Council to explore additional down valley locations that are less expensive to develop.

CONCLUSION:
Subject to the risks and consequences discussed above which may require the Town to use some General Fund revenues to finance the project, the FAB believes the project can be financed as proposed, but will require the Town to find other funds to complete its goal of building 200 units. If Council decides to put the project to the voters for their decision, FAB recommends that full disclosure be made of the financial risks and consequences of the project.

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 3, 2024

AGENDA ITEM:

One year review of amended Section 7-124, Article V of Chapter 7, Related to the Town's Leash Laws for Dogs

PRESENTED BY:

Brian Olson, Chief of Police

BACKGROUND:

In August 2023, the Town Council amended the Town Code, Section 7-124, Running at Large, providing that if a dog is on a leash *or under voice, visual, or electronic commands and is not harassing…..* it is in compliance with the amended Code. The Council asked for a review of the amended Code after one year.

A second step to the amended Code was to create "Mandatory Leash Zones". The Council created the following mandatory areas:

- Snowmass Center, including Alpine Bank/BJ Adams.
- Base Village
- Snowmass Mall, including Fanny Hill.
- South Rim Trail (North Rim has been mandatory since Sky Mtn inception)
- Vista Trail

The amended Code has been well received by the dog owning community, with very little negative feedback from the public at large. Educational outreach included brochures, Town Newsletter updates, Town website links, Mandatory Leash Zone signage. (See attachment A) and plenty of trail time interacting with users. Labrador Lane, the Town's winter only trail, provided an excellent opportunity to target dog owners with the amended leash law information. Compliance with the new leash law has been very good. The impetus behind the amendment was an existing culture of dog management town wide that had worked well for many years. That style of dog management has continued to be successful and bodes well with the Council's priority of Protecting Community Character. (The City of Aspen is exploring a revision to their leash law that would allow dogs off leash.)

Despite the amended Code, enforcement of Section 7-124, was fairly typical. There were 6 citations issued since the Code amendment. As a comparison, over the past ten years annual citations for the same violation ranged from 3/year to 12/year. Other complaints in the past year involving dogs resulted in Animal Services responding to approximately 60 calls. These included barking dogs, Krabloonik issues, dogs in hot cars and HOA dog waste. The police department spent 40 hours patrolling Labrador Lane and 30 hours on South Rim. We spent time on other trails including Tom Blake, Highline/Lowline, Ditch and Connector, Discovery, Ridge and Vista, most of which are not mandatory leash zones. On the South Rim trailhead Animal Services hangs free Town of Snowmass Village Dog leashes. This summer we have provided over 200 leashes at this location. Data gathered from trail cameras on South Rim during one week in June showed a leash compliance rate of almost 70%. The police department views the existing law as working well within our community. We would suggest no changes.

FINANCIAL IMPACT:

None

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

Passionately Protecting the Community Character of the Village by Promoting Balance and Emotional Connectivity.

COUNCIL OPTIONS:

1. Return amended Code back to its original language.
2. Amend Code further to change intent.
3. Leave Code as amended.

STAFF RECOMMENDATION:

It is the recommendation of staff, that the Council leave the Code as it currently exists.

ATTACHMENTS:

A. Mandatory Leash Zone sign examples.

TRAIL SIGNS

COMMERCIAL ZONES

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 3, 2024

AGENDA ITEM:

Draw Site Housing – Resolution Regarding Ballot Language

PRESENTED BY:

Betsy Crum, Housing Director
Clint Kinney, Town Manager

BACKGROUND:

In 2022, the Snowmass Village Town Council directed staff to begin the process to develop the Town Hall Draw site, selected because it has the greatest potential for unit development, is well-located, and has historically been identified for future housing development. In the time since then and following Sketch Plan approval, the Town has developed an approach to the site that provides a feasible way to provide affordable workforce rental housing. The current design would provide up to 79 workforce housing units in one-, two- and three-bedroom apartments. It incorporates a fully underground parking garage structure with two residential structures set forward in the site and rising above the garage. The front structure (Building A) is envisioned to be one story shorter than the back one (Building B), and the primary vehicular entrance to the site would be at the east side of Building A. A sizable courtyard would be between the two buildings to provide access for emergency vehicles and offer a flexible, green outdoor amenity for all tenants.

Based on an updated, detailed cost estimate and building in a conservative contingency, our estimate to build the Draw Site Housing as proposed $86 million, or just over $1,000 per square foot. The current financing plan anticipates fully funding this development without using any TOSV general funds or requiring any new taxes. The proposed cost will be paid for with a combination of rents, tourism tax revenue, and grants/ partner capital/ other contributions. We have projected dedicating $3 million of the already-approved annual revenue from lodging tax and marketing sales tax to debt service on this project's capital financing, along with the net operating income revenue from monthly rents on the 79 apartments. Based on these two revenue sources alone, our financial consultant DA Davidson currently projects that they can capitalize approximately $71 million at current rent rates. The remaining $15 million dollars of grants/partner capital/ other contributions still needs to be identified, but we are confident of our ability to raise these funds.

Because of the expected cost of developing the Draw Site, the town is required under the Town Code to secure a vote of the electorate before spending the funding needed to build this project. Per the requirements of Section 4.156 of the Municipal Code, a question must be placed on the ballot to obtain voter approval.

The proposed question is:

> **Without increasing taxes, shall the Town of Snowmass Village be authorized to take actions necessary to construct a new workforce housing project consisting of up to 79 units containing 118 bedrooms, located uphill of and adjacent to Town Hall in the area known as the Draw Site, at an estimated projected cost of up to $86 million, to be paid for with tourism tax revenues authorized for workforce housing purposes, rental income, potential grant funds and other public and/or private contributions?**
>
> **[ ] YES**
[ ] NO

Resolution No.18, 2024 placing this question on the ballot, is included for Council consideration as Attachment A.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following short-term housing goals:

Providing more affordable workforce housing options within the Village enables community members to contribute to the local economy AND helps to build a strong, emotionally connected and engaged community. Town Council remains committed to implementing the 2021 Housing Master Plan.

Understanding that Village residents are served by local governmental organizations that are physically outside of the town, TOSV will work closely with those partner entities to create a more inclusive workforce housing framework that will integrate additional people/positions/organizations into our housing program. TOSV will endeavor to leverage additional financial resources from these partners to help meet our respective housing needs.

In addition, the Council unanimously approved the Housing Master Plan in 2021. The Draw Site development was the first site recommended in that plan. It will provide 79 total workforce units.

COUNCIL OPTIONS:

1) Approve, modify, or deny Resolution 18, 2024 at this meeting

If no action is taken on this Resolution at this meeting, there will be no time remaining for the question to be placed on the ballot.

STAFF RECOMMENDATION:

It is the recommendation of Town Staff, that the Council, by motion:

Approve Resolution 18, 2024 placing the question on the ballot for consideration by the electorate.

ATTACHMENTS:

Attachment A: Resolution 18, 2024 Regarding Ballot Language – Draw Site

TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL

RESOLUTION NO. 18
SERIES OF 2024

A RESOLUTION REFERRING TO THE ELIGIBLE ELECTORS OF THE TOWN OF SNOWMASS VILLAGE AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 5, 2024, A BALLOT QUESTION RELATED TO DEVELOPMENT OF THE DRAW SITE

RECITALS

A. The Town of Snowmass Village, Colorado ("TOSV" or the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Town of Snowmass Village Home Rule Charter (the "Charter").

B. The Town owns property adjacent to Town Hall (Pitkin County Assessor Parcel Nos. 273301201855, 273301201854, 273301201853, and 273301200001) commonly known as the "Draw Site." The Town Workforce Housing Master Plan (dated 8/2021) includes the Draw Site as a potential site for development of workforce housing and recommends the Draw Site as the "first opportunity."

C. The Town wishes to obtain authority to develop the Draw Site with up to 79 multi-family housing units with different unit-types (containing a total of approximately 118 bedrooms) at an estimated projected cost of up to $86 million, which could be funded through tourism tax revenues authorized for workforce housing purposes, rental income, potential grant funds and other public and/or private contributions.

D. Section 4-153 of the Town Code provides: " Project limitation. The Town shall not implement, approve, institute or contract any project or obligate itself in any way to any project within the Town or to be paid for by the Town, which requires an expenditure of money in excess of the project spending limitation without a vote of the electors of the Town approving the project and the money for the project" (the "Project Spending Limitation").

E. Development of the Draw Site would exceed the Project Spending Limitation and, thus, require approval of the Town electors.

F. To comply with the Project Spending Limitation, the Town Council wishes to submit a ballot question to the Town electors at the regular election to be held on November 5, 2024, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado, that:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.

2. Ballot Question. The Town Council hereby submits to the registered electors of the Town of Snowmass Village the following ballot question and title for the coordinated election to take place on November 5, 2024:

   Without increasing taxes, shall the Town of Snowmass Village be authorized to take actions necessary to construct a new workforce housing project consisting of up to 79 units containing 118 bedrooms, located uphill of and adjacent to Town Hall in the area known as the Draw Site, at an estimated projected cost of up to $86 million, to be paid for with tourism tax revenues authorized for workforce housing purposes, rental income, potential grant funds and other public and/or private contributions?

   [ ] YES
   [ ] NO

3. Challenges to Ballot Title and Content. For the purposes of C.R.S. § 1-11-203.5, this Resolution shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot issue itself. Any petition to contest the form or content of the ballot title must be filed with the District Court in and for Pitkin County and a copy served on the Town Clerk within five days after the date of this Resolution.

4. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution.

5. Ratification of Actions. All actions heretofore taken, not inconsistent with the provisions of this Resolution, by the Town Council and the officers, agents, and employees of the Town relating to the subject matter of this Resolution, are hereby ratified, approved, and confirmed.

6. Severability. If any provision of this Resolution is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on the ___ day of August, 2024, by a motion made by Council Member ______________ seconded by Council Member ______________ , and by a vote of ___ in favor and ___ opposed.

TOWN OF SNOWMASS VILLAGE

____
Bill Madsen, Mayor

ATTEST:

____
Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

____
Jeff Conklin, Town Attorney

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:
September 3, 2024

AGENDA ITEM:
Consideration of a Resolution of Support for the Draw Site Workforce Housing Project

PRESENTED BY:
Clint Kinney, Town Manager

BACKGROUND:
Previously, on this agenda, the Town Council deliberated on placing a ballot question before the voters to consider the Draw Site Workforce Housing project.

Assuming the question was approved to place on the ballot, it is now appropriate for the Council to consider adopting a Resolution of Support for this ballot measure and ask the electors to vote yes on the question.

Providing this kind of leadership and guidance on the ballot question is helpful for voters to know their elected officials position on the question and is a key part of representative democracy. This practice is clearly allowed by the State of Colorado's Fair Campaign Practices Act.

A factual summary (item 4 below) is being developed and will be distributed in accordance with State Statute as well.

Colorado's Fair Campaign Practices Act ("FCPA") Summary
Colorado's Fair Campaign Practices Act ("FCPA") places numerous restrictions on the use of public funds for advocacy purposes. Below is a summary of the "Do's" and "Don'ts" for Town Council and Staff to be mindful of as we move towards election day.

Permitted Actions:

1. Position Resolution**.** Town Council may take a position on the Issue by adopting a resolution urging the electorate to vote for (or against) the Issue. The resolution can then be distributed as the Town normally does for resolutions (e.g. posting on website, perhaps publication, Town Manager report).

2. Advocacy. Town Councilors may speak out on the Issue, but public funds may not be spent on such advocacy (there is an exception for up to $50). Town Staff may work on a campaign or speak out on the Issue, but not during work hours.

3. Response to Questions. Town Staff may respond to unsolicited questions or requests for information about the Issue; however, Town Staff should be careful to avoid producing

information for distribution that is designed to influence the passage (or defeat) of an issue. Answer such questions must also be a part of the Town's regular practice to do so.

4. Factual Summary. The Town can use public funds to develop and distribute a factual summary on the Issue, but it must include arguments for/against and may not contain a final opinion for or against the Issue.

5. Use of Property. The Town may allow interested groups (proponents and opponents) to rent space in its facilities, but it must be done on an even-handed basis and the method of communicating the invitation, the access, and opportunity to disseminate information must be substantially the same for all interested groups.

Prohibited Actions:

1. Use of Public Funds. Except as provided above, public funds, facilities, supplies, or resources may not be expended or used by the Town to advocate for the Issue.

2. Staff Time. The Town cannot allow employees paid leave to work on a campaign. Town Staff may not work on a campaign during work hours and may only do so on their own time.

FINANCIAL IMPACT:

While the project cost is projected to be $86 million, there is no direct fiscal impact to considering and approving this resolution.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

Identify & Provide More Affordable, Community, Workforce Housing

Providing more affordable workforce housing options within the Village enables community members to contribute to the local economy AND helps to build a strong, emotionally connected and engaged community. Town Council remains committed to implementing the 2021 Housing Master Plan.

COUNCIL OPTIONS:

1) Approve the Resolution
2) Modify then approve the Resolution
3) Do not approve the Resolution

STAFF RECOMMENDATION:

It is the recommendation of Town Staff, that the Council, by motion

Approve Resolution 2024-19 asking electors to vote yes on the Draw Site Workforce Housing Project Ballot Question

ATTACHMENTS:

Resolution 2024-19

Background on Colorado Fair Campaign Practices Act

TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL

RESOLUTION NO. 19
SERIES 2024

A RESOLUTION IN STRONG SUPPORT OF THE BALLOT QUESTION CONCERNING THE APPROVAL OF THE DRAW SITE WORKFORCE HOUSING PROJECT AND ASKING ELECTORS TO VOTE YES AT THE NOVEMBER 5, 2024 REGULAR MUNICIPAL ELECTION

WHEREAS, the Town of Snowmass Village, Colorado (the “Town”), is a home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution and the laws of the state of Colorado; and

WHEREAS, Sections 4-151 to 4-158 of the Snowmass Village Municipal Code contain a project spending limitation that requires voter approval for any project that is expected to cost forty percent (40%) of the latest available year's audited total of general revenue of the Town (the “Project Spending Limitation”); and

WHEREAS, pursuant to the Project Spending Limitation, the Town Council has referred to the registered electors of the Town a ballot question related to the development of the “Draw Site” workforce housing project; and

WHEREAS, the Town of Snowmass Village has been working to design the Draw Site project for several years following the adoption the Workforce Housing Master Plan in 2021; and

WHEREAS, voting yes on this ballot question only keeps the project moving forward so it can continue to be reviewed by the Town Council and other Boards and Commissions at future public meetings; and

WHEREAS, the Town Council has worked diligently to support a viable workforce; and

WHEREAS, the Town Council is committed to workforce housing by exploring opportunities that best balance the character and resources of the Town; and

WHEREAS, both the Planning Commission and Town Council have thoroughly reviewed and approved the sketch plan of the Draw Site; and

WHEREAS, the projected $86 million cost of the Draw Site housing project is a substantial investment that needs to be carefully considered by the voters; and

WHEREAS, the proposed financing plan for the project is accurately represented and shown to be financially reasonable and feasible; and

WHEREAS, this project has received considerable public input and gone through multiple reviews by the Town Council; and

WHEREAS, providing more affordable workforce housing options within the Village enables community members to contribute to the local economy AND helps to build a strong, emotionally connected and engaged community; and

WHEREAS, voting yes will NOT increase taxes; and

WHEREAS, the Town Council has the power to adopt this Resolution pursuant to Colorado Fair Campaign Practices Act, C.R.S. § 1-45-117(1)(b)(III)(A) of the Colorado Fair Campaign Practices Act.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Snowmass Village, that

Section 1: The Town Council strongly supports the Draw Site Workforce Housing Ballot Question and asks all Town of Snowmass Village electors to vote YES, allowing the Draw Site project to proceed forward.

Section 2: Adoption of this Resolution may be reported or distributed through established, customary means by which information about other proceedings of the Town Council is regularly provided to the public; however, paid advertising may not be used.

INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Snowmass Village at a Regular Meeting of the Town Council held on the 3rd day of September, 2024.

TOWN OF SNOWMASS VILLAGE

____
Bill Madsen, Mayor

ATTESTED:

____
Megan Harris Boucher, Town Clerk

Compliance with the Fair Campaign Practices Act

Editor's Note: This article appeared in the February 2022 issue of SDA News *and was originally written by Paul Wisor. It contains very helpful information for this election year, and we are pleased to share it again.*

The Fair Campaign Practices Act, Colorado Revised Statutes, Section 1-45-101, *et seq.* (the "FCPA") and Article XXVIII of the Colorado Constitution govern, among other things, the use of public moneys in a campaign involving the election of any person to any public office or involving any election question. This article is intended to provide guidance with respect to the type of conduct allowed and prohibited under the FCPA. This article does not address every situation that might occur, but it covers many of the questions that arise most frequently. It is important to be mindful the issues arising under the FCPA are highly fact specific, and you should consult your district's attorney with questions or concerns.

The FCPA's restrictions apply to any agency, department, Board, division, bureau, commission, or council of the State of Colorado. The same restrictions also apply to any political subdivision of the State, including counties, cities, towns, school districts, and special districts.

Prohibited Uses of Government Money and Resources

The FCPA prohibits a Government (through this article, the term "Government" includes all governments covered by the FCPA) from 1) making any contribution in a campaign involving the nomination, retention, or election of any person to any public office; and 2) expending any public moneys from any source to urge electors to vote for or against any statewide ballot issue, local ballot issue, referred measure, or measure for the recall of any officer. *See* Section 1-45-117(1)(a)(I). Therefore, in most cases, the employees and officials of a Government must not use any Government money or resources to support a candidate's campaign or to attempt to convince voters to vote for or against an election question, including questions that have been placed on the ballot by the Government itself. For example, after calling for a bond election, a special district may not use district money to pay for fliers and visual aids that support the bond issue. *See Skruch* v. *Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004). Likewise, a school district may not post information on its website advocating the passage of a bond issue that it has referred to voters. *See Wimsatt* v. *Jefferson County Public Schools, District R-J,* Agency Decision, Case No. OS 2004-018.

It is important to note that a Government may violate this law without specifically asking voters to "vote for" or "vote against" an election question. *See Skruch* v. *Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004). Any communication discussing an election subject to the FCPA that favors one position will violate the FCPA. *See Bruce v. School District* 11, Agency Decision, Case No. OS 2008-0030. Even efforts to avoid mentioning a ballot issue by name will not insulate a Government. *See Duvall v. Rowland*, Agency Decision, Case No. OS 2013-0012.

The FCPA restrictions do not apply only to the use of Government money, but also to other Government resources such as the use of copiers, vehicles, computers, facilities, telephones, or newsletters. In addition, the FCPA restrictions apply to Government employees' time during work hours. Therefore, if a city creates a flier that improperly urges voters to vote for or against an election question, it violates the FCPA not only by using city money to pay for postage for the flier, but also by using city letterhead and the staff time of city employees to prepare the flier. *See Brown v. City of Littleton,* Agency Decision, Case No. OS 2006-0023. Likewise, if a Government allows outside groups to use its facilities, it must treat groups that support all candidates or both sides of an election question equally in all significant respects, including facility scheduling and fees.

Exceptions

The FCPA's prohibition on the use of Government money and resources described above does not apply in all cases. Some exceptions to the rule are described below.

Time Period

The FCPA only restricts the use of Government money and resources during a certain time period leading up to an election. Generally speaking, it has been understood restrictions related to the FCPA do not begin with respect to a state or local ballot issue until

Continued on page 9

the issue has been submitted to have a ballot title fixed or has had a ballot title fixed, and do not begin with respect to a referred measure until the measure has been referred to the voters. Thus, a Government likely may spend district money on a flier speaking positively about a potential bond issue before it refers the actual bond question to the voters. *See Coan v. Weld County School District Re-3J,* Agency Decision, Case No. OS 1996-006.

However, a 2017 decision by an Administrative Law Judge ("ALJ") involving Colorado Springs School District 11 (the "School District") has called some of this conventional wisdom into question. There, the School District planned to ask voters for a property tax increase at the November election. In June, the School District designed an informational card to be distributed to School District employees and made available to the general public. The informational card was distributed in June and again on August 10.

On August 9, the school Board met to consider the ballot question, but the ballot question was on the agenda for discussion purposes only, and no action could be taken. The informational card was distributed the next day. On August 23, the school Board met again and took official action to place the ballot question before the voters.

A complaint was filed alleging the School District had violated the FCPA. The ALJ concluded that although the School District took official action on August 23, the ballot question had been placed before the school Board on August 9 and that was the date the ballot question was "submitted for the purpose of having a title fixed." The ALJ decision was not appealed, but governmental entities should be wary of how and when future ballot questions are discussed by their respective Boards

No matter when it occurs, once an issue has been submitted to have a ballot title fixed or has had a title fixed or a referred measure has been referred to the voters, the FCPA restrictions apply to any expenditure of public money or resources. This includes making payments for materials or services provided before the Government took official action to submit the question. For this reason, several metropolitan districts violated the FCPA by paying for materials promoting their bond issues after the district Boards had passed resolutions submitting the bond questions, even though the materials themselves had been distributed before the resolutions were passed. *See Skruch v. Highlands Ranch Metropolitan Districts Nos. 1-5*, Agency Decision, Case No. OS 2002-019, which was upheld by the Colorado Court of Appeals in *Skruch v. Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004).

Factual Summary

Section 1-45-117(1)(b)(I) of the FCPA permits a Government to use Government money and resources to discuss an election if the Government is providing "a factual summary, which shall include arguments both for and against the proposal." The summary may not include a conclusion or opinion in favor of or against any particular issue, and a Government may only prepare a summary regarding an issue that will appear on the ballot within its jurisdiction.

It is important to note that a communication can fail to qualify for this exception even if it is called a "factual summary" and has an "arguments for" and "arguments against" section.

Personal Opinions

Section 1-45-117(1)(b)(II) of the FCPA permits members of the governing body of a Government, such as a City Council or Board of Directors, and other elected Government officials to publicly voice their personal opinion about an issue. The FCPA does not limit the right of public officials and employees to speak out on a matter before the voters. However, in expressing their personal opinions, officials and employees may not use Government money or resources.

Government employees and officials may urge electors to vote in favor of or against any issue and may participate in political campaigns; however, they must do so during their personal time, not during work hours. Likewise, Government employees and officials may spend money on materials that discuss elections covered by the FCPA, so long as that money is their personal money and not Government money. For example, a City Council member will not violate the FCPA by publishing a newsletter discussing a local ballot issue if she pays for the newsletter using her personal funds instead of using city funds. *See Tyler v. Boigon,* Agency Decision, Case No. OS 2007-001. Any Government employee or official who uses his or her personal time or money to participate in a campaign as described in this section should be sure to keep sufficient records to show that he or she did not use any Government time or money in the effort.

Answering Questions

Section 1-45-117(1)(a)(II) of the FCPA allows Government employees and officials to respond to questions about a ballot issue or referred measure, so long as the question was not solicited by the Government. To the extent a Government decides to publish answers to questions it receives about a ballot issue, it should retain all emails or correspondence regarding such questions. *See McCormick v. Lowderman*, Agency Decision, Case No. OS 2014-0014.

Resolutions

Section 1-45-117(1)(b)(III) of the FCPA authorizes the governing body of a Government to formally take a position with respect to an election question by passing a resolution urging citizens

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to vote for or against the question. Passage of such a resolution may be reported or distributed through the established, customary means that the Government uses to inform the public of its proceedings. For example, if a Government regularly sends out a newsletter, the passage of the resolution may be reported in the newsletter. However, extraordinary methods of distribution, such as paid advertising or a one-time newsletter for this specific purpose, may not be used.

$50 Exception

Under §1-45-117(1)(a)(II) a Government employee who has policy making responsibilities may spend no more than $50 of public money in the form of letters, phone calls, and other activities incidental to expressing his or her opinion on a ballot issue. *See Montero v. Boasberg*, Agency Decision, Case No. OS 2013-0010.

Penalties

In the event a Government, their officials, or their employees are found to have violated any aspect of the FCPA, they are subject to sanctions provided by Article XXVIII of the Colorado Constitution and any other "appropriate order or relief." Such relief includes injunctive relief or orders directing the persons responsible for the expenditures to make restitution to the public entity. *See* Section 1-45-117(4).

Section 9(2) of Article XXVIII provides if a violation is found, the Administrative Law Judge ("ALJ") may enter "any appropriate order, sanction, or relief authorized by [Article XXVIII]." Section 10(1) of Article XXVIII further provides for the imposition of a civil penalty of "at least double and up to five times the amount contributed, received, or spent." However, the ALJ has considerable discretion in imposing sanctions. Often, ALJs are reluctant to impose penalties on Governments itself because the penalty would be satisfied out of monies available in the Government's funds thereby further punishing taxpayers. As a result, ALJs have shown a willingness to impose individual penalties. *See Duvall v. Rowland*, Agency Decision, Case No. OS 2013-0012.

Campaign Do's and Don'ts for Public Entities

Below is a list of activities that are permitted as well as those which are not permitted for Governments, their officials, and their employees based on prior decisions of ALJs.

"Can Do's"

- The Board may adopt a resolution taking a position of advocacy on a statewide ballot issue that has been submitted to the Secretary of State for having a title fixed; any local ballot issue that has been submitted to the legislative body of the municipality for having a title fixed; a referred measure; or a recall measure. This resolution may include a recitation of the facts and/or arguments in favor of the Board's position. As a resolution adopted by the Board, it is available for public inspection and becomes a part of the public minutes of the meeting. Distributing the resolution or reporting on its passage may be accomplished only through established, customary means. For example, if your Government regularly sends out a newsletter, the passage of the resolution may be reported in this newsletter. However, extraordinary methods of distribution or posting, such as paid advertising or distribution of a newsletter when such was not a prior practice, may not be used.
- The Board may authorize the expenditure of public moneys and may make contributions to disseminate a "factual summary" on such issue, which must include arguments both for and against the proposal, on any issue of "official concern" before the electorate in the jurisdiction. The summary shall not contain a conclusion or opinion in favor of or against any particular issue. An issue of official concern shall be limited to issues that appear on an election ballot in the jurisdiction.
- A Board member or Government employee may respond to questions about election issues during working time, so long as the Government has not solicited the question. The responses should not contain partial conclusions or otherwise tend to urge a favorable or unfavorable vote on the issue. Accordingly, employees should not volunteer opinions during work time speculating about the anticipated effects of passage or defeat of the ballot question. An ALJ opinion held that a Government employee could answer questions, posed at a public meeting where he was invited to speak, about how a proposed issue would affect his department so long as that employee did not expressly urge electors to vote one way or the other.
- A Board member or Government employee with policy-making responsibilities may spend up to $50 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on the issue.

Continued on page 12

- Elected officials may express a personal opinion on an election issue at any time and place (so long as the time and place does not indirectly constitute a contribution by the Government or a use of Government resources). This includes an elected official expressing his or her opinion at a Board meeting, even if public money is used to broadcast the meeting, so long as the meeting, and its broadcast, are regularly scheduled and are not convened primarily to express the opinion.
- A Government employee may "endorse" an election issue on his or her personal time. A Board member or Government employee may expend personal funds, make contributions, or use personal time to urge electors to vote for or against an election issue. All employees should be asked to keep records substantiating that any time spent campaigning for the election issue was on personal or unpaid time, time outside of working hours, compensatory time, or vacation time.
- The Board may allow interested groups, including proponents and opponents of candidates or of issues before the electorate, to rent space in its facilities as long as the opportunity is provided on an even-handed basis. The method of communicating the invitation, the access given, and the opportunity to disseminate information must be substantially the same for all interested groups.
- Government employees may provide information to citizens that request it, even if the employees are aware that the information may be used in a candidate or ballot issue campaign. However, this information must be given on an equal basis to all citizens who request it, regardless of which campaign they may support, and should only be provided if it is the regular practice of the Government to do so.
- Under at least one ALJ decision, a salaried Government employee may send an email from his or her Government email supporting a ballot issue. However, Government employees should confirm such emails comply with internal policies of the Government.

"Can't Do's"

- Public funds, facilities, supplies, equipment, or bulk mail permits may not be expended or used by the public entity to urge a vote in favor of or against the issue, even when the cost is reimbursed.
- The Government may not allow others who are advocating a position on any issue before the electorate to use these resources. Nevertheless, groups that have organized to discuss or otherwise to promote or urge defeat of the election issue may be allowed to rent facilities pursuant to an adopted policy, but all such groups must be treated even-handedly and must be allowed similar access. Preferential treatment in scheduling and fees charged must not be given.
- Employees or paid members of the Government cannot work on a campaign during working hours and may not use public facilities or equipment for a campaign. During work time, the information that members or employees dispense to the community must be limited to providing copies of the "factual summary" and to responding to unsolicited questions. Employees must restrict their "campaigning" to personal time.
- The Government may not require employees or other staff members to work for an election issue (other than on the "factual summary").
- The Board may not contribute to other organizations and political committees that may be organized to raise any funds and make any expenses concerning advocacy of the election issue.
- The Government should not accept cash or any other contributions from citizens for use by the Government in connection with any election.
- A Government may not use its own social media platforms to post comments taking a position on a campaign or link to articles taking a position on a campaign. *See Barela v. Liberty Common School*, Agency Decision, Case No. OS 2015-0015.
- The Government must not release the addresses or telephone numbers of employees, or past or present users of public utilities, public facilities, or recreational or cultural services which are owned and operated by the state or a political subdivision thereof, regardless of whether the group seeking the information supports or opposes the election, unless the employee, user, or person has given express consent to the release of such information for purposes of the election or as part of a directory that is otherwise available to the public.

THE FAIR CAMPAIGN PRACTICES ACT: SPENDING PUBLIC MONEY SUPPORTING OR OPPOSING A BALLOT MEASURE

As the election approaches, it is important for governments, elected officials, and government employees to remember the limitations imposed by the Fair Campaign Practices Act (the "FCPA") on the spending of public funds in connection with election campaigns. The FCPA establishes the following general rules: a government may not (1) make a contribution in a campaign involving the nomination, retention, or election of any person or (2) expend moneys from any source, or make contributions, to urge electors to vote in favor of or against most ballot measures. This summary focuses on the expenditure of public moneys to urge a vote in favor of or against ballot measures. While this summary will generally describe the FCPA rules applicable to ballot measures, governments should consult with legal counsel regarding the specific application of these rules.

What ballot measures are covered?

Ballot measures to which the FCPA limits apply include:

- A statewide ballot issue submitted for the purpose of having a title set pursuant to Section 1-40-106(1), C.R.S. or which has had a title set. This includes constitutional amendments or statutes initiated by citizen petition.
- A local ballot issue submitted for the purpose of having a title set pursuant to Section 31-11-111, C.R.S. or which has had a title set pursuant to that section. This will cover most local ballot issues.
- A measure referred by the general assembly or the governing body of any political subdivision to the eligible electors of the state or political subdivision.
- A measure for the recall of any officer that has been certified for submission to electors.

When do the FCPA restrictions commence?

Although the FCPA does not state a date on which its restrictions commence, many judicial decisions have held that the FCPA restrictions commence when a ballot title is set and the measure is submitted to the voters. For local governments, this typically occurs when the governing body adopts a resolution or ordinance calling the election and setting or "fixing" the ballot title. However, a recent Administrative Law Judge decision held that although a board actually fixed a ballot question when it adopted a resolution calling the election and approving the ballot question, it had, at a prior meeting, considered the ballot question "for the purpose of having a title fixed." The Administrative Law Judge held that this earlier date was the date upon which the FCPA restrictions commenced, and not the later date on which the election resolution was formally adopted. This should be a consideration for cities and/or towns that approve ballot questions by ordinance and consider a ballot question on first reading. It is also a consideration for governments who may present a ballot question to its governing body for consideration and discussion prior to its actual approval.

What are permitted activities for elected officials and employees?

The FCPA does permit certain activities by elected officials and government employees (collectively, "Covered Officials") including:

- A Covered Official may respond to unsolicited questions.
- A Covered Official with policy making responsibilities may spend no more than $50 of public moneys for letters, telephone calls, or other activities incidental to expressing an opinion. For example, an elected official or government manager may spend up to $50 to send a letter to constituents expressing her or his opinion on a ballot issue.
- Elected officials may express a personal opinion on an issue.
- Covered Officials may spend personal funds, make contributions, or spend personal time to urge electors to vote for or against a measure.
- A governing body may adopt a resolution supporting or opposing an issue. The passage of the resolution may be reported through regular, established means (other than paid advertising). For example, if a government regularly sends out a newsletter reporting the actions of the governing body at its last meeting, the newsletter may report that the governing body has adopted a resolution supporting the passage of a ballot measure.

What materials may a government distribute?

Governments may spend public moneys to distribute a factual summary of a ballot measure which summary must include arguments both for and against the proposal. The summary shall not contain a conclusion in favor of or against the issue. Under the case law, the summary must be facially neutral, balanced and even-handed.

Many governments wish to distribute materials which describe the ballot measure and what it will accomplish without including arguments for and against. While there are some judicial decisions which conclude that such materials do not "urge" a voter to cast a vote in favor of or against a measure, most recent decisions have determined that if such materials are too positive or negative they do, in fact, urge the voters to cast a vote for or against a measure even if they do not say "vote yes" or "vote no." Governments should have such materials reviewed by legal counsel before spending public funds to distribute such materials to voters.

How are FCPA restrictions enforced?

The FCPA provides that its limitations on spending public moneys may be enforced by the filing of a written complaint with the Secretary of State ("Secretary") within 180 days of the date on which the complainant either knew or should have known of the alleged violation. The Elections Division of the Secretary of State ("Elections Division") conducts an initial review to determine whether the complaint (i) was timely filed, (ii) specifically identifies one or more violations of Colorado campaign finance law, and (iii) alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the compliant. The Elections Division will either make a motion to the Deputy Secretary of State ("Deputy Secretary") to dismiss the complaint for failure to satisfy one of the three complaint criteria, provide the respondent an opportunity to cure any curable violations, or conduct additional review to determine whether to file the complaint with an administrative law judge ("ALJ"). If the Elections Division determines that the respondent failed to cure an alleged curable deficiency, it will conduct additional review to determine whether to file the compliant with an ALJ. After conducting additional review of any non-dismissed complaint, the Elections Division will either make a motion to the Deputy Secretary to dismiss the complaint or it will refer the complaint to an ALJ. An ALJ may impose any appropriate order, sanction or relief and may impose a civil penalty of at least double and up to five times the amount contributed. In a recent case, an ALJ fined a county commissioner $1,000 personally for a violation of the FCPA.

A government may seek guidance on the application of the FCPA by requesting that the Secretary issue an advisory opinion regarding the government's specific activity. The Secretary may issue an opinion, at the Secretary's discretion, and the government may rely on the Secretary's advisory opinion as an affirmative defense to any complaint that is filed with the Secretary.

However, the FCPA requires any complaint arising out of a municipal campaign finance matter to be exclusively filed with the clerk of the applicable municipality. "Municipal campaign finance matter" is defined to include any campaign finance matter exclusively related to a municipal campaign, including a municipal ballot issue or ballot question. Complaints filed with the clerk of the applicable municipality must be filed in conformity with local campaign finance enforcement regulations. Therefore, each municipality should consider adopting an ordinance or resolution setting forth the enforcement procedures for municipal campaign finance matters that must be filed with the clerk.

May a government spend money to advocate for or against a measure if the FCPA does not apply?

As noted previously, the FCPA restrictions do not apply to all ballot measure elections. However, courts in Colorado and elsewhere have held that the use of public funds must reflect a balanced portrayal of the ballot measure.

Conclusion

A government should consider periodic training of elected officials and employees to assure that there are not violations of the FCPA in connection with ballot measures submitted by the government or by the state or other local governments. Not only is there the potential for the government to be subject to a civil penalty or other sanctions but government officials and employees may be personally liable for civil penalties. It is also sometimes the case that the negative press resulting from the filing of a complaint alleging an FCPA violation may influence the results of the election regardless of the ultimate disposition of the complaint.

Public Comment

Date	8/24/2024
Name	Kevin Harris
Address (optional)	Street Address Address Line 2 City State / Province / Region Postal / Zip Code Country
Would you like a follow-up,?	
Email (Optional)	
Does it apply to an upcoming Town Council Meeting	Yes
Date of Town Council Meeting	9/3/24
Comment Topic	Workforce Housing
Public comments	As a resident of the Crossings for 20 years, I can say that without employee housing I would never have been able to afford to live and work in Snowmass. I have been lucky to win a unit and be able to raise a family here, while working in Snowmass the entire time. We need more affordable housing now, and the Draw site is perfect in so many ways. I understand the cost is daunting, but the costs will only increase in the future. This is an investment in the future generations of SMV and will enable our businesses to retain quality employees, benefiting the entire marketability and reputation of our Village. My wife, Wendy, owns a business on the mall, and when a prospective employee comes in, the first question she asks is " do you have local housing?" It is the number one concern. Please act on this opportunity now! Thank you, Kevin Harris

Public Comment

Date	8/25/2024
Name	Jessica Leigh Cerise Longnecker
Address (optional)	Street Address [redacted] Address Line 2 City: Snowmass Village State / Province / Region: Colorado Postal / Zip Code: 81615 Country
Would you like a follow-up,?	No
Email (Optional)	[redacted]
Does it apply to an upcoming Town Council Meeting	Yes
Date of Town Council Meeting	9/3/24
Comment Topic	Employee housing

Public comments

Affordable housing is the top priority for the leaders and community organizers in Snowmass Village. It would be very irresponsible to the future of the village and it's businesses not to move forward with this project. It has been a missed opportunity for decades. Ensuring that there are quality workers for businesses in the village for the current and future generations is of utmost importance.

The lower valley has become unaffordable as well. Upper valley communities were able to rely on bedroom communities and that is no longer the case. Because of the commute to the upper valley business have to pay higher premiums on skilled laborers. Laborers travel from the front range and west slope to meet our demand.

Providing affordable housing for working people in the community is better for the environment as well, reducing the carbon footprint. Additionally it is allowing for a better quality of life which directly benefits the part time residents and visitors with better quality service from those workers.

The affordable housing crisis is not new and I am astonished that this site has not been developed already.

Public Comment

Date 8/26/2024

Name Kelly Brockett/Snowmass Mountain Lodging

Address (optional)

Street Address

[redacted]

Address Line 2

City

Snowmass Village

State / Province / Region

Colorado

Postal / Zip Code

81615

Country

United States

Would you like a follow-up,?

Email (Optional) [redacted]

Does it apply to an upcoming Town Council Meeting Yes

Date of Town Council Meeting 9/3/2024

Comment Topic Draw Site Workforce Housing

Public comments

I am writing in support of the Draw Site Workforce Housing Project. As an employer in Snowmass Village, we are finding it harder than ever to keep our business staffed at the levels required. We get dozens of applications for our postings, but majority are from out of state and are unable to find local housing they can afford.

We appreciate your consideration of this project.

Public Comment

Date 8/26/2024

Name Adam Foster

Address (optional)

Street Address

Address Line 2

City | State / Province / Region

Postal / Zip Code | Country

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

Email (Optional) [redacted]

Does it apply to an upcoming Town Council Meeting Yes

Date of Town Council Meeting 09/03/2024

Comment Topic Draw Site Housing

Public comments

I'm not able to vote in the village because I don't have a permanent residence in Colorado due to living in my car. I also cannot make it, for similar reasons. However, I do have some questions.

The first is: Are minimum parking requirements are holding back the amount of spaces that can be built on this site? Knowing that parking requirements cause buildings to be more expensive to build with fewer rentable spaces, this gives me great concern. Particularly since you can _almost_ comfortably live without a car in the valley for most of the year. With this space being in short walking distance of a grocery store, restaurants, and so on, this is more true than anywhere else in the village.

What are the parking requirements set by the village if so?

If minimum parking requirements are an issue, how many more apartments could be build here on the space that is being dedicated to parking?

With the same footprint size, are parking minimums the reason that studio apartments are not being allowed in this facility?

Is parking going to be baked into the cost of the apartment rents, or paid only by those who have automobiles, according to the number of automobiles they have?

Public Comment

Date	8/26/2024
Name	John
Address (optional)	Street Address Address Line 2 City State / Province / Region Postal / Zip Code Country
Would you like a follow-up,?	No
Email (Optional)	
Does it apply to an upcoming Town Council Meeting	Yes
Date of Town Council Meeting	Sept 3rd
Comment Topic	Public Housing
Public comments	Considering that employers across snowmass village pay taxes which fund employee housing, ToSV city employees should not get priority over long standing Snowmass Village employees for housing units. This system is an abuse of power by ToSV which they are using to ensure that they stay staffed in a competitive job market. Public housing should be fair and given to those who have been working in snowmass and not new city employees.

Public Comment

Date	8/28/2024
Name	Sally Goulet
Address (optional)	Street Address [redacted] Address Line 2 City: Snowmass village State / Province / Region: Colorado Postal / Zip Code: 81615 Country
Would you like a follow-up,?	
Email (Optional)	[redacted]
Does it apply to an upcoming Town Council Meeting	Yes
Date of Town Council Meeting	Sept 3, 2024
Comment Topic	Housing
Public comments	Thank you for considering my comment while I can't be present. After living in TOSV housing in both Mountain View 1 & 2 units, I'd like to suggest larger / more efficient storage units for outdoor gear. Most residents have bulky winter tires, along with all the gear associated with all the seasonal activities here, and the storage units provided are just not sufficient. Additionally, bike racks for housing residents would be super helpful in keeping walkways clear. Please try to work in a designated smoking area away from the buildings. It's required residents don't smoke inside, but they often congregate on the walkways right in front of open windows. Please try to make the smoking area inviting and covered for the winter months - as a non-smoker, I would be willing for funds to be allocated for this to keep my apartment air clean! Also, a small playground / green space would be so wonderful for our children to get some outside play while also getting an organic opportunity to get to know our neighbors. And finally, please do plan a safe way to connect employee housing complexes to commuting trails, such as the brush creek trail. Thank you so much to those who help make this community our home!!

Public Comment

Date	8/29/2024
Name	Tom Clark
Address (optional)	Street Address [redacted] Address Line 2 City: Snowmass Village State / Province / Region: Colorado Postal / Zip Code: 81615 Country: United States
Would you like a follow-up,?	No
Email (Optional)	
Does it apply to an upcoming Town Council Meeting	Yes
Date of Town Council Meeting	09/03/2024
Comment Topic	Draw Site Affordable Housing Project

Public comments	I am writing to express my strong support for the Draw Site affordable housing project, and the continued investment in affordable housing infrastructure, which is critical not only for our community's long-term sustainability but also for the vitality of local businesses. Many businesses in our area struggle to address the housing crisis independently. Without affordable housing options, these businesses face challenges in retaining a stable workforce, as employees are often forced to move away due to unsustainable living costs. When the valley loses good employees because they can barely survive, much less thrive, we lose the threads that make the fabric of "community." We also lose the backbone of our economic engine. Affordable housing is essential for enabling our workforce to live, grow their families, and remain in the valley. When workers are priced out of the area, it becomes increasingly difficult to attract new talent, further exacerbating the problem. By prioritizing affordable housing, we can ensure that our community remains a place where people want to live and work. I urge our leaders to continue supporting and expanding affordable housing initiatives to address this critical issue. As an employer of more than 80 employees in Pitkin County (40 in Snowmass Village alone), we are constantly working to increase wages, enrich benefits, subsidize transportation and otherwise support our employees so that they can dedicate more of their income to housing. What we can do alone is not enough to bridge the gap so that our employees can enjoy the quality of life that should exist in such a world-class town. Tom Clark Clark's Market

Public Comment

Date	8/30/2024	
Name	Ben Mays	
Address (optional)	Street Address [redacted] Address Line 2	
	City glenwood springs	State / Province / Region co
	Postal / Zip Code 81601	Country United States
Would you like a follow-up,?	Yes (provide your email)	
Email (Optional)	[redacted]	
Does it apply to an upcoming Town Council Meeting	Yes	
Date of Town Council Meeting	09/03	
Comment Topic	employee housing project	

Public comments

good morning,

concerning the upcoming employee housing project. I work for the streets department and as a winter ops plow crew team member I cannot tell you how invaluable the ability to live in the town of snow mass is to me. being the new guy on the team I'm not getting the opportunity for a work shift that would allow me to take the work van to work. which puts the load of me driving myself to work from Glenwood Springs nearly an hour one way both directions and at the worst times of day to travel 2pm and 12 am. Those times and miles represent a big hurdle for me as an essential town employee seeing that my workload ensures the literal safety of the community. those 2 hours on the road represent a lot of risk on my part 5 days a week between either getting in a wreck. one other factor that really puts a hamper on me and my partner is the fact that I have a cat. now I know this one is kind of an ask but being street department and snowplow crew, I'm asking directly for a grace that I be allowed a cat. I could see if I had an aggressive breed dog or even a large dog being denied on account of property damage. it's my understanding that we would have a pet deposit like anywhere else that would cover the cost of damages. also, the fact that we have a dedicated team for building maintenance. I know it's a tall order and I am asking for you to bend the rules for me, but my job and position is absolutely vital to the operation of this town. most other positions can be done remotely and a far lesser risk than mine. those other jobs also have a far lesser impact to the functional operation of the town itself if they were not able to be done on time. streets and plow crew though if we can make it to work or get in a wreck on the way to work everyone is impacted and the town might find itself gridlocked from snow fall or otherwise damaged roads.

please please help me to find lodging and make this town my home not just a place I work

Ben Mays

Public Comment

Date	8/28/2024
Name	John Kenny
Address (optional)	Street Address [redacted] Address Line 2 City: SMV State / Province / Region: CO Postal / Zip Code: 81615 Country: USA
Would you like a follow-up,?	Yes (provide your email)
Email (Optional)	[redacted]
Does it apply to an upcoming Town Council Meeting	Yes
Date of Town Council Meeting	9/3
Comment Topic	Draw Site Housing

Public comments	The Draw Site is a reasonable place to construct affordable/employee housing, and has been deeded and established as such in the public record. However, the current intended design is oversize and overpriced. The renderings are also hideous, and reminiscent of the thankfully bygone Soviet era. I have viewed the site from across the valley on the Ridge Run side, and up close from the Mountain View Trail. From these perspectives I have realized how unacceptably impactful the construction of 76 foot twin towers will be. Everyone should recognize that the stakes behind Town Hall indicating buliding locations are on ground that is 50+ feet higher than the roofline of Town Hall. These structures will obliterate the current viewplane, dwarf our beautiful town Hall, and will rise substantially higher even than Base Village structures. I strongly suggest installing "story poles" for residents to view the approximate scale, if poles that high are even available. There is a legitimate interest in maximizing Town space dedicated to affordable/employee housing, but considering recent purchases of the Snowmass Inn and Green Ghetto, and the pending purchase of the Snowmass Center parcel, there is no reason to overdo the Draw Site. The project should be reduced in scope and price, and the design aesthetic should be dramatically improved. Please take the proper time to create something great for Snowmass Village instead of permanently despoiling another open space and viewplane at tremendous taxpayer expense. Respectfully, John

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 3, 2024

AGENDA ITEM:

Discussion and Consideration to approve the SAAB Recommendations to Install New Murals on the Snowmass Village Mall and at the Town Park Tunnel

PRESENTED BY:

Melanie Falk, Snowmass Arts Advisory Board
Julia Theisen, Tourism Director

BACKGROUND:

As part of their on-going efforts to help the community invest in public art, The Snowmas Arts Advisory Board (SAAB) has identified two artists for two new murals. Per the Art Acquisition Policy art projects, such as these, initiated by the SAAB should be evaluated according to the following guiding principles:

Acquisitions and programs must enhance the identity of a world-class resort destination and reflect and uphold values befitting a welcoming mountain community
• Artwork must be deemed suitable for exhibition in public space
• The collection will be without gender or ethnic bias and will strive to reflect the diversity of the local population and surrounding area
• Preference may be given towards artists and/or artwork demonstrating a relevant connection to the Town and local area
• Acquisitions and commissions will be considered in an ethical, accountable and transparent manner
• The collection will illustrate a wide variety of media, philosophies and techniques
• Programs and artwork will enhance the experience of public spaces and engage all ages and abilities

• Projects and programs will ideally foster connectivity between existing and proposed amenities
• Should be appropriately placed in specific locations for largest visual and experiential impact

Utilizing these criteria, the SAAB accepts and reviews applications from artists for projects. Following the review of the applications, SAAB then makes a recommendation to the Town Council regarding the projects.

SAAB has followed this procedure and is recommending approval of the artists and murals for these two locations:

Mural A: This location will be on the Snowmass Village Mall adjacent to Christys Sports. The property is owned by the Romero Group and they have approved the location and the mural artist. The artist is Rae Lampe, a local artist.

Mural B: The location is in the Town Park Tunnel. The mural design has **not** been reviewed by POSTR but it has been reviewed by the SAAB Board. The artist is Jaime Forrester, Snowday Allday. Because this mural was a "community oriented" project installed more than a decade ago, the Council may want to receive more feedback on replacing the existing mural.

FINANCIAL IMPACT :

The cost for both of these projects is included in the current budget. The artist fee for each mural is $3,000, totaling $6,000.

COUNCIL OPTIONS:

The Art Acquisition Policy provides a number of options for the Council, including:

1) Requesting More Information
2) Approve artwork and artists for mural projects.
3) Declining the artwork and/or artists for the mural projects.

RECOMMENDATION:

The Arts Advisory Board, recommends that the Council, by motion,

Accept the recommendation of the SAAB for the Snowmass Mall mural project and Town Park Tunnel mural project.

Because of the community involvement in the existing Town Park tunnel mural, the Town Council may ask the SAAB to continue its outreach efforts prior to this part of the project moving forward.

ATTACHMENTS:

A. Rae Lampe's rendering of Snowmass Mall mural project.
B. Jaime Forrester's rendering of Town Park Tunnel mural project

Rae Lampe rendering of Mall Mural


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Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 3, 2024

AGENDA ITEM:

Ordinance No. 11, Series of 2024 – An Ordinance Granting Black Hills Energy a Natural Gas Franchise

PRESENTED BY:

Jeff Conklin, Town Attorney
Anne Martens, Public Works Director

BACKGROUND:

By Ordinance No. 14, Series of 2004 and as set forth at Chapter 5, Article IV of the Town Code, the Town Council granted a gas franchise to Kinder Morgan (the "Natural Gas Franchise"), which has since been assigned to Black Hills Colorado Gas, Inc. d/b/a/ Black Hills Energy ("Black Hills"). The Natural Gas Franchise was set to expire on July 31, 2024 and was temporarily extended for up to one year by Resolution No. 17, Series of 2024 to allow for the Town to complete negotiations with Black Hills. The Town has completed those negotiations and presents this new gas franchise agreement for the Town Council's consideration.

By way of background, a "franchise" is grant to a utility to utilize Town rights-of-way for installing and operating utility infrastructure, subject to the conditions of the franchise agreement. In exchange, Black Hills pays the Town a "franchise fee" for this right. The franchise fee is collected by Black Hills from customers and remitted to the Town.

In the proposed franchise agreement, there are a number of general updates to the form of the franchise agreement, along with some provisions to protect the Town such indemnification and insurance requirements, maintenance requirements, and conditions on construction.

The term of the franchise agreement is 20 years, which is the limit allowed by the Charter.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

1. Approve Ordinance No. 11, Series of 2024 on First Reading and Set the Second Reading for October 7, 2024.

2. Approve Ordinance No. 11, Series of 2024 on First Reading with amendments and set the Second Reading for October 7, 2024

3. Deny Ordinance No. 11, Series of 2024 on First Reading.

STAFF RECOMMENDATION:

Town Staff recommends that Town Council make a motion to approve Ordinance No. 11, Series of 2024, An Ordinance Granting Black Hills Energy a Natural Gas Franchise on first reading and set the second readying for October 7, 2024.

ATTACHMENTS:

Ordinance No. 11, Series of 2024
Exhibit A – Code/Franchise Agreement

TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL

ORDINANCE NO. 11
SERIES OF 2024

AN ORDINANCE GRANTING BLACK HILLS COLORADO GAS, INC. D/B/A BLACK HILLS ENERGY, ITS LESSEES, SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF THE TOWN OF SNOWMASS VILLAGE, COLORADO

WHEREAS, The Town of Snowmass Village ("TOSV" or the "Town") is a home-rule municipality, duly organized and existing under the TOSV Charter adopted pursuant to Article XX of the Constitution of the State of Colorado;

WHEREAS, Section 12.4 of the TOSV Charter authorizes the Town Council to grant franchises for terms not to exceed twenty (20) years;

WHEREAS, further, Section 5-8 of the TOSV Municipal Code requires a franchise to be approved by ordinance with the affirmative vote of four (4) members of the Town Council;

WHEREAS, the existing Natural Gas Franchise was approved by Ordinance No. 14, Series of 2004 and is set forth at Chapter 5, Article IV of the Town Code;

WHEREAS, the existing Natural Gas Franchise had an expiration date of July 31, 2024, which, by Resolution No. 17, Series of 2024, was temporarily extended by until a new natural gas franchise is approved, not to exceed one (1) year;

WHEREAS, the Town Council wishes to grant Black Hills Energy a new franchise to provide natural gas service in the Town on the terms and conditions in the Franchise Agreement set forth herein;

WHEREAS, pursuant to Section 5-7 of the TOSV Municipal Code, a public hearing was held on the subject matter of this Ordinance after having provided not less than thirty-day advance notice by publication one (1) time; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interests of the TOSV and necessary for the preservation of public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Snowmass Village, as follows:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.

2. Grant of Franchise. The Town Council hereby grants Black Hills Energy a natural gas franchise on the terms and conditions set forth in Chapter 5, Article IV of the TOSV Municipal Code, which is repealed and replaced as set forth in **Exhibit A.**

3. Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

4. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on ___________, 2024, upon a motion by Council Member ______________, the second of Council Member ____________, and upon a vote of __________ in favor and ___________ against.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on Second Reading on ____________, 2024, upon a motion by Council Member ____________, seconded by Council Member ________________, and upon a vote of ___ in favor and ___ against.

TOWN OF SNOWMASS VILLAGE

____
Bill Madsen, Mayor

ATTEST:

____
Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

____
Jeff Conklin, Town Attorney

EXHIBIT A
CHAPTER 5 – Franchises and Communication Systems

ARTICLE IV – Gas Franchise

Sec. 5-91. – Short Title. This Ordinance shall be known and may be cited as the Black Hills Energy Franchise Ordinance.

Sec. 5-92. – Franchise Granted.
The Town of Snowmass Village, Colorado (hereinafter referred to as "Grantor" or the "Town"), hereby grants a non-exclusive franchise to Black Hills Colorado Gas, Inc. d/b/a Black Hills Energy, (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of the Town (the "Town ROWs"), a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of the Town and consumers in the vicinity thereof, and for the distribution of natural gas from or through the Town to points beyond the limits thereof (the "Facilities"). The Facilities shall include, but not be limited to, all mains, services, pipes, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of the Town and in carrying on such business.

Sec. 5-93. – Term.

a) This franchise shall take effect on the first day of the month following the date this Ordinance is finally approved by the Colorado Public Utilities Commission (the "Effective Date"), at which time Grantee will begin to collect and pay to the Town the franchise fee set forth herein. This franchise shall remain in effect for a period of Twenty (20) years from the Effective Date.

b) During any period between the adoption of this Ordinance by the Town and the Effective Date, Grantee shall continue to collect and pay to the Town the franchise fee set forth in Ordinance No. 14, Series of 2004. If the Commission denies Grantee's application, the Town may repeal this Ordinance

Sec. 5-94. – Franchise Fees.

a) Franchise Fee. In exchange for the franchise granted herein, Grantee shall collect from all customers located within the present or future corporate limits of Town and pay to the Town an amount equal to $0.0246 per therm of gas delivered within the present or future limits of the Town.

b) Payment in Lieu of Certain Taxes and Other Fees. The amount paid by Grantee shall be in lieu of, and Grantee shall be exempt from, all other fees, charges, taxes or assessments which the Town may impose for the privilege of doing business within the present or future corporate limits of the Town, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, with the exception of contractor fees. If the Town imposes any such fee, charge, tax or assessment, the payment to be made by Grantee in accordance with this section shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Grantee. Subject to applicable laws and regulations, payment of the franchise fee herein does not exempt the Grantee or its subcontractors from any lawful taxation upon their properties, from any tax or fee imposed for Grantee's or any subcontractor's operations outside of the use of the Town ROWs, from fees associated with development approvals associated with Grantee's or subcontractors' uses or Facilities, or from any other tax or fee not related to the franchise or the occupation or use of Town ROWs. Subject to applicable laws, payment of the franchise fee does not exempt the Grantee from payment of permit fees not covered by the scope of this Ordinance, sales taxes, use taxes, or other fees or taxes assessed generally upon businesses, nor does it exempt the Grantee and its subcontractors and agents from obtaining land use approvals and permits for working in the Town ROWs. Ad valorem property taxes imposed generally upon all real and personal property within the present or future corporate limits of the Town shall not be deemed to affect Grantee's obligations under this section.

c) Payment of Fee. Grantee shall report and pay any amount payable under this franchise on a Quarterly basis Such payment shall be made no more than thirty (30) days following the close of the Quarterly period for which payment is due (i.e., end of April, July, October, and January of the following year). Initial and final payments shall be prorated for the portions of the periods at the beginning and end of any franchise granted by the Town to Grantee. Each such payment shall be accompanied by a statement satisfactory to the Town supporting the payment. Upon request from the Town, Grantee shall provide additional information to support the franchise fee remitted in compliance with the Commission's customer data privacy rules and Grantee's tariff.

d) Customer Bills; Refunds. Grantee shall list the franchise fee collected from customers as a separate item on bills for utility service issued to its customers. If at any time the Colorado Public Utilities Commission or other authority having proper jurisdiction prohibits such recovery, then Grantee will no longer be obligated to collect and pay the franchise fee. Any customer refunds ordered by the Commission or other authority due to an unlawful or prohibited collection of the franchise fee collected by Grantee and remitted to the Town shall be refunded by Grantor. Grantee shall make refunds to customers as ordered by the Commission.

e) Map. As soon as reasonably practical upon request, the Town shall provide Grantee with a map of its corporate limits (the "Map"). The Map shall be of sufficient detail to assist Grantee in determining whether their customers reside within the Town's corporate limits. The Map along with Grantee's Geographic Information System ("GIS") mapping information shall serve as the basis for determining Grantee's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Town's corporate limits are changed by annexation or otherwise, it shall be the Town's sole responsibility to (a) update the Map so that the changes are included therein, and (b) provide the updated Map to the Grantee. Grantee's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after Grantee's receipt from the Town of an updated Map including the annexed area, or (b) after Grantee's receipt from the Town of an updated Map including the annexed area as is reasonably necessary for Grantee to identify the customers in the annexed area obligated to pay the franchise fee; provided, further that neither party shall have the obligation to correct a mistake, including but not limited to collection of the fee by Grantee from its customers or remittance of that fee by Grantee to the Town, that is discovered more than one (1) year after the occurrence thereof. Grantee shall not be liable for paying franchise fees from or to any customer originally or subsequently identified, or incorrectly identified, by the Town or by Grantee, as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees if such fee has already been paid to the Town by Grantee.

f) Audit. The Town shall have access to and the right to examine, during normal business hours, such of Grantee's books, receipts, files, records and documents as is necessary to verify the accuracy of payments due hereunder. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, the mistake shall be corrected promptly upon discovery such that any under-payment by Grantee shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by Grantee shall be deducted from the next payment of such franchise fee due by Grantee to the Town. Neither Grantee nor the Town shall have the obligation to provide refunds or to surcharge customers for over-collection or under-collection of the franchise fee by Grantee for a period that is more than one (1) year after the occurrence thereof

g) Renegotiation of Franchise Fee. Five (5) years from the Effective Date, and every five years thereafter until the end of the term as defined herein, the Town may review the rate per therm payable to the Town pursuant to this franchise. The Town shall notify Grantee in writing, no later than one hundred and eighty (180) days before each five (5) year anniversary of the Effective Date if it desires to amend the rate per therm collected from Grantee's customers and payable to the Town.

Sec. 5-95. – Governing Rules and Regulations.

The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of the Town and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and the Town shall renegotiate the terms of this franchise in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Town.

Sec. 5-96. –Inadequate Energy Supplies.

a) If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

b) To the extent required by Colorado laws and regulations, if during the term of this franchise, there occurs a failure or partial failure of the supply of natural gas available to the Grantee because of depletion of such supply, the Grantee shall, subject to recovery of the costs from Customers of the Town or through its Gas Cost Adjustment mechanism as permitted by the Commission, endeavor to obtain an additional natural gas supply from other sources to be delivered to Grantee, and if unable to procure same, Grantee is hereby authorized to supply artificial or mixed gas for the unexpired term of this franchise. If Grantee, within a reasonable period after failure of the supply of natural gas, shall fail to supply to its customers artificial and/or mixed gas, the franchise rights granted herein shall terminate.

Sec. 5-97. – Construction and Maintenance of Grantee's Facilities.

a) Excavation and Construction. Should it become necessary for the Grantee, in exercising its rights and performing its duties hereunder, to interfere with any sidewalks, streets, curbs, gutters, roads, alleys, or any other public or private improvement, the Grantee shall repair at its own expense in a workmanlike manner subject to the approval by the Town and in accordance with the provisions of the Town Code, such sidewalk, street, curb, gutter, road, alley, or other improvement after the installation of its pipes or other structures. The Grantee shall use due care not to interfere with or damage any water mains, sewers, or other structures now in place or which may hereafter be placed in said streets, alleys, or other public places, and said Grantee shall, at its own expense, repair in a workmanlike manner subject to the approval of the Town and in accordance with the provisions of the Town Code, any such water mains, sewers, or other structures which are damaged through the action of Grantee, provided, however, that the Town may make such repairs and charge the reasonable cost thereof to the Grantee..

b) Maintenance of Facilities and Equipment. Grantee shall maintain and operate its structures, apparatus, mains, pipe, and other equipment and render efficient service in accordance with the rules and regulations of the Commission and the terms and conditions of Town Code and state statutes as revised from time to time. Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of the Town, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify the Town as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request, and the Town shall issue in its reasonable discretion any permits or authorizations required by the Town for the actions conducted by Grantee during the emergency situation.

c) Street Improvements. The Town will endeavor to give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Town will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

Sec. 5-98. – Indemnification, Insurance, and Bonds or Other Surety.

a) General Indemnification. Grantee agrees to indemnify, save and hold harmless, and defend the Town, its officers, elected or appointed officials, employees, agents, boards, and other employees from and against any action, demand, or claim for injury, damage, loss, liability, cost, or expense, including court and appeal costs and attorneys' and expert witness fees and expenses, arising from any casualty, accident, injury, or loss to person or property, and all other damages in any way arising out of, or by reason of, any construction, excavation, operation, maintenance, reconstruction of the natural gas delivery systems, or any act done under or in connection with this franchise by or for Grantee its agents, employees, or independent contractors by reason of any negligence or other fault of Grantee.

b) Insurance. Grantee shall save the Town harmless from all liability or damage and all reasonable expenses necessarily accruing against the Town arising out of the negligent exercise by Grantee of the rights and privileges hereby granted; and for this purpose Grantee shall maintain a combination of self-insurance and traditional insurance in an amount to cover claims arising under this franchise, and upon request shall furnish an informational certificate of insurance to the Town so showing, provided however, that Grantee shall have had notice of the pendency of any action against the Town arising out of such negligent exercise by Grantee of said rights and privileges and be permitted at its own expense to appear and defend, or assist in the defense of the same. The obligation of this Section shall not extend to any liability or damage and all reasonable expenses accruing against Grantee arising out of the negligence, recklessness, or specific intent of the Town, its officers, employees, agents, representatives, or contractors.

Sec. 5-99. – Extension of Grantee's Facilities.

Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Colorado Public Utilities Commission make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of the Town.

Sec. 5-100. – Relocation of Grantee's Facilities.

a) If the Town elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from the Town, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference.

b) If the Town orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment, and in its discretion or upon the reasonable request of Grantee, the Town may make such payment to Grantee a condition of its approval of the project.

c) The Town shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available in the Town's determination, the Town shall also provide a reasonable alternative location for Grantee's facilities. The Town shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

Sec. 5-101. – Confidential Information.

The Town acknowledges that certain information it might request from Grantee pursuant to this franchise may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to the Town be kept confidential due to its proprietary or commercial value, the Town and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If the Town is requested or required by legal or administrative process to disclose any such proprietary or confidential information, the Town shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Notwithstanding any provision in the franchise to the contrary, Grantee understands and acknowledges that the Town, as a local governmental entity, is subject to the Colorado Open Records Act ("CORA"), and all documents in the Town's possession related to this franchise are potentially subject to public disclosure under CORA. If the Town receives a CORA demand for disclosure of any information designated by Grantee as confidential or business proprietary, the Town shall, so far as consistent with applicable law, advise Grantee and provide Grantee with a copy of any written request by the party demanding access to such information prior to disclosure. If Grantee believes that the disclosure of such documents by the Town would interfere with Grantee's rights under applicable law, Grantee may institute an action in the State of Colorado District Court for Pitkin County to prevent the disclosure by the Town of such documents within a reasonable time. Grantee shall join the person requesting the documents to such an action. Grantee shall defend, indemnify and hold the Town harmless from any claim or judgment as well as any costs and attorney's fees incurred in participating in such proceeding.

Sec. 5-102. – Force Majeure.

It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome and that could not be reasonably anticipated. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

Sec. 5-103. – Miscellaneous Provisions.

a) Assignment. Grantee may not assign this franchise, or the rights granted hereunder without first obtaining the written consent of the Town if and only if Grantee offers to sell or enters into a contract to sell only the system subject to this franchise. The Town's consent to such an assignment shall not be unreasonably withheld, and this Section shall not be construed to restrict or prevent the issuance of bonds, debentures, or other evidence of indebtedness, needed or useful for the purpose of financing the system or any portion thereof.

b) Successors and Assigns. All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

c) No Third Party Beneficiaries. This franchise constitutes a franchise agreement between the Town and Grantee. No provision of this franchise shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

d) Severability. If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

e) Non-Waiver. Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

f) Repeal Conflicting Ordinances. This Ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to the franchise granted by Grantor hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 08, 2003 of the Town of Snowmass Village, Colorado, is hereby repealed as of the Effective Date hereof.

g) Effect and Interpretation. The captions that precede each section of this Ordinance are for convenience and/or reference only and shall not be taken into consideration in the interpretation of any of the provisions of this Ordinance.

h) Colorado Governmental Immunity Act. Nothing herein shall be in any way construed as a waiver on behalf of the Town of any of the protections or provisions of the Colorado Governmental Immunity Act.

Sec. 5-104. – Effective Date and Acceptance.

This franchise shall become effective and constitute a binding contract between the Town and Grantee, subject to its terms and conditions upon final passage and approval of this Ordinance by Grantor, in accordance with applicable laws and regulations, Grantee shall file its acceptance by written instrument, within sixty (60) days of passage by the Town Council, with the Clerk of the Town of Snowmass Village, Colorado. The Clerk of the Town of Snowmass Village, Colorado shall sign and affix the community seal to acknowledge receipt of such acceptance and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance, either express in writing its objections to any terms or provisions contained therein, or reject this Ordinance in its entirety, Grantee shall be deemed to have accepted this Ordinance and all of its terms and conditions.

____
Mayor – Snowmass Village

Attest:

____
Clerk of Town of Snowmass Village, Colorado

Presentation to the Snowmass Village Town Council

September 3, 2024

By Jason Auslander
W. Slope Public Affairs Manager

Black Hills Energy
Ready

Overview

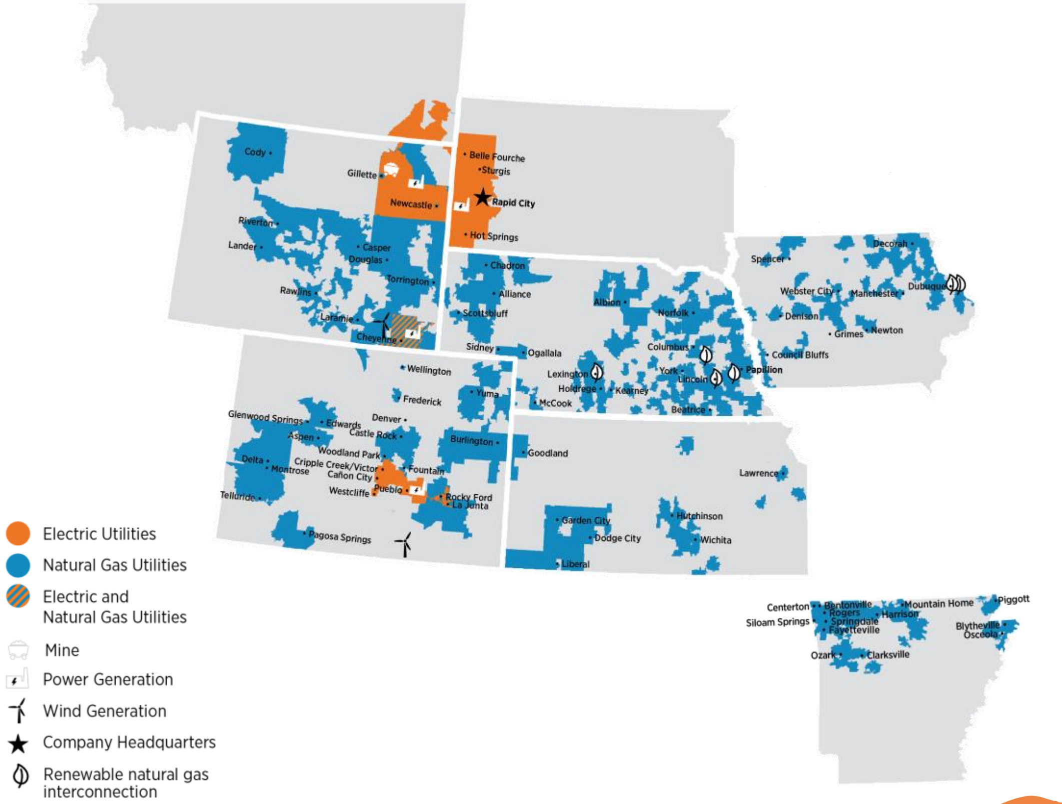
We are a **customer focused, growth-oriented utility company** with a tradition of exemplary service and a vision to be the energy partner of choice. Based in Rapid City, South Dakota, the company serves over **1.3 million electric and natural gas utility customers in 825 communities** in Arkansas, Colorado, Iowa, Kansas, Montana, Nebraska, South Dakota and Wyoming. More information is available at blackhillsenergy.com.

Electric Utilities

Transmission, distribution and generation

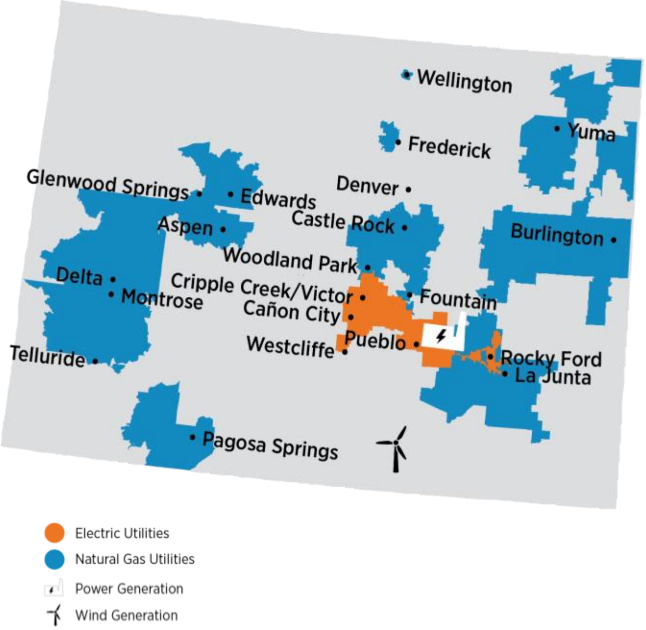
Gas Utilities

Transmission, distribution, sourcing and storage



Colorado

We understand that we're a critical part of our customers' lives and we're ready to do our part in ensuring that our communities are successful. Black Hills Energy refers to our regulated electric and natural gas operations in Colorado. Our **over 312,000 utility customers** live in **119 communities** throughout Colorado. We're an investor-owned utility and part of the Black Hills Corporation family.



Generation
We have more than 617 megawatts of owned wind, solar and natural gas power generation capacity in Colorado to meet our customers' growing energy needs.

Major communities served

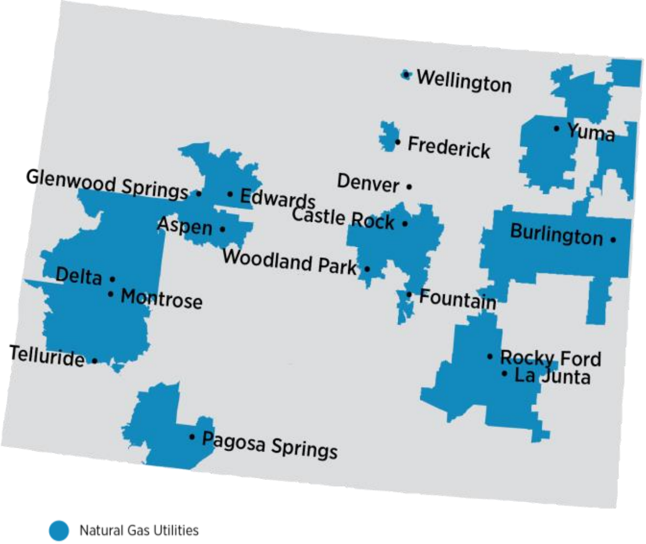
- Aspen
- Burlington
- Cañon City
- Castle Rock
- Cripple Creek
- Florence
- Fountain
- Frederick
- Glenwood Springs
- La Junta
- Montrose
- Pueblo
- Pagosa Springs
- Rocky Ford
- Westcliffe
- Woodland Park
- Yuma

Fast facts

- **311,000+ utility customers**
- **119 communities served**
- **Almost 460 employees**
- **Over 10,100 miles of gas system infrastructure**
- **Nearly 3,800 miles of electric system infrastructure**

Black Hills Energy
Ready

Colorado Gas



We understand that we're a critical part of our customers' lives and we're ready to do our part in ensuring that our communities are successful. We're more than a natural gas provider; we're a community partner. Our over 211,000 customers live in 105 communities throughout Colorado. We're an investor-owned utility and part of the Black Hills Corporation family.

For more than 70 years, we've been providing safe, reliable natural gas service to our customers. And we'll do that for the next 70 years and beyond.

Major W. Slope communities served:

- Aspen
- Basalt
- Carbondale
- Eagle
- Edwards
- Glenwood Springs
- Gypsum
- Montrose
- Pagosa Springs
- Snowmass Village
- Telluride

Fast facts

- **Over 211,000 customers**
- **105 communities served**
- **185+ employees**
- **More than 10,100 miles of gas system infrastructure**

Black Hills Energy
Ready

Sustainability at Black Hills Energy

Our mission of improving life with energy means **we must be ready to make tomorrow even better than today**. This is why we are committed to creating a cleaner energy future that builds upon our responsibility to provide the safe, reliable and affordable energy that improves our customers’ lives.

By investing in the success of our employees, continually innovating, thoughtfully utilizing resources and keeping people at the core of our decision-making, we are dedicated to the sustainability of our company, communities and planet.

Our Climate Goals

We are committed to creating a cleaner energy future that builds upon our responsibility to provide the safe, reliable and cost-effective energy that improves our customers' lives.

NATURAL GAS EMISSIONS

↓ **Net Zero** by 2035

We'll achieve net zero for all sources of emissions on our gas distribution system

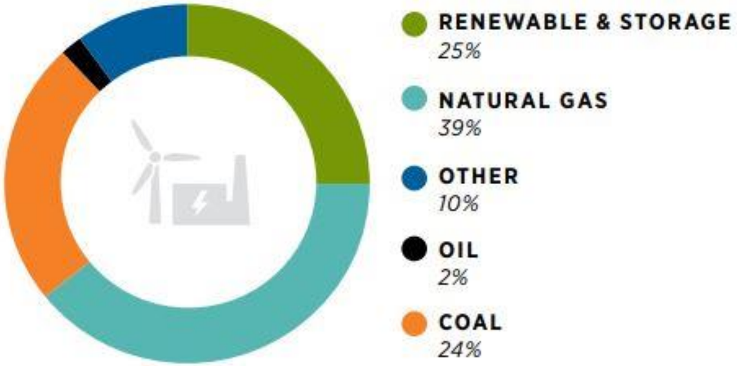
ELECTRIC EMISSIONS

↓ **70%** by 2040

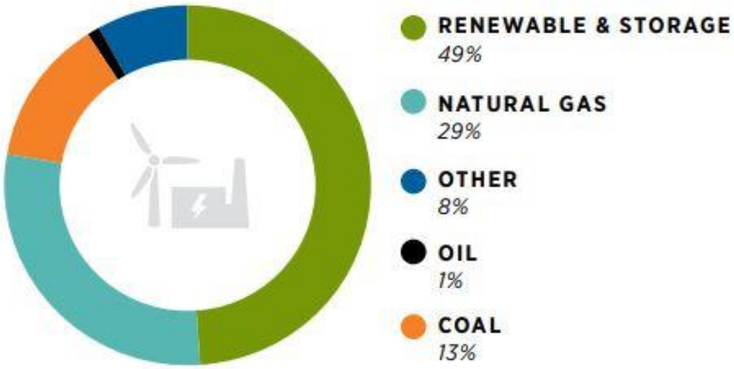
We'll reduce our electric utility and purchased power emissions intensity 40% by 2030 and 70% by 2040

Pathway To A Cleaner Energy Future

Owned and purchased energy capacity 2022



Projected owned and purchased energy capacity 2030

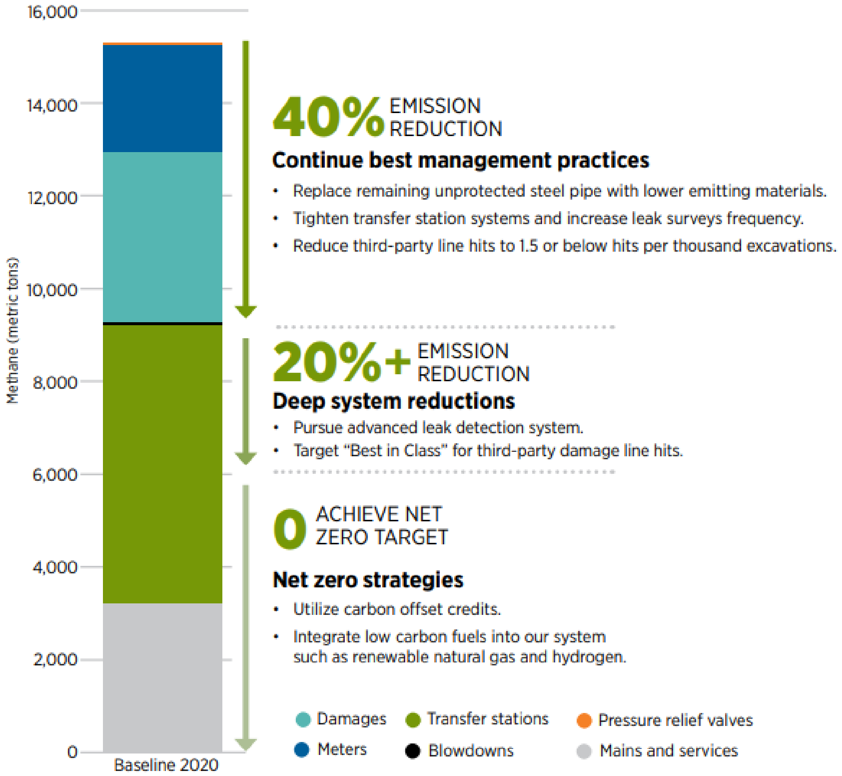


- *"Other" is fossil fuel generation from mixed resource purchased power agreements and dual fuel generation units. For 2030, this includes Neil Simpson II coal plant which will be converted to include natural gas as a dual fuel source.*
- *"Renewable and storage" includes wind, solar and storage resources.*
- *Data obtained from our resource plans regarding added renewable resources and coal and diesel generation retirements and modifications is subject to change based on future resource plan filings and project construction timelines.*
- *Intercompany purchased power agreements have been excluded from the purchased energy capacity, to avoid double counting with owned generation capacity.*

Our Natural Gas Utilities

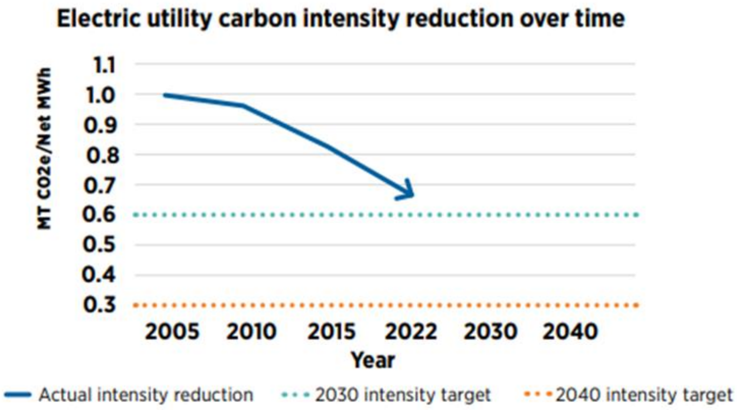
Emission reduction commitment
Black Hills Energy is committing to net zero emissions for our natural gas distribution system by 2035.

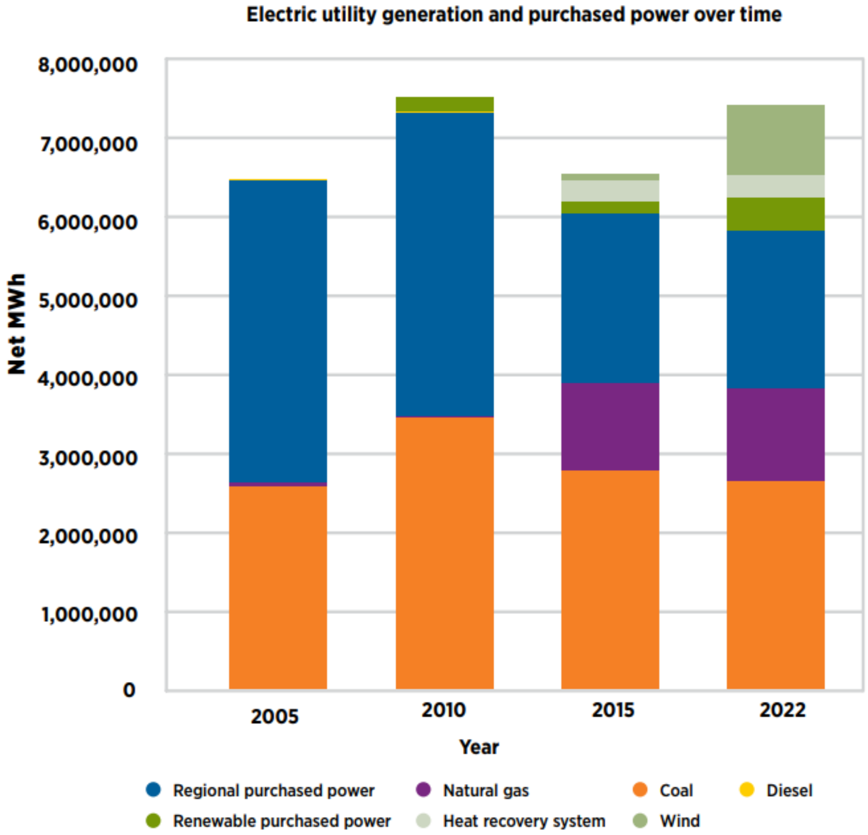
- We serve over 1.1 million natural gas customers in six states
- We operate a gas system above industry standards, with no cast iron pipe since 2014 and with nearly 99% of infrastructure comprised of materials with the lowest emissions factors.
- We'll replace all remaining pipe and achieve **<u>net zero</u>** by 2035



Our Electric Utilities

- We serve 218,000 customers in four states - South Dakota, Wyoming, Montana and Colorado
- Together, our electric utilities have reduced total GHG emission intensity by one third since 2005
- Our electric utility in Colorado has achieved a 54% reduction in GHG emissions since 2005 and is on track to reach 89% by 2030





Colorado Clean Heat Plan

- Must reduce greenhouse gas emissions from natural gas used in homes and businesses 4% by 2025 and 22% by 2030, based on a 2015 baseline

- Must present scenarios to achieve the target and stay within a cost cap of 2.5% of a utility's annual retail sales revenue

- Filed Dec. 29, 2023

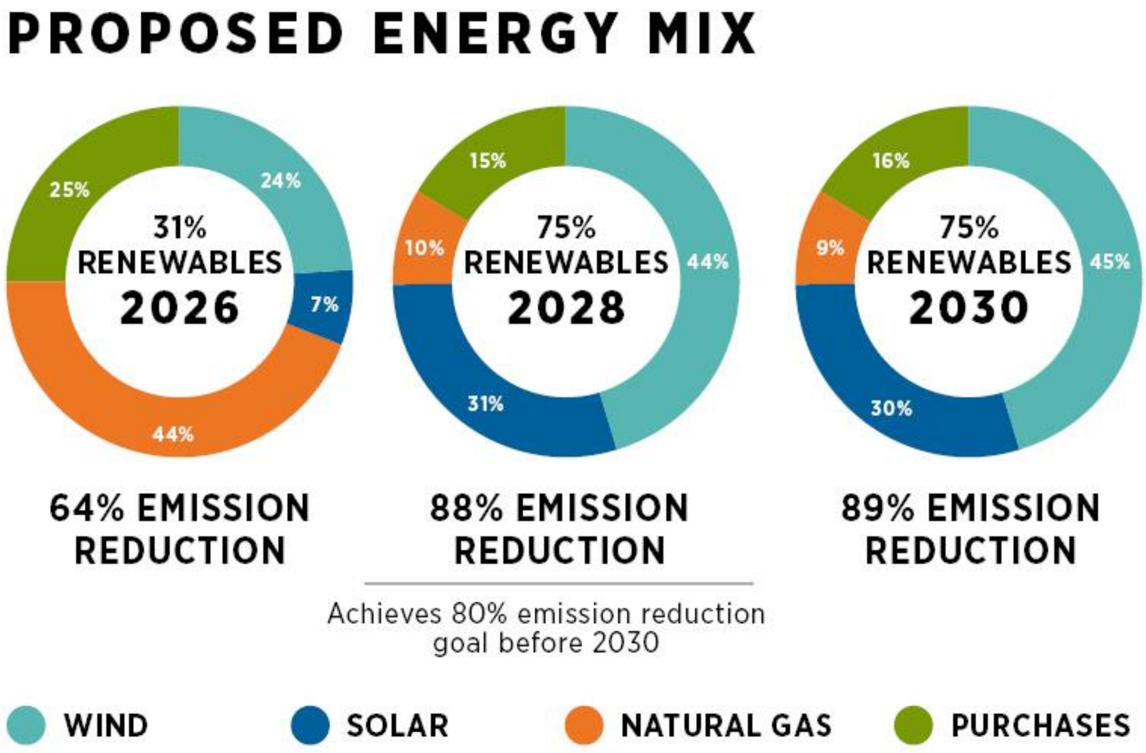
Our Three Clean Heat Scenarios

Emission Target Achievement – Estimated total cost of $2.4 billion by 2030. Residential customer bills expected to increase between $124 to $215 per month, $2k more a year or about $10k more per customer per year.

Clean Heat Preferred Plan – Estimated cost starting at $5.9 million annually, which equals an increase of between $1.85 and $3.21 more per month per residential customer for 5 years. Achieves 11% of state's target emissions reductions.

Cost Effective Policy Alignment Plan – Estimated to cost residential customers between $2.07 and $3.59 more per month. Achieves 38% of state's target emissions reductions but requires rule changes.

Colorado Clean Energy Plan – Electric



Helping Customers Reduce Emissions

Renewable natural gas

- Black Hills Energy Renewable Resources (BHERR) invest capital into RNG infrastructure
- Green Forward voluntary RNG and carbon offset program provides customers a cost-effective path to offset all emissions associated with their natural gas use

Energy efficiency

- In 2022, programs saved enough natural gas to fuel 4,900 homes for one year

Marshall Ridge Dairy renewable natural gas project

Our Renewable Natural Gas Partnerships

1. **Landfill** – Dubuque, Iowa
2. **Tyson Foods Wastewater Processing Plant** – Lexington, Neb.
3. **Dairy Farm** – State Center, Iowa
4. **Wastewater Treatment Plant** – Lincoln, Neb.
5. **Wastewater Treatment Plant** – Dubuque, Iowa
6. **Landfill** – Sarpy County, Neb.
7. **Landfill** – Butler County, Neb.

Green Forward

1. Residential and business customers enroll for $5 per block.
2. Each block equals 25% to 37% of the average household emissions from natural gas use.
3. Choose as many blocks as you like.
4. Funds purchase carbon offsets from projects that reduce/prevent GHG emissions -- like forestry management, grass/wetland preservation and RNG projects.
5. Customers receive an annual impact statement detailing their positive impact.

Town of Snowmass Village By The Numbers

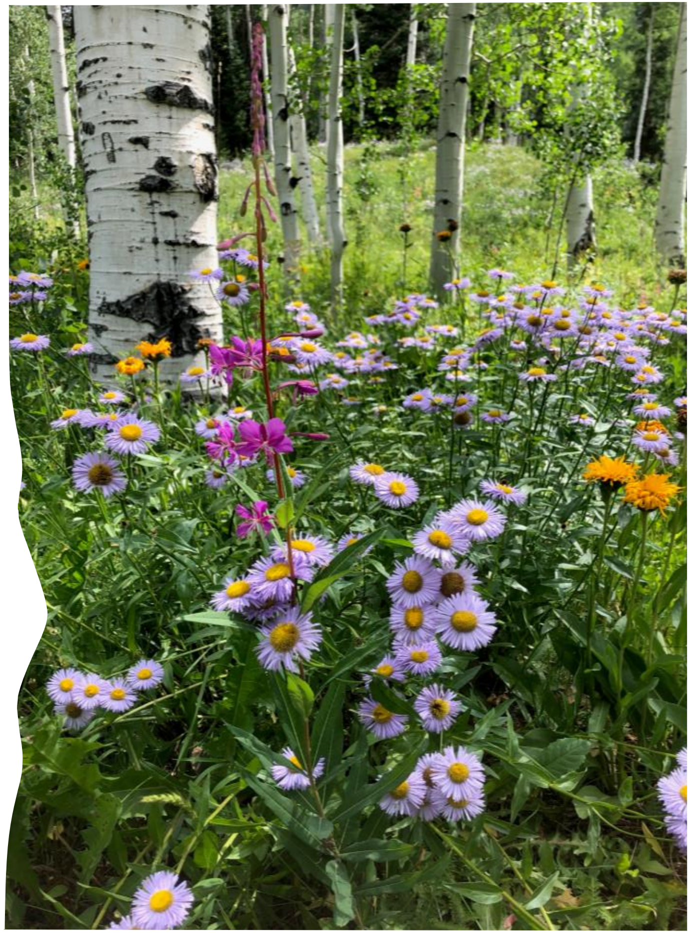
Black Hills Energy
Ready

Town of Snowmass Village Natural Gas Usage

	2019	2020	2021	2022	2023
TOSV Customers (Res. and Comm.)	1,617	1,678	1,718	1,628	1,651
Usage in Dekatherms	639,074	779,235	807,586	862,416	892,651
Average Usage Per Customer in Dekatherms (Res. Only)	395 (217)	464 (247)	470 (253)	530 (283)	541 (289)
CO_2 Emissions in Metric Tons	33,916	41,354	42,858	45,769	47,373
Average Emission Per Customer in Metric Tons (Res. Only)	21 (11.5)	24.6 (13)	25 (13.5)	28 (15)	28.6 (15)

Snowmass Village Town Gov’t Natural Gas Usage

	2019	2020	2021	2022	2023
Usage in Dekatherms	8,311	8,046	9,429	14,305	10,601
CO_2 Emissions in Metric Tons	441	427	500	759	563



The Story Behind The Numbers

Town Infrastructure

- Carriage Way snowmelt – 1 ¾ miles from Base Village to Top of the Village provides critical community safety
- Base Village snowmelt
- 4 boiler plants with newly-replaced boilers
- TOSV Rec Center/pool

Commercial Infrastructure

- Hotels – snowmelt, heat
- Condo complexes

Private Homes

- Snowmelt – driveways, patios, roofs
- Heat
- Pools/Hot tubs

Area Franchise Fee Comparison

City/Town	Franchise Fee
Aspen	2% annual gross revenue for R,C & I (sales); $0.0174 per therm (transport)
Basalt	$0.0404 per therm for R&C (sales and transport), Town excluded
Carbondale	3% annual gross revenue for R&C (sales & transport); I (sales), Town excluded
Glenwood Springs	2% annual gross revenue for R&C (sales & transport); I (sales); City excluded
Snowmass Village	$0.0246 per therm for R,C & I (sales and transport); Town excluded

Helping Our Communities and Customers

Colorado: Our Community Impact

$199.1 million in 2023 direct economic impact*

$792,000
CHARITABLE GIVING

Included contributions and sponsorships to nonprofits, chambers and economic development organizations, United Way, energy assistance, in-kind donations, scholarships and investments in trees.

$18,000
ECONOMIC DEVELOPMENT

Aided economic development organizations and chambers of commerce working to strengthen communities.

$66,000
UNITED WAY PLEDGES

Benefited United Ways across Colorado including over $56,000 in employee pledges plus a 25% match from Black Hills Corp. Foundation.

$158,000
ENERGY ASSISTANCE

Raised for our energy assistance program, Black Hills Cares, that helped families in need.

900+
VOLUNTEER HOURS

Company employees lending a hand in service to community organizations.

1,400+
FIRST RESPONDERS & EXCAVATORS

Trained on emergency response and safe digging practices so everyone knows safety is our top priority and the rules around 811.

*includes charitable giving, employee compensation, taxes, etc.

We're Here To Help

Customer Assistance

- Budget Billing – Averages monthly bill for a predictable amount each month that avoids seasonal spikes.
- Black Hills Energy Assistance Program (BHEAP) – Provides assistance to low-income customers based on Federal Poverty Level standards.
- Low-income Energy Assistance Program (LEAP) – Federal program administered by state.
- Black Hills Cares – Employee and customer-funded program that distributes money through local community agencies like United Way.
- Charitable Contributions and Sponsorship of Community Events – We prioritize community needs like food insecurity, housing and outdoor stewardship while also supporting important local events with dollars and company volunteers.

Our 2024 Energy Efficiency Programs

Residential

1. Audits (Virtual & In-Home)
2. Residential Retrofit
3. Residential New Construction

Commercial

4. Commercial Retrofit
5. SBDI-Small Business Direct Install & Audits (including Multi-Family)
6. Custom (Schools, Hospitals, Ski Resorts)
7. Commercial New Construction

Special Programs

8. Income Qualified
9. School Program

Black Hills Energy 2024 Colorado Rebates

The higher the efficiency, the higher the rebate

Residential Rebates

1. Space heating ($50 – up to $3,490) – furnaces, boilers, combos, gas heat pumps
2. Water heating ($75 – up to $560) – standard, tankless, indirect
3. Insulation (square footage based) – ceiling/attic, basement, crawlspace, floor, wall, joists, ducts
4. Thermostats ($25 – up to $100)

Commercial Rebates

1. Natural Gas Cooking Equipment ($600 – up to $4,125) – broilers, ovens, steamers
2. Space Heating ($200 – up to $6,310) – commercial furnaces, boilers, combo water/space, gas heat pumps
3. Smart/Digital Thermostats ($100 –up to $1,860)
4. Insulation (square footage based) – walls, ceilings, ducts boiler pipes

Town of Snowmass Village Recent Rebates

- **Base Village (2019/2020)**

Boiler upgrades, boiler controls, pavement sensors, advanced predictive controls linked to weatherization system

$75,000 rebate

55,720 therms annual savings

- **Base Village (2023)**

Two high-efficiency boilers in Building 11 for snowmelt and pool, implemented snowmelt controls, installed cover

$27,000 rebate

28,408 therms annual savings

- **Base Village (2023)**

Three high-efficiency boilers, high-efficiency furnaces, snowmelt and boiler controls

$22,000 rebate

21,000 therms annual savings

Other Recent Area Rebates

- Sam's Smokehouse/Bumps ($38k)
- Elk Camp ($2k)
- Aspen School District ($49k)
- Burlingame/APCHA ($32k)
- Yellow Brick Daycare/City of Aspen ($11k)

Franchise Agreement Renewal in July

Good Partner to the Town

Safe, Reliable, Cost-Effective Energy for High Alpine Environment

Achievable Climate Goals and Sustainability Strategy

Questions?

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